Our Ref: PD/951
Your Ref:

PARKER DANN
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Mr. David Phillips
Planning Policy
Wealden District Council
Pine Grove
Crowborough
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18th May 2012

Dear Mr. Phillips,

Land at The Fridays, East Dean
Representations on the Implications of Changes in National Policy in the National Planning Policy Framework

Following the letter dated 4th April 2012 from the Programme Officer Lynette Benton, please find below our comments made in respect of the implications of changes in national policy in the National Planning Policy Framework (NPPF) for the Examination Core Strategy on behalf of our client Mr. Charlie Davies-Gilbert.

At the time of the Examination the NPPF was in draft form, as such full weight could not be attached to the policies contained within it. Now published in its final form there are a number of important changes from previous Planning Policy Statements and Planning Policy Guidance notes which in our view the Council should attached significant weight to.

Viability

The National Planning Policy Framework emphasises the need for careful attention to viability to ensure that development plans are deliverable (paragraph 173). A High Court judgement has confirmed that plan allocation and policy requirements must be grounded in a genuine understanding of viability (Linden Homes vs London Borough of Bromley [2011] EWHC 3430). It is important that the Council show that necessary infrastructure can be brought forward in timely fashion to serve the proposed allocations. At present no evidence has been forthcoming to demonstrate that that proposed housing sites within the Ashdown Forest Special Protection Area are viable given the additional contributions requirements that they will attract.

This must be seen in the context of two significant changes in national planning policy. Firstly, the definition of "*deliverable sites*" in footnote 11 of the NPPF is stricter than the old Planning Policy Statement 3 'Housing' definition. In addition to sites being available and offering a suitable location for development now, it requires there to be a "*realistic*" (previously "reasonable") prospect that housing will be delivered on the site and that the development is viable.

Secondly and of particular relevance paragraph 173 of the NPPF indicates that willing land owners and developers should be provided with "*competitive returns*" to enable the development to be deliverable. This is an important change from the draft NPPF where the terminology used was "*acceptable returns*". This indicates that developers and landowners can reasonably expect a greater reward for facilitating growth.

Wealden District Council have not submitted any evidence to demonstrate that proposed housing sites within the Ashdown Forest Special Protection Area are viable given the contributions they will likely have to make to Suitable Alternative Natural Green Space (SANGS), Strategic Access Management and Monitoring (SAMM) and contributions towards the monitoring of nitrogen deposition. As a result any view on the viability of development within these areas is purely speculative. The proposed allocations effected by the Ashdown Forest Special Protection Area therefore cannot be deemed deliverable and therefore the strategy is not effective as required by paragraph 182 of the NPPF.

If the Council proceed with this strategy and the Inspector was minded that the strategy as proposed is sound then the Council could be subject to challenge under Section 113 of the Planning and Compulsory Purchase Act 2004.

A more appropriate strategy would be to decrease the total number of dwellings (1350) allocated at Crowborough, Maresfield and Uckfield and redistribute these throughout settlements outside of the Ashdown Forest zone of influence. This strategy would allow the Council some headroom for windfall development that increases traffic movements within the Ashdown Forest Special Protection Area while still meeting their proposed housing number (9600). This would allow the Council to deliver a higher percentage of dwellings on brownfield land and land of lesser environmental quality rather than utilising the finite greenfield land resources in the District. This approach is readily supported by the NPPF under the heading Core Planning Principles. Bullet point 8 confirms planning should *"encourage the effective use of land by reusing land that has been previously developed (brownfield land)"* (Paragraph 17).

Further, paragraph 111 adds that *"Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value."* (Paragraph 111) At present the Council's strategy, in light of the Ashdown Forest Special Protection Area, will preclude the development of many windfall brownfield sites and many sensitive infill sites within existing development boundaries. Where the opportunity for redevelopment of these sites does arise, it is unlikely that the most "*effective use*" of sites can be made due to constraints associated with the intensification of vehicle movements.

We suggest that a similar approach should be adopted to land allocated for business purposes.

It is important to note that East Dean has been allocated for 10 dwellings although the Council's Strategic Housing Land Availability Assessment (2010) confirms that there is available land identified as "suitable" for 43 dwellings. East Dean therefore represents a clear location for a portion of the displaced allocation. This is important when considering the proposed strategy above and in the assessment of wider policies within the NPPF.

