FLITTNER

Wealden District (Incorporating part of the South Downs National Park) Representation on the Proposed Modifications to the Core Strategy

Wealden District Council — Working in Partnership — South Downs National Park Authority

This response relates to the proposed modification			
MM	All proposed modifications including the Inspectors	**WS**	All proposed modifications including the Inspectors
(Please add numeric reference e.g. MM22 or Wealden District Council/ South Downs National Park Authority modification WS e.g. WS 23)			

Declaration:	I consider the proposed modification will assist the submitted Core Strategy to be found sound/unsound (*delete as applicable) for the following reasons:
Reasons Given:	

WEALDEN DISTRICT COUNCIL
46811
13 JUN 2012

The CS and all the proposed modifications made by WDC and the Inspector were made using policies, plans, PPG's, PPS's, circulars and Ministerial letters, issued prior to, and in force prior to the issuance of the new National Planning Policy Framework, NPPF, and which are extensively referred to in the text and policies of the current CS.

Since however the NPPF deleted virtually all these documents and in many cases replaced them with differing policies the CS and the proposed modifications are now basically flawed and wholly unsound. For instance at modification WS3 page 27 para 5.8 the council refer to PPS 3, but this is no more.

It is also noted on the WDC website that an additional separate consultation will be made in due course into additional policies added to comply with the NPPF and sustainable development.

Taken altogether this plan is turning into a "pigs breakfast", with using deleted policies, consultations on deleted policies, 3 different consultations on different aspects, the affect of the NPPF, meaning in all likelihood that a flawed and unsound plan will be the outcome.

It seems to the writer that had WDC produced a CS under the NPPF that it would be a substantially different document. As the NPPF allows a year for CS's to be bought into line, it would be more sensible now to suspend the current considerations so WDC can amend the CS to comply fully with the NPPF and so one proper all embracing public consultation can be made. Otherwise if the current considerations are carried on with and the CS comes out flawed, it will only end up being constantly challenged at appeal by developers, and probably constantly changed by default as time goes on. It is better for the long run to get it right in the first place not bodge it just for time considerations now.

Wealden District (Incorporating part of the South Downs National Park) Representation on the Proposed Modifications to the Core Strategy

Wealden District Council

Working in Partnership

South Downs National Park Authority

This response relates to the proposed modification	
MM 8	WS 2 page 22 SP03
(Please add numeric reference e.g. MM22 or Wealden District Council/ South Downs National Park Authority modification WS e.g. WS 23)	

Declaration:	I consider the proposed modification will assist the submitted Core Strategy to be found ~~sound~~/unsound (*delete as applicable) for the following reasons:
Reasons Given:	See attached sheet

WEALDEN DISTRICT COUNCIL
13 JUN 2012
ACTION

C.M.& S.J. Fletcher

WS2 page 22 SP03 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.

It would also appear that WDC figures are picked from thin air and largely based on the fact that in their opinion there is not enough infrastructure to support a higher figure. And the proposed housing figures were made using policies and particularly PPS's now deleted by the NPPF, which has not in any way been used by WDC to produce these proposed figures.

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 to 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 necessary infrastructure to meet the housing need, and not use its current perceived lack as an excuse to limit housing numbers ? In other words be proactive and not just wait for landowners and developers to come up with solutions, which they will then invariably shoot down.

As good example here is the Hailsham proposals. Surely it is quite easy and should be quick to come up with a "planning solution" to the sewage problem regardless of landownership matters etc,ie the best solution. This can then be left to the developers and landowners sort out between themselves within a time limit, or alternatively there is a levy per house towards fund this. However currently there appears to be no solution despite the level of development being on the table for years now, and it not being considered for solution until 2015.

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.

Wealden District (Incorporating part of the South Downs National Park) Representation on the Proposed Modifications to the Core Strategy

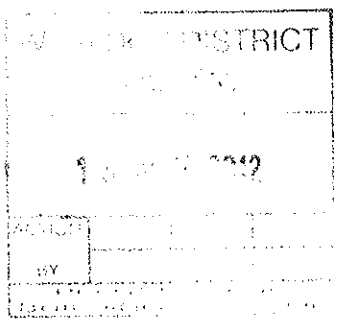
Wealden District Council

Working in Partnership

South Downs National Park Authority

This response relates to the proposed modification		
MM	**WS**	WS3 page 27 5.8
(Please add numeric reference e.g. MM22 or Wealden District Council/ South Downs National Park Authority modification WS e.g. WS 23)		

Declaration:	I consider the proposed modification will assist the submitted Core Strategy to be found ~~sound~~/unsound (*delete as applicable) for the following reasons:
Reasons Given:	This modification is unsound as it is based on the earlier section which is drawn from PPS3. However since PPS3 is now deleted this whole section and modification needs amending to reflect this and comply with the NPPF, issued since these modifications were made.



