Representations on the implications of the issuance of the NPPF on Wealden District Councils Core Strategy

By S.J. Flittner,

The NPPF is a fairly radical document and has deleted many, if not all the previous planning documents that provided the basis for the proposals and considerations in the draft CS produced by the council, and under examination by the current inquiry. Whilst the NPPF still may have the same basic policies as deleted PPS etc it's aim is to allow local people to control their local areas via their locally elected councillors, i.e. localism. There is little or no details to the national policies and no prescription on the details require in policies. This means that each local council can and no doubt will have either greater or lesser requirement in the details polices they enact in their LDF for the same general policy in the NPPF. Thus the problem now is to know what policies this council might want to enact due to the NPPF. Its almost as it we are being asked before the council sets out its policies, as no doubt had the council been producing the CS under the NPPF from the start the CS document under consideration now would be quite different from the one on the table now.

The point of the Localism Act and NPPF is to allow locals to get more involved and have a better say in planning policy and decisions. This is confirmed in the opening comment with the NPPF written by Greg Clarke MP. However the whilst the LDF process bought in by the last government was supposed to simplify things it has actually vastly complicated them with all the studies and background information required to be researched and provided, such that it is now virtually impossible for the ordinary working man to be able to follow all this and read it all and have a full knowledge of what it going on, so as to make valid points when the occasion arises. It appears to the writer that the whole process is now completely the preserve of the professional planning people regardless of the NPPF, who are paid to do it as their employed role in life. No one else has got a hope. There are supposedly 130,000 residents in WDC, how many actually comment on any of this individually? Not many it would seem.

Since the writer is not only in full time work but also a 60 to 70 hour a week farmer trying to do this comment on this issue with full research and knowledge of all relevant matters is impossible, so only limited and brief comments are made.

**The whole CS document.**

It appears to the writer that many of the of the CS policies are made form the now deleted PPG's, PPS's and circulars etc, particularly PPS1, PPS3, PPS 12, that have now been deleted such that the whole plan as currently written is in question. Ultimately what is the point of enacting a plan that will be immediately challenged in the High Court or at appeals if it has not been sufficiently changed to comply with the NPPF.

Ideally it seems that WDC should have been given time to re write the CS to comply with NPPF before the locals were consulted on it, as suggestion now may be negated by any changes WDC may be already considering or enacting already to planning policy.

Presumably the council have been asked to submit changes as well as?

Either way all references in the CS to deleted polices, and all polices made from the deleted polices need removing or altering. this is beyond the ability of the write to detail, but hopefully the professional planners will be doing this, and or the CS Inquiry need to be reopened to consider all the required changes.

**WS2, SP03 and MM4, MM8**

In his interim report of 5th March the Inspector has changed the housing levels proposed by WDC by increasing the total provision, and reducing the timescale of the period by 3 years, thus making the yearly figures increase from 400 to 450. This is wholly based on the starting point that the figures must relate back to the South East Regional Plan. However this plan may have already been deleted as part of the introduction of the NPPF and or Localism Act, or will shortly be so. Thus it seems completely wrong to base a plan that on something that is no longer applicable or will be well gone by the time the CS is formally adopted/approved.

More importantly this has been changed by the NPPF, issued 3 weeks after the Inspectors interim report. Paras 158 and 159 of the NPPF state that it is up to LA to determine the housing needs in their area by SHMA and SHALL. There is no reference to levels pre set by other old plans, and PPS 1, PPS3 and PPS12 have been deleted along with many other PPG's, PPS's and circulars etc, which may have been relevant in January at the LI, but are now gone.

Thus it would appear that the councils earlier SHMA showed a need for 16800 dwellings. But the NPPF also requires planning to be joined up, so any proposals must have of provide sufficient infrastructure, employment land, leisure land etc. Thus what the level of housing should be to comply with the NPPF is a matter that should be considered under reopened inquiry once all parties have been able to submit detailed evidence.

Clearly WDC say their is insufficient infrastructure for more than 400 dwellings a year. However under NPPF should they not come up with a plan to provide all that is necessary to meet the housing need and not use its current lack as an excuse to limit housing numbers ?

The housing provision is such a fundamental issue with so many knock on affects to other provisions that it can only be considered fully by re opening the Inquiry.

