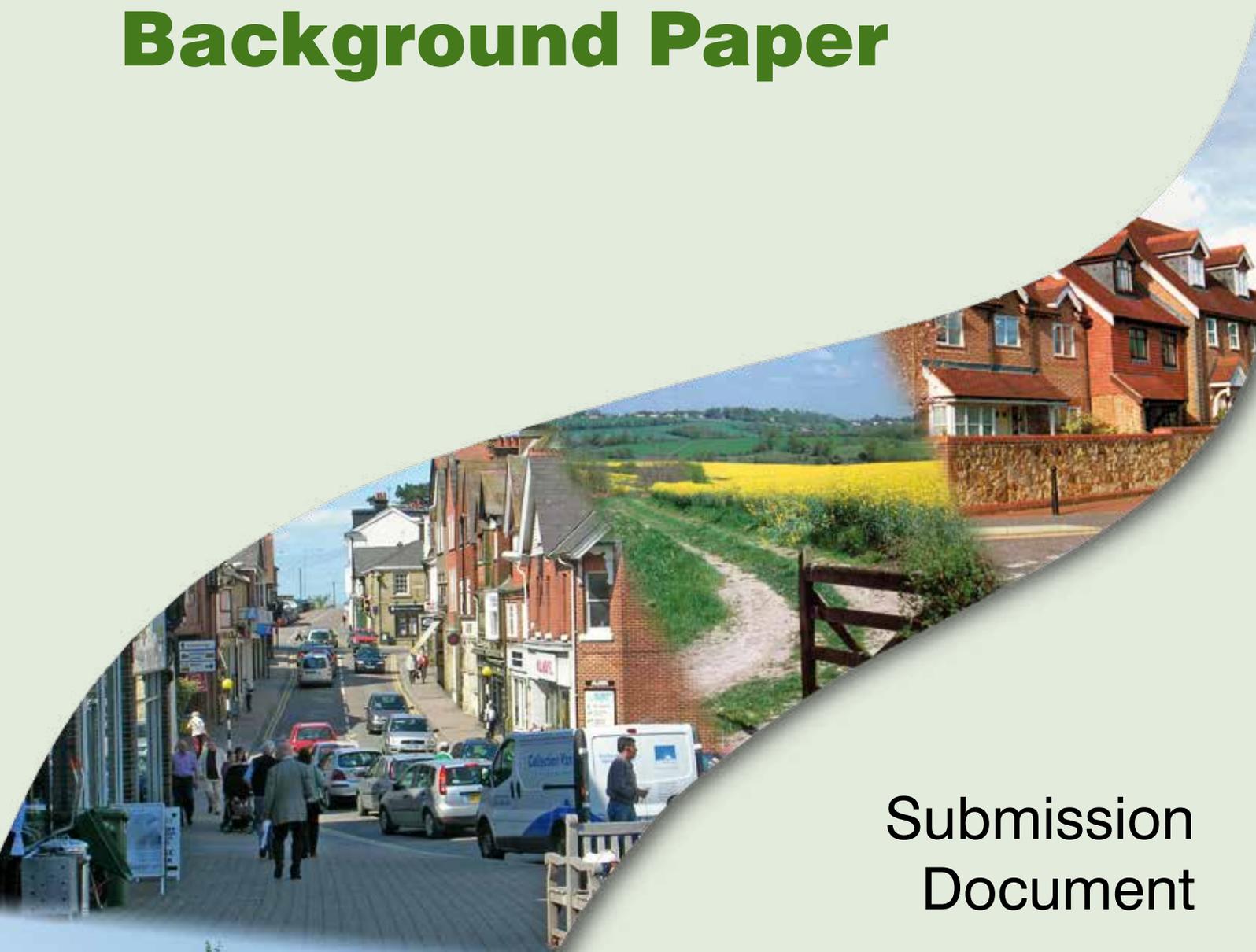
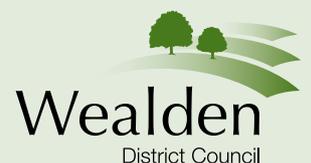


Wealden Local Plan

Duty to Cooperate Background Paper



Submission
Document



January 2019

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1 Introduction

Introduction

1.1 As part of a local authority's plan preparation, legislation and national policy requires constructive and active engagement with relevant bodies as part of an ongoing process. This is referred to as 'duty to cooperate'. The aim of this duty is to maximise effective working on the preparation of Local Plans in relation to strategic cross boundary matters.

1.2 The actions of people, businesses and services extend beyond administrative boundaries and the duty to cooperate is considered to be the mechanism by which cross boundary strategic issues are planned for at a local level in the absence of a higher level strategic plan.

1.3 The Government's National Planning Policy Framework (NPPF) March 2012 and July 2018, National Planning Policy Guidance (NPPG) and the examination of other local planning authorities' Local Plans emphasise the importance of the duty. The NPPG includes detailed advice on the Duty. In particular, the following key messages:

- The duty is not a process driven 'tick box' exercise. Instead, local planning authorities should focus on the outcomes and maximising the effectiveness of their plans;
- The duty extends to the preparation of all evidence base documents which support the Local Plan – not just the plan itself;
- Consultation alone is not sufficient, and a lack of response to a statutory consultation should not automatically be taken as another local authority or prescribed body agreeing that there are no strategic matters or that they have been sufficiently addressed;
- The duty is a legal requirement throughout the Local Plan preparation process. Once submitted the preparation of the plan formally stops. The duty cannot be applied retrospectively;
- The requirement for constructive and effective engagement also applies beyond the process of preparing a Local Plan, e.g. the requirement for monitoring and continued joint working should be identified and implemented; and
- Having an adopted Local Plan is not sufficient justification for a local authority to refuse to work with and engage constructively with another local authority, particularly where there is evidence to suggest that a strategic matter exists.

1.4 Government guidance recommends that local planning authorities 'scope' the strategic matters of the Local Plan at the beginning of the preparation process taking into account the 'functional geography' of the specific matter and identify those local authorities and prescribed bodies that need to be engaged. Guidance also recommends that consideration is given to preparing joint evidence base documents, Local Development Documents and aligning the examination of Local Plan documents.

1.5 Importantly the duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination. If another authority will not

cooperate this should not prevent the authority bringing forward a Local Plan from submitting it for examination.

Purpose and Scope of this Document

1.6 This document provides information to show the work that has been carried out as part of the duty to cooperate to support the Wealden Local Plan. The document focuses on strategic cross boundary issues as opposed to non-strategic cross boundary matters.

1.7 The document identifies the geography of Wealden District, the duty to cooperate bodies and the evidence base of the Wealden Local Plan. This provides the background to the strategic cross boundary issues addressed as part of the duty to cooperate process.

1.8 The relevant partnerships to strategic cross boundary issues are identified and described, with evidence of engagement and collaboration provided. The chronology of the preparation of the Wealden Local Plan is documented which shows the key milestones of Local Plan preparation, dates of meetings and other relevant events.

1.9 An overview of the engagement and collaboration in relation to strategic cross boundary matters are provided on a thematic basis. This is supported by a significant evidence base of meeting notes and email communications. A particular focus of the evidence relates to those duty to cooperate bodies who have objected to the Local Plan at Regulation 19 representations stage, although other areas which are uncontested have also been included.

1.10 The paper is concluded with an outline of the engagement and collaboration with neighbouring authorities. Similar to strategic cross boundary matters, particular focus is given to those neighbouring authorities who have objected to the Local Plan at Regulation 19 representation stage.

1.11 This paper is accompanied by a significant evidence base of meeting notes and correspondence. Owing to the nature of representations received at Regulation 19, these have been included to demonstrate that Wealden District Council sought early and on-going engagement with relevant bodies in line with guidance. However, these notes and emails are a proportion of all the communication that has taken place.

1.12 The names of individuals contained within the evidence base of meeting notes and correspondence have been redacted, as required by the General Data Protection Regulations. The initials of the authority/ body has been substituted.

Table 1 Table of Acronyms

Name of Body	Initials
Brighton and Hove City Council	BHCC
Eastbourne Borough Council	EBC
Environment Agency	EA

Name of Body	Initials
Lewes District Council	LDC
Mid Sussex District Council	MSDC
Natural England	NE
Rother District Council	RDC
Sevenoaks District Council	SODC
Southern Water	SW
South Downs National Park Authority	SDNPA
Tandridge District Council	TDC
Tonbridge and Malling District Council	TMDC
Tunbridge Wells Borough Council	TWBC
Wealden District Council	WDC

Legislative Framework & National Guidance

1.13 Section 110 of the Localism Act 2011 made a number of amendments to the Planning and Compulsory Purchase Act 2004. The principal change is the placing of a legal duty on local planning authorities to cooperate with one another, county councils and other prescribed bodies to maximise the effectiveness within which certain activities are undertaken as far as they relate to a 'strategic matter'.

1.14 Paragraph 33A of the Planning and Compulsory Purchase Act (as amended) states that 'certain activities' include:

- The preparation of development plan documents;
- The preparation of other local development documents; and
- Activities that can reasonably be considered to prepare the way for the preparation of the above two points.

1.15 For the purpose of the duty to cooperate, 'strategic matters' relate to sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas. Strategic matters also include where land use is a county matter, e.g. minerals, waste, education, or where land has, or would have, a significant impact on a county matter.

1.16 The duty imposed on local planning authorities requires the Council to engage constructively, actively, and on an ongoing basis in any process by means of which the

activities listed above are undertaken. The engagement required by local authorities will vary depending on the nature of the issues being addressed. These can range from consulting on an issue through to the development of a joint local development document.

1.17 Strategic priorities which local planning authorities should seek to deliver as part of the Local Plan are:

- Homes and jobs needed in the area;
- The provision of retail, leisure and other commercial development;
- The provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- The provision of health, security, community and cultural infrastructure, and other local facilities; and
- Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

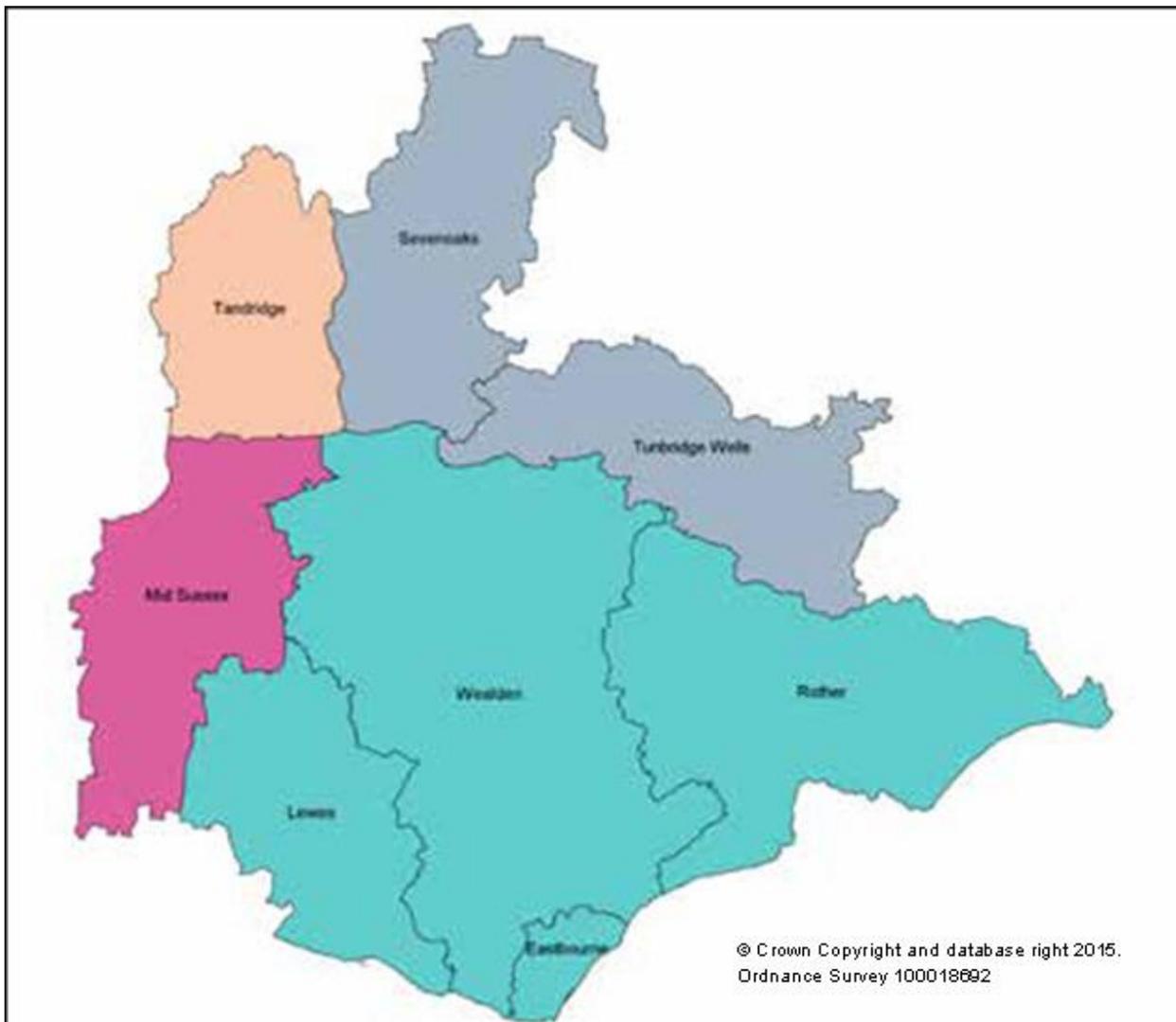
1.18 As part of the examination process of a plan, local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for strategic issues with cross boundary impacts.

1.19 The NPPF published in July 2018 is more prescriptive than the NPPF published in 2012 and requires that in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. The Wealden Local Plan has been submitted in the transition period as identified in the NPPF and therefore is not a requirement of the Wealden Local Plan.

Wealden District in Context

1.20 Wealden District is located within the county of East Sussex in the South East of England. The District is bounded by six different boroughs and district authorities, and the counties of Kent and West Sussex. On its southern boundary is coastline.

Figure 1 Wealden's Adjoining Authorities



1.21 Covering 323 square miles Wealden is the largest district in East Sussex, with some 148,900 residents. Half of the population lives within the five main towns: Crowborough; Hailsham; Heathfield; Polegate; and Uckfield. Unlike other local authority areas, Wealden District is not dominated by any one of its towns, and overall it is a district of many centres. The towns generally serve the local populations with interactions between smaller settlements and towns and between towns themselves. Given its location, environmental attributes, infrastructure, and the close proximity to larger towns/cities including Brighton and Hove, Eastbourne, Tunbridge Wells, and Crawley/Gatwick, Wealden's towns have not grown to be significant centres in the South East. The larger

settlements outside the district exert a significant influence in terms of providing jobs, health care, leisure/ culture, further education, and shopping.

1.22 Around two thirds of the District is covered by the national landscape designation of the High Weald Area of Outstanding Natural Beauty (AONB) and South Downs National Park (SDNP). Within the District there are two areas of European and national importance in relation to ecological conservation at Ashdown Forest and Pevensey Levels. Ashdown Forest is a European Site designated as a Special Protection Area (SPA) and Special Area of Conservation (SAC) as well as a Site of Special Scientific Interest (SSSI). Pevensey Levels is a European Site (SAC) and is also recognised as a site of international importance (Ramsar Site) as well as a SSSI and National Nature Reserve (NNR). Both sites require specific consideration in relation to ecological impacts from development. In addition, there is a need to consider any likely significant effects from development proposed in the Wealden Local Plan on European Sites outside of its borders.

1.23 Wealden District is part of three tiers of local government. East Sussex County Council provides public services in relation to county matters (including Waste and Minerals Planning), waste management, social care, education and highways. Wealden District Council covers such issues as planning, environmental health, waste collection, and housing. An additional 42 parish/town councils/meetings deal with more local issues within the District.

Wealden's Duty to Cooperate Bodies

Local Planning Authorities

1.24 In order to maximise the effectiveness of its plan making, the Localism Act 2011 places a duty on the Council to cooperate with other Local Planning Authorities on cross boundary strategic planning issues that could significantly impact on both their planning areas. Wealden District Council has engaged with:

- Eastbourne Borough Council;
- Rother District Council;
- Tunbridge Wells Borough Council;
- Tandridge District Council;
- Mid Sussex District Council;
- Sevenoaks District Council;
- Lewes District Council;
- Hastings Borough Council;
- Brighton and Hove City Council; and
- South Downs National Park Authority.

1.25 Wealden District Council has also worked collaboratively with East Sussex County Council over a number of matters relevant to the local plan including highways, education provision, flood risk and waste and minerals.

Prescribed bodies

1.26 Other public bodies, in addition to local planning authorities, are subject to the duty to cooperate. These include:

- the Environment Agency;
- the Historic Buildings and Monuments Commission for England (known as Historic England);
- Natural England;
- the Civil Aviation Authority;
- the Homes and Communities Agency;
- each clinical commissioning group established under section 14D of the National Health Service Act 2006;
- the National Health Service Commissioning Board;
- the Office of Rail Regulation;
- the Highways Authority;
- the Highways Agency; and
- the Marine Management Organisation.

1.27 In addition to the planning authorities and prescribed bodies listed above, the Council is required to proactively engage with other partnerships as part of the preparation of the Wealden Local Plan. These include the Local Enterprise Partnership – South East LEP and the Local Nature Partnership.