Wealden District (Incorporating part of the South Downs National Park) Representation on the Proposed Modifications to the Core Strategy

Wealden District Council — Working in Partnership — South Downs National Park Authority

This response relates to the proposed modification	
MM	**WS** WS4 page 29 WCS4 and SD1
(Please add numeric reference e.g. MM22 or Wealden District Council/ South Downs National Park Authority modification WS e.g. WS 23)	

Declaration:	I consider the proposed modification will assist the submitted Core Strategy to be found sound/unsound (*delete as applicable) for the following reasons:
Reasons Given:	

This site SD1 is unsound. The writer has previously objected to this site, and reiterates this here. This site if allowed through will be an unmitigated disaster for 2 main reasons. Firstly the site is the most open and visually intrusive site in the district. It will stand out like a sore thumb, be seen for miles around, and can never be visually mitigated due to the slope of the land. Secondly by having only one access, which will be onto the bypass it will cause complete mayhem on the bypass due tot he huge amount of extra traffic that will have to use this small section of bypass. It is bound to cause huge delays and tailbacks and gridlock on the bypass and cause local users to re start using the rat runs used prior to the bypasses construction, and will cause more drivers to use the town centre roads to bypass the extensive bypass delays that the site will cause. Thus it will nullify the point of the bypass.

There are many other sites in and around Uckfield that could be utilised without causing both of these major problems.

Wealden District (Incorporating part of the South Downs National Park) Representation on the Proposed Modifications to the Core Strategy

Wealden District Council — Working in Partnership — South Downs National Park Authority

This response relates to the proposed modification	
MM	**WS** WS8 31 Fig 5
(Please add numeric reference e.g. MM22 or Wealden District Council/ South Downs National Park Authority modification WS e.g. WS 23)	

Declaration:	I consider the proposed modification will assist the submitted Core Strategy to be found ~~sound~~/unsound (*delete as applicable) for the following reasons:
Reasons Given:	Comments re Ashdown Forest, see details with WS35 comments which cover this.

WEALDEN DISTRICT COUNCIL
13 JUN 2012
ACTION BY

Wealden District (Incorporating part of the South Downs National Park) Representation on the Proposed Modifications to the Core Strategy

Wealden District Council

Working in Partnership

South Downs National Park Authority

This response relates to the proposed modification	
MM	WS 35 page 64 WCS 12
(Please add numeric reference e.g. MM22 or Wealden District Council/ South Downs National Park Authority modification WS e.g. WS 23)	

Declaration:	I consider the proposed modification will assist the submitted Core Strategy to be found ~~sound~~/unsound (*delete as applicable) for the following reasons:
Reasons Given:	See attached sheets

WEALDEN DISTRICT COUNCIL

13 JUN 2013

ACTION

BY

PLANNING POLICY

If this is a new matter that you have raised please complete the following
I wish/~~do not wish~~ (*delete as applicable) for this matter to be heard in front of the Inspector

Signed:	

Name and Address:	Mrs C. M Fluttner & Mr S.J. Fluttner
E-Mail Address:	
If on behalf of a company, please state:	
Date:	12/6/12

Please delete as appropriate	
I would wish to be notified of the publication of the recommendations of any person appointed to carry out an independent examination of the Core Strategy	Yes / ~~No~~
I would wish to be notified of the adoption of the Core Strategy	Yes / ~~No~~

Note: If completing this in hardcopy form, please use additional sheets if necessary.

Please return this form by **5pm on Wednesday 23rd May 2012**:

By post to: Head of Planning and Environmental Policy, Wealden District Council, Freepost SEA 10959, Crowborough, East Sussex, TN6 1BR

By email to: ldf@wealden.gov.uk

Data Protection Act 1998 and Freedom of Information Act 2000
Representations cannot be treated in confidence. Regulation 30 of the Town and Country Planning (Local Development) (England) Regulations 2004, as amended, requires copies of all representations to be made publicly available. The Council will also provide names and associated representations on its website but will not publish personal information such as telephone numbers, e-mails or private addresses. By submitting a representation on the Proposed Modifications you confirm that you agree to this and accept responsibility for your comments.

Please telephone 01892 602007 or e-mail ldf@wealden.gov.uk if you require assistance in submitting your representation or if further information is required. If you, or somebody you know, would like the information (guidance notes, forms etc) in large print, braille, audio tape/CD or in another language please let us know.