**WS35, WCS12, MM33**

The writer has concerns over this matter in view of what WDC are imposing already, which amounts to a blanket ban on development unless it can be mitigated by SANGS. However form the attached copy of recent planning decisions even mitigation is not being given a chance.

It is not even clear from the NPPF whether the Inspectors amendment allowing measure to allow otherwise acceptable development is allowable.

However this whole matter seems fairly flawed anyway. The Ashdown Forest is already greatly used by visitors, some local and many from far and wide. Thus to

be a reasonable policy should not a study determine how many visitors are from within the 7km area and how many come from outside.

Equally all the areas outside the 7km from London and towns north and south to the coast are having their own levels of additional development which will increase visits to the Ashdown Forest and increase traffic flows on the A22 and A26 regardless of what is done is done within the 7km zone. So any study should determine these extra levels regardless of the 7km zone.

Much development already has planning permission with the 7km zone mostly without any SANGs, and is being built but not yet finished. This will have an effect on visitor and traffic flows again regardless of any new measures put in place. There for any new study need to determine this as well.

These studies will then determine the amount of visits and traffic flows now occurring from in and out of the 7km zone, and that that will occur from in and out of the 7km from development already allowed or particularly that to be allowed out side the zone. These should form the starting point to determine if the currently proposed restrictions within the 7km zone will make any difference.

As any country person knows the biggest despoiler of wildlife, particularly ground nesting birds such as the Dartford warbler and nightjar, is dogs and dog walkers. The Ashdown Forest is over run with these already which is the most likely cause of the loss of these birds. Thus any study needs to determine the level of this and how low it would need to be to allow the protected birds to recolonise the area, and also not to have an affect on the vegetation and habitat of the area. The writer suggests this would mean draconian reductions in the levels of visits and dogs on the forest which no amount of visitor management will achieve. Equally the traffic through the forest will increase by more than 1000 cars just from all the other development in London and towns north and south of the area, even if none was allowed in the 7km zone.

Thus if the council really want protect the habitat of the AF, get the Dartford warbler and nightjar to re colonise, reduce nitrogen deposition it will only be achieved by introducing the following, otherwise the policy and aims is pointless, unimplimentable and unreasonable and achieve non of its aims:-
- close off all car parks on the forest
- close the visitor centre
- stop promoting it as a tourist attraction
- ban all new holiday let application in Wealden district
- close the minor roads across the forest
- plan and acquire CIL funds to re route the A22 and A26 outside the 7km zone and put in measures so only those resident in the 7km zone can drive within it once the roads are re-routed.

Any study should then show how this or any less measure will achieve the aims of the policy, and be imposed on other councils outside the 7km to achieve the aims. If the aims cannot be achieved then the policy should be abandoned, i.e. if despite the restrictions in the 7KM zone visitors and dog walkers will still go up 10% due to those outside the zone, and if traffic levels will go above 1000 per day due to those outside the zone then the policy is unreasonable and will fail to deliver any benefits and be contrary to NPPF.

**NPPF Para 181**

There appears to be little evidence that the council has co operated with other councils where such policies are relevant. This particularly applies to the Ashdown Forest PZ, which goes into other areas. Nor have they sort to get London and south coast authorities to prevent their leisure or commercial traffic from using the A22 and A26 contrary tot he aim of the protection zone. Nor have they sort to get other councils to limit the levels of tourists visiting the Ashdown Forest.

**ANNOUNCEMENT BY HEAD OF PLANNING AND BUILDING CONTROL ON PLANNING POLICY CHANGES**

Prior to consideration of the first application on the agenda, the Head of the Planning and Building Control updated Members on the significant changes to the weight attached to local planning policies as a result of the publication of the National Planning Policy Framework (NPPF) on 27th March 2012, coupled with the interim findings of the Planning Inspector on the Council's Core Strategy. The Committee was advised that, along with emerging policies from the Council's Core Strategy, a number of applications on the agenda would be affected in terms of the recommendations. One of the key considerations that now had to be taken in to account in the North of the district was whether an application was within 7Km of the Ashdown Forest. If this was the case, the provision of Suitable Alternative Natural Green Space (SANGS) would need to be considered to mitigate the impact of applications on the Ashdown Forest. There were also new considerations in terms of the harm caused by nitrogen emissions from traffic routed across the Forest.