Evidence Base for the Wealden Local Plan

1.28 As part of the development of the Wealden Local Plan, a number of studies have been undertaken to better understand the situation for topic areas identified within the NPPF. Many of the studies build upon earlier studies undertaken for the Core Strategy.

1.29 A number of these studies have included input from neighbouring local planning authorities, East Sussex County Council and other relevant bodies and have resulted in a better understanding of the cross boundary strategic issues. The studies undertaken for the Wealden Local Plan include:

- Strategic Housing Market Assessment (SHMA) and associated documents;
- Strategic Housing and Employment Land Availability Assessment (SHELAA);
- Gypsy and Traveller Accommodation Needs Assessment;
- Functional Economic Market Area Assessment;
- Strategic Flood Risk Assessment;
- Green Infrastructure Study;
- Site ecological and landscape studies;
- Open Space Study;
- Wealden Local Plan Transport Study;
- Retail Study;
- Viability Study;

- Cemetery/ burial ground study;
- Infrastructure Delivery Plan (IDP); and
- Habitats Regulation Assessment (HRA) and associated studies.

2 Consultation Responses

2.1 Whilst there have been numerous opportunities to identify any issues regarding duty to cooperate, duty to cooperate bodies have only specifically mentioned issues under duty to cooperate as part of formal representations. This has taken place at Issues, Options and Recommendations Consultation and Regulation 19 representations stage.

2.2 The responses to Issues, Options and Recommendations were reported to Local Plan Sub Committee on 20th April 2016. The report is provided in the library of documents.

2.3 At this stage there was not an objection under duty to cooperate from the relevant bodies, specifically Eastbourne Borough Council stated "*Eastbourne Borough Council acknowledges the approach being taken in the Wealden Local Plan and wishes to continue to work constructively in partnership with Wealden District Council on strategic cross boundary issues in line with the Duty to Co-operate*". This does not mean that there were not points made in relation to strategic cross boundary issues such as the Housing Market Area (HMA) from Eastbourne Borough Council and Rother District Council and Ashdown Forest SPA mitigation zones from Lewes District Council and Tunbridge Wells Borough Council.

2.4 At proposed submission stage (Regulation 19) a number of general comments have been made from non duty to cooperate bodies in relation to how housing need has been calculated, how the unmet need from adjoining authorities has been dealt with and how engagement with neighbouring authorities has been undertaken. Eastbourne Borough, Lewes District and Tunbridge Wells Borough are specifically mentioned. It is suggested in the representations made that the Council needs to review its ability to accommodate further growth above its Objectively Assessed Housing Need (OAHN) to assist neighbouring authorities in meeting their housing needs.

2.5 Eastbourne Borough Council raised concerns relating to Wealden District Council concerning meeting its unmet housing and employment need and the removal of the commitment to accommodate a small portion of their unmet housing need identified in the Issues, Options and Recommendations Consultation Document. They also raise cooperation concerns regarding Pevensey Levels and studies.

2.6 South Downs National Park Authority, Tunbridge Wells Borough Council and Lewes District Council submitted a joint response confirming that air quality and the Ashdown Forest SAC are cross boundary issues. The response states that Wealden District Council has failed to work collaboratively on these issues most notably by: not signing a statement of common ground within the agreed timeframe; not sharing evidence in a useable form; and not engaging with the authorities on the proposed mitigation measures. Rother District Council in a separate representation made similar comments with an emphasis on attitude of officers, but also raised concerns regarding cooperation in relation to Pevensey Levels.

2.7 There were also responses from other neighbouring authorities, and in particular in relation to Ashdown Forest SAC, which do not raise duty to cooperate objections.

2.8 Responses from local planning authorities are provided at Appendix LPA.

2 Consultation Responses

3 Partnerships

3.1 Wealden District Council has a strong history of engagement and partnership working with other authorities, stakeholders and public bodies. It is presently involved with several working groups and partnerships, some of which were established before the formal duty to cooperate came into existence through the Localism Act 2011.

3.2 Partnership working and cooperation on key issues is embedded in the way plans are prepared by Wealden District Council and across East Sussex. There are a range of strategic partnerships and working groups in operation that provide the necessary forums for discussion on strategic matters and issues of duty to cooperate. These include:

- East Sussex Strategic Planning Members Group;
- East Sussex Local Plan Managers Group (including Brighton and Hove);
- Cuckmere and Pevensey Levels Catchment Partnership;
- Infrastructure Road Map Meetings;
- Team East Sussex and associated working groups including:
 - Developers East Sussex
 - Culture East Sussex
 - Skills East Sussex
 - Environment East Sussex;
- Strategic Access Management and Monitoring (SAMM) Partnership;
- Ashdown Forest Working Group; and
- High Weald Officer Steering Group.

3.3 Wealden District Council has also undertaken individual meetings with the local authorities identified in paragraph 1.25. Direct meetings have been limited with Hastings Borough Council as it is not a neighbouring authority and is not contained within the Housing Market Area. It is through these meetings, as well as the other forums identified above, that cross boundary issues have been identified. Where possible, areas of agreement and solutions to issues have been sought, which has resulted in the Plan that has been prepared.

Local Enterprise Partnership

3.4 Wealden District is located entirely within the South East Local Enterprise Partnership (LEP) which is the largest LEP outside London, covering Essex, Southend, Kent, Thurrock, East Sussex and Medway. The area has a population over 3.9 million people. There are more than 130,000 businesses and contributes £63 billion to the UK economy each year.

3.5 The map below shows the South East LEP area.

Figure 2 South East Local Enterprise Partnership (LEP) authorities



3.6 Due to the size of the LEP it operates under a federated approach with an East Sussex group – Team East Sussex (TES). TES meets on a quarterly basis and is attended by a range of stakeholders that includes those from the private sector, government, education, health and cultural sectors.

3.7 Wealden District Council attends at Member and officer level and actively participates in the meetings including regular updates on the Wealden Local Plan.

Team East Sussex and Sub Groups

3.8 In addition to attendance and participation at Team East Sussex and the LEP, the Council also attends and actively participates in a number of TES sub groups. These groups allow for further interaction and engagement on a topic basis.

3.9 Developers East Sussex (DES) – includes developers, agents, consultants, central and local government bodies with the objective of working together to identify and remove barriers to development. Wealden District Council was instrumental in the formation of this group, based on a similar approach in Kent, and has also been involved in progressing the Planning Protocol agreement across East Sussex, again based on the Kent model. Presentations and regular updates concerning the Wealden Local Plan have been given to this group.

3.10 Skills East Sussex (SES) – includes representatives from a range of educational organisations and private and public sector employees with the objective of identifying the skills required for sustained growth and facilitating the delivery of these.

3.11 Culture East Sussex (CES) – includes a range of cultural venue and provider organisations, Arts Council and local government bodies with the objective of developing and promoting a wide range of cultural activities within East Sussex to aid growth and development.

3.12 Environment East Sussex (EES) – a newly sub group acknowledging the environment as part of economic growth.

3.13 The Council was directly involved in the development of the East Sussex Growth Strategy, which is owned by TES, which forms the basis of economic policies within the Wealden Local Plan. Policies within the Wealden Local Plan have also been influenced by the work of the sub groups of TES, beyond the economic policies.

East Sussex Strategic Planning Members Group

3.14 Authorities within East Sussex have recognised the need for joint working across the County through the Duty to Cooperate. An East Sussex Strategic Planning Members Group (ESSPMG) was set up in 2013 and is comprised of all the Planning Members of each of the East Sussex authorities (Wealden District Council, Lewes District Council, Rother District Council, Hastings Borough Council and Eastbourne Borough Council) together with the South Downs National Park Authority and East Sussex County Council. Mid Sussex District Council, Brighton and Hove City Council and Tunbridge Wells Borough Council are also invited to attend the meetings.

3.15 This Group was set up to boost the political dimension of cooperation which was considered necessary in light of the requirements of the Localism Act. The group's intention is to create an environment which encourages the development of collaborative, constructive solutions to some of the county's most challenging strategic cross boundary development issues. A Memorandum of Understanding was signed which clarifies the primary activities of the group:

- To raise awareness in general about current and future activity and issues; and
- To explore key matters of concern to understand how these are affecting development and/ or delivery of plans.

3.16 At the meeting of the East Sussex Strategic Planning Members Group in September 2013, the East Sussex Local Plan Managers identified three areas of work to help meet the requirements of duty to cooperate. From the meeting, the three main suggested work areas and objectives include:

- Managing housing requirements; in order to provide a sound basis for longer-term sustainable growth across East Sussex and the respective housing market areas;
- Supporting strategic infrastructure provision; to provide a framework for ensuring that the key infrastructure to support sustainable growth in East Sussex is available in a timely manner; and
- Common policy issues; to achieve a common evidence base and policy direction in relation to topics for which detailed policies are needed, where this would improve effectiveness and efficiency.

3.17 There has also been a focus on the Wealden Local Plan as part of the meetings. Appendix SPMG provides the minutes of the meetings. The meeting of the 23rd February 2016 discussed the Wealden Local Plan Issues, Options and Recommendations Consultation document where the Housing Market Areas and objectively assessed housing needs were raised (Appendix SPMG 53). It was identified that Wealden District Council was looking for appropriate joint work and liaison on non-strategic cross-boundary issues and policies (SPMG 54), and encouraged members of the group to contact Wealden District Council if there were particular policies or discussion to which other Authorities would want to contribute. The criticality of constraints of Ashdown Forest and A27 were raised and the impact of these issues on housing numbers and the potential to reduce numbers were emphasised (Appendix SPMG 55). Questions were raised as to the allocation of housing over supply to Eastbourne Borough (SPMG 55). Landscape issues of the AONB and South Downs National Park was also identified as critical (Appendix SPMG 55).

3.18 The next meeting on 8th March 2017 provided a further opportunity to discuss the Wealden Local Plan as drafted at March 2017. Two housing scenarios of 14,101 dwellings and 11,456 dwellings were presented and a plan period up to 2028. A change in OAHN of 932 dwellings per annum was also identified. Ashdown Forest and its impact upon development was identified as well as duty to cooperate (Appendix SPMG 59- 70). It was explained that an objectively assessed housing need (OAHN) 2013-2018 calculation had been commissioned, but it was anticipated that Wealden District Council may no longer be able to meet its own Housing Need projections, or to provide any headway for neighbouring authorities, if the nitrogen modelling resulted in the lower end of the housing numbers being proposed (Appendix SPMG 72). It was recognised that this approach to the Forest would have implications for neighbouring authorities and their plans, and it was hoped that neighbouring authorities could work together under the Duty to Co-operate. It was confirmed that this new approach would mean that any new planning applications outside plan areas would need to be assessed as to their impact in terms of increased traffic flow and nitrogen deposition (Appendix SPMG 72).

3.19 A further presentation to ESSPMG was provided on 2nd November 2018, which was after Regulation 19 representations (Appendix SPMG 88 to SPMG 94). At this meeting

concerns raised by some local authorities concerning duty to cooperate were discussed and as a result Wealden District Council sought solutions. This further work is identified within sections concerning liaison with individual local planning authorities.

East Sussex Local Plan Managers Group

3.20 The East Sussex Local Plan Members Group is a long-standing group which was formed pre duty to cooperate and the Wealden Local Plan. The Group involves regular meetings, bringing together the Local Plan Managers of East Sussex (including the South Downs National Park Authority) as well as Brighton and Hove City Council. This meeting is chaired by the County Council and a number of guest speakers and other bodies, including the Environment Agency, attend. A number of matters are standing items at these meetings including Local Plan and Neighbourhood Plan progress and Duty to Cooperate. The group supports the East Sussex Strategic Planning Members Group.

3.21 Minutes of meetings are provided at Appendix LPM.

Infrastructure Road Map Meetings

3.22 East Sussex County Council as highways and education authority plan for and deliver cross boundary strategic infrastructure. Therefore in terms of education and non-strategic road network infrastructure, it is the relevant body that considers strategic cross boundary matters. The County Council also has the function of Local Lead Flood Authority and therefore has an overarching role across East Sussex on flood risk matters.

3.23 Throughout the development of the Core Strategy, East Sussex County Council was involved in the development of the Infrastructure Delivery Plan (IDP) in relation to education, highways, flood risk, libraries, rights of way and household waste sites. Owing to the amount of growth and strategic infrastructure required within Wealden District, the Council worked with East Sussex County Council on the concept of a Road Map. This Road Map goes beyond the contents of the Infrastructure Delivery Plan and focusses on delivery. This includes such matters as funding mechanisms, timings for delivery and unblocking growth.

3.24 As part of the Road Map a quarterly meeting between County and District Council officers and relevant Members takes place.

3.25 The Infrastructure Road Map Meetings commenced after the Core Strategy was adopted and prior to the work on the Wealden Local Plan commenced. However, these meetings are also used to discuss the progress of the Wealden Local Plan, with regards to strategic infrastructure relevant to the County Council, as well as funding mechanisms such as the Community Infrastructure Levy.

3.26 The minutes of the meetings can be found at appendix IRM.

Cuckmere and Pevensey Levels Catchment Partnership

3.27 The Cuckmere and Pevensey Levels Catchment Partnership seeks to deliver integrated catchment management and catchment management is concerned with

collaboration. The Partnership is hosted by the Sussex Wildlife Trust and South East Rivers Trust. The Partnership members are individuals and organisations who contribute to discussion and agreement, investigate and suggest opportunities, and contribute to the delivery of actions. The partnership is represented by a number of organisations and includes Wealden District Council, Eastbourne Borough Council, Lewes District Council, Hastings Borough Council, Rother District Council, Natural England and East Sussex County Council. Appendix CPP provides minutes and other documentation relevant to the Partnership. Appendix CPP 3 provides a diagram of the structure and sub groups including Pevensey Levels Sub Group. It should be noted that the role of this sub group is to improve the quality and ecology of surface waters of Pevensey Levels.

3.28 Wealden District Council actively participates in the Cuckmere and Pevensey Levels Catchment Partnership Steering Group and Pevensey Levels Sub Catchment Group and some of the minutes are provided in Appendix CPP. It is through this partnership Wealden District has a better understanding of the issues and works in collaboration with other bodies concerning the Pevensey Levels catchment.

Strategic Access Management and Monitoring Partnership

3.29 Prior to the submission of the Core Strategy, Wealden District Council worked with Mid Sussex District Council to better understand the impact of development on Ashdown Forest SPA in relation to recreational pressure. As a result of this, a joint study was published in September 2009⁽¹⁾ and together with a further study undertaken by Natural England⁽²⁾ formed the basis of the Council's policy within the Core Strategy. Based on Natural England's advice, it was determined that development within 7 km of Ashdown Forest SPA would require mitigation. Based on studies elsewhere, the mitigation was in the form of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). This was accepted at the Core Strategy examination. However, a subsequent judgment at the Court of Appeal overturned the 7km mitigation zone and that part of the policy was removed from the Core Strategy. As a result of this, and on a precautionary basis, the Council changed its position and identified an additional 7 to 15km zone of mitigation as part of the Habitat Regulations Assessment screening process.

3.30 Notwithstanding this, it was acknowledged that the initial 7 km mitigation zone included other local authority areas beyond Wealden and Mid Sussex District. This included Lewes District, Tandridge District, Sevenoaks District and Tunbridge Wells Borough. As a result the SAMM Partnership was formed in order to progress cross boundary strategic SAMM mitigation. Wealden District Council takes the lead role in the SAMM Partnership and is the main liaison with the Conservators of Ashdown Forest.

3.31 As part of this partnership work an additional survey was undertaken in 2016, with all relevant local authorities involved. In addition, there is an interim SAMM legal agreement between Wealden District Council, Tandridge District Council and Lewes District Council. The joint Councils are now in the late stages of agreeing a final SAMM legal agreement,

1 Visitor Access Patterns on Ashdown Forest for Mid Sussex and Wealden District Councils - September 2009

2 Natural England Commissioned Report NECR048

which will result in a cross boundary set charge for SAMM for all local authorities within 7km of Ashdown Forest SPA. It will also provide mechanisms to allocate money for projects in collaboration with the Conservators of Ashdown Forest.

3.32 Appendix SAMM provides the email and other correspondence regarding the Ashdown Forest SPA. This shows that a low of work was undertaken to better understand the results of the visitor survey and after a lot of discussion with the partnership Wealden District changed its position with regards to the mitigation zone. Owing to the nature of legal agreements, they have not been included in the information provided and relevant details in emails have been redacted. This appendix shows the significant amount of work undertaken by Wealden District Council in order to progress mitigation in relation to Ashdown Forest SPA working on behalf of itself and partners.

3.33 In addition to the legal agreement, the Councils have also developed a Statement of Common Ground in relation to Ashdown Forest SPA. Natural England has been involved throughout this process of collaboration. The final Statement of Common Ground is included at Appendix SAMM 243 to 249, which was completed in January 2019. Owing to the duty to cooperate concerns raised by other local authorities in relation to other matters, the correspondence relating to this Statement of Common Ground has been included in the appendix to this document.