The writer has great 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 from the attached copy of recent planning decisions even mitigation is not being given a chance. And whilst SANGS mitigation will be available to developers or large greenfield sites this will not be so for smaller developers of windfall and infill sites such as that on page 5 of the attached agenda. Yet windfall and infill are a significant part of the housing figures. The writer has been told for instance that in 2011 around 229 dwellings were given permission as windfall within the AFPZ. Thus if level of development is to stop because 1 or 2 dwelling sites cannot provided a proportionate SANGS land, presumably there will be a need for new larger greenfield sites to replace these lost windfall and brownfield sites. Thus if WDC think they can impose this policy the CS is wholly unsound unless they show where the lost windfall houses will be replaced.

The Inspector proposes at MM8 additional wording "so that otherwise acceptable development is not prevented from coming forward by the absence of acceptable mitigation", which in part may be addressing the small and windfall site issue. However WDC show nor sign of agreeing with this, and in action are doing completely the oppersite, as it is plain that some councillors and officers are using this policy as an excuse to fit in with their NIMBY desires and use it to stop all development.

However this whole matter seems fairly flawed anyway. The Ashdown Forest is only heathland because of human intervention and continual management, as it would otherwise be natural oak woodland. The habitat directive came in in 1996 yet apparently has been wholly ignored for the past 16 years when lots of development has been allowed. The Ashdown Forest is already greatly used by visitors and dog walkers, some local and many from far and wide, and is also promoted by WDC as tourist attraction. Thus to be a reasonable policy, and to show that it will even work, a full and detailed study of all the matters should have to be made by WDC to prove this policy. And in particular as the dartford warbler and night jar are ground nesting birds how they are affected by current and future levels of dog disturbance. Thus WDC should show:-

- the current levels of visitors and in particular dog walkers
- how many of the visitors come from within the 7km area and how many from elsewhere
- determine what visitor level is appropriate to allow the dartford warbler and nightjar to re colonise the Ashdown Forest, and compare this with current excessive levels.
- not withstanding the imposition of the AFPZ since April 2012, there are many housing and commercial sites with planning permission within the zone that have yet to be built out or completed. Provide a figure of the extra visitors these unmitigated site will produce when complete and occupied.

From these initial studies it will be possible to determine the visitor levels that will be needed to allow re colonisation by the nightjar and the dartford warbler compared with the excessive levels now, and likely to occur from the uncompleted developments, as a starting point for this supposed policy to start from.

It is also a fact that in one of the most populated areas in the world, the SE of England that outside the AFPZ, but within a short distance live millions of other people in nearby towns such as Tunbridge Wells, Crawley, Hailsham, as well as the major urban areas of London and the South coast. All of these produce visitors to the Ashdown Forest who will be largely unaffected by this policy. And in all these areas large scale development is being allowed that will have an effect far greater than the little proposed within the 7km zone. Thus the council will also need to provide a figure for this extra development outside of the 7Km zone to add to the above.

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.

If it turns out that the nightjar and dartford warbler need visitor levels of say 1 person and dog per day per 100 acres to survive and recolonize, but the current levels are 100 visitors per day per 100 acres, and will rise to say 110 due to development outside the 7km zone, then the policy not in anyway achieve its aim and is thus wholly unsound. The policy will only be sound if the council can show that it will bring disturbance down to the levels required by the dartford warbler and nightjar, which would appear to be impossible without draconian restrictions on access to the Ashdown Forest. Of course WDC don't details anywhere what "on site visitor management measures" they will try to implement on what most regard as freely accessible POS, and how effective they will be in making this work.

Equally with regard to nitrogen and traffic. The fact is the areas 2 main roads, A22 and A26, cross the forest and are the main links from the coast to the London, and visa versa. Currently there is no way to restrict there use, and the extra journeys generated by all the new development in London and the SE around the Ashdown Forest is bound to mean regardless of what happens in the 7km zone that traffic levels will go up by 1000 per day in a short space of time.

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 will achieve none of its purported aims:-
- close off all car parks on the forest
- close the visitor centre
- fence off selected areas and ban all public access
- ban dogs on the forest
- stop promoting it as a tourist attraction
- ban all new holiday let applications 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.
- As NPPF para 181, get all other councils in the SE to have policies in their plans to stop people visiting the Ashdown Forest and, until it they are re-routed, stop using the A22 and A26.

Without most of the above measures the policy will never work, and is just a paper farce to comply with another EUSSR farce of a law.

Whatever is decided to be sound the council should be required to monitor the AFPZ and produce a yearly report to show that it is achieving the aims of the any policy, and especially with regard to those coming in from outside the 7km..

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).

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

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.