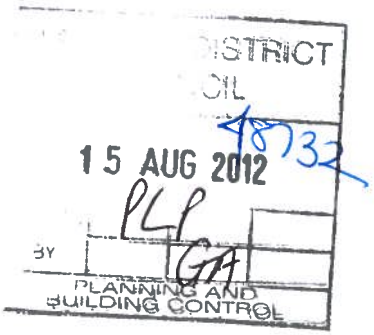
KEMBER LOUDON WILLIAMS LLP
planning • urban design • environment

Ridgers Barn • Bunny Lane • Eridge
Tunbridge Wells • Kent • TN3 9HA

T: 01892 750018 F: 01892 750019
E: enquiries@klw.co.uk www.klw.co.uk

Head of Planning & Environmental Policy,
Wealden District Council,
FREEPOST SEA 10958,
Crowborough,
East Sussex,
TN6 1BR



Our Ref: KLW/11/00126

Date: 14th August 2012

Dear Sir,

WEALDEN DISTRICT COUNCIL & THE SOUTH DOWNS NATIONAL PARK AUTHORITY

CONSULTATION ON THE PROPOSED MODIFICATIONS TO THE CORE STRATEGY DPD- NATIONAL PLANNING POLICY FRAMEWORK (NPPF) PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

We refer to your consultation exercise on the proposed modifications to the Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Development Plan Document following the publication of the National Planning Policy Framework and the introduction of the presumption in favour sustainable development. Thank you for the opportunity to comment on these focussed amendments.

We represent the interests of the Neville Estate Company Limited: Consultee ID: 534840 Agent ID: 103948. The Estate has a controlling interest in substantial tracts of land across the north of the district, adjoining the southern fringes of Tunbridge Wells, and has a number of smaller land holdings including land off Brook Close in Jarvis Brook. In the context of this land holding and the Estate's wider land interests across the High Weald Area of Outstanding Natural Beauty (AONB), it is our view that the amendment established at WS45 is not sufficient to bring the Core Strategy into complete alignment with the NPPF. We have presented our reasoning for this within the enclosed representations and, you will note, have concluded that the submission draft, as modified, does not meet the Government's test of soundness. For the reasons set out the amended document cannot, therefore, legally comply with the Town and Country Planning (Local Planning) (England Regulations) 2012, or be found 'sound'.

The representations are included on your standard pro-forma and are referenced proposed modification WS45. We would be grateful if the Inspector could take these into consideration

Partners: J M Williams *BA(TP) MRTPI* M D Hull *BA(Hons), MA, MRTPI* R P Nightingale *BA(Hons), DipUPI, DMS, MRTPI*
J Black *BSc(Hons), Dip(Urb Des), MRTPI* Aviation Planning Consultant: P J Kember *DipTP, MRTPI, MRAeS*

VAT Registration Number 112 5050 72 Registered in England Partnership No: OC362839 at the above address

prior to issuing his final report to the Council. If you have any queries regarding the submissions please feel free to contact me at any time.

Yours faithfully,

Julian Black MRTPI
Kember Loudon Williams LLP

Enlcs.

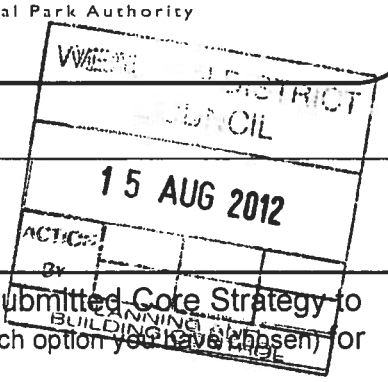


Wealden District (Incorporating part of the South Downs National Park) Representation on the Proposed Modifications to the Core Strategy – National Planning Policy Framework Presumption in Favour of Sustainable Development