Ashdown Forest Working Group

3.34 In 2011, Wealden District Council identified issues with regard to the impact of air quality from traffic on Ashdown Forest SAC. As a result of the examination of the Wealden District Core Strategy (a joint Plan with the South Downs National Park) the Planning Inspector required that the Council insert into Policy WCS 12 *“The Council will also undertake further investigation of the impacts of nitrogen deposition on the Ashdown Forest Special Area of Conservation so that its effects on development in the longer term can be more fully understood and mitigated if appropriate.”*

3.35 The Inspectors Report, which can be found within the library of documents, at Paragraph 29 states

It has been concluded that in relation to the WWTWs issue an early review of the plan is required. Air pollution relating to Ashdown Forest SAC could in the future restrict further planned development which might otherwise be acceptable. To ensure that the housing and other needs of the area are being addressed in the context of the Framework, for the review it would be important to establish more accurately the current extent and impact of nitrogen deposition at Ashdown Forest, the potential effects of additional development on the SAC and the possibility of mitigation if required, working collaboratively with other affected authorities.

3.36 From the Inspectors consideration, it was clear to the Council that this issue was a cross boundary strategic issue. However, it was the opinion of Natural England that in combination assessments were not required if individually a local plan was considered not to have a likely significant effect. This is shown in the meeting notes of 9th March 2011 provided at Appendix LDC 2. Where it was provided, this advice was generally being

used by neighbouring local authorities. In principle and in part owing to the Planning Inspectors Report to the Wealden District Core Strategy, Wealden District Council did not agree with the advice from Natural England with regards to in combination assessments.

3.37 In accordance with Policy WCS12, Wealden District Council procured consultants to undertake a methodology for monitoring and modelling the effects of development on Ashdown Forest SAC. Other Local Authorities were advised and asked if they would wish to contribute to the study (Appendix LDC 4). Natural England was also involved in the study and agreed the methodology (Appendix NE 7 to 9). This methodology was used as the basis of procuring specialists to undertake the monitoring of Ashdown Forest SAC. Monitoring commenced in 2014.

3.38 At numerous meetings throughout the preparation of the Plan, the criticality of Ashdown Forest and its impacts on housing development within Wealden District was raised. In particular, but not limited to, meetings with neighbouring Local Planning Authorities in June to August 2015. As shown at Issues, Options and Recommendations Stage, Wealden District was not aware of the extent of the issue however it sought to ensure that this was a known issue.

3.39 In the absence of an appropriate assessment, Wealden District Council was successfully defending appeals concerning growth in addition to that contained within the Core Strategy. However, it was raised that there were differences between how Wealden District Council undertook its assessment compared to other local authorities.

3.40 Wealden District Council submitted a legal challenge to the Joint Core Strategy of Lewes District Council and South Downs National Park Authority. This related to the need to undertake an in combination assessment with the Wealden District Core Strategy as part of the Habitat Regulations Assessment. The communication from Wealden District Council to Lewes District Council is provided at Appendix LDC and in particular Appendix LDC 16 to LDC 27. As this was a legal challenge communication between Wealden District Council, Natural England, Lewes District and South Downs National Park Authority was limited. Specifically Natural England wrote to Wealden District Council on 15th July 2016 (Appendix NE 12 and 13) and shows that Natural England were not prepared to be involved in the Appropriate Assessment of the Wealden Local Plan concerning air quality whilst legal proceedings took place. This follows an email in October 2016 where Natural England reaffirmed a commitment to working with Wealden District on the preparation of the Wealden Local Plan (Appendix NE 10 and 11). A difference in opinion in relation to in combination assessment and legal proceedings did not assist with communication between authorities. However it was considered the only appropriate method at the time to resolve the differences between decision making authorities.

3.41 The legal challenge by Wealden District Council was successful and as a result of the judgment in *Wealden District Council v. Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority* [2017] EWHC 351 (Admin) the advice concerning in combination assessments was amended by Natural England.

3.42 The South Downs National Park Authority instigated the Ashdown Forest Working Group in 2017, as a result of the judgement. A number of meetings were held. Wealden District participated, when invited, in these meetings and communications. A statement of common ground was discussed and progressed at these meetings.

3.43 The email correspondence relating to these meetings as well as the Statement of Common Ground is at Appendix AFWG and PS.

3.44 Although Wealden District participated fully in the meetings, it was unable to sign the Statement of Common Ground within the timescales stipulated. This is explained in greater detail in Chapter 5, Ashdown Forest Special Area of Conservation.

3.45 Since this time the Ashdown Forest Working group has met and is intending to continue with discussions regarding the Ashdown Forest SAC and further iterations of the Statement of Common Ground.

3.46 Wealden District published its Position Statement which included drafts of the Statement of Common Ground in October 2018 and this document is provided at Appendix PS.

High Weald Officer Steering Group

3.47 Wealden District is involved , with other relevant authorities, on the High Weald Officer Steering Group. Wealden District Council has a Service Level Agreement and financially contributes to the High Weald AONB Unit.

3.48 The group considers and comments upon work being undertaken by the High Weald AONB Unit, including the High Weald AONB Management Plan. In addition to this the officer group has undertaken evidence base work on collective local plan policies relating to the High Weald. This has contributed to the policies contained within the Local Plan.

3 Partnerships

4 Chronology of Events

Introduction

4.1 As identified within earlier chapters, Wealden District is a large rural area. As a result of the evidence and discussions with relevant bodies a number of meetings have taken place. To set this into context a table outlining the meetings and critical events that have taken place in the development of the Wealden Local Plan has been provided below. This table is provided to set the context only of more detailed information provided in subsequent chapters on cross boundary strategic topics and relationships with other relevant duty to cooperate bodies.

Table 2 Strategic Chronology of Events

Date	Event	Notes
February 2013	Wealden District Core Strategy (joint Core Strategy with South Downs National Park Authority) Adopted	
April 2013	High Court Challenge to the Wealden District Core Strategy lodged by Ashdown Forest LLP within 6 weeks after adoption	
21st March 2013	Duty to Cooperate meeting with Eastbourne Borough Council	Discussion of Core Strategy Local Plan, Strategic Housing Market Assessment (SHMA), Community Infrastructure Levy (CIL), Eastbourne's Employment Land Local Plan and Friday Street Farm Development Proposal.
July 2013	Ashdown Forest SAC - Method for Air Quality Monitoring and Assessment of Nitrogen Deposition prepared by Mott MacDonald published	
26th September 2013	East Sussex Strategic Planning Members Group	Introduction, local plans positions and housing provisions - issues and areas of cooperation
21 st January 2014	Duty to Cooperate Meeting with Eastbourne Borough Council	To discuss the SHMA, Housing Market Area (HMA) and Core Strategy Review (now called the Wealden Local Plan)
4th/5th February 2014	High Court hearing for Core Strategy	
20th February 2014	Strategic Sites Local Plan submission for examination	
21 st February 2014	Judgement handed down regarding High Court challenge to Core Strategy	
25th March 2014	Meeting with East Sussex County Council	Transport modelling
March/ April 2014	Air Quality/ Ecology Monitoring and modelling for Ashdown Forest SAC commissioned	
2nd April 2014	East Sussex Strategic Planning Members Group	'Open for Growth' peer Challenge, Housing provisions, strategic infrastructure, development of a common evidence base, memorandum of understanding

Date	Event	Notes
May 2014	Strategic Housing Market Assessment (SHMA) for Wealden Local Plan Commissioned	
June 2014	Examination in Public of the Strategic Sites Local Plan	
24 th June 2014	Duty to Cooperate meeting with Mid Sussex	Discussion of emerging plans
9 th July 2014	Duty to Cooperate meeting with Mid Sussex District Council, including Members	Agreement to progress a memorandum of understanding
21 st July 2014	East Sussex Strategic Planning Members Group	Definition of strategic infrastructure, Housing update, development of a common evidence base in relation to topic based policies
19 th August 2014	SHMA Stakeholder Workshops	Identifying initial outcomes of SHMA including Housing Market Area and key statistics
4 th September 2014	East Sussex County Council/ Kent County Council and Wealden District Council meeting regarding cross boundary infrastructure	Policy and strategy matters, and specific transport (bus, rail, highway) issues
30 th September 2014	Sustainable Infrastructure Stakeholder Workshop including Tunbridge Wells Borough	
November 2014	Ashdown Forest Final Methodology for Vegetation Monitoring published	
December 2014	Ashdown Forest: Final Methodology for Air Quality Monitoring published	
8 th December 2014	East Sussex Strategic Planning Members Group (ESSPMG) Workshop	Development of a Common Evidence Base and Policy Direction in Relation to Topic-Based Policies, Housing Update, Development of the Strategic Infrastructure Plan, Wealden District Council Affordable Housing Delivery Local Plan
11 th December 2014	Duty to Cooperate meeting Mid Sussex District Council	Discussed the Mid Sussex District Council Sustainability Appraisal

4 Chronology of Events

Date	Event	Notes
January 2015	Further Examination in Public of Strategic Sites Local Plan	
19 th January 2015	Infrastructure Delivery Plan (IDP)/ Road Map meeting between Wealden District Council and East Sussex County Council	
28 th January 2015	Full Council Considers Affordable Housing Delivery Local Plan	
3 rd February 2015	Meet with Mid Sussex District Council	Discuss the content of the memorandum of understanding
25 th March 2015	Submission of CIL charging Schedule and Affordable Housing Delivery Local Plan for examination	
1 st April 2015	Meeting with Rother District Council	Affordable housing and financial contributions
16 th April 2015	Duty to Cooperate Meeting with Mid Sussex District Council	To discuss emerging plans and content of memorandum of understanding
15 th May 2015	Wealden District Council withdraw Strategic Sites Local Plan	
20 th May 2015	Examination in Public of the Affordable Housing Delivery Local Plan	
3 rd June 2015	Duty to cooperate meeting Rother District Council	SHMA, development options and distribution, Ashdown Forest SAC and air quality and Pevensey levels hydrology/ water quality, road capacity, employment
4 th June 2015	Duty to Cooperate meeting Tunbridge Wells Borough	SHMA, OAHN, development options and distribution, Ashdown Forest SAC and air quality including traffic modelling and surrounding local authorities. Mitigation and avoidance measures were raised. Employment, education, water infrastructure, meeting Eastbourne's housing needs, Gypsy and Traveller provision
9 th June 2015	Duty to Cooperate meeting with Eastbourne Borough Council	To discuss the SHMA and inform the Issues, Options and Recommendations Document
9 th June 2015	Duty to Cooperate meeting Tandridge District	To discuss the SHMA and inform the Issues, Options and Recommendations Document

Date	Event	Notes
10th/11th June 2015	Court of Appeal Hearing for Wealden District Core Strategy	
16th June 2015	Duty to Cooperate meeting Lewes District	To discuss the SHMA and inform the Issues, Options and Recommendations Document
18th June 2015	Duty to Cooperate meeting East Sussex County Council	To inform the Issues, Options and Recommendations Document
23/24th June 2015	Examination in Public of the Community Infrastructure Levy	
25th June 2015	Duty to Cooperate meeting Mid Sussex District Council	To discuss the SHMA and inform the Issues, Options and Recommendations Document
27th June 2015	Meeting with Highways England and Duty to Cooperate meeting East Sussex County Council	To discuss growth options and the strategic road network
30th June 2015	Duty to Cooperate meeting South Downs National Park Authority	To discuss the SHMA and inform the Issues, Options and Recommendations Document
1st July 2015	Duty to Cooperate meeting Brighton and Hove City Council	To discuss the SHMA and inform the Issues, Options and Recommendations Document
9th July 2015	Court of Appeal decision handed down regarding Wealden District Core Strategy (Ashdown Forest Economic Development LLP v Wealden District Council and another)	
22 nd July 2015	Duty to Cooperate meeting with Eastbourne Borough Council	Joint working on evidence
28th July 2015	Duty to Cooperate meeting with Sevenoaks District Council	To discuss the SHMA and inform the Issues, Options and Recommendations Document
12th August 2015	Duty to Cooperate meeting with Tunbridge Wells BC	Portfolio Holder Meeting regarding meeting housing need, the economy, Ashdown Forest, gypsies and Travellers and Infrastructure
17th August 2015	Duty to Cooperate meeting with Tunbridge Wells BC	Cross boundary Highways and Transportation infrastructure issues
26 th August 2015	Renewable energy sub-group meeting of East Sussex Strategic planning Members group	Report produced

4 Chronology of Events

Date	Event	Notes
25th September 2015	Issues, Options and Recommendations Consultation Paper and Conservation Areas considered by Cabinet Local Plan Sub Committee	
1st October 2015	Duty to Cooperate Meeting with Tandridge Borough Council	Discussion of Cross boundary issues
7 th October 2015	Draft Housing Position Statement sent to adjoining authorities	
October to November 2015	Issues, Options and Recommendations and Conservation Area Consultation	
December 2015	Ashdown Forest Interim Report Year 1 – Vegetation Survey published	
11th January 2016	Examination in Public of the Affordable Housing Delivery Local Plan	
18 th January 2016	IDP/Road Map meeting between Wealden District Council and East Sussex County Council	
10 th February 2016	Air Quality Year 1 interim air quality report sent to Natural England, Mid Sussex District Council, Lewes District Council, Tunbridge Wells Borough Council and Tandridge District Council	
23rd February 2016	East Sussex Strategic Planning Members Group	Wealden Local Plan Issues, Options and Recommendations
26 th February 2016	East Sussex County Council, Wealden District Council and Eastbourne Borough Council meeting regarding flood risk	Introduce the Strategic Flood Risk Assessment (SFRA), flood management strategies, policy and surface water drainage.
16 March 2016	Stakeholder Workshop at Tunbridge Wells	Tunbridge Wells workshop regarding economic needs
6th April 2016	Duty to Cooperate meeting with Tunbridge Wells	Ashdown Forest visitor survey, SHEELA, Landscape studies, retail, employment, dark night skies
20 th April 2016	Report to Local Plan Sub Committee with consultation responses and recommendations for Plan development	
April 2016	Commissioned SFRA with Eastbourne Borough	

Date	Event	Notes
May 2016	Commissioned Economy and Retail Studies	
May 2016	Ashdown Forest Interim Report Year 2 – Vegetation Survey produced	
18th May 2016	SFRA Inception Meeting	Agree outcomes for Wealden District and Eastbourne Borough
31 st May 2016	Duty to Cooperate Meeting with Eastbourne Borough Council	Discuss progress on the Wealden Local Plan, the Hailsham Area Action Plan (that is now subsumed into the Wealden Local Plan) and the Eastbourne SHMA. This included highways and waste water as well as housing and studies. Specific sites were also discussed including Friday Street Farm.
8 th June 2016	Progress on Wealden Local Plan reported to cabinet Local Plan Sub Committee	
10th June 2016	Meeting with East Sussex County Council	Wealden Local Plan Transport Study
14 th July 2016	IDP/Road Map meeting between Wealden District Council and East Sussex County Council	
June/ July 2016	Meetings with Parish and Town Councils subject to proposed growth	
June 2016	Additional Gypsy and Traveller Accommodation Needs Assessment Commissioned	
August 2016	Wealden District Council lodge legal challenge in relation to Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030 in relation to Ashdown Forest	
17th August 2016	Duty to Cooperate meeting Tunbridge Wells Borough Council	Evidence bases including landscape, ecology, retail, economy, settlement hierarchy and housing. SHELA, Ashdown Forest and scope of Tunbridge Wells Local Plan

4 Chronology of Events

Date	Event	Notes
12 th October 2016	IDP/Road Map meeting between Wealden District Council and East Sussex County Council	
26 th October 2016	Update to all adjoining authorities on Wealden Local Plan	
5 th December 2016	Ashdown Forest Visitor Survey Complete	
December 2016	Wealden Economy Study published	
December 2016	Wealden Town Centre and Retail Study Published	
4 th January 2017	Duty to cooperate meeting Tunbridge Wells Borough Council	Update from PAS re duty to cooperate, housing land supply and meeting need, economy and retail, landscape study, Ashdown Forest and nitrogen deposition
10 th January 2017	Duty to cooperate meeting Eastbourne Borough Council	To discuss Duty to Cooperate and outcomes of a PAS sponsored exercise regarding Duty to Cooperate, Wealden Local plan, evidence bases and Eastbourne Borough Council SHMA
25 th January 2017	IDP/Road Map meeting between Wealden District Council and East Sussex County Council	
February 2017	Wealden District Objectively Assessed Need Conclusion table 2013-2028 published	
8/ 9 th February 2017	High Court hearing in relation to Joint Lewes and South Downs National Park Local Plan	
8 th March 2017	East Sussex Strategic Planning Members Group	Draft Wealden Local Plan Update
13 th March 2017	Cabinet Local Plan Sub Committee and Joint Planning Committee North and South consider two options for Draft Proposed Submission Wealden Local Plan.	
15 th March 2017	Duty to Cooperate Meeting with Sevenoaks District Council	Share cross boundary information
17 March 2017	Full Council agree development of Wealden Local Plan using the option of 11,456 homes from 2013 to 2028.	

