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:	See Attached ; This representation comprises 4 pages, including cover pages



Signed:	

Name and Address:	RICHARD THIRKELL
E-Mail Address:	
If on behalf of a company, please state:	/
Date:	8 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.

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Whilst welcoming the "positive" and "pro-active" sentiment in the opening seven lines of the draft text it is submitted that the proposed new policy wording, taken as a whole, is unlikely to result in any material change in how Wealden District Council applies existing (and upcoming) policies and is not NPPF compliant.

The reasons are as follows (these reasons are not necessarily mutually exclusive):

1. It is noted that the phrase "*unless material considerations indicate otherwise*" has been used as a negative qualifier on two occasions in this short draft policy statement. They are further underscored by the two bullet points.

In contrast Para 14 and 15 NPPF positively requires Local Planning Authorities (LPA's) to take on board the NPPF as a material consideration which means having polices specifically developed and aimed at promoting sustainable development and not just, as the draft text says, in reactively "*considering development proposals*".

2. The draft text therefore effectively gives Wealden District Council a NPPF 'opt-out' by placing the onus on the applicant to demonstrate "sustainability" to a level which persuades the Council , in its subjective opinion, that it outweighs the disadvantages, instead of requiring the Council to objectively state up front and promote what it regards as sustainable development.

3. With its National Park status to the South and ANOB status mostly elsewhere, Wealden District is extremely highly regulated in terms of planning policies involving demanding thresholds of acceptability that are set to become even more stringent and difficult for applicants to address if the other Proposed Modifications to Core Strategy are found to be 'sound' by the Inspectorate.

If the draft policy wording is adopted, then applicants are unlikely to find that Wealden District Council will be persuaded to attribute very much weight to the NPPF because "sustainable development " will invariably be over-ridden by the greater importance it has already (subjectively) attached to other planning objectives, which the Inspectorate will have approved under Core Strategy.

4. Although the existing Core Strategy Submission and Proposed Modifications have been retrospectively tested for sustainability, the Local Plan (which will continue as extant) has not, nor have any of these plans been objectively led by the presumption in favour of sustainable development as required by Para 151 of the NPPF. Also, none of the above mentioned plans have been developed in accordance with the Plan-Making provisions of the NPPF, so are not NPPF compliant. Even the draft policy statement itself is an attempt to retro-fit it into a draft Core Strategy , the development of which, for the most part significantly pre-dates the NPPF. To approve the draft policy wording will directly undermine the NPPF.

5. It is noted that the proposed wording is identical to the so-called Model Wording being promoted by the Inspectorate. The absence of clear and demanding standards of performance to accompany the obligations on LPA's to

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(i) take *"a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"*

(ii) and to work *"proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible"*

..... reduce these statements to general statements of reactive intent (lip service) rather than positive obligations to deliver under the NPPF.

In conclusion, the draft wording is inadequate because it is not NPPF compliant in the following fundamental respects:

1. Para 14 and 15 NPPF positively requires Local Planning Authorities (LPA's) to take on board the NPPF as a material consideration which means having polices specifically developed and aimed at promoting sustainable development and not just, as the draft text says, in reactively *"considering development proposals"*.

2. There are no Local Development Plans/policies to accompany this draft wording that have been formulated in accordance with Plan Making section of the NPPF.

3. If adopted (as drafted) it is unlikely to result in any material change in planning policy or culture within Wealden District Council, having regard to where current policies are.

3. It represents a statement of intent rather than a serious and measurable policy statement. Its effect will be to provide a NPPF opt-out.

If the net result of the NPPF on all the emerging Core Strategies (and for Wealden in particular) is simply to have the Model Wording appended to them then it would be difficult to regard the NPPF, hailed the Minister for Planning as 'ground breaking', as anything "but over promised and under delivered".

Footnote: It is noted that WDC, in working in partnership with the South Downs National Park Authority, is once again attempting through this modification a 'one size fits all' solution. In other words, it is not distinguishing between the special needs of the National Park (which only occupies a small part of the District) and the rest of the District. This is a very unsophisticated approach that, in itself, will create unsound policy.

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