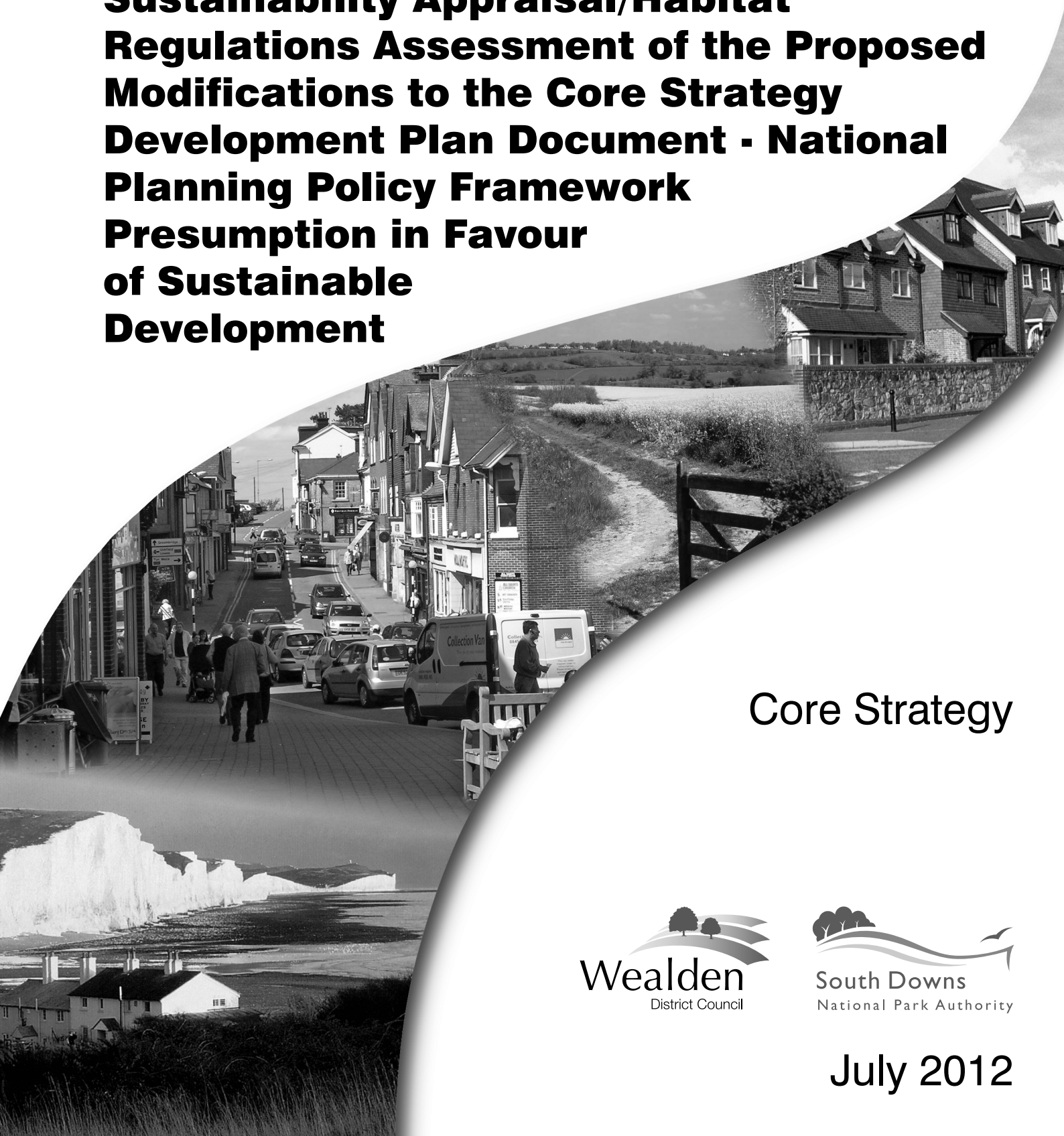
# Wealden District (Incorporating Part of the South Downs National Park)

# Local Development Framework

## Sustainability Appraisal/Habitat Regulations Assessment of the Proposed Modifications to the Core Strategy Development Plan Document - National Planning Policy Framework Presumption in Favour of Sustainable Development




Core Strategy

Wealden District Council

South Downs National Park Authority

July 2012

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You may view the LDF documents at:

Council Offices, Pine Grove, Crowborough, East Sussex TN6 1DH
Office hours Monday, to Friday 8.30am to 5.00pm

Until 6th August 2012 you may also visit the Hailsham Customer Help Point, Prospects House, 7-9 George Street, Hailsham, BN27 1AD between the hours of 8.30am to 5.00pm Monday, Tuesday, Thursday, Friday and 9.00am to 5.00pm Wednesday.