Date	Event	Notes
20 th March 2017	Judgement handed down Wealden District Council v Secretary of State for Communities And Local Government & Others, Court of Appeal - Administrative Court, March 20, 2017, [2017] EWHC 351 (Admin)	
24 th April 2017	Duty to Cooperate meeting with Tunbridge Wells Borough Council	Plan update, Ashdown Forest and nitrogen deposition including the need for mitigation/ compensation. Ashdown Forest SPA. Objections to planning applications. Cross boundary sites.
4 th May 2017	Duty to Cooperate meeting Mid Sussex	To discuss cross boundary issues in relation to examination of Mid Sussex District Plan
9 th May 2017	Ashdown Forest Working Group Meeting	
10 th May 2017	Wealden Local Plan Transport Study inception meeting with East Sussex County Council	
6 th June 2017	Ashdown Forest Transport Model Technical Note provided to relevant local authorities	
June 2017	Wealden District Strategic Flood Risk Assessment published	
21 st June 2017	Ashdown Forest Working Group Meeting	
30 th June 2017	IDP/Road Map meeting between Wealden District Council and East Sussex County Council	
30 th August 2017	Ashdown Forest Working Group Meeting	
10 th October 2017	Discretionary Advice from Natural England for Air Quality Impacts on Ashdown Forest SAC, Pevensey levels SAC/ Ramsar Site and Lewes Downs SAC commissioned	
13 th October 2017	Ashdown Forest Working Group Meeting	
26 th October 2017	IDP/Road Map meeting between Wealden District Council and East Sussex County Council	
3 rd November 2017	Mid Sussex District Council	To discuss cross boundary issues in relation to examination of Mid Sussex District Plan
10 th November 2017	Ashdown Forest Working Group Meeting	

Date	Event	Notes
23 rd November 2017	Ashdown Forest Working Group Meeting	
24 th November 2017	Duty to Cooperate meeting Eastbourne Borough Council	Initial one to one meeting with merged Lewes and Eastbourne Planning Policy Team. Housing OAHN, HMA. Highways, waste water, employment and statement of common ground.
19 th December 2017	Discretionary Service Advice from Natural England regarding Lewes Downs SAC received	
20 th December 2017	Discretionary Service Advice from Natural England regarding Pevensey Levels SAC received	
11 th January 2018	Wealden Local Plan Transport Study published	
18 th January 2018	Ashdown Forest Working Group Meeting	
31 st January 2018	IDP/Road Map meeting between Wealden District Council and East Sussex County Council	
7 th February 2018	Ashdown Forest Working Group Meeting	
16 th February 2018	Discretionary Advice Service Charged Advice (DAS) 12666/226010 Ashdown Forest SAC: Air quality monitoring and modelling received	
2 nd March 2018	Letter to Natural England concerning Draft DAS Response Ashdown Forest SAC	
15 th March 2018	Air Quality and Ecological Monitoring at Ashdown Forest: Considering the Current and Future Impacts on the SAC caused by Air Quality and Nitrogen Deposition: Response to Natural England February 2018 Advice published	
March 2018	Town Centre and Retail Study update published	
April 2018	Ashdown Forest Statement of Common Ground completed	
April 2018	South Downs Local Plan submitted for examination/ Ashdown Forest Statement of Common Ground published	
16 th May 2018	IDP/Road Map meeting between Wealden District Council and East Sussex County Council	

Date	Event	Notes
24 th May 2018	Duty to Cooperate meeting with Eastbourne Borough Council	To discuss the Wealden Local Plan, joint planning and statement of common ground
4 th June 2018	Ashdown Forest Working Group Meeting	
11 th June 2018	Duty to Cooperate meeting with Tunbridge Wells	Housing and employment need, cross boundary infrastructure, sites on the edge of Tunbridge Wells
12 th June 2018	Duty to Cooperate with South Downs National park Authority	To discuss Ashdown Forest SAC representations on South Downs National Park Local Plan
13 th June 2018	Duty to Cooperate telephone conference with Tandridge District Council	To discuss fundamental principles for statement of common ground
20 th June 2018	East Sussex County Council meeting regarding Older people's housing need assessment	Informs policy regarding older people's housing
27 th June 2018	Ashdown Forest Traffic Model Technical Note – model generation AFTM REV10 V7 published	
5 th July 2018	Proposed Submission Wealden Local Plan considered by Cabinet Local Plan Sub Committee and Joint Planning Committee North and South	
18 th July 2018	Proposed Submission Wealden Local Plan considered by Full Council	
13 th August 2018	Regulation 19 Representations Period Commence	
3 rd September 2018	Ashdown Forest Joint Workshop hosted by Wealden District Council and Mid Sussex District Council	
7 th September 2018	Duty to Cooperate meeting with Rother District Council	Housing Market Area, meeting cross boundary needs, air quality and ecology, common issues and future plans, Pevensey levels and hydrology
3 rd October 2018	IDP/ Road Map meeting between Wealden District Council and East Sussex County Council	

4 Chronology of Events

Date	Event	Notes
8th October 2018	Regulation 19 Representations Period Finish	
October 2018	Ashdown Forest SAC Position Statement published	
2nd November 2018	East Sussex Strategic Planning Members Group	Discussion on cross boundary strategic planning matters concerning the Wealden Local Plan, Waste and Minerals Plan review - East Sussex County Council, Rother District Council Development and Site Allocations Local Plan Update
16th November 2018	Duty to Cooperate meeting with Eastbourne Borough Council	To discuss representations made by Eastbourne Borough Council to the Wealden Local Plan (Regulation 19)
22nd November 2018	Meet with East Sussex County Council and Highways England regarding Wealden Local Plan Transport Study 2018	Agreed process to agree methodology of Wealden Local Plan Transport Study 2018
29th November 2018	Ashdown Forest Working Group Meeting	Agreed that owing to change in circumstances that it is possible to revise Statement of Common Ground
5 th December 2018	Signed Statement of Common Ground – Tandridge DC	
6th December 2018	Meeting with East Sussex County Council	Agreed way forward with East Sussex County Council highways representations
6th December 2018	Meeting with East Sussex County Council and Eastbourne Borough Council to present Wealden Local Plan Transport Study 2018	To understand the outcomes of the work project managed by East Sussex County Council for the Wealden Local Plan. To understand future working for Eastbourne Local Plan.
21st December 2018	Meeting with Rother District Council	To discuss Pevensey Levels SAC
10th January 2019	Ashdown Forest SPA Statement of Common Ground Completed	

Chronology of meetings/ events

4.2 The Wealden Local Plan resulted from modifications recommended by the Planning Inspector examining the Wealden District Core Strategy. The first modification related to the need to undertake a review of the Core Strategy. This is contained within Policy WCS1 of the Core Strategy, and it states:

The strategy shall be reviewed in 2015 or when a preferred solution to the capacity issues associated with Hailsham North and Hailsham South Wastewater Treatment Works has been identified, whichever is the earlier, in order to ensure that there is an adequate supply of development land in the longer term. The review shall include an assessment of current and future levels of need and demand for housing to provide an appropriate basis for longer term housing provision.

4.3 In addition to this Policy WCS12 was modified with a statement regarding Ashdown Forest SAC

The Council will also undertake further investigation of the impacts of nitrogen deposition on the Ashdown Forest Special Area of Conservation so that its effects on development in the longer term can be more fully understood and mitigated if appropriate.

4.4 Of importance is the need to include an assessment of need and demand for housing, the significance of the Hailsham North and South Waste Water Treatment Works and the impacts of nitrogen deposition on Ashdown Forest SAC. The report by the Planning Inspector is relevant in this regard and is provided in the library of documents.

4.5 The Core Strategy was developed in the context of collaboration with other local authorities, including studies, which has not been included within this paper. However, a number of cross boundary strategic issues contained within the Wealden District Core Strategy remain relevant to the Wealden Local Plan.

4.6 The Core Strategy was subject to a challenge in the High Court. That challenge broadly related to two areas of the Core Strategy:

1. Air quality and the Ashdown Forest SAC; and
2. The zone for mitigation regarding Ashdown Forest SPA.

4.7 In terms of the challenge, the Sustainability Appraisal incorporating the Strategic Environmental Assessment was subject of particular scrutiny. The challenge sought to call into question the housing requirement, in connection with the Ashdown Forest SAC, and the zone for mitigation in relation to Ashdown Forest SPA.

4.8 Notwithstanding the challenge Wealden District Council commenced work on Ashdown Forest SAC concerning air quality in 2013. Mott MacDonald was commissioned to produce a methodology for air quality monitoring and assessment in relation to nitrogen deposition on Ashdown Forest SAC. This study was reviewed by Natural England, as shown in Appendix NE 6 to 8. Other local authorities were made aware of the study and

were invited to contribute to the process and to pay for a proportion of this study. No contributions were made. An example of the email sent is contained within Appendix LDC 4-5. The study was published in July 2013.

4.9 East Sussex Strategic Planning Members Group was set up in response to the Duty to Cooperate, acknowledging the need to include elected representatives and senior officers in meeting the duty. The first meeting was held in September 2013 and chaired by the planning Portfolio Holder at Wealden District Council. A memorandum of understanding was signed in this regard and is provided at Appendix SPMG 3 - 6.

4.10 During this time Wealden District Council developed the Strategic Sites Local Plan, which was submitted for examination in February 2014. The Strategic Sites Local Plan was the subordinate document to the Core Strategy with allocations relevant to the broad locations identified within the Core Strategy Local Plan. This Plan excluded the area of the South Downs National Park situated within Wealden District. Around this time the High Court judgement in relation to the Core Strategy was handed down. The High Court Judgement, which was in favour of the Secretary of State and Wealden District Council, was subsequently subject to appeal at the Court of Appeal.

4.11 In March/April 2014 ECUS and Air Quality Consultants were commissioned to undertake long-term monitoring of the Ashdown Forest and modelling the subsequent impacts of air quality in relation to the review of the Core Strategy (now called the Wealden Local Plan).

4.12 In addition to this key piece of evidence, Wealden District Council commissioned the Strategic Housing Market Assessment (SHMA) for the Wealden Local Plan.

4.13 The SHMA is a key document in the context of duty to cooperate. This document identifies the Housing Market Area and started the engagement in relation to the strategic cross boundary matter of housing. Its early preparation in the development of the Wealden Local Plan is important in terms of meeting the Duty to Cooperate and forms the basis of early conversations with other local authorities.

4.14 The examination in public of the Strategic Sites Local Plan took place in June 2014. At these examination matters involving air quality and Ashdown Forest SAC, recreational pressure and Ashdown Forest SPA, and Pevensey Levels and hydrology and Waste Water Treatment Works were examined in the context of Plan being subordinate to the Core Strategy. A number of sites contained within the Wealden Local Plan were subject of examination, through examination of omission and allocated sites, and form a basis of the strategy contained within the Wealden Local Plan.

4.15 In August 2014 two SHMA workshops were held with representatives from the industry and Local Planning Authorities (Appendix EBC 35 and DHS 1 to 55). This workshop identified the Housing Market Area for discussion.

4.16 At the end of 2014, the methodologies for monitoring air quality on Ashdown Forest were finalised and published. Air quality monitoring and ecological surveys commenced in that year.

4.17 In 2014, Wealden District Council reviewed the affordable housing policy contained within the Core Strategy and on the 28th January 2015 Full Council approved the Affordable Housing Delivery Local Plan to be published for representations. In January 2015 there was a further Examination in Public of Strategic Sites Local Plan. On 25th March 2015 Wealden District Council submitted Submission of CIL charging Schedule and Affordable Housing Delivery Local Plan for examination.

4.18 After receiving the Planning Inspectors report, Wealden District Council withdrew the Strategic Sites Local Plan on 15th May 2015. On 20th May 2015 the examination in Public of the Affordable Housing Delivery Local Plan was held.

4.19 On the 9th July 2015 the Court of Appeal decision was handed down regarding Wealden District Core Strategy (Ashdown Forest Economic Development LLP v Wealden District Council and another). This resulted in an amendment to the Core Strategy concerning the 7km mitigation zone in relation to Ashdown Forest SPA. This resulted in the need for Wealden District to review its strategy for mitigation and considering the likely significant effect of development. This was made known to other relevant local authorities as identified at Appendix SAMM 45.

4.20 In June, July and August 2015 a series of Duty to Cooperate meetings were held with neighbouring local authorities, Highways England, East Sussex County Council and Brighton and Hove. As a result of these meetings Duty to Cooperate matters were scoped with other local authorities. These meetings, together with other discussions formed the basis of the Wealden Local Plan Issues, Options and Recommendations Consultation Document. Consultation took place between October and November 2015, although the Housing Position Statement was circulated to neighbouring local authorities prior to consultation to comment prior to consultation.

4.21 A subsequent meeting of the East Sussex Strategic Planning Managers group on 23rd February 2016 discussed the Wealden Local Plan Issues, Options and Recommendations consultation. The minutes of the meeting is provided at Appendix SPMG 53. On 20th April 2016 consultation responses and recommendations for Plan development was reported to Cabinet Local Plan Sub Committee. This contained responses from Statutory consultees, including Duty to Cooperate bodies. This document is provided in the library of documents.

4.22 In April/ May 2015 the SFRA and Economy and Retail studies were commissioned. The Economy and Retail Studies were based upon the strategic spatial strategy discussed with Local Planning Authority partners in June/ July 2015. On 8th June 2016 the progress on the Wealden Local Plan was reported to cabinet Local Plan Sub Committee. This document is provided in the library of documents.

4.23 In August 2016 Wealden District Council lodged a legal challenge in relation to Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030 in relation to Ashdown Forest SAC and the need to undertake an in combination assessment with the Wealden District Core Strategy. At this time Natural England advised that it was no longer able to input into the appropriate assessment of the Wealden Local Plan concerning air quality impacts (Appendix NE 12 to 13).

4.24 Work on the Wealden Local Plan, including the assessment of a number of alternatives took place between August 2016 to February 2017. Within this time there were Duty to Cooperate meetings with Eastbourne Borough Council and Tunbridge Wells Borough Council. Work commenced on the economy and retail studies. Local authorities were contacted concerning the functional economic market area in September 2016 with only Hastings Borough Council, Tunbridge Wells Borough Council and Rother District Council responding.

4.25 An update of the objectively assessed housing need (OAHN) was also commissioned at this time. The first report dated January 2017 considered the OAHN from 2013 to 2037. Owing to change in time frame of the Plan a further OAHN calculation was commissioned and the conclusion table published in February 2017. The full study was completed in March 2017.

4.26 Early in February 2017 the High Court hearing in relation to Joint Lewes and South Downs National Park Local Plan took place. On 21st February 2017 local authorities were contacted concerning the draft economic study Tunbridge Wells Borough Council, Rother District Council and Mid Sussex District Council responded. Notably out of all the Duty to Cooperate bodies Eastbourne Borough Council and Lewes District Council did not engage.

4.27 On 8th March 2017 East Sussex Strategic Planning Members Group were presented with the two alternative options for the Wealden Local Plan to be considered by Committees as well as the strategic content of the draft plan. A number of cross boundary strategic issues were addressed and discussion was invited. The presentation and minutes of the meeting are provided at Appendix SPMG 59-74.

4.28 On 13th March 2017 Cabinet Local Plan Sub Committee and Joint Planning Committee North and South considered two options for growth as part of the Draft Proposed Submission Local Plan Sub Committee. On 17th March 2017 Full Council agreed development of Wealden Local Plan using the option of 11,456 homes from 2013 to 2028. The papers and the iterations of the Plan can be found in the library of documents.

4.29 On 20th March 2017 the judgement was handed down Wealden District Council v Secretary of State for Communities And Local Government & Others, Court of Appeal - Administrative Court, March 20, 2017, [2017] EWHC 351 (Admin). Wealden District Council contacted local authorities concerning the outcome of this judgement as shown in Appendix RDC 62.

4.30 On 9th May 2017 the first Ashdown Forest Working Group Meeting took place. From May 2017 to January 2018 six Ashdown Forest Working Group Meetings took place. Within this time work was being undertaken to refine options for the Wealden Local Plan through air quality modelling. In addition work took place on the Wealden Local Plan Transport Study. Duty to cooperate meetings with Mid Sussex District Council and Eastbourne Borough Council also took place outside of the Ashdown Forest Working Group Meetings.

4.31 On 16th February 2018 Wealden District Council received Discretionary Advice Service (Charged Advice) DAS 12666/226010 Ashdown Forest SAC: Air quality monitoring

and modelling. This followed further reports on Pevensey Lewes SAC/ Ramsar Site and Lewes Downs SAC which were received at the end of December 2017. On 2nd March 2018 Wealden District Council responded to the DAS 12666/226010 Ashdown Forest SAC: Air quality monitoring and modelling and on 15th March published Air Quality and Ecological Monitoring at Ashdown Forest: Considering the Current and Future Impacts on the SAC caused by Air Quality and Nitrogen Deposition: Response to Natural England February 2018 Advice published. These documents are provided at Appendix NE 34 to 37 and NE 38 to 40 respectively).

4.32 In April 2018 the Ashdown Forest Statement of Common Ground was published without Wealden District Council being informed that their contribution had been removed.

4.33 In April 2018 Wealden District Council published Ashdown Forest Traffic Model Technical Note – model generation AFTM REV10 V7 which replaced the earlier version which was provided to partners in June 2017. In May and June 2018 there was duty to cooperate meetings with various neighbouring authorities.

4.34 The Proposed Submission Wealden Local Plan was considered by Cabinet Local Plan Sub Committee and Joint Planning Committee North and South on 5th July 2018 and Full Council on 18th July 2018. Representation period commenced on 13th August 2018.

4.35 Further duty to cooperate meetings took place up until submission with Eastbourne Borough Council and Rother District Council. In addition Wealden District Council signed a Statement of Common Ground with Tandridge on 5th December. The Statement of Common Ground regarding the Ashdown Forest SPA was agreed by Wealden District Council on 17th December 2018 and was completed in January 2018.