<u>Planning to Meet Full, Objectively Assessed Needs</u>

The NPPF contains policies specifically relevant to the delivery of housing in section 6 paragraphs 47 – 68. The tone for the application of these policies is set by the Government's express purpose for the policies which is "*to boost significantly the supply of housing*." These policies are directed at local planning authorities when preparing their Local Plans.

Paragraph 50 reflects the heading to section 6 of the NPPF and the Government's wish to deliver a wide choice of high quality homes, widen home ownership and to create sustainable, inclusive and mixed communities.

Paragraph 159 confirms that local planning authorities should have a clear understanding of housing needs in their area and cater for housing demand and the scale of housing necessary to meet this demand.

The average number of completions per annum in the South Downs National Park area of Wealden District was just 4 between 2001 and 2010. This is confirmed by figure 5.8 of appendix 5 of the South Downs National Housing Requirements Study (2011). In addition, the document indicates that detached housing is the dominant housing type (61%) within the South Downs National Park Area of Wealden. This is the highest percentage of any authority within the National Park.

The Council's strategy is not in accordance with the Government's policy to deliver a wide choice of homes. Such a small scale allocation to serve the South Downs National Park area of Wealden District will not "*boost significantly*" the supply of housing nor will it cater for the housing demand or have a significant impact in addressing the bias towards detached dwellings. The strategy is therefore not justified as required by paragraph 182 of the NPPF.

Perhaps most significantly Wealden District Council's strategy fails to meet the full, objectively assessed needs for market and affordable housing in the market area. This is required by paragraph 47 of the NPPF. The below table taken from the South Downs National Housing Requirements Study Appendix 4, Figure 4.1 (2011) sets out the annual shortfall for affordable housing within the Wealden District Area of the South Downs National Park.

County	**District**	**Year**	**Current Housing Need (Gross Backlog)**	**Total newly arising need (per annum**	**Available Supply**	**Annual Shortfall**
East Sussex	Wealden	2010	28	22	9	18

Table 1: Affordable Housing Needs Assessment. Note that the shortfall is calculated on the basis of addressing the backlog over 5 years.

We accept that unfettered development is inappropriate in the South Downs National Park and the high quality of the landscape precludes major development unless it is in the public interest, however it is our view that the Council should deliver more housing to meet the identified need as required by national planning policy. This can be done without compromising the landscape unduly. Indeed the Inspector's own comments in his letter dated 5th March 2012 indicate that *"The CS should make provision up to the level closest to its original SEP allocation for which it can be concluded that it can be distributed without adversely affecting the integrity of any European site*." (Paragraph 17)

The 2010 circular concerning national parks confirms that "*The lack of affordable housing in many rural areas, including Parks, has important implications for the sustainability of the parks and their communities. This can have a detrimental effect on the local economy*." Paragraph 76

When planning for rural areas the NPPF advocates that "*local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs*." (Paragraph 54)

Rural housing receives a real boost through the publication of the NPPF. Paragraph 54 confirms that in rural areas Local Planning Authorities should be responsive to local circumstances and plan housing development to reflect local needs. Paragraph 55 recognises that new housing development in rural areas should be located where is will enhance or maintain the vitality of rural communities.

It is also important to note that maximum car parking standards have been removed by the NPPF. This provides a more generous approach to the private car giving Local Planning Authorities more scope to permit development in rural areas.

This additional support for development in rural areas is not borne out in the Council's strategy. It is therefore not consistent with national policy as paragraph 182 of the NPPF requires.

Land at The Fridays, East Dean lies outside of the Ashdown Forest Special Protection Area and has been identified as 'suitable' within the Council's SHLAA. Additional development in this location would not adversely affect the integrity of any European Site. Additional development in this location could deliver significant additional affordable housing in line with paragraph 54 of the NPPF above. This is pertinent given that an average of only 4 dwellings per year are delivered within the South Downs National Park area of Wealden District. It is also important to note the Council's affordable housing policy proposed within their Core Strategy (WCS8) does not take effect until 5 dwellings are proposed.