After 6th August 2012 LDF documents will be avialable at the new Hailsham Offices
Council Offices, Vicarage Lane, Hailsham, East Sussex BN27 2AX
Office hours Monday, to Friday 8.30am to 5.00pm

If you, or somebody you know, would like the information contained in this document in large print, Braille, audio tape/CD or in another language please contact Wealden District Council on 01323 443322 or info@wealden.gov.uk

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Wealden District (Incorporating Part of the South Downs National Park) Local Development Framework
Sustainability Appraisal/ Habitats Regulations Assessment of the Proposed Modifications to the Core Strategy Development Plan Document –
National Planning Policy Framework (NPPF) Presumption in Favour of Sustainable Development

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## 1.0 Introduction

Background

1.1 The Core Strategy and accompanying Sustainability Appraisal and Habitats Regulations Assessment was submitted by Wealden District Council and the South Downs National Park Authority to the Secretary of State on 5th August 2011, together with all representations received[1] by the Authorities regarding the legal compliance and soundness of the Core Strategy. The Core Strategy is currently subject of an examination into the soundness of the document and has been subject of an Exploratory meeting on 12th October 2011 and a Public Hearing between 17th January 2012 and 2nd February 2012, conducted by the independently appointed Planning Inspector Mr Michael Moore BA (Hons) MRTPI CMILT MCIHT.

1.2 The examination process allows for the consideration of proposed modifications in order for the Inspector to consider whether the document should be found sound. There are two categories of modifications main and minor. Minor modifications do not have an impact upon the soundness of the plan. These modifications are not required by the Planning Inspector and are at the discretion of the District Council and the South Downs National Park Authority. Main modifications are required in order to make the plan sound, and without these modifications the plan may be found unsound at the end of the examination.

1.3 During the Exploratory Meeting and Hearing, and based upon representations received a number of modifications were proposed by Wealden District Council and the South Downs National Park Authority. A number of the modifications sought to clarify matters already raised within the Core Strategy and sought to ensure that the Core Strategy was ultimately considered to be sound. The District Council and the South Downs National Park Authority have also given authority for the Planning Inspector, who is carrying out the Examination, to have the discretion to propose any main modifications that he considers necessary to ensure the soundness of the plan. After the Hearing, on the 5th March 2012, the Planning Inspector provided further proposed main modifications after consideration of all the representations. These modifications were subject to consultation from Wednesday 11th April 2012 to Wednesday 13th June 2012. The consultation is now closed, and all relevant representations have been forwarded to the Inspector.

[1] Under Regulation 27 of the The Town and Country Planning (Local Development) (England) Regulations 2004, as amended. The receipt of representations was required between 14th February 2011 and 18th April 2011. These representations were forwarded to the Secretary of State at the time of Submission.

1.4 During the consultation on the Proposed Modifications to the Core Strategy Development Plan Document the National Planning Policy Framework was published on 27th March 2012. The National Planning Policy Framework came into effect on the date it was published, and therefore is a relevant consideration for the examination of the Core Strategy. The Planning Inspectorate has suggested a model policy wording that it considers would be an appropriate way of meeting the expectation set down in the NPPF that there should be a presumption in favour of sustainable development. Wealden District Council and the South Downs National Park Authority have considered this suggestion and agreed that the wording of this suggested model Policy together with some explanatory text incorporated into the Core Strategy would meet this requirement. This approach is reflected in the letter dated 9th May to the Inspector Mr Michael Moore. The correspondence relating to this matter is available on the Wealden District Council website www.wealden.gov.uk.

1.5 There is a legislative requirement that any proposed main modifications be subject to consultation, in compliance with the Statement of Community Involvement. Therefore this document sets out the proposed modifications to the Core Strategy DPD regarding the NPPF presumption in favour of sustainable development for representations.