4 Chronology of Events

5 Duty to Cooperate Matters

5.1 As identified previously, Duty to Cooperate relates to strategic matters that have or would have significant impact on at least two planning areas. Therefore not all matters that affect two planning areas are necessarily a matter for duty to cooperate. It is usually the case that duty to cooperate relates to housing and housing supply, Gypsy and Traveller provision, employment and strategic infrastructure. Owing to the fact that development may have a significant impact, flood risk within Eastbourne is relevant. In addition, as development within Wealden District is likely to have a significant impact on Lewes Downs SAC and development outside of Wealden District, in combination with Wealden District, is likely to have a significant impact upon Ashdown Forest SAC and SPA and Pevensey Levels SAC and Ramsar site then the Habitat Regulations Assessment is also relevant to the duty.

Housing

The Housing Market

5.2 Wealden District Council commenced work on the Strategic Housing Market Area Assessment (SHMA) in 2014. Prior to procuring a consultant to undertake the work Wealden District Council consulted with Eastbourne Borough Council with regards to the specification brief. This is provided at Appendix EBC 20 to 30. It can be seen that Wealden District Council and Eastbourne Borough Council were preparing for a joint study. Unfortunately Eastbourne Borough decided not to proceed.

5.3 Two stakeholder workshops took place on 19th August 2014. The first session involved developers, land agents and housing specialists within Wealden District Council and Eastbourne Borough Council (Appendix EBC 35 to 37). A second workshop included the following local planning authorities: Eastbourne Borough Council; Lewes District Council; Rother District Council; Hastings Borough Council; South Downs National Park Authority; Tunbridge Wells Borough; Mid Sussex District Council; Sevenoaks District Council; and Brighton and Hove City Council (Appendix DHS 3). At these meetings the consultants explained the baseline information and identified the proposed Housing Market Area of: Wealden District; Eastbourne Borough; Tunbridge Wells Borough; Rother District; Lewes District; and Mid Sussex District (DHS 4 to DHS 55).

5.4 The Housing Market Area (HMA) incorporates those local authorities which have the strongest and most consistent migration and commuting relationships with Wealden District as well as linkages in house prices, rate of change, and affordability levels. This HMA was recognised in the final published SHMA in December 2014 and updated in August 2016. In this document the SHMAs of other local authorities within the HMA are acknowledged, and taken into account as part of this work. However, it is mainly the case that each SHMA is relative to the local authority concerned and results in a different HMA. As a result there are a number of overlapping HMAs.

5.5 Prior to the completion of the SHMA, and as part of the preparation of the Issues, Options and Recommendations Consultation Document, Wealden District Council undertook meetings with all adjoining local authorities as well as Brighton and Hove City

Council and Hastings Borough Council. Within these meetings the Housing Market Area was discussed. Subsequently a Draft Housing Position Statement was sent to adjoining authorities for comment. This is provided at Appendix DHS 57 to 74. In general the HMA was agreed, with some exceptions. Rother District Council disagreed with the approach and stated that Rother District is not within the Wealden District HMA (Appendix RDC 23 and 57). Eastbourne Borough Council agreed that Eastbourne Borough was within the Wealden HMA, but considered itself to be in a sub market area with south Wealden. This was identified in the meeting in June 2015 and subsequent meetings with Eastbourne Borough Council (Appendix EBC 41). Tunbridge Wells Borough Council also considered that they form part of sub market area to the north of the District (Appendix TWBC 13).

5.6 As part of the Issues, Options and Recommendations Consultation Paper, the Council published its Housing Market Position Statement. This identifies the HMA, in accordance with the evidence presented in the SHMA. However as a result of the duty to cooperate meetings the different identified HMAs, identified in SHMAs from other local authorities, overlapping the Wealden HMA were shown. Subsequent meetings and correspondence has confirmed that all relevant authorities remain in agreement with the HMA with the exception of:

- Rother District Council which maintains its position that it does not form part of the HMA; and
- Eastbourne Borough Council which considers to be within a discreet market within south Wealden.

5.7 The concerns of Rother District Council were addressed in the Duty to Cooperate paper associated with the Economic Study as well as individual meetings with Rother District Council (please see minutes of meeting at Appendix RDC 108). Whilst Wealden District Council understands this position it has explained that the methodology of the HMA would need to change to incorporate Rother District Council's view. This is not supported by the NPPG as the Wealden Local Plan HMA provides for 70% self-containment, and would result in a change to the whole HMA (for example the inclusion of Lewes District would be questioned). However it is agreed between the parties that the inclusion of Rother District in the HMA does not materially affect the outcome of the Wealden Local Plan, because Rother District is a neighbouring authority and therefore in terms of housing their needs should be considered. This has been agreed with Rother District Council as identified in the minutes of the meeting of 7th September 2018 (RDC 107 to RDC 111), and their representation to the Regulation 19 Proposed Submission Wealden Local Plan.

5.8 Eastbourne Borough Council considers that although it forms part of the HMA it has a discrete HMA with South Wealden, based on its own evidence base. The Eastbourne Borough Council SHMA (December 2016) provided to the Council identifies the relationship with Wealden District as a whole and is not broken down into individual areas within Wealden District and states

Although Eastbourne can be considered to be self contained in terms of travel to work, there are strong interactions with Wealden (9.5% of Eastbourne residents work in Wealden and 14.9% of people working in Eastbourne live in Wealden) so it

is recommended that Eastbourne is considered to be part of a wider functional economic area which extends into Wealden District. Therefore, evidence indicates that Eastbourne is part of a wider housing market area that extends into Wealden District and this should be considered during the preparation of the Local Plan (paragraphs 3.28 and 3.29).

5.9 This has been the position of Eastbourne Borough Council since June 2015 (Appendix EBC 41). Wealden District Council has confirmed that there are internal moves within Wealden District (Data from the 2011 Census shows that in the 12 months to the census there were around 6,800 internal moves within the District, representing over half (50.4%) of all moves originating from Wealden) and therefore together with internal employment markets it is unable to distinguish an internal market area between north and south Wealden without prejudicing this internal market area. This has been a consistent opinion from Wealden District Council throughout discussions.

5.10 In relation to the Housing Market Area, as both parties are neighbouring authorities and it is acknowledged that Eastbourne Borough forms part of the HMA it is considered that it does not materially affect the authorities concerned in relation to the preparation of the Wealden Local Plan.

5.11 Notwithstanding this, Wealden District Council has sought to enter into an agreement with Eastbourne Borough Council to identify a functional housing and employment area to assist with the development of the Eastbourne Local Plan. However, it has been emphasised that Wealden District Council must first seek to meet its objectively assessed need across the District before considering the undersupply of others. In addition, Wealden District Council must also consider the requirements of other local authorities who may also look to south wealden to meet needs. Unfortunately the agreement, through a memorandum of understanding, has not been reached within the timescales identified by Wealden District Council owing to the actions of Eastbourne Borough Council, which is shown at Appendix EBC163 and 154 to 170. Having said this Wealden District Council remains of the position it that it will support Eastbourne Borough Council in its plan making function.

Conclusion

5.12 Wealden District Council has sought from 2014 to identify the housing market area relevant to the Wealden Local Plan. It has engaged other local authorities in this regard, over the development of the Plan. As the duty to cooperate is not a duty to agree, Wealden District has listened to the opposing views of other local authorities and in particular Eastbourne Borough Council and Rother District Council but has not changed its HMA. However, it has sought to reconcile the differences by showing over lapping HMAs where they have been identified as part of a SHMA. In the case of Rother District Council it is agreed that the HMA position of both authorities does not affect the overall need to consider any undersupply from Rother District as it is a neighbouring authority (in line with the NPPF).

5.13 Whilst both Eastbourne Borough Council and Wealden District Council consider that Eastbourne is within the Wealden HMA, Eastbourne would prefer a sub geography

to be identified. Whilst this would prejudice the overall HMA methodology and neglect to take into account internal movements within Wealden District, the Council has sought to reassure Eastbourne Borough that it will work with Eastbourne Borough Council to determine a sub geography if it exists. It is considered that even without the sub geography the HMA as it currently stands would not prejudice Eastbourne Borough Council.

Housing Demand and Supply

5.14 The objectively assessed housing need of the District is 950 dwellings per annum (2013 to 2028) for the Wealden Local Plan or 1,130 dwellings per annum using the new Government methodology. The Government has not published further District/Borough level OAHNs as part of the revised NPPF, although this is anticipated later. The OAHN or Local Housing Need figures that were used in the Government's consultation for 'planning for the right homes in the right places' (published 14th September 2017), with the exception of Eastbourne Borough, within the HMA is shown below.

- Eastbourne Borough: 649 dwellings per annum ⁽³⁾
- Mid Sussex: 1,016 dwellings per annum
- Lewes District: 483 dwellings per annum
- Rother District: 469 dwellings per annum ⁽⁴⁾
- Tunbridge Wells: 692 dwellings per annum
- South Downs National Park: The Pre-Submission Version of the South Downs Local Plan (September, 2017) states that the annualised OAHN within the South Downs National Park would be 447 (net) dwellings. The new Government methodology for Local Housing Need does not separate the South Downs National Park from the Districts and Boroughs it accommodates and is therefore the most-up-date figure for the SDNP.

5.15 In total, the Districts and Boroughs within the HMA were considered to require at least 4,439 dwellings per annum if the standardised housing formula proposed in September 2017 was applied (this would exclude the South Downs National Park (SDNP) as these numbers have been incorporated within the Government's figures via the Districts and Boroughs).

5.16 Within the Housing Market Area Plans are being progressed at different rates. The current status of each Planning Authority is identified as:

5.17 Wealden District: The Wealden Core Strategy Local Plan (adopted February 2013) is the main strategic planning policy document for the District that sets out how the places and communities within the Wealden change up until 2027. The Wealden Core Strategy planned to provide for 9,440 dwellings over the period 2006-2027 (or 450 dwellings per annum). As discussed above, the Wealden Core Strategy Local Plan is due to be replaced by the new Wealden Local Plan in 2019 that currently proposes 14,228

³ Based on information from Eastbourne Borough Council

⁴ Please note that Rother District Council's Core Strategy will be considered 'out of date' for the purposes of assessing housing need by September 2019.

(net) dwellings to be delivered between 2013 and 2028 (equating to 950 dwellings per annum).

5.18 Eastbourne Borough: The Eastbourne Core Strategy Local Plan (adopted February, 2013) sets out the Council's spatial vision for Eastbourne up to 2027 and the primary land-use policies to deliver it. The Eastbourne Core Strategy states that a minimum of 5,022 (net) dwellings will be delivered by 2027 within the built-up area boundary of Eastbourne. The latest Local Development Scheme (LDS) for Eastbourne Borough Council (February, 2016) confirms that a review of the Core Strategy is in its early stage.

5.19 Mid Sussex: The Mid Sussex District Plan (adopted March, 2018) seeks to provide a minimum of 16,390 dwellings between 2014 and 2031 within the District. The Plan is to deliver an average of 876 dwellings per annum (dpa) until 2023/24. Thereafter, an average of 1,090 dpa will be delivered between 2024/25 and 2030/31, subject to there being no further harm to the integrity of European Habitat Sites in Ashdown Forest.

5.20 Lewes District: The Lewes District Local Plan: Part 1 (adopted May, 2016) is the main strategic planning document for the area, which covers the whole Lewes District (including the SDNP) and has been prepared to guide new development and change in the District for the period up to 2030. It states that a minimum of 6,900 (net) additional dwellings will be provided between 2010 and 2030 in the District (an average of 345 dwellings per annum). The LDS (November, 2017) for Lewes District Council confirms that the Council is undertaking a Local Plan Part 2: Site Allocations and Development Management Policies, that allocates land for housing and is anticipated to be adopted in 2019. A review of the current Local Plan: Part 1 has not yet been worked upon, but is anticipated to be adopted in the autumn of 2022.

5.21 Rother District: The Rother Core Strategy (adopted September, 2014) sets out the Council's vision and objectives that will guide the future pattern and form of development within the district over the Plan period up until 2028. The Rother Core Strategy planned for at least 5,700 dwellings (net) and it is envisaged that 3,100 dwellings will be located in/around Bexhill. The LDS for Rother District Council (May, 2018) confirms that a review of the current Core Strategy is expected to be finalised by the end of 2020.

5.22 Tunbridge Wells: The Tunbridge Wells Borough Core Strategy (adopted June 2010) is to guide new development and change in the district for the period up to 2026. This planned for at least 6,000 dwellings to be provided in the borough in the period 2006 to 2026. A review of the Core Strategy is underway and the LDS (February, 2018) anticipates the document to be adopted by the end of 2019.

5.23 South Downs National Park: The Pre-Submission South Downs Local Plan (September, 2017) sets out the vision and policies for the South Downs National Park Area and will cover the time period 2014 to 2033. The draft policies within the pre-submission version of the Plan will not have 'full weight' in terms of planning decisions until its adoption. However, the draft plan does confirm that it will make overall provision for 4,750 (net) additional dwellings between 2014 and 2033 within the SDNP. This is the first development plan document published by the SDNP.

5.24 From discussions, only Eastbourne Borough Council has identified a need for Wealden District Council to meet a shortfall within the time frame of the Wealden Local Plan. Eastbourne Borough Council identified this need prior to the publication of Issues, Options and Recommendations Consultation Document (See Appendix EBC 41). At Issues, Options and Recommendations stage (October to November 2015), whilst Wealden District Council identified a wider Housing Market Area, as identified above, it identified to help meet the shortfall of Eastbourne Borough when it was able to provide a surplus of housing beyond its own OAHN. However, Wealden District must meet its own OAHN in the first instance before considering the under supply of other local authorities.

5.25 Prior to the publication for representations of the Proposed Submission Wealden Local Plan, Wealden District Council identified to Eastbourne Borough Council the need for transport improvements in south Wealden for higher housing figures (EBC 140). It was explained that it is not known if these transport improvements could be delivered. The officers at the meeting were sceptical and were advised to speak to East Sussex County Council. In addition it was identified at ESSPMG on 8th March 2017 that *"it was anticipated that Wealden District Council may no longer be able to meet its own Housing Need projections, or to provide any headway for neighbouring authorities, if the nitrogen modelling resulted in the lower end of the housing numbers being proposed"* (Appendix SPMG 72). Higher housing numbers were considered at earlier stages of the Wealden Local Plan preparation. These were made known to local authorities as part of the Duty to Cooperate meetings including Eastbourne Borough Council (Appendix EBC 41). However, through testing it was considered that these numbers could not be delivered.

5.26 Both Eastbourne Borough Council and Wealden District Council are stakeholders in relation to Highways England A27 submission for funding through the Road Investment Strategy. Both authorities are aware that Highways England has identified a business case for delivery of an offline solution to the A27 using Wealden District Core Strategy housing figures. However, this will not be able to be implemented at the earliest by 2030 with an announcement in 2019 whether funding will be available.

5.27 In order to assist Eastbourne Borough Council and to reflect future planning requirements, the Council has included within the Wealden Local Plan specific scenarios where a review of the local plan will be triggered. This allows for opportunities to look at the needs of Eastbourne Borough Council if certain infrastructure and environmental constraints can be resolved.

5.28 In terms of other authorities within the HMA, at this time it is not considered that Wealden District Council will need to meet the needs of Lewes District, Tunbridge Wells Borough or Mid Sussex District. Owing to the way in which the OAHN has been calculated for Wealden District, then the Wealden District considers that the housing needs of the South Downs National Park have been accounted for. Rother District Council has confirmed that it does not require Wealden District Council to provide for its need within the short timescale of this Plan.

5.29 Wealden District currently has a Statement of Common Ground regarding housing with the South Downs National Park. It also has a Statement of Common Ground with Tandridge District Council. These are identified in later sections within this document.

5.30 Wealden District Council has not requested other local authorities to meet its need as it is considered that it is meeting its own need within the Plan period specified.

Conclusion

5.31 Wealden District Council has sought to engage other neighbouring local authorities regarding meeting housing need. It sought to understand the position of other local authorities prior to Issues, Options and Recommendations Consultation in October 2015. As a direct result of that engagement, Wealden District sought to meet some of the undersupply of Eastbourne Borough Council in the preferred area of that authority. However, subsequent testing of that option showed that the housing numbers were not achievable against a context of increasing OAHN, environmental and infrastructure constraints. This was identified in the East Sussex Strategic Planning Members Group in March 2017 (SPMG 59-74). The housing numbers against the OAHN were again reiterated at the Local plan Managers group on 30th March 2017 (LPM 55) and Eastbourne Borough Council who are mostly affected by this matter stated in this meeting that Eastbourne Borough Council are meeting Wealden District Council to discuss implications of the Plan changes.

5.32 In order to help resolve issues raised by Eastbourne Borough Council, Wealden District Council has initiated further discussions with regards to future plan making. Wealden District Council has identified a higher housing number which has previously been tested (as discussed at June 2015) which uses all available land within a reasonable distance from towns within South Wealden. Based on earlier transport modelling, significant infrastructure is required for this level of growth and therefore this can only be delivered in a longer plan period, subject to funding, with further work required to understand/ resolve impacts of development if possible. Unfortunately any agreement about a longer term plan options prior to submission of the Wealden Local Plan has been ruled out by Eastbourne Borough Council as shown at Appendix EBC 165.

Gypsy and Traveller Provision

5.33 In accordance with the NPPF and Planning Policy for Traveller Sites (March 2012 and August, 2015 respectively), the Council is required as part of its plan making process to assess and plan for the needs of the Gypsy and Traveller community.

5.34 Government guidance states that working collaboratively with neighbouring authorities pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople which addresses the likely permanent and transit site accommodation needs in their area should be set. Paragraph 9(b) of the Government's Planning Policy for Travellers Sites document emphasises the duty to cooperate on planning issues that cross administrative boundaries.

