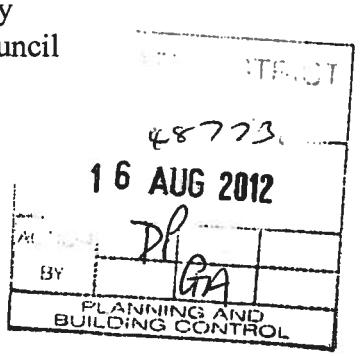
David Phillips
Head of Planning &
Environmental Policy
Wealden District Council
Pine Grove
Crowborough
East Sussex
TN6 1DH

Earl De La Warr



14th August 2012

Dear Mr Phillips

Representation regarding the soundness of the Proposed Modifications to the Core Strategy DPD – NPPF Presumption in Favour of Sustainable Development

Whilst welcoming the "positive" and "pro-active" sentiment in the opening seven lines of the draft text it is my opinion 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 :

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 AONB 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:

(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"*

This reduces these statements to general statements of reactive intent 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 LPA's to take on board the NPPF as a material consideration which means having policies specifically developed and aimed at promoting sustainable development and not just, as the draft text says, in reactively *"considering developmental 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 currently drafted it is unlikely to result in any material change in planning policy or culture within WDC, having regard to where current policies are.
4. 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 by the Minister for Planning as 'ground breaking', as anything "but over promised and under delivered".

Yours sincerely

William De La Warr