Supporting a Prosperous Rural Economy

Wealden District Council are aware of their obligation to deliver housing within the South Downs National Park. They correctly refer to the National Parks Circular 2010 in their further submissions for the Wealden District Council Core Strategy Examination. In this they state "*One such village which would no-longer have a development boundary is East Dean. This settlement now falls within the newly designated National Park which would support the removal of a development boundary, however, the National parks Circular clearly states that NPAs should* "*proactively respond to local housing needs*" and that "*new housing will be focussed on meeting affordable housing requirements*". (para. 78, 2010 circular)." (Paragraph 4.4)

It would appear that the Council does not appreciate the full extent of the guidance given in the 2010 circular. The second sentence quoted by the Council in its entirety reads "*The expectation is that new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services."*

The Council fail to identify a key thrust of this circular, also supported by the NPPF (paragraph 28) in that additional housing must not only seek to meet affordable housing requirements but support local employment opportunities, such as those offered by the Gilbert Estate in East Dean and support key services. The Council has failed to take account of the need to provide additional development to drive the rural economy.

Additional housing is required in East Dean in excess of the 10 dwellings which have been allocated and are required to support sustainable rural tourism and to promote the retention and development of local services and community facilities in villages such as local shops, meeting places, sport venues, cultural buildings, public houses and places of worship. This is encapsulated within paragraph 28 of the NPPF.

Further guidance given within the 2010 circular of relevance to the provision of additional housing at East Dean is given at paragraph 28. This states "*The Authorities' primary responsibility is to deliver their statutory purposes. In doing so, they should ensure they are exemplars in achieving sustainable development, helping rural communities in particular to thrive*." (Paragraph 28)

Land at The Fridays, East Dean and has been identified as 'suitable' within the Council's SHLAA for up to 43 dwellings. Additional development is required to help the rural community in the South Downs National Park Area of Wealden to thrive.

Positive Plan Preparation

The NPPF introduces a requirement at paragraph 182 that plans should be positively prepared. It confirms that the plan should be prepped based on a strategy which seeks to meet objectively assessed development and infrastructure requirements.

As far as the strategy relates to East Dean it is clear that this guidance has not been followed. Indeed, it would appear that the strategy for East Dean has been based on little more than a whim of the Parish Council. Table 2 of Background Paper 1: Development of the Proposed Core Strategy concerns rural growth potential. An extract relating to East Dean is can be found at Appendix 1.

The recommendation clearly sets out that that growth in East Dean should seek to meet affordable housing needs. Under the Council's strategy just 3 affordable dwellings would delivered, far below any needs based assessment.

Therefore it would appear that the housing allocation in East Dean has been significantly curtailed to meet the recommendation of the Parish Council. In our view the need for additional housing to meet an identified affordable housing need and to support a prosperous rural economy are more significant considerations, especially in the light of the NPPF, therefore a greater allocation at East Dean should be proposed. The plan does not display evidence of positive preparation in relation to East Dean.

Conclusions

The Council have submitted no compelling justification why additional development cannot be provided in this location. If waste water treatment capacity is an issue the additional development could be phased towards the end of the plan period so that this infrastructure can be upgraded prior to its commencement.

In conclusion having regard to the National Planning Policy Framework (2012) Wealden District Council's proposed Core strategy does not meet the tests of 'soundness' identified in paragraph 182 of the NPPF. The strategy has not been positively prepared; it is not justified, effective or consistent with national policy. In order to improve the 'soundness' of the plan we suggest that a minimum of 43 dwellings are allocated to East Dean to assist in delivering a greater portion of affordable housing to meet identified local needs and to support a prosperous rural economy.
Given the Inspector's comments quoted above, it is appropriate for the Council to explain precisely why it is not seeking to deliver additional development at East Dean if it is minded not to embrace our recommendations. The Inspector is unequivocal in his assertion that the Core Strategy should make provision up to the level closest to its original SEP allocation.

We trust our comments will be taken into account.

Yours sincerely

Mark Best BSc (Hons)
Assistant Planning Consultant
For and on behalf of Parker Dann

Appendix 1

Settlement	Classification	Affordable Housing Need	Affordable Housing need (2)	Housing Land Potential	Housing Commitments and Completions (Paris April 2010)	Parish Council favoured option	Opportunities and Recommendation constraints	Recommendation
East Dean	Neighbourhood Centre	10	7	43	25	Up to 10	Within the South Downs National Park	To meet affordable housing needs, and to meet Parish Council response. Low growth potential.

Table 2: Assessment of Rural Growth Potential taken from Background Paper 1: Development of the Proposed Core Strategy.