The Planning & Development Portfolio Holder added that the Planning Inspector had judged the Council's Core Strategy as being broadly sound. The importance of a sound Core Strategy or Local Plan was highlighted as this would ensure the Council maintained control of development in Wealden. The Committee was urged to consider deferral for the applications that would be affected by the policy changes.

**12/52 APPLICATIONS SUBJECT TO PUBLIC SPEAKING**

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| WD/2011/2085/MAO | Minute 53 | Agenda Item 5 | 10:20a.m. |
| WD/2011/2361/F | Minute 54 | Agenda Item 7 | 11:45a.m. |
| WD/2011/2476/F | Minute 55 | Agenda Item 8 | 12.15a.m. |
| WD/2011/2813/F | Minute 56 | Agenda Item 9 | 12:40a.m. |
| WD/2012/0200/F | Minute 57 | Agenda Item 10 | 13:00a.m. |
| WD/2012/0280/F | Minute 58 | Agenda Item 11 | 13:30a.m. |

**12/53 WD/2011/2085/MAO - LAND NORTH OF STONE CROSS ROAD, ALDERBROOK, CROWBOROUGH**

Summary of Proposal

Major Application - Outline application for:-
**PROPOSED DEVELOPMENT OF UP TO 74 DWELLINGS (INCLUDING 30% AFFORDABLE HOMES) TOGETHER WITH ASSOCIATED GARAGES, PARKING SPACES, OPEN SPACES AND MEANS OF ACCESS.**

**Received date:** 26 September 2011
**Parish:** Crowborough
**Ward:** Crowborough East

**RESOLVED** that, contrary to officer recomendation, planning permission BE REFUSED for the following reasons:

The proposed development of the site does not accord with the Council's Submission Core Strategy and Strategic Sites Development Plan DPD in that the emerging settlement strategy has had careful regard to significant environmental constraints affecting the environs of Crowborough. The Submission Core Strategy has reached an advanced stage of preparation and now takes precedence regarding the strategic distribution of housing within the District, having regard to the up to date evidence base which underpins the Submission Core Strategy. Development of this site on the scale envisaged would prejudice and harm the strategic and environmental objectives of the Submission Core Strategy.

The proposed development would therefore be contrary to the National Planning Policy Framework and specifically Paragraphs 196 and 216, Policies SP3 and NRM5 of the South East Plan, Policies SPO1, SPO3, WCS1, WCS2, WCS4 of the Submission Core Strategy.

The application site lies in close proximity to the Ashdown Forest Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). Together with the nearby Wealden Heaths SPA and Thames Basin Heath SPA, Ashdown Forest forms part of a complex of heathlands in Southern England that support breeding bird populations of European importance. It was classified in 1996 under EU Directive 79/409, known as the Birds Directive. As such, the SPA is a European site to which Part IV of the Conservation (Natural Habitats & c) Regulations 1994 (the Regulations) apply. The designation is principally concerned with the protection of two rare and vulnerable bird species, the nightjar and the Dartford warbler; these are identified in Annex 1 of the Directive.

The development proposals, both alone and in combination with other plans and proposals would have an adverse effect on the integrity of the SPA and SSSI including the deterioration in the quality of the habitat and increased disturbance to birds. There are no proposals to mitigate this adverse effect through the provision of Suitable Alternative Natural Green Spaces (SANGS) either on or off-site. The proposals would also conflict with the emerging policy of Wealden District Council's Submission Core Strategy, which has reached an advanced stage of preparation, as the development has not demonstrated adequate mitigation for the cumulative impacts caused to the biodiversity interests.

The proposed development would therefore be contrary to Policies CC1, NRM5 of the South East Plan 2009, coupled with advice within the National Planning Policy Framework in Section 11 Paragraphs 109, 117, 118 and 119 (Conserving and Enhancing the Natural Environment) Circular 06/05 "Biodiversity and Geological Conversation - Statutory Obligations and Their

Impact within the Planning System" and "Planning for Biodiversity and Geological Conservation: A Guide to Good Practice" (March 2006); Saved Policies EN7 and EN15 of the Wealden Local Plan, Policies NE10, NE11 and NE14 of the Non Statutory Wealden Local Plan and Policies SPO1 and WS12 of the Submission Core Strategy

Whilst the development of the site to meet previous identified housing needs was supported by Policy CR4 of the Non Statutory Wealden Local Plan (2005) (to which limited material weight can now be afforded) it still fails to meet the criteria within that Non Statutory policy. The application is contrary to Policy CR4 of the Non Statutory Wealden Local Plan with the proposed access located outside of the development boundary, and not in the location as required by Policy CR4. The proposal is therefore considered to be contrary to Saved Policies GD2 and DC17 of the Wealden Local Plan; Policies GD2, DC15 and CR4 of the Non Statutory Wealden Local Plan.