5.35 In December 2013, the South Downs National Park Authority (in consultation with Brighton & Hove City Council and the East Sussex District Councils) commissioned the Salford Housing & Urban Studies Unit (SHUSU) at the University of Salford to produce an objective assessment of Gypsy and Traveller accommodation needs for Brighton & Hove, Eastbourne Borough, Hastings Borough, Lewes District, Rother District, Wealden

District and the South Downs National Park. This was agreed by all parties involved (Appendix LPM 10).

5.36 After the completion of the study further joint work was undertaken as shown in the minutes at Appendix LPM 27, 30, 32 and 37.

5.37 The Gypsy and Traveller Accommodation Needs Assessment (GTAA) concluded that there was a nil need for additional yard-based accommodation from Travelling Showpeople households. Owing to the change in definition of Gypsies and Travellers, the Council consulted with the other local authorities in relation to updating the evidence base. It was considered that Wealden District could progress to update the evidence for its area alone. This was acknowledged at the Local Plan Managers meeting on 26th July 2016 (Appendix LPM 38).

5.38 In November 2016, the Council produced an objective assessment of Gypsy and Traveller accommodation need for the District over the plan period to 2037/38. The study identified a net current need of 9 pitches and a future need of 12 pitches making a total of 21 pitches required to 2037/38. An annualised average of this requirement is included in the Wealden Local Plan.

5.39 Wealden District Council can meet its own need within the Plan period and is not reliant upon other Local Authorities. A surplus pitch provision has been identified for Gypsies and Travellers. Tandridge District Council has stated it is unable to meet its need for Travelling Showpeople through the Statement of Common Ground. However, Wealden District Council is not in a position to meet this need as shown at Appendix TAN 1.

5.40 On 7 December 2018, prior to submission of its Local Plan on 21st December 2018 Lewes District Council identified a need of 3 Gypsy and Traveller pitches. It was requested that the Council consider meeting its undersupply (Appendix LDC 41). The Council has considered that request and has identified that subject to the examination of the Wealden Local Plan and negotiations with the landowner to provide that site, Wealden District Council could meet that need (Appendix LDC 44). No further approaches have been made by Lewes District Council to further a memorandum of understanding in this regard.

Employment and Retail Land Provision

5.41 As part of the evidence base for the Wealden Local Plan the Council has undertaken a retail and economy study.

5.42 The South East Local Economic Partnership has set out details of the area-based Growth Deals within the broader partnership boundary. Wealden falls within the East Sussex Growth deal. The boundary includes parts of Rother District Council, Lewes District Council, Hastings Borough Council and Eastbourne Borough Council. It is considered that each of these authorities engage and cooperate with regard to employment land provision.

5.43 The District's five towns; Crowborough, Uckfield, Heathfield, Hailsham and Polegate generally serve the shopping, service, and employment needs of their local resident

populations. However, they have not grown to be significant centres in the South East. This is mainly explained by the proximity to a number of higher order shopping, service, and employment centres on the edge of the District, principally Eastbourne to the south and Tunbridge Wells to the north.

5.44 None of the main towns are considered to be a significant comparison goods retailing destination which reflects the function of the size of the various centres and their proximity to higher order centres such as Eastbourne and Tunbridge Wells which attract the overwhelming majority of Wealden's comparison goods expenditure. One of the issues the Wealden Local Plan has addressed is what retail capacity within the District is required over the plan period.

5.45 Wealden has undertaken an economy study and retail study. In retail terms Wealden District relies upon other centres outside of the District, but other settlements outside of the District do not rely upon Wealden District's centres. In this regard, Wealden District Plans do not impact upon other local authority areas. As part of the Economy Study, a Functional Economic Market Area was established which closely related to the Housing Market Area. Therefore, in relation to the economy, there are cross boundary relationships. A Duty to Cooperate Statement was produced in December 2016 and published as part of the Economy Study. It is provided in the library of documents associated with Wealden Local Plan.

5.46 This paper shows that Wealden District Council sought to engage with other local authorities in relation to the methodology and outcomes. Unfortunately both Lewes District Council and Eastbourne Borough Council did not engage with the process. Wealden District Council also asked whether there were needs to be met through duty to cooperate meetings in the main either no response was given (Appendix EBC 42) or no provision was required.

5.47 Prior to publication, at the meeting on 24th May 2018, Wealden District Council became aware of issues within Eastbourne Borough in terms of future undersupply of some employment provision within their local authority boundary, particularly in relation to B8 (Storage or distribution). Wealden District Council considers that the over provision of employment floorspace against projections means that it may be able to meet the needs of Eastbourne Borough Council within its Plan period and notwithstanding this has provided flexibility in land allocations to help meet needs. Having said this, Eastbourne is currently unable to verify its need (Appendix EBC 153), contrary to the statement made on page 3 of its Regulation 19 submissions.

Conclusion

5.48 Wealden District Council sought views from other local authorities concerning need and supply as well as the methodology for determining functional economic market areas. No need had been identified, however at later stages Eastbourne Borough Council indicated a need, which Wealden District Council has sought to accommodate. However, in recent discussions the need has not yet been satisfactorily identified by the Borough Council.

Infrastructure

5.49 One of the key strategic matters that the Council has considered is cross boundary strategic infrastructure.

5.50 Establishing the likely new demand on the infrastructure network as a result of additional development has been undertaken by the Council since 2007. As part of the preparation of the Core Strategy and CIL, the Council produced an Infrastructure Delivery Plan (IDP) setting out the details of the infrastructure identified by the Council and other service providers as needed to support the delivery of new development across the District. This work is ongoing and dialogue has continued throughout the production of the Wealden Local Plan.

5.51 Critical infrastructure identified as being essential to support new development include additional education provision, transport improvements and health provision.

5.52 In addition to the collaborative approach to infrastructure planning, the Council has also been in continuous discussion regarding the delivery of infrastructure. This includes the Infrastructure Road Map. The Infrastructure Road Map is a collaborative piece of work between Wealden District Council and East Sussex County Council. The Road Map identifies critical infrastructure in relation to transport and education and maps the delivery. This allows for a discussion between East Sussex County Council and Wealden District Council regarding removing obstacles for delivery. The delivery of these key pieces of infrastructure has implications for other areas which rely upon infrastructure delivery within Wealden District (such as cross boundary school catchment areas and strategic transport improvements in south Wealden).

5.53 The Council has worked with Duty to Cooperate Bodies to inform policies within the Local Plan, and the Infrastructure Delivery Plan in relation to the following:

- Education
 - Early years
 - Primary
 - Secondary
 - Further education
 - Specialist schools
- Transport
 - Strategic/non-strategic road network
 - Rail services
 - Bus services
 - Walking and cycling
- Health Care

- Local hospitals
- GPs
- Emergency Services
 - Police
 - Fire and Rescue
 - Ambulance Service
- Utilities
 - Water – supply, foul, surface and sewerage
 - Energy – gas/ electricity
- Library Services
- Waste Management

5.54 In terms of cross boundary strategic issues, these matters should be significant in terms of impact and this relates mainly to transport, education and flood storage at Eastbourne. The decision by Southern Water to allow flows of waste water from Wealden District (Stone Cross in particular) to treatment works at Eastbourne Borough means that there is a potential cross boundary matter. The discharge of treated effluent in Hailsham is an infrastructure capacity issue for Wealden District Council, albeit it discharges into the Pevensey Levels. This matter has been included and it shows the cooperation between a number of bodies.

Transport

5.55 Wealden District has worked with East Sussex County Council in commissioning transport studies identifying the impacts of growth on the South Wealden area. This model follows on from an earlier South Wealden and Eastbourne Transport Study (SWETS) and shows, at a strategic level, impacts upon Eastbourne junctions from development. The model also considers the impacts of wider growth from other local authority areas. As a result of this work, East Sussex County Council has directly contributed to the evidence base underpinning the Wealden Local Plan. East Sussex County Council has also directly contributed to the text in the Plan with regards to transport. Some of the interaction between Wealden District Council and East Sussex County Council is provided at Appendix ESCC.

5.56 East Sussex County Council provides the strategic role in relation to forecasting facilitating service provision. This means that cross boundary matters are dealt with at a more strategic level. In this regard a number of studies have been identified on roads relating to Eastbourne as well as Wealden District within the Wealden Local Plan. It has also been identified that development in Eastbourne Borough has impacts upon junctions within Wealden District.

5.57 At present Wealden District is also working with East Sussex County Council on a Housing Infrastructure Fund (HIF) bid in order to facilitate growth associated with the County Councils transport and education functions. This bid, from the Forward Funding element of the HIF, has three interlinked elements: the development and provision of air quality mitigation measures in relation to the Ashdown Forest Special Area of Conservation; the implementation of a range of highways improvements and sustainable transport facilities; and the provision of a new school. The bid will support additional development in the south of the District, where impacts are considered to be significant.

Education

5.58 Wealden District Council has worked with and relied upon the advice of East Sussex County Council in relation to education requirements. East Sussex County Council provides the strategic role in relation to forecasting and facilitating service provision. This means that cross boundary matters are dealt with at a more strategic level. The distribution of growth within the District means that cross boundary matters in terms of education are focused on the East Sussex area.

Healthcare

5.59 Work has been undertaken with the NHS Clinical Commissioning Groups (CCG) to better understand the future needs of services in the area. CCGs work on a cross boundary basis but usually the GP provision is locally derived. The discussions have directly resulted in policies for provision contained within the Wealden Local Plan.

Utilities

5.60 Wealden District Council has been in liaison with Southern Water and South East Water with regards to waste water and water provision respectively.

5.61 South East Water has considered, through their own processes, the need for additional capacity for water holding facilities for the purposes of supply. Wealden District Council has facilitated the approach that they are seeking, by safeguarding an additional facility at Arlington Reservoir.

5.62 In terms of waste water, the only direct cross boundary issue is the flow of waste water from Stone Cross to Eastbourne Waste Water Treatment Works. However, it is acknowledged that any pollution from a waste water treatment works entering the Pevensy Catchment has wider cross boundary implications. During the examination of the Core Strategy, the capacity of the waste water treatment works serving Polegate, Hailsham and Stone Cross was of strategic importance. Hailsham North and Hailsham South Waste Water Treatment Works discharge treated effluent into the Pevensy Levels. As a result of this discharge there is eutrophication associated with the wetland habitat. The capacities of the waste water treatment works were capped and a feasibility study was undertaken.

5.63 In the summer of 2015, Wealden District Council was made aware of the results of the feasibility study carried out by Southern Water. Both Wealden District and

Eastbourne Borough Council were invited to a meeting (separately) with Southern Water (Appendix EBC 38-39). A summary of the study was published on the Council's website.

5.64 At this time the Council was developing the Hailsham Area Action Plan (which was subsequently subsumed into the Wealden Local Plan). Southern Water attended a infrastructure meeting of the steering group to provide further information.

5.65 The Council held subsequent meetings with Southern Water seeking to address concerns that were raised regarding waste water treatment works at Hailsham. The most recent meetings are contained within the table below.

Table 3 Meetings Regarding Waste Water Discharge in South Wealden Growth Area

Date	Purpose of meeting	Outcome of meeting
27 March 2018	Meeting with Southern Water to discuss Southern Water's long term plans along with specific issues in relation to Wastewater treatment capacity for Wealden Local Plan's IDP.	Requirement for update to IDP and Hailsham Wastewater Position Statement.
29 August 2018	Meeting with Southern Water to discuss Wastewater Position Statement and strategic issues in relation to Hailsham North and South WWTW .	Development of a waste water position statement.
16 October 2018	Joint meeting with Southern Water and Environment Agency to discuss implications of increase in water quantity and capacity at Hailsham North and South WWTW. Natural England declined attendance to this meeting.	Environment Agency to re-look at Wastewater Position Statement and it was agreed to use this as a purpose for agreement on wastewater infrastructure issues in support of the Examination of the Wealden Local Plan. Amendments provided to Wealden District Council on 29 November 2018.

5.66 The minutes of the meeting are provided at Appendix WW. The final position statement agreed by Southern Water, Environment Agency, Natural England and Wealden District Council is provided within the library of documents associated with the Wealden Local Plan.

Emergency Services

5.67 Owing to the strategic nature of the emergency services any cross boundary strategic issues are considered to be dealt with through liaison on the infrastructure delivery plan.

Flooding

5.68 Wealden District has a significant flood context with several water courses running through the area. The main river catchments within the study area are:

- The Cuckmere River;
- The River Ouse;
- The River Medway;
- Watercourses on the Pevensey Levels;
- Watercourses on the Willingdon Levels; and
- Wallers Haven.

5.69 The southern extent of the study area is bounded by the English Channel. This presents a tidal flood risk to parts of Eastbourne, the Pevensey Levels, and the Cuckmere Estuary. The Cuckmere River is the only estuary in the study area. All the other watercourses are “closed” to the sea and discharge via a series of tide flaps and pumps. These watercourses will therefore become tide locked during periods of high tide, which could result in fluvial flooding if channel capacity is exceeded. The areas identified as at risk from tidal flooding in the Cuckmere and Sussex Havens Catchment Flood Management Plan (CFMP) include the Cuckmere Estuary, the eastern half of Eastbourne, and the area of the Pevensey Levels bounded by the sea.

5.70 The Council undertook Level 1 and Level 2 Strategic Flood Risk Assessments (SFRA) in 2008, 2009 and 2010 to support the work of the Core Strategy. Part of this work was jointly commissioned with Eastbourne Borough Council. A further SFRA has been undertaken and Eastbourne Borough Council was also included in this commission. Greater detail on the SFRA commissioned with Eastbourne Borough Council is provided at Chapter 5, Eastbourne Borough Council.

5.71 The Environment Agency and East Sussex County Council, as Lead Local Flood Authority, were involved in the consideration of the study prior to publication. Both bodies agreed with content of the study.

5.72 Wealden District Council also has issues with regards to surface water and ground water flooding. The Council has supported the Lead Local Flood Authority in surface water management plans and also is contributing to a groundwater study that is currently being undertaken.

5.73 The Wealden Local Plan policy in relation to flood risk has been reviewed by East Sussex County Council as Lead Local Flood Authority and the need to avoid flood risk elsewhere has been included. Comments by the Lead Local Flood Authority on the Policy and the SFRA are provided at Appendix ESCC 35 to 42.

5.74 The Council has been in discussion with Eastbourne Borough Council concerning flood storage issues as a result of development within the Willingdon catchment area. The initial discussion that took place in June 2015 had a direct impact upon the Issues, Options and Recommendation Consultation as well as policy within the Wealden Local Plan. The policy acknowledges this issue and seeks to ensure that development within

Wealden District considers its impact upon the flood storage area. Appendix EBC 43 refers to this matter.

Habitats Regulations Assessment

Ashdown Forest SAC

5.75 Chapter 3, Ashdown Forest Working Group, provides the background in relation to the Ashdown Forest Working Group with regards to the Ashdown Forest SAC. Appendix AFWG and Appendix PS provides the various communications between local authorities and Natural England, known to Wealden District Council, with regards to the Ashdown Forest Working Group and the Statement of Common Ground.

5.76 Wealden District Council was working on air quality impacts and Ashdown Forest SAC prior to the adoption of the Wealden Local Plan in February 2013. The Council sought to raise the issue of Ashdown Forest SAC with other local authorities from an early stage. This is evidenced through the request that certain local authorities contribute to the consultancy work to determine the methodology for monitoring air quality at Ashdown Forest (Appendix LDC 4 to 5) as well as meetings with local authorities concerning the development of the Wealden Local Plan (Appendix TWBC 3 and Appendix LDC 18). However it was not until May 2017 and after the legal challenge to the joint Lewes Core Strategy by Wealden District that other local authorities considered it to be a cross boundary issue.

5.77 As identified in the chronology of events, Wealden District Council started to monitor and model the air quality in relation to Ashdown Forest SAC in 2014. The consultants had already devised a methodology and had used that methodology to predict the impacts of development on the Ashdown Forest SAC. This methodology was used to test early iterations of the Plan including the two housing development options of 14,101 and 11,456 which were presented to East Sussex Strategic Planning Members Group on 8th March 2017. It should be noted that around the time of option testing Natural England had embargoed communication with regards to Wealden District Appropriate Assessment (Appendix NE 12 to 13).

5.78 It was this methodology, together with the associated transport model, that formed the basis of discussions with the Ashdown Forest Working Group commencing in May 2017. The Working Group were aware at this stage of the Council's conclusions in terms of the considered adverse effect of development on Ashdown Forest SAC as a result of development alone and in combination owing to the East Sussex Strategic Planning Members Group meeting on 8th March 2017 (Appendix SPMG 59-74).

5.79 Wealden District Council sought to explain the approach in relation to Ashdown Forest SAC and agreed to be involved in the Statement of Common Ground. Based on previous legal challenges, the Council as competent authority is aware of the need to be able to defend its methodology and approach in relation to the Habitats Directive and the Habitats Regulations owing to the legal tests associated with such legislation. It cannot simply take the view of others who will not be in the position to defend the Council.