Wealden District Council

Working in Partnership

South Downs National Park Authority



This response relates to the proposed modification WS 45	
Declaration:	I consider the proposed modification will assist the submitted Core Strategy to be found **unsound** (*place a cross in the box to show which option you have chosen) for the following reasons:
Reasons Given:	Thank you for the opportunity to comment on these focused amendments to the Wealden Core Strategy. These comments are submitted on behalf of The Nevill Estate and supplement our previous comments submitted during the preceding consultations. Our comments specifically relate to the latest modification published for consultation by the Council and whether the change to the Core Strategy results in a document that: *i) is legally compliant with the Town and County Planning (Local Planning) (England Regulations) 2012; and* *ii) meets the test of 'soundness' as set out in the National Planning Policy Framework.* Specifically, our comments have regard to amendment WS45, albeit the thrust of the comments relate to wider concerns that we have with the Core Strategy. It is our view that amendment WS45 is cursory and insufficient to genuinely bring the Core Strategy in line with national planning policy published in the National Planning Policy Framework (NPPF). On this basis, the submission draft, as modified, cannot be legally compliant or 'sound'. Paragraph 182 of the NPPF sets out the Government's tests of soundness for Local Plans, with emphasis being placed on positively prepared plans.

	Modification WS45 has not gone beyond inserting the Governments suggested generic NPPF policy. No further changes have been proposed to other policies or supporting text to make the document more positively worded, or to bring the draft Core Strategy in line with the key theme of the NPPF- this being that sustainable development should go ahead without delay. Whilst the modified Core Strategy takes an understandably cautious approach in respect of areas surrounding the European protected Ashdown Forest, inadequate action has been taken to actively encourage those vital forms of sustainable development that can be demonstrated as not to have an increased urbanising effect or increased nitrogen emissions. In its role as a facilitator of development in line with the NPPF, it is incumbent upon the Council to now actively encourage and promote development, particularly minor windfall forms of development that accord with all other policies and provisions of the development plan, where a nil or reduced level of traffic generation can be demonstrated. This positive stance should be explicit within the Core Strategy. As the modified plan is currently drafted, the Ashdown Forest will prohibit even the smallest scale of development, resulting in a stagnated and potentially deprived 7km zone around the forest. In this respect the Core Strategy should be positively prepared with measures to do far more to protect the economic and social interests of those living or working within the 7km exclusion zone. It remains our view that the modified Core Strategy is neither justified or effective, both of which are tests of soundness. The NPPF is clear that to be effective the Core Strategy must be the most appropriate strategy when considered against reasonable alternatives. Instead, the modified Core Strategy relies on delaying important decisions, such as housing provision to, inter alia, enable further research to be undertaken on nitrogen deposition on Ashdown Forest and Pevensey Levels. Key decisions have been artificially pushed back for a subsequent Core Strategy review in five years time. These crucial issues must be addressed now and not delayed. Under the terms of the NPPF a Core Strategy must endure for a period of twenty years. A review in five years falls a long way short of this requirement. The modifications also encourage the need for further research into nitrogen deposition in the Ashdown Forest for a Core Strategy review. Once again, this is delaying important decisions that should be considered as part of this development plan review process, and

	which will have grave consequences for local businesses and the tourism industry until the issue is resolved. It is essential, therefore, that a full and meaningful debate is held in public to address the very real commercial implications and the social well being of the community of the Council's arbitrary imposition of the exclusions zone. The reliance of a Core Strategy review to resolve these important issues will result in a plan that is wholly inadequate until the review is complete. This would be contrary to the need for an 'effective' plan that should be deliverable over its period. Finally, the current modification does not do enough to embrace the fact that the NPPF places sustainable development at the heart of the planning system. The Core Strategy should better understand that sustainable development is a holistic concept by which environmental, economic and social elements should be considered with equal importance. In an area with high levels of environmental constraint that has the potential to prohibit development, equal mitigation measures should be put in place to ensure that the area does not suffer economic and social deprivation as a result. The modified Core Strategy simply doesn't do enough to protect the interests of businesses or residents that live within the Ashdown Forest exclusion zone and who must suffer a veto on development until a subsequent development plan review. Within the context of a very positive national framework for planning, we submit that the Council needs now to consider its options more carefully and to come up with meaningful solutions to fulfil each of the stated dimensions of the term 'sustainability' stated within the NPPF, namely: its economic role, its social role and its environmental role. Taking all of the above into consideration we do not feel that the latest modifications have resulted in a plan that is consistent with national policy and therefore cannot be legally compliant with the Town and County Planning (Local Planning) (England Regulations) 2012, or be found 'sound'.

Signed:	

Name and Address:	Mr Julian Black Kember Loudon Williams LLP Ridgers Barn Bunny Lane

	Eridge Kent TN3 9HA
E-Mail Address:	
If on behalf of a company, please state:	Nevill Estate Company Limited
Date:	14 August 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.