The development would result in a material change in the volume of traffic using Stone Cross Road and existing hazards, including pedestrian movements, would be increased by the additional slowing, stopping, turning traffic and pedestrian activity which would be generated, compromising highway safety on the local highway network and is therefore contrary to Policies T1 and T2 of the South East Plan coupled with National Planning Policy Framework Section 4 Paragraph 32 (Promoting Sustainable Transport), Saved Policies EN1 and TR3 of the Wealden Local Plan and Policies TR1, TR2 and HG8(6) of the Wealden Non Statutory Local Plan

The development site accesses are poorly placed in terms of connectivity to local services and sustainable transport modes due to uncertainty of delivering safe passage for non-car travel choices for residents and the wider network and would therefore be contrary to Policies T1 and T2 of the South East Plan coupled with National Planning Policy Framework Section 4 Paragraph 32 (Promoting Sustainable Transport), Saved Policies EN1 and TR3 of the Wealden Local Plan and Policies TR1, TR2 and HG8(6) of the Wealden Non Statutory Local Plan and Policy SPO7 of the Submission Core Strategy

The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that they can secure the proper provision and delivery of the necessary infrastructure improvements to meet the additional demands generated by the proposed development and to ensure there would be no adverse impacts on the local infrastructure, environment and the surrounding highway network. Therefore the proposal is considered contrary to Policy CC7 of the South East Plan, Saved Policies CS1 and TR3 of the Wealden Local Plan 1998, Policies CS1, TR1 and TR2 of the Non Statutory Wealden Local Plan 2005 and Policy WCS7 of the Submission Core Strategy and this issue remains unresolved in terms of any planning obligation mechanism to secure delivery as outlined in Paragraph 203 of the National Planning Policy Framework.

Mr F Best, Chairman of Alderbrook Community Association and Ms E Vincent, a neighbour, both spoke against the application.

Mr M Pickup, the planning consultant, Mr J Bevis, the highways consultant and Mr M Richardson, the applicant, all spoke in favour of the application.

The Committee adjourned for ten minutes at the end of this item.

**12/54 WD/2011/2361/F - LAND ADJOINING 1 FARRIERS WAY, UCKFIELD**

## Summary of Proposal

Full application for:-
**RESIDENTIAL DEVELOPMENT CONSISTING OF ONE 3 BEDROOM SEMI DETACHED HOUSE WITH TWO PARKING SPACES BELOW TWO 1 BEDROOM FLATS OVER WITHOUT PARKING**

**Received date:** 14 November 2011
**Parish:** Uckfield
**Ward:** Uckfield New Town

**RESOLVED**, contrary to officer recommendation, that planning permission BE REFUSED, for the following reasons.

- The proposal involves the development of a tightly constrained parcel of land, located in a highly prominent location on the High Street at the entrance to the Bridge Farm Road Estate. Whilst the site lies close to the town centre where in-filling development may be supported in principle, it is considered that the restricted size and shape of the site, when combined with the detailed design proposed, would result in a development which would cause unacceptable harm to the character and visual amenities of the locality. In particular, the proposal would be discordant and out of keeping in the street scene. The proposal would, in overall terms, be harmful to the character of this attractive part of the High Street, and result in a form of building which is contrary to policy and guidance.

- The application site lies in close proximity (about 5km) to the Ashdown Forest Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The development proposal, both alone and in combination with other plans and proposals, would have an adverse effect on the integrity of the SPA and SSSI. There are no proposals to mitigate this adverse effect. As a result, there are concerns with regard to the adverse effect on the integrity of the SPA, including the deterioration of the quality of the habitat; and an increased disturbance to birds.

- The proposed development would therefore be contrary to Policy NRM5 of the South East Plan 2009, coupled with advice within National Planning Policy Statement at 11. 'Conserving and enhancing the natural environment' (paragraphs 109, 117, 118 and 119), Circular 06/05: "Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within The Planning System" and "Planning for Biodiversity and Geological Conservation: A Guide to Good Practice" (March 2006).