Wealden District (Incorporating part of the South Downs National Park) Representation on the Proposed Modifications to the Core Strategy – National Planning Policy Framework Presumption in Favour of Sustainable Development

Wealden District Council

Working in Partnership

South Downs National Park Authority

This response relates to the proposed modification WS	
Declaration:	I consider the proposed modification will assist the submitted Core Strategy to be found sound ☐ /unsound ☒ (*place a cross in the box to show which option you have chosen) for the following reasons:
Reasons Given:	PLEASE SEE ATTACHED REPORT

Signed:	

Name and Address:	Paris Johnson Langton Commercial
E-Mail Address:	
If on behalf of a company, please state:	
Date:	13-8-2012

Please place a cross in the box to show which option you have chosen	
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 Thursday 16th August 2012**:

By post to: Head of Planning and Environmental Policy, Wealden District Council, PO Box 49, Hailsham, East Sussex, BN27 2AZ

By email to: ldf@wealden.gov.uk

Data Protection Act 1998 and Freedom of Information Act 2000
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.

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.

PROPOSED MODIFICATIONS TO THE CORE STRATEGY DEVELOPMENT PLAN

PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

COMMENT BY:-

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13TH AUGUST 2012

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INTRODUCTION

Lawson Commercial is an independent, commercial estate agency practice established by Chris and Julia Lawson in 1988. It specialises in the sale, letting, valuing, acquisition of all types of commercial property including offices, shops, warehouses, factories, investments and land together with professional services including lease renewals, rent reviews, rating appeals, dilapidation schedules and commercial property management. In 2013 it will have been trading successfully in the Wealden area for 25 years.

DEFINITION

The Oxford English reference dictionary defines sustainable as ..."able to be maintained at a particular level without causing damage to the environment or depletion of the resource."

Wikipedia defines sustainable development as ..."a pattern of economic growth in which resource use aims to meet human needs while preserving the environment so that these needs can be met not only in the present but also for generations to come".

COMMENT

At the end of April/start of May 2012, Wealden District Council Planning Department introduced a new rule stating that any development that would increase traffic movements or indeed the population within 7 kilometres of the Ashdown Forest would receive a policy reason for refusal.

In my opinion, no development does not mean sustainable development. This new policy is already having serious financial implications as well as causing hardship to the community which is supposed to benefit.

I have spoken with several other Wealden District Councillors including one that serves on the Planning Committee and have been informed that this new policy has not specifically been discussed or voted on by Wealden District Council. It appears to have been adopted by officers of the Planning Committee in concert with the councillor who has cabinet responsibility for the planning portfolio.

I am also informed that the Ashdown Forest Conservators were not consulted either before this policy was introduced.

The 7km rule has tremendous impact because it includes the whole of Uckfield and Crowborough and therefore is going to stifle development to the detriment of those communities. Examples as follows:-

1. My firm is marketing a small warehouse with offices at Maresfield. We had an applicant interested in acquiring the premises to teach disadvantaged youngters, picture framing. As this would necessitate a change of use to workshop, the planning department were consulted. The applicant was informed that because a change of use from warehouse to workshop would generate more traffic conditions, they would almost certainly receive a refusal if they submitted a planning application. This was an established business running similar centres elsewhere in East and West Sussex; they are now no longer looking in this part of Wealden.

2. An existing business in Uckfield on the established Bellbrook Business Park has a trade counter consent and currently occupies two small units. Their business is doing very well and they want to expand. They identified another building close by, some 4,500 sq ft with parking which they were interested in moving to but they require a planning consent for change of use from a warehouse and offices to trade counter and offices. This would lead to increased traffic generation. Informal discussions with Wealden District Council Planning Department indicated that they would fall foul of the 7 kilometre rule and would almost certainly receive a refusal. That business has not pursued negotiations and is now considering what to do next.

3. My firm is marketing a freehold shop with vacant offices above in The Broadway in Crowborough. A buyer has been found and solicitors are instructed. The sale is proceeding on the basis of a change of use of the offices to residential. There is some 1,200 sq ft on 3 floors above the shop with its own self contained entrance but no car parking. Originally it was probably a flat many years ago. The applicant who has submitted a planning application for change of use has been told by the planning authority that he may fall foul again of the 7 kilometre rule although quite why we are not sure but in the meantime his application has been stalled. This is causing hardship on the owner who was only selling because he was relying on the income from the property to supplement his pension. With the current rules on commercial premises having to pay empty business rates after they have been empty for 6 months, he can no longer afford that, having lost the income from the building as well.

4. High Hurstwood Parish Church wanted to provide a vicarage for their new vicar on land that they already own. I am informed that a recent application has been refused, falling foul of the 7km rule.