5.80 The Council contributed to the Statement of Common Ground. The Statement of Common Ground identified a position from the view point of South Downs National Park Authority and other unspecified contributors. Wealden District Council identified if it agreed or disagreed with the position alongside all other contributors. Appendix AFWG provides evidence of the contribution of Wealden District Council in this regard. In addition to this Wealden District Council paid for advice from Natural England in relation to Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC concerning the Local Plan proposal of 11,456 dwellings. The advice on Lewes Downs SAC and Pevensey Levels SAC was provided on 19th and 20th December 2017 respectively. Wealden District Council provided a public update on 19th January 2018 (Appendix AFWG 232) explaining that advice on Pevensey Levels and Lewes Downs had been received and an incomplete draft of advice regarding Ashdown Forest SAC had also been received.

5.81 In relation to the Statement of Common Ground the content was discussed and comments made which resulted in a Draft Statement of Common Ground which was circulated on 30th January 2018. This Draft is attached at Appendix PS A1 to A53. Wealden District Council responded to this Draft, which is provided at Appendix PS B1 to B12, and was subsequently asked to change some comments (Appendix PS C1 to C8). Ultimately an agreement was reached with the South Downs National Park Authority as to what Wealden District Council could include.

5.82 The advice from Natural England on Ashdown Forest SAC was provided on 16th February 2018. This advice was published together with a series of questions that were raised to Natural England. These questions identified where Wealden District Council had concerns with the advice provided. These are provided at Appendix NE 34 to 37 and NE 38 to 40.

5.83 The Working Group, without Wealden District Council (authors unknown), subsequently amended the statements in relation to introductory paragraphs, whilst retaining Wealden District Council's response to the original text. This was produced as the Final Statement of Common Ground circulated on 19th March 2018. This is provided at Appendix PS D1 to D62.

5.84 Although Wealden District participated fully in the meetings, it was unable to sign the Statement of Common Ground within the timescales stipulated. It was explained in the email of 29th March 2018 as to why further time was required. Specifically the email states

We have taken advice with regards to the Ashdown Forest Statement of Common Ground (SoCG) and unfortunately we are not in a position to meet your timescale. This is because we need more time to raise outstanding issues and take further advice from consultants before we are able to sign the SoCG (AFWG 315)

5.85 The response received on the same day was that "*The SDNPA will now need to consider its options going forward in regard of the Statement of Common Ground*". (Appendix AFWG 314)

5.86 An email from Wealden District Council dated 24th April 2018 (Appendix AFWG 325), in response to correspondence, explained to the South Downs National Park Authority that

we needed time to review our position given that text in the SoCG was amended and we were not permitted to amend our text further, which has resulted in our text appearing out of context". It further stated "We have now reviewed the AF Group SoCG and are prepared to sign it with the proviso that it is recognised that the WDC responses may not directly link with the text prior to the WDC responses and that this is noted within the document.

5.87 Wealden District Council were informed on 25th April 2018 (AFWG 326 - AFWG 327) that South Downs National Park Authority was submitting their Plan that week and that a new statement had been prepared without the input provided by WDC. This was circulated and signed by all the affected authorities and Natural England. It was further stated

The preparation of ScGs is meant to be iterative and is often triggered by a local planning authority reaching a key stage in their local plan preparation. As WDC are approaching the Pre-Submission Stage of their Local Plan I would suggest that you lead on the next iteration of the SCG.

5.88 The next AFWG meeting after the publication of the Statement of Common Ground on 4th June 2018 discussed Wealden District Council's input into the Statement of Common Ground and three proposals were put forward in making Wealden District Council's view public (Appendix AFWG 342). Wealden District Council identified:

- 1) Withdraw the current Statement of Common Ground and publish earlier draft version with Wealden District Council signature.
- 2) Wealden District Council to provide a statement when they submit their Local Plan to outline their views.

5.89 In relation to point 1 the minutes reflect that this was not determined to be possible as the Statement of Common Ground had been signed by all other affected local authorities and published as part of the South Downs National Park Authority core document library. In relation to point 2 it was identified that this was likely to be pursued.

5.90 South Downs National Park Authority reiterated that WDC could lead on the next iteration of the Statement of Common Ground to meet key milestone in the Local Plan preparation. However, it was emphasised that the statement need only be refreshed if there was a material change in circumstance.

5.91 Wealden District Council published a position statement, providing information on its input into the Statement of Common Ground in October 2018. This is provided at Appendix PS.

5.92 Notwithstanding the issues concerning the Statement of Common Ground, in direct response to the advice from Natural England and comments made in the Statement of Common Ground regarding the transport model, the Council's consultants amended the methodology of both the air quality model and the transport model. This was identified in the meeting on 7th February 2018 and reiterated on 3rd September 2018 at a joint workshop for local authorities that was arranged by Mid Sussex District Council and Wealden District Council. The presentation is provided at Appendix AFWG 377.

5.93 This methodology remains in dispute, and areas of disagreement are outlined in the joint South Downs National Park Authority, Lewes District Council and Tunbridge Wells Borough Council submission to the Wealden Local Plan. However, the fundamental areas of disagreement remain broadly similar to that identified in the Statement of Common Ground, subject to a change in one category (Appendix AFWG 419). It should be noted that at the meeting on 7th February 2018 NE identified that it is not their role to advise on specific Air Quality methodology and that there is more than one approach (Appendix AFWG 266)

5.94 In terms of the growth that was modelled, the in combination assessment of the Wealden Local Plan has taken into account growth as identified by the bodies which formed part of the Group. Individual Appendices LDC, TWBC, RDC, SDNP, TAN, SO show how information was sought and what was provided to the Council.

5.95 Around the time of the development of the Statement of Common Ground, Wealden District Council as Local Planning Authority objected to planning applications within other local planning authority areas. The letters of objection related to the need to undertake an in combination assessment for certain planning applications. The meeting on 18th January 2018 raised this as an issue and a specific meeting on 7th February 2018 sought to address this issue. This matter and the development of the Wealden Local Plan was subject of meetings with ministers and the Ministry of Housing Communities and Local Government some details of which are attached at Appendix MHCLG. As a result of these discussions, the Council has acknowledged the right of a competent authority to undertake an assessment of a plan or project as they consider appropriate. This is addressed in the Wealden Local Plan update of 12th April 2018 (Appendix AFWG 320). As a result the Council has not commented upon other assessments, unless they have been specifically requested to do so. In this regard Wealden District Council considers this particular matter to be resolved.

Analysis

5.96 At Regulation 19, South Downs National Park Authority, Tunbridge Wells Borough Council and Lewes District Council submitted a joint response to the Wealden Local Plan. This joint response lodged an objection under the duty to cooperate in relation to the Ashdown Forest SAC. Specifically it is stated Wealden District Council has failed to work collaboratively on a number of occasions most notably by:

1. not signing the Statement of Common Ground within the agreed time frame;
2. not sharing evidence in a usable form;
3. and not engaging with the Authorities on their proposed mitigation measures.

Statement of Common Ground

5.97 Wealden District Council considers that it has met the Duty to Cooperate despite the fact it did not sign the Statement of Common Ground within the agreed time frame. The information provided as part of this paper and Appendix AFWG shows that Wealden District Council made a significant effort to engage the other local authorities in relation to this matter. In terms of Statement of Common Ground, Wealden District Council asked for more time owing to the fact that the statement had changed and it needed more time to seek advice from professional colleagues. Wealden District Council does not consider this to be unreasonable, particularly when the responses provided in the paper did not necessarily match the context provided. Importantly, when Wealden District Council later asked for the opportunity to sign the Statement of Common Ground it was not given that opportunity. The South Downs National Park Authority explained that this could not take place owing to the fact that the Statement was for the purposes of the South Downs National Park Authority submission. Wealden District Council therefore wanted to sign the statement but was prevented from doing so prior to its own Local Plan submission.

5.98 The lack of signature within the timescale stipulated does not negate the fact that Wealden District contributed to the Statement as well as contributing to the meetings of the Group. Duty to Cooperate requires early and on-going engagement, which the Council did undertake and it does not consider it failed to meet the duty by requesting more time. The subsequent request to sign the Statement is not acknowledged within the objection raised by the joint authorities.

5.99 The South Downs National Park Authority made the point on at least two occasions that the Statement of Common Ground was a point in time and in theory Wealden District Council could lead on the next iteration of the Statement of Common Ground for the purposes of its Local Plan examination. This was caveated that the statement need only be refreshed if there was a material change in circumstances. This was raised at the meeting on 4th June 2018. At this time there appeared to be little or no appetite from other Local Authorities to undertake a new Statement of Common Ground. This was again raised at the Ashdown Forest Working Group meeting on 29th November 2018, which is reflected in the draft minutes (Appendix AFWG 434). However, the minutes do not reflect that Wealden District Council suggested it would be beneficial to hold a meeting prior to the Wealden Local Plan submission in January to include a discussion on responses to Tunbridge Wells Borough Council's technical documents to help resolve Duty to Cooperate concerns. This was not agreed by those attending the meeting. Moving forward Wealden District Council is interested in being included in any revised Statement of Common Ground.

5.100 In accordance with discussions on the 4th June 2018, the Council published its Position Statement in October 2018 (at Appendix PS). This Position Statement identified the Council's input into the Statement of Common Ground. Based on the minutes of the meeting (Appendix 342), it would be reasonable to conclude that by publishing the Position Statement that Wealden District had demonstrated its involvement in the Statement of Common Ground. Wealden District Council also retracted its objection to the South Downs Local Plan, which at the time of publication is within its examination period.

5.101 Wealden District Council took the Statement of Common Ground seriously and as a result asked the authorities in the joint response to clarify housing numbers in Middle Super Output Areas in order to ensure that the correct information was being used. Both Tunbridge Wells and South Downs National Park Authority provided the information, whilst Lewes District Council was unable to respond to the specific request owing to timescales. This has not been reciprocated by these authorities and in particular South Downs National Park Authority which is understood to have undertaken additional work for their Plan (Appendix AFWG 317).

5.102 Whilst it is acknowledged that the publication was after the representations period, Duty to Cooperate continues to the period up to submission. After representations Wealden District Council sought to maintain its duty and work with the local authorities concerned. In this regard, it asked the relevant local authorities whether they would retract their objection under duty to cooperate owing to work that had been undertaken. South Downs National Park has responded, and is attached at Appendix AFWG 429, stating "*Although the recent actions highlighted in your letter are noted and appreciated, they are not sufficient for us to withdraw our letter of objection. Furthermore, as you know we are in the middle of our Local Plan examination and would not want to undermine the position that we have presented on this matter to our Inspector.*" It must be assumed that South Downs National Park Authority retains its objection under this ground. Lewes District Council also responded at Appendix LDC 48, stating that "*Our representation stands that Wealden District Council has not engaged productively and on an ongoing basis in developing the strategic policies of the Pre-Submission Wealden Local Plan*". A response was also provided by Tunbridge Wells Borough Council (Appendix TWBC147).

5.103 It is considered that the objection on the grounds of not signing the Statement of Common Ground to be unreasonable bearing in mind the comments made by South Downs National Park Authority regarding the status of the Statement in terms of the timing of the signature and:

1. The early and on-going engagement of Wealden District Council as evidenced by the Appendix AFWG;
2. The fact that Wealden District were reasonable when told what it could input into the Statement in terms of length and content;
3. Wealden District Council said it would sign the Statement even after the context of the statement had changed and therefore the response was not necessarily relevant to that context;
4. Wealden District Council said it would sign the Statement of Common Ground prior to the submission of the Wealden Local Plan; and
5. A Position Statement has been published and questions raised by Tunbridge Wells Borough Council answered (Appendix AFWG 424).

5.104 In this regard, Wealden District Council considers that it has been hindered in meeting the duty to cooperate. It is not clear as to the motivation of the objection under the duty to cooperate in relation to the signing of the Statement of Common Ground. In relation to the South Downs National Park Authority it has been stated that "*we are in the middle of our Local Plan examination and would not want to undermine the position that*

we have presented on this matter to our Inspector' (Appendix AFWG 429). It is considered that it is not the duty to cooperate that will consider the methodology and the legal interpretation of the Habitat Regulations/ Habitats Directive but the test of soundness. It would appear that it is the fact the Wealden District Council as competent authority has a different approach that is the issue not whether the Statement of Common Ground was signed at an earlier time.

Evidence in a Usable Form

5.105 Wealden District Council acknowledges that it was only able to provide a report on Ashdown Forest SAC which redacted the location of the transects (for ecological monitoring purposes). Appendix AFWG 82 explains why the information was redacted and it was also explained that the local authorities receiving the information would be obliged to release the information if requested under Environmental Information Regulations. Owing to the fact that air quality monitors have been subject of sabotage and criminal damage it would be expected that the same would take place at the ecological transects if they were made public. Whilst, at the Council's expense, air quality monitors could be replaced causing a short gap in monitoring the loss of ecological information would stop the monitoring exercise and prevent the Council from undertaking the work as required by WCS12.

5.106 It is not clear and it has not been explained how the redaction of the ecological information prejudiced the joint authorities in relation to the work that they undertook for their appropriate assessments. The lack of this specific piece of information did not prevent the publication of an appropriate assessment for the South Downs National Park Authority or Tunbridge Wells Borough Council. In this regard, Natural England also commented at the meeting of 3rd September 2018 that the outcomes of each study in terms of quantum of deposition is not noticeably different it is the interpretation of results that varies.

Mitigation

5.107 The mitigation measures identified by the Council were identified at a late stage of the Plan making process, but based upon previous discussions with Natural England and air quality advisors. Appendix NE66 shows that Wealden District council were seeking information in May 2018 from Natural England. Information was also provided at the Ashdown Forest Working Group (Appendix PS D34, D39 and D52). Through the AFWG and iterations of the Statement of Common Ground it was clear that the other local authorities did not consider mitigation measures were necessary. Having said this a Site Nitrogen Action Plan (SNAP) was supported and it was agreed that the SNAP would be considered after the Statement of Common Ground was completed (Appendix PS D45). Any discussion of mitigation was not progressed. However measures to reduce background emissions are more palatable to Ashdown Forest Working Group and have been tabled to the Group. These have not yet been considered by the group (Appendix AFWG 352).

5.108 A number of mitigation measures within the policy require investigation, and Wealden District Council liaised with East Sussex County Council regarding the mitigation tariff (Appendix ESCC 31 - 33). This is because any interventions that move traffic away from Ashdown Forest roads may move traffic to other routes and junctions. The Ashdown

Forest Working Group were also provided information prior to the joint workshop (Appendix AFWG 374). The investigative nature of these measures means that we can work with other bodies. This is a similar matter regarding monitoring. Therefore similar to the situation with SAMMS the duty to cooperate has not yet finished. In addition, Wealden District Council has stated that it would work in partnership on a SNAP, which some of the measures may form part of.

5.109 Other on-site development measures, such as electric vehicle charging points and broadband provision, are not in themselves cross boundary in nature as the provision does not impact other areas.

Conclusion

5.110 The local authorities involved in the Ashdown Forest Working Group did not engage early in the process of the development of the work being undertaken by Wealden District Council. However Wealden District Council committed time and resources into seeking to work with other local authorities. Wealden District Council does not agree with methodologies of other local authorities, but seeks to collaborate where possible. It is considered that Wealden District Council has been reasonable in its conduct with regards to the Ashdown Forest SAC, and whilst there has been objections raised by some authorities affected by Ashdown Forest other local authorities who are also affected have not.

Air Quality and Lewes Downs SAC and Pevensey Levels SAC

5.111 Wealden District Council had not considered air quality impacts of the Wealden Local Plan on Pevensey Levels until around 2016/ 2017. Just prior to publication of the Local Plan options to Local Plan Sub Committee in March 2017 Wealden became aware of the results of the air quality assessments at Pevensey Levels and Lewes Downs SAC for the options of 14,101 dwellings and 11,456 dwellings. This was determined using the methodology for Ashdown Forest SAC and associated transport model.

5.112 The agenda reports pack was made available to the participants of the East Sussex Strategic Planning Members Group in preparation for the meeting on 8th March 2017 (Appendix SPMG 58). At this time it was not considered that there would be an impact of the Plan alone or in combination in relation to Lewes Downs SAC or Pevensey Levels SAC. Therefore although this was considered to be a cross boundary issue the impact was not significant and therefore not raised as a constraint or a significant issue.

5.113 After the Local Plan was considered by the Council in March 2017, the Ashdown Forest Working Group met in May 2017. This was just after the results of the Lewes Joint Core Strategy Legal Challenge. From the work on the Ashdown Forest Working Group there are acknowledged differences in the approach to implementing the Habitats Directive/ Regulations as described in the section above. In addition it was identified that due to Local Plan timetables authorities were continuing with their individual approaches (Appendix LPM 62).

5.114 Wealden District paid for advice from Natural England in relation to Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC in relation to the evidence concerning the Local Plan proposal of 11,456 dwellings. The advice on Lewes Downs SAC and Pevensey Levels SAC was provided on 19th and 20th December 2017 respectively. Wealden District Council provided a public update on 19th January 2018 (Appendix AFWG 232) explaining that advice on Pevensey Levels and Lewes Downs had been received as well as a incomplete draft of advice regarding Ashdown Forest SAC.

5.115 When the advice for Ashdown Forest SAC was published, it was accompanied by a series of questions that were raised to Natural England in a letter dated 2nd March 2018 (Appendix NE 34 to 37). A briefing note was also published, dated 3rd November 2017 (Appendix NE 14 to 17). This note outlined that the reports were available. However, it was clear from the briefing note that further work was required in relation to Pevensey Levels SAC and Lewes Downs SAC and general questions were being raised.

5.116 After the consideration of the Draft Wealden Local Plan further work was undertaken by the Council with testing of further options. A new transport model and a new methodology were used to test these options. This was identified at the meeting of the Ashdown Forest Working Group on 7th February 2018.