Sustainability Appraisal/ Strategic Environmental Assessment and Habitat Regulations Assessment

1.6 The Submitted Core Strategy was subject to a Sustainability Appraisal, which was submitted to the Secretary of State alongside the plan. The Sustainability Appraisal (SA) incorporated a Strategic Environmental Assessment (SEA), as required by European Legislation[2]. The Core Strategy was also subject of an assessment under the Habitats Regulations. This Habitat Regulations Assessment (HRA) assessed the impact of the Plan on European sites identified by the Habitats Directive.

1.7 This report sets out the findings of the Sustainability Appraisal/ Strategic Environment Assessment and Habitat Regulations Assessment of the Proposed Modifications to the Core Strategy DPD - National Planning Policy Framework (NPPF) Presumption in Favour of Sustainable Development. This should be read in conjunction with the Sustainability Appraisal (Background Paper 10), The Background Papers associated with the Sustainability Appraisal, the Background Paper concerning the monitoring of the Core Strategy and the Assessment of the Core Strategy under the Habitat Regulations submitted alongside the Core Strategy. In addition, this appraisal should also be read in conjunction with Sustainability Appraisal/

[2] Directive 2001/42/EC on the assessment of the effects if plans and programmes on the environment

Habitats Regulations Assessment of the Proposed Modifications to the Core Strategy Development Plan Document published in April 2012.

1.8 The Sustainability Appraisal and Habitat Regulations Assessment of the proposed modifications of the Core Strategy DPD - National Planning Policy Framework (NPPF) Presumption in Favour of Sustainable Development are requirements under relevant legislation and is part of the representations procedure.

Representations

1.9 Representations may be made on the Sustainability Appraisal and Habitat Regulations Assessment of the proposed modifications of the Core Strategy DPD - National Planning Policy Framework (NPPF) Presumption in Favour of Sustainable Development as well as on the proposed modifications themselves. Representations are invited for a period of six weeks beginning on **Thursday 5th July 2012**. Representations must be sent to **Head of Planning and Environmental Policy, Wealden District Council, PO Box 49, Hailsham, East Sussex, BN27 2AZ or by e-mail to ldf@wealden.gov.uk** by no later than **5pm on Thursday 16th August 2012**. Only those comments that are made in writing/email and that are received at the address (or email address) provided within the time period specified will be considered.

1.10 Please note that the Planning Policy Team will be re-locating to the Council's Hailsham Offices on the 10th July 2012. However, any relevant correspondence regarding the Proposed Modifications received at the Pine Grove Offices at Crowborough before 5pm on Thursday 16th August 2012 will be forwarded to the Planning Inspector.

1.11 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.

Data Protection Act 1998 and Freedom of Information Act 2000

1.12 Representations cannot be treated in confidence. We are required to make copies of all representations publically 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.

## 2.0 Proposed Modifications by Wealden District Council and South Downs National Park Authority

2.1 The modifications to the Core Strategy, which are subject of this report, are contained within the second section of the published document, **Proposed Modifications of the Core Strategy DPD National Planning Policy Framework (NPPF) Presumption in Favour of Sustainable Development**, which provides the modifications suggested by Wealden District Council and the South Downs National Park Authority.

## 3.0 Sustainability Appraisal of the Modifications Proposed by Wealden District Council and the South Downs National Park Authority

3.1 The following tables provide an appraisal against the Council's adopted 22 sustainability objectives, and provides the sustainability appraisal of the proposed modifications to the Core Strategy of the National Planning Policy Framework (NPPF) Presumption in Favour of Sustainable Development proposed by Wealden District Council and the South Downs National Park Authority.

3.2 The short, medium and long term effects are identified by the use of the following symbols

| Symbol | Representation |
|---|---|
| ✓ | Positive impact in terms of the objective, with the consequence of the objective being met or moving towards the objective. |
| ~ | The objective is not relevant to the proposal. |
| ? | It is unknown whether the proposal is moving towards or away from the objective, and the consideration depends on the implementation and/ or mitigation which is currently unknown. |
| X | negative impact in terms of the objective, with the consequence of the objective not being met or moving away from the objective. |

Table 3.1: Proposed Modifications

| Ref | Page | Policy/ Paragraph | Suggested Modification |
|---|---|---|---|
| WS45 | 68 | 7.31 | *Add new section after paragraph 7.31.*<br><br>Sustainable development<br><br>7.32 The National Planning Policy Framework confirms that there should be a presumption in favour of sustainable development and that all plans should be based upon and reflect this presumption with clear policies to guide how the presumption will be applied locally. The Framework also confirms that there are three clear dimensions to sustainable development, economic, social and environmental. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. In order to meet this requirement the following policy will be applied.<br><br>Policy WCS 14 Presumption in Favour of Sustainable Development<br><br>When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in the Local Plan (and, where relevant, with polices in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the |

| Ref | Page | Policy/ Paragraph | Suggested Modification |
|---|---|---|---|
| | | | application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:<br>• Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or<br>• Specific policies in that Framework indicate that development should be restricted. |

**Table3. 2 - Sustainability Appraisal Incorporating Habitat Regulations Assessment for Proposed Modifications**

| SA Objective | Assessment | | | Comments / Proposed Mitigation |
|---|---|---|---|---|
| | Short term | Medium term | Long Term | |
| **1** Ensure that everyone has the opportunity to live in a good quality, sustainably constructed and affordable home | ✓ | ✓ | ✓ | The change in the text does not affect the overall amount of growth, but clarifies that housing development may come forward where it is considered to be sustainable development. |
| **2** Improve the health and well being of the population | ✓ | ✓ | ✓ | The health and well-being of the population should improve as social, economic and environmental needs are addressed. The change in text may have a positive contribution to health and well being by securing development that improves the economic, social and environmental conditions in the area |

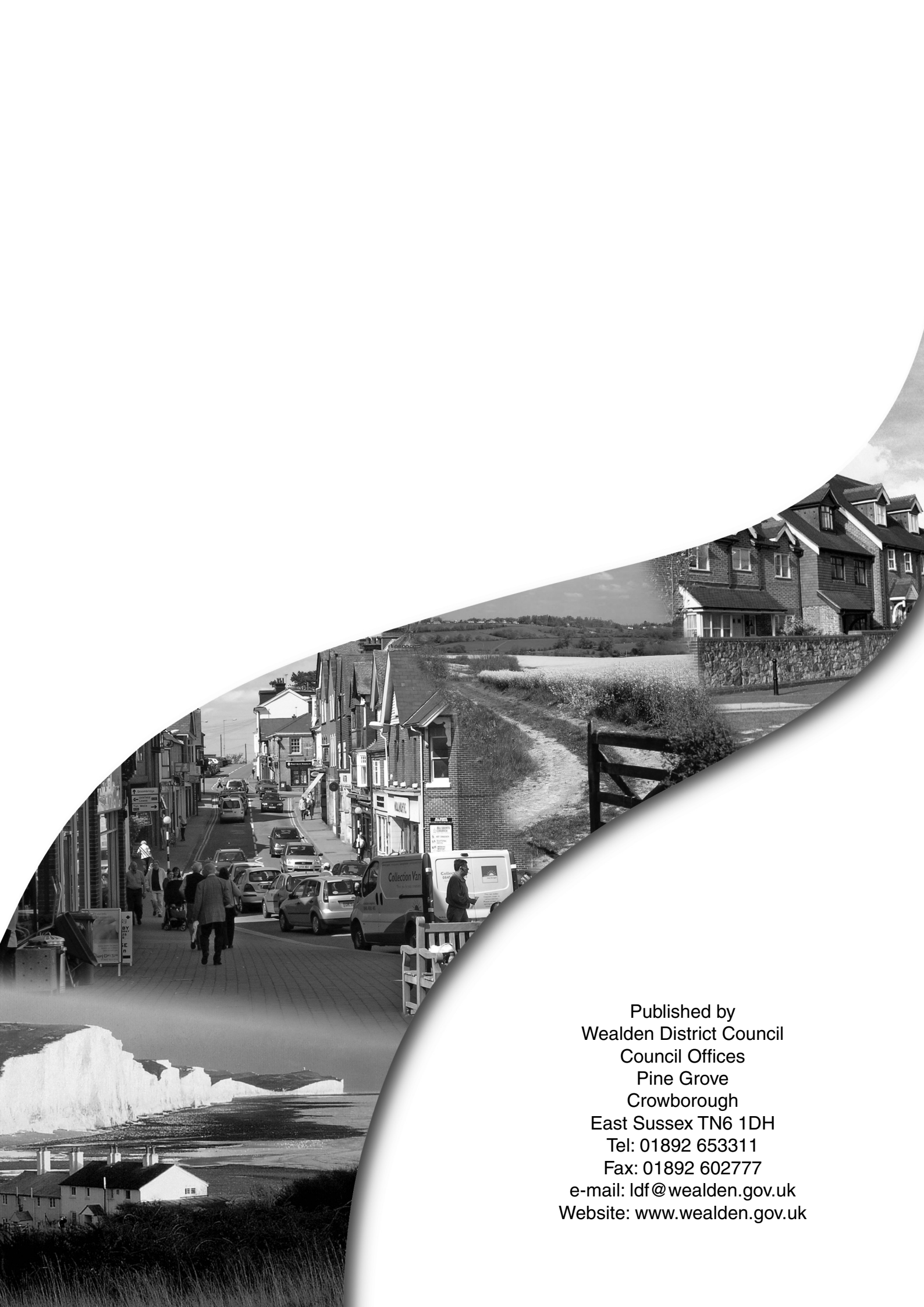
| | | | | |
|---|---|---|---|---|
| **3** Promote social inclusion and create/ sustain vibrant communities | ✓ | ✓ | ✓ | Social inclusion is addressed by the changes as access to housing and employment should improve helping to sustain and create vibrant communities. As the change in text may have a positive contribution to securing development that improves the economic, social and environmental conditions in the area then the effect is positive. |
| **4** To ensure a safe environment including reducing crime and the fear of crime | ✓ | ✓ | ✓ | As the change in text may have a positive contribution to securing development that improves the economic, social and environmental conditions in the area then the effect is positive. |
| **5** To provide accessible and high quality public services and facilities | ✓ | ✓ | ✓ | As the change in text may have a positive contribution to securing development that improves the economic, social and environmental conditions in the area then the effect is positive. |
| **6** To reduce the risk of flooding and the consequential damage to property and public well being | ✓ | ✓ | ✓ | Changes to text should have no impact compared to the unmodified Core Strategy. However, the general presumption to secure development that improves the economic, social and environmental conditions in the area should reinforce the Core Strategy objectives. |
| **7** Make the most efficient use of land by prioritising Brownfield sites for development, the re-use of existing buildings and promoting higher development densities | **?** | **?** | **?** | The additional policy will have no impact to the Core Strategy. However, the general presumption to secure development that improves the economic, social and environmental conditions in the area should promote the use of brownfield sites, although it does not prioritise brownfield land. |
| **8** Reduce air pollution and ensure local air quality continues to improve | **x** | **x** | **x** | The provision of new homes, new jobs and new retail premises will be likely to increase air pollution through emissions generated through the construction and operation of new premises as well as through additional traffic generated as a consequence of new homes, jobs and retail facilities. The policy presumption to always work proactively with applicants jointly to find solutions may assist to mitigate air quality issues, but it is unlikely to overall reduce emissions |

| | | | | |
|---|---|---|---|---|
| **9** Reduce emissions of greenhouse gases | **x** | **x** | **x** | The provision of new homes, jobs and retail space will not reduce emissions of greenhouse gases in the district. There is some mitigation afforded by the increasing requirements for new buildings to built using sustainable construction techniques and to limit carbon emissions, however there will still be a likely increase in overall emissions. The policy presumption to always work proactively with applicants jointly to find solutions may assist to reduce emissions of greenhouse gases created by development, but it is unlikely to overall reduce emissions. |
| **10** Conserve and enhance the biodiversity of the District | ✓ | ✓ | ✓ | The unmodified Core Strategy policy seeks to ensure that opportunities to improve areas for biodiversity will be taken where development can contribute to achieving a net gain in biodiversity and functioning wildlife habitats. The new policy emphasises the need to work to secure development that improves the economic, social and environmental conditions in the area. This would include biodiversity. |
| **11** Conserve, enhance and make accessible for enjoyment, the District's countryside (in particular protecting the best and most versatile agricultural land), landscape, historic and built environment | **?** | **?** | **?** | The district's countryside, particularly around the edges of towns and villages is at risk of change through the addition of new development resulting from the Core Strategy. It will be of utmost importance in protecting the landscape and built environment to site any new development as carefully as possible to retain important views and links to the countryside and to use high quality design and materials in order to aim to enhance an area by development. The new policy emphasises the need to work to secure development that improves the economic, social and environmental conditions in the area. This would include the enhancement of the countryside, landscape, historic and built environment. |

| | | | | |
|---|---|---|---|---|
| **12** Reduce the need to travel by car and promote alternative methods of transport | ✓ | ✓ | ✓ | The Core Strategy seeks to reduce the need to travel by car for new development and promote alternative methods of transport. The new policy should complement this approach by secure development that improves the economic, social and environmental conditions in the area. The ability to provide conditions to reduce the reliance on the car should help secure the economic, social and environmental conditions by reducing the reliance on high fuel costs, increasing social mobility and helping the environmental qualities of the area. |
| **13** Minimise waste, maximise the re-use of materials, recycling and composting | **?** | **?** | **?** | Waste will be generated in the construction of new homes and employment premises and through their occupation. Changes to the text will have no impact to the overall level of development but may help promote the waste hierarchy. |
| **14** Maintain and where appropriate improve quality of groundwater and surface waters in the District and promote water efficiency | **?** | **?** | **?** | Changes to the text will have no impact to the overall level of development. However the need to secure development that improves environmental conditions in the area may assist in the implementation of this objective and support the environmental objectives contained within the Core Strategy. |
| **15** Promote energy efficiency measures and encourage the use of renewable energy | **?** | **?** | **?** | Energy efficiency should be achieved through the Building Regulations and improvements to them planned over the Plan period. New development and the new policy offers an opportunity to design in energy efficiency features and to encourage the use of renewable energy schemes. |
| **16** Reduce the global, social and environmental impact of consumption of resources by using sustainably produced and local products | **?** | **?** | **?** | Local, sustainably produced construction materials could be used in the construction of new homes but is not compulsory. The need to secure development that improves environment and the economy, may assist in meeting this objective. Improving the environment and the economy will have direct social benefits. |

| | | | | |
|---|---|---|---|---|
| **17** Maintain and enhance the prosperity of the District and increase the vitality of villages and the rural economy | ✓ | ✓ | ✓ | The need to secure development that improves the economy and the environment should assist in maintaining and enhancing the prosperity of the District and the vitality of villages. |
| **18** Promote sustainable tourism | **?** | **?** | **?** | The need to secure development that improves the economy and the environment may assist in promoting tourism the economic growth it provides which improves the environment and social aspects. |
| **19** Ensure high and stable levels of employment and provide support for small firms and local businesses | **?** | **?** | **?** | The need to secure development that improves the economy and the environment should assist in ensuring high and stable levels of employment, although it does not necessarily reflect small firms and local businesses. |
| **20** Develop and maintain a skilled workforce to support long term competitiveness | **?** | **?** | **?** | The need to secure development that improves the economy and the environment and social aspects may assist in developing and maintaining a skilled workforce. Although use of local labour is not guaranteed. |
| **21** Stimulate regeneration of town centres | **?** | **?** | **?** | Regeneration requires improvements to the economy, the environment as well as social matters. A new positively worded policy regarding sustainable development should help to achieve this generally, although it will be necessary to be considered on a case by case basis to ensure that development is not detrimental to town centres. |
| **22** Develop a dynamic, diverse, and knowledge based economy | ✓ | ✓ | ✓ | The timely delivery of employment premises with the necessary infrastructure that contributes to sustainable development should help in developing a diverse and knowledge based economy. |

| |
|---|
| **Summary**<br>Securing development that improves the economic, social and environmental conditions in the area generally meets the 22 Sustainability Objectives. However, in many cases it does depend on the implementation as there are conflicting requirements in a number of objectives. The lack of available mitigation for a small number of objectives, such as reducing emissions means that not all objectives can currently be met. |
| **Cumulative, synergistic and secondary effects**<br>There are no cumulative and secondary effects in relation to a change in text as proposed. |
| **Habitat Regulations Assessment**<br>The new policy does not directly mention the Habitat Regulations or the Habitats Directive, in terms of whether development will be acceptable. However, it is clear in the National Planning Policy Framework that the Habitats Regulations and Appropriate Assessment have a significant impact upon the presumption in favour of sustainable development. It is considered that this policy does not prevent an Appropriate Assessment being undertaken and development prohibited if it is considered that it would adversely affect the conservation objectives of an Special Protection Area, Special Area of Conservation or a Ramsar Site. |




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