5. Buxted Parish Council want to build a new community hall alongside the new doctor's surgery and sell their old site for residential development to provide the much needed funds to provide for the new community facility. This has also stalled largely because of the 7 kilometre rule (see Courier Article Friday 10th August 2012).

6. Ashdown Forest Conservators wanted to provide new offices, toilets, exhibition space, cafe and meeting areas to attract more visitors to the forest and to raise more money. Director Pat Buesnel is quoted as saying..."we have sent our planning application to Wealden District Council but expect it will be refused" (see Kent & Sussex Courier Friday 10th August 2012).



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..... Full story page 9

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..... Full story pages 12-13

REGULARS

Business ..... Page 20
Letters ..... Pages 31-33
Nostalgia ..... Page 34
Community News ..... Pages 35-37
Family Announcements ..... Pages 38-39
go! ..... Page 32
Classified ..... From page 49
Sport ..... From page 58

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Sussex Chief Reporter

Building restrictions prevent visitor centre

Protection zone stops forest from own expansion project

By **Keith Fairbank**
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A CRACKDOWN on building work designed to protect the Ashdown Forest has scuppered a planned development by forest bosses.

The 7km protection zone has already proven controversial by halting house-building across Crowborough and forcing some major community projects to be put on ice.

It was introduced earlier this year to control traffic levels and protect the historic Wealden countryside.

But it is also set to prevent expansion of the forest's under-performing visitor centre at Wych Cross.

The Conservators say new offices, toilets, an exhibition space, cafe, meeting areas and better car parking would attract more visitors and raise cash.

Pat Buesnel, director of the Conservators of Ashdown Forest, said: "We've sent our planning application to Wealden District Council but expect it will be refused. It's not just us, everything has been put on hold."

The building ban stems from the EU's Habitat Regulations and stretches as far as Buxted, where plans for a new village hall have stalled.

Buxted parish clerk Malcolm Wilson said: "There's still a lot of fundraising we need to do but this 7km exclusion zone certainly hasn't helped."

He added: "It's not been thought through and with the South Downs on one side, Ashdown Forest on the other and the High Weald Area of Outstanding Natural Beauty, it will just squeeze Wealden's development into a central area."

Details

The restriction on development was suddenly introduced in March. Councillors had been discussing the finer details of their 15-year development plan with a Government planning inspector and were told to work on a worst-case scenario basis until the plan is finished in October.

At first, the protection zone was welcomed by the likes of Mrs Buesnel, who hoped it would protect Ashdown Forest's landscape. But soon the council found the rule too obstructive.

District councillor Roy Galley, who is in charge of planning matters, said: "We used the rule as evidence to show we shouldn't be building huge amounts of houses in North Wealden.



DIRECTOR: Pat Buesnel, pictured outside the Ashdown Forest Visitor Centre

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The planning inspector said, in that case, no building should take place in the zone without mitigation measures to protect the forest."

Backed into a corner, the council has been forced to reject a number of planning applications until the level of acceptable development is set in stone.

Mr Galley said: "We've had to be cautious. In October, we hope the inspector will maybe relax the rules about the mitigating measures. We'll be much clearer then."

Mrs Buesnel added: "There's so much hearsay going around at the moment. We'll know more after we hear the inspector's report."

THE COURIER SAYS

Sporting swim, ride and jump its way to a record medal haul inated British sport stars of the future to light the Filling out a Well done

7. I am also aware of a small commercial and residential developer who has specialised in what are known as "in fill developments" building small blocks of flats or 2 or 3 houses at a time who had their headquarters building in Uckfield and have generally worked in the Wealden area. Due to the 7 kilometre rule they are no longer able to carry out developments in Wealden and are therefore looking outside the Wealden area. They inform me they are now pursuing a number of projects in Crawley. This will involve them and their team in extra costs in travelling across the forest to Crawley to carry out these projects.

FURTHER COMMENT

This policy which has been introduced needs urgent modification. There is going to be a serious impact on jobs and prosperity which will affect the whole community. Businesses cannot expand; they will leave the area. If the policy becomes established, why would any business want to establish itself in the area because if it does and is successful it will be prevented from growing. Thus there will be no inward investment to Wealden to provide employment. People who are already living in the area will have to travel further afield for work, adding to increased pollution from private vehicles as public transport is generally not an option for the majority.

SPECIFIC COMMENTS RELATING TO DOCUMENT CALLED "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".

The following comments are based on table 3.1 proposed modifications:-

Reference WS45 page 68 policy/paragraph 7.31.

Modification described as 7.32 is unsound.

It states that there are 3 clear dimensions to sustainable development: economic, social and environmental. The policy current adopted by Wealden District Council is neither economic or social.

Table 3.2 - sustainability appraisal incorporating habitat regulations assessment for proposed modifications:-

1. This is unsound. Current policy does not allow any housing development to come forward as sustainable development is blocked.

2. This is unsound.
   The health and wellbeing of the population will not improve because there will be a serious impact on jobs and prosperity because of the lack of development.

3. This paragraph is unsound because of the policies being adopted by Wealden District Council which will not improve, sustain and create vibrant communities. This is evidenced by the problems in trying to establish new visitor centres and community halls.

4. Difficult to comment on because if you have no development, the environment remains the same.

5. This is unsound. No development will not lead to high quality public services and facilities.

6. No disagreement.

7. This is unsound because Wealden District Council's 7 kilometre rule means that whether the site is brownfield or not, it cannot be developed.

8. It is agreed that new jobs and new homes overall will increase air pollution. This will happen in any case because in the core strategy it has been agreed that there will be a 1000 new houses in Uckfield and 300 in Crowborough. Also the policy does not take into account that if there is a block on all forms of development within 7 kilometres of the forest, there will be additional traffic travelling through the forest to areas outside for employment purposes and for social activities.

9. There will be some reduction in emissions of greenhouse gases by using sustainable construction techniques. However there will be a rise, not only from development but from other factors outside the Council's control.

10. No comment.

11. Currently Wealden District Council's 7 kilometre policy makes this comment a nonsense. Thus it is always important to protect the landscape and environment. This presupposes that some form of limited development is going to be allowed which is not currently the case.

12. This is unsound. This part of North East Sussex is very poorly served by public transport and in any case that which exists is not well used. Private car is the main method of transport. Policies to restrict car use will lead to increased pollution.

Numbers 13-16: no comment

17. Whilst I would agree with the tone of the comment, that is not the case in reality. A complete block on development because of the 7 kilometre rule will not improve the local economy or the prosperity and vitality of the villages.

18. Whilst I would agree that it is sensible to promote sustainable tourism, this goes completely against Wealden Council's current policy which is to preserve the Ashdown Forest at all costs, regardless of the impact on the community and the prosperity of the region is general, so much so that even the new visitor centre is unlikely to be accepted. Either you want to promote tourism or you don't.

19. I would agree that the policy needs to ensure good levels of stable employment but the 7 kilometre rule will have exactly the opposite effect. It would drive jobs out of the area and cause hardship to existing businesses in the immediate locality who are unable to expand and will therefore leave the area.

20. See the comment regarding 19.

21. Sustainable development will not help regenerate town centres, not if the 7 kilometre rule remains in force. This applies to the whole of Uckfield and Crowborough. That means that no further commercial development can take place if it leads to increased traffic flows. The policy needs to be rethought.

22. This policy is a worthy objective but unrealistic if the 7 kilometre rule remains as why would people want to be in this area if they cannot have jobs and cannot expand.

CONCLUSION

I fully appreciate that this 7 kilometre policy is a knee jerk reaction to the Habitat Regulations Assessment which comes as a result of the European Union's Habitats Directive. However the Council have simply not thought this policy through satisfactorily.

Whilst one can understand the need to consider the impact development would have on birds such as the Dartford Warbler and the Nightjar and the potential for increased atmospheric nitrogen if development took place on their habitat of the heathland, however consideration also has to be given to the impact of nitrogen levels on the heathland if no development takes place whatsoever because it will almost certainly lead to an increased traffic flow across the forest as people find other ways to earn a living. It would also have a major impact on the economic prosperity and vitality of the community adjoining the Ashdown Forest.

Anthony Weston of Complete Land Management writing in the July edition of South East Farmer makes the point and I quote..."other authorities with exactly the same responsibilities have taken a different view. The Thames Basin heath stretching from Guildford to Bracknell don't have such draconian restrictions, nor do the Dorset heaths around Bournemouth and Poole". (These are heathlands elsewhere in the South where these birds are found).

Mr Weston also makes the point in his article that prevailing weather patterns, nearby airports, traffic movements from outside the zone of influence along the 2 major A roads all need to be taken into account.

Sustainability needs to balance economy, community and environment. Leo Hickish, Chairman of The Sussex Branch of The Country, Land & Business Association writing in Sussex Life (March 2012 page 91) states ..."Sussex landscapes might provide an appropriate background to rural life, the land and buildings of which they comprise need to provide a reasonable, financial return as well as a visual amenity. How else can they generate jobs and incomes?"

The Planning Authority does not seem to understand the needs of a rural economy. They seem to have got the idea that the countryside should be protected for its own sake. Without jobs, income and prosperity, there will be nobody willing to protect the countryside which we all value so highly.

Chris Lawson BA (HONS) FNAEA FICBA