5.117 The impacts of development for the new housing options were provided to the Council at a relatively late stage in the plan preparation prior to publication of the Plan for consideration by the relevant Committees at Wealden District. The results of the air quality assessment were materially different, in terms of critical load/ levels exceedence, for Pevensey Levels SAC. The updated HRA evidence base, including Pevensey Levels and Lewes Downs SAC was provided to the Ashdown Forest Working Group on 5th August 2018 which confirmed the conclusions of the Habitat Regulations Assessment undertaken at that time. The results of the Lewes Downs SAC air quality assessment was also materially different to that considered by Natural England.

5.118 However, it was made clear, as shown in the Appendix NE 72, that the Appropriate Assessment is not concluded until such time as Natural England had provided advice and that this was taken into consideration by the competent authority. Natural England was unable to comment at the meeting on 3rd September 2018, as they had not had time to consider the documents.

5.119 Wealden District Council has considered Natural England's response to the Wealden Local Plan at Regulation 19 prior to submission of the Local Plan. In addition to this, Wealden District Council has taken further advice from ecologists concerning Pevensey levels SAC. This has resulted in a change to the conclusion of the Habitat Regulations Assessment regarding Pevensey levels SAC. As soon as the Council was aware that the conclusion was to change the Council advised Rother District Council. This took place at a meeting on 21st December 2018. This was also explained to Eastbourne Borough Council by way of email on 30th December 2018. Both Rother District Council and Eastbourne Borough Council have been provided further confirmation (Appendix RDC 119 and EBC 173).

Pevensey Levels SAC and Ramsar Site and Hydrology

5.120 The Pevensey Levels, between Eastbourne and Bexhill, is one of the largest and least fragmented lowland wet grassland systems in southeast England. It is a designated Ramsar site for the outstanding assemblage of ditch flora and fauna supporting wetland plants, invertebrates (including the rare Fen Raft Spider), aquatic beetles, and dragonflies, amongst others.

5.121 The Pevensey Levels are also a Special Area of Conservation (SAC) designated for the presence of the Ramshorn snail, which can be found in both a wide spatial distribution and in good population densities. They are also designated as a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR), and need to be protected from any development impacts that may affect its European and national designations.

5.122 In addition to air quality, identified above, Pevensey Levels is also subject to hydrological and water quality constraints. In terms of water quality, there is a recognised issue with regards to the discharge of treated effluent from waste water into the Pevensey Levels SAC and Ramsar Site. Although this is an issue, the pollutants arise from waste water treatment works in Wealden District.

5.123 In 2010 a joint Wealden District Council and Rother District Council paper was published concerning hydrology local to the Pevensey Levels. This paper forms the basis of the Habitats Regulations Assessment regarding hydrology, although it is updated to take into account case law. In addition to this, mitigation has been updated to take into account Natural England's advice regarding strategic SuDS. Strategic SuDS is a concept that was brought forward by Natural England. The strategic SuD proposal, is included in the Cuckmere and Pevensey Partnership papers at Appendix CPP5 and minutes at CPP46. This shows that Rother District Council and Eastbourne Borough Council are also supportive of this approach. Whilst Rother District has not requested an update of the joint hydrology paper as part of their local Plan, which is to be submitted at a similar time to that of the Wealden Local Plan, it is considered that the paper remains relevant.

5.124 The council already works closely with stakeholders through the Cuckmere and Pevensey Levels Catchment Partnership. The Council recognised that new development within the catchment area can have a likely significant effect on the Conservation Objectives of the Pevensey Levels and as a result has site specific mitigation measures identified in the Local Plan. However, it is also aware of the ambition of Natural England, and other partners within the catchment, to have implemented sustainable drainage systems and has supported this approach within the Plan.

Common Policy Areas

Common Policy Areas

5.125 In addition to the work of East Sussex Strategic Planning Members Group, there is joint work on common policy areas which cross local authority boundaries that includes older people's housing, Gypsies and Travellers, renewable energy and tourism. This work

is detailed in the Local Plan Managers Meetings Appendix (LPM) as well as appendices RDC and EBC.

5 Duty to Cooperate Matters

6 Individual Engagement

Introduction

6.1 In addition to objections under the Duty to Cooperate from Lewes District Council, South Downs National Park Authority and Tunbridge Wells Borough Council, objections were received separately from Rother District Council and Eastbourne Borough Council. Objections by Lewes District Council, South Downs National Park Authority and Tunbridge Wells Borough Council have been dealt with in Air Quality and Ashdown Forest SAC above and objections from Rother District and Eastbourne Borough are commented upon within this section. For completeness, information concerning other Duty to Cooperate bodies, who have not objected under Duty to Cooperate is also provided in this Section.

Rother District Council

6.2 Wealden District Council has been engaged with Rother District Council regarding the Wealden Local Plan through joint meetings including East Sussex Strategic Planning Members Group and Local Plan Managers Group. Rother District Council also attends the Ashdown Forest Working Group. Rother District Council has maintained that it has weaker relationships with Wealden District in relation to the Housing Market Area than other local authorities, although it is a neighbouring authority. The main issues relevant to Rother District Council in terms of cross boundary strategic issues include: housing supply; economic development; transport (east- west strategic movement); Pevensey Levels SAC; and Ashdown Forest SAC. The following table provides a list of meetings with Rother District that are not included elsewhere in this document.

Table 4 Meetings Between Rother District Council and Wealden District Council

Date	Subject Area	Outcomes
1 st April 2015	Affordable housing and financial contributions	
3 rd June 2015	SHMA, development options and distribution, Ashdown Forest SAC and air quality and Pevensey levels hydrology/ water quality, road capacity, employment	Differences in HMA approach identified with no agreement on different approaches. Hydrology and Pevensey levels hydrology remains an issue (as per Wealden District Core Strategy). Air quality impacts spatial distribution of Wealden Local Plan but no particular issues raised in terms of spatial distribution.
7 th September 2018	Housing Market Area, meeting cross boundary needs, air quality and ecology, common issues and	Agree that difference in Housing Market Area does not materially prejudice Rother District. Basis of hydrology identified to be joint

Date	Subject Area	Outcomes
	future plans, Pevensey levels and hydrology	work undertaken previously. Strategic SuDs does not relate to Rother District and is a concept of Natural England.
20 st December 2018	Pevensey Levels SAC	Change in conclusions in relation to air quality to coincide with Natural England Advice. Basis of hydrology identified to be joint work undertaken previously. Strategic SuDs does not relate to Rother District and is a concept of Natural England.

6.3 The representations regarding Duty to Cooperate refer to the perception that Wealden District Council officers at meetings have taken an unnecessarily detached and, it is felt, aloof, position in relation to what appeared to be a genuine attempt instigated by the South Downs National Park Authority to first understand, then reconcile and, if that failed, at least to narrow down areas of uncommon ground. Further it is stated that without any prior discussion or advance notice, letters of objection on current planning applications were sent to many Councils, stated as being pursuant to the findings of Wealden District Council's HRA work. The representation also related to *“the fact that WDC pulled out of signing the 'statement of common ground' on air quality issues affecting Ashdown Forest SAC within an agreed timeframe”*.

6.4 Disappointment is raised that there was no discussion about work on the Pevensey Levels, its conclusions or, most fundamentally, Wealden District Council's interpretation of them (as well as the submission of objections to planning applications on their basis).

6.5 The conclusions of the HRA in relation to adverse effects on the integrity of the respective SACs and Ramsar Site (as opposed to any clear conclusion as to this in its supporting, consultancy reports) are contrary to the conclusions of Rother District Council's consultants, who have undertaken an HRA for its "part 2" Local Plan, which has been accepted by Natural England. Rother District Council question the basis of this divergence and, indeed, the degree to which Wealden District Council has taken advice from Natural England.

6.6 It is further stated by Rother District Council that

"assuming the WLP is submitted in its present form, we cannot see how it will be possible for the Planning Inspectorate to conclude that for, one local plan, its policies do not adversely affect the integrity of the relevant Natura 2000 sites but, for another plan, they do, when necessarily viewed 'in combination'. We feel obliged to express

the view that the limited degree of cooperation on behalf of WDC to date has contributed to this unfortunate position."

6.7 There are a number of concerns raised under the Duty to Cooperate from Rother District Council some of which are addressed elsewhere in this document. However, for the purposes of clarity these will also be addressed in this section.

6.8 As identified previously, Wealden District Council has sought to engage other local authorities with regards to the Ashdown Forest SAC. However, by the time other local authorities became interested or aware, owing to the High Court judgement concerning in combination impacts, the Council was in the third year of undertaking assessment work on Ashdown Forest. The methodology was already in progress, but most importantly after years of considering the legal aspects of the Habitats Directive and after its own High Court/ Court of Appeal challenge the Council had already considered the nuances of the legislation. Notwithstanding this, the Council put in a lot of work trying to ensure that clarity was given in the Statement of Common Ground.

6.9 As a result of the Statement of Common Ground and the advice from Natural England, through Discretionary Advice Service (DAS), the consultants working for Wealden District Council changed the methodology for transport modelling and air quality modelling to ensure it was the best scientific information available. The Council did not undertake all of this work not to progress the Statement of Common Ground, it asked for more time owing to the changes that has been made to the context it had been responding to. Wealden District Council was not party to those changes and it is considered not unreasonable for Wealden District Council to be able to respond to those changes. Notwithstanding this Wealden District advised that it would sign the Statement of Common Ground but was informed that it was too late for the version used by the South Downs National Park Authority. As detailed in previous sections, to say that Wealden District Council did not sign the Statement is an over simplification of the situation and it is submitted that the evidence shows that Wealden District Council met the Duty to Cooperate in this regard. In addition, whilst Wealden District Council has stated it would like to sign the statement it is not clear how a signature would overcome Rother District Council's objections or the objections of the joint authorities.

6.10 The letters of objection raised by Wealden District Council were subsequently subject to a statement made by Wealden District Council, which was discussed with the Ministry of Housing Communities and Local Government. As explained in the section concerning the Habitats Regulations Assessment, the Council has acknowledged the right of a competent authority to undertake an assessment of a plan or project as they consider appropriate. This is addressed in the Wealden Local Plan update of 12th April 2018 (Appendix AFWG 320). As a result the Council has not commented upon other assessments, unless they have been specifically requested to do so. The Council has therefore sought to rectify the situation and this matter has been resolved. Again it is not clear how this matter can be resolved by Wealden District Council in relation to Duty to Cooperate as it has already been resolved.

6.11 Whilst it is appreciated that Wealden District Council has not concluded in the same manner as Rother District Council, Wealden District Council has provided reasoning

as to its position. Whilst the Council would like to agree on all matters, it cannot prejudice its own professional judgement and respects that other local authorities will have different views. It is considered that Duty to Cooperate is not a duty to agree and concerns regarding soundness can be dealt with without consideration of Duty to Cooperate. In terms of agreeing with the advice from Natural England, it is considered that this is not a Duty to Cooperate matter. Wealden District Council has a right not to agree with advice from Natural England if it has good reason to do so. This precedent has already been set and was recently acknowledged in the High Court Challenge of the Joint Lewes Core Strategy, and therefore Wealden District Council already has had experience in this regard. Notwithstanding this, Natural England has also made it clear within their representation to the Local Plan and the Habitat Regulations Assessment that Wealden District is the competent authority and it may depart from its advice.

We recognise that it is a matter for WDC as competent authority to reach its conclusion on the Appropriate Assessments, having considered the advice provided by Natural England. If WDC decides to depart from our advice and considers that mitigation is required, it will be necessary for the council to demonstrate that the mitigation will be effective and there is sufficient certainty as to its delivery.

6.12 This is not the first time this message has been given and in response to the letter dated 2nd March 2018 Natural England stated

It may be the case that Wealden council disagrees with elements of Natural England's advice, however it is a matter for the Council, as competent authority, to consider Natural England's advice and decide whether it agrees with it or wishes to depart from it. (Appendix NE 32)

6.13 The concern of Rother District Council is that different Planning Inspectors cannot take different views and it is limited degree of cooperation on behalf of Wealden District Council to date that has contributed to this position. In response, Wealden District Council has been taking a different view than other local authorities since the adoption of the Core Strategy in February 2013. Planning Inspectors have had to make decisions in the knowledge of different approaches in relation to planning applications. However, it must be reiterated that Wealden District Council will need to be able to defend any position it takes, and if necessary at High Court. It cannot simply take another view because it is unpalatable to others.

6.14 In terms of Pevensey Levels SAC, Wealden District Council acknowledge that in terms of air quality the final results of the final assessment were not released until very close to publication of the Wealden Local Plan for consideration by the Local Plan Sub Committee. The reason for this is that the work was not completed until close to the deadlines. Having said this the principle of assessment and how the Council considered the Habitats Directive/ Habitats Regulations were known to the parties involved in the Ashdown Forest SAC.

6.15 Since the Regulation 19 response, and as soon as Wealden District Council was aware, Wealden District Council indicated to Rother District Council that they were reviewing the position with regards to Pevensey Levels and air quality. As the conclusion

is now that there is not an adverse effect of the Wealden Local Plan alone and in combination on the conservation objectives of the Pevensy Levels SAC and Ramsar Site, it is considered that in terms of duty to cooperate outcomes this issue has been addressed.

6.16 A main point raised by Rother District Council is the perception of officers behaviour where it is considered that officers took an aloof and detached position. Reference was also made to the presence of a Director from the Council at meetings, although it is not clear what is meant by this part of the statement. In response it is not considered that perceived aloofness and detachment of officers at meetings/ communications is relevant to the test of Duty to Cooperate. If this were the case, within appendices to this document there are a number of emails from other authorities that could be looked at to determine whether the tone was appropriate, including emails to Directors. If it is being intimated that officers were not engaging in the meetings, there is no proof of this. Notwithstanding this, and in the absence of recorded meetings, the emails particularity between officers at Wealden District Council and South Downs National Park Authority during and after the period of the development of the Statement of Common Ground (at Appendix AFWG) show the relationship between officers, which was open and conciliatory. This is also shown by the work by the SAMMS partnership which was also meeting at this time.

6.17 Wealden District Council respects the views of other local authorities, and this is proven by the change in position concerning planning applications. It understands that sometimes meetings and correspondence can be difficult. However, this does not mean that the Duty to Cooperate has not been met. Rother District Council has held their own views, for example, in relation to the HMA which are respected. This is no different that Wealden District Council holding a professional view with regards to Ashdown Forest SAC.

Eastbourne Borough Council

6.18 Wealden District Council has been involved in a close working relationship with Eastbourne Borough Council prior to and during the development of the Wealden Local Plan.

6.19 During the development of the Wealden Local Plan the back office functions, in terms of planning policy, between Lewes District Council and Eastbourne Borough Council merged. This was around summer 2017, and therefore in the later stages of the Plan making process information provided to Lewes District Council officers and Eastbourne Borough Council officers were one in the same.

6.20 In addition to meetings of East Sussex Strategic Planning Members Group, Local Plan Members Group, Ashdown Forest Working Group and other meetings on a topic basis (for example SHMA and common policy meetings) there were individual meetings with Eastbourne Officers. There was also email communication between officers regarding evidence and Plan development. The schedule of meetings is contained within the table below.

Table 5 Meetings Between Eastbourne Borough Council and Wealden District Council

Date	Purpose of meeting	Outcomes
21 st March 2013	To discuss Core Strategy Local Plan, SHMA, CIL, Eastbourne Borough Council's Employment Land Local Plan and Friday Street Farm Development Proposal.	Update on matters including discussion on site specific issues.
21 st January 2014	To discuss the SHMA, HMA and Core Strategy Review (now called the WLP)	Development of the brief for the Wealden District Council SHMA
9 th June 2015	To discuss the SHMA and inform the Issues, Options and Recommendations Document A shortfall (quantity unknown at the time identified) . The size of the HMA was queried by Eastbourne and issues of separation were identified. Waste water matters were discussed and explained that Southern Water were dealing with Eastbourne as a separate matter. Ashdown Forest and impact on capacity was raised and south Wealden Growth approach was identified. Development in stone cross was identified and Friday Street Specifically mentioned. EBC were asked to confirm any retail or employment deficits. Flood storage was also discussed.	The Issues, Options and Recommendations Consultation Document included a preferred option for testing for south wealden development, including meeting some of the shortfall from Eastbourne Borough. Flood storage issues were identified within the document.

Date	Purpose of meeting	Outcomes
22 nd July 2015	Joint working on evidence	Opportunities for joint working and input into studies in principle agreed
26 th February 2016	Joint meeting with East Sussex County Council and Environment Agency regarding flood risk	Introduce the SFRA, flood management strategies, policy and surface water drainage.
18 th May 2016	Inception meeting for Strategic Flood Risk Assessment	Agree outcomes for Wealden District and Eastbourne Borough
31 st May 2016	Discuss progress on the Wealden Local Plan, the Hailsham Area Action Plan (that is now subsumed into the Wealden Local Plan) and the Eastbourne SHMA. This included highways and waste water as well as housing and studies. Specific sites were also discussed including Friday Street Farm.	Updates on waste water with regards to how Southern Water are considering waste water catchments, highways and progress on Wealden Local Plan. Discussion as to internal markets within Wealden District verses a south Wealden and Eastbourne sub market.
10 th January 2017	To discuss Duty to Cooperate and outcomes of a PAS sponsored exercise regarding Duty to Cooperate, Wealden Local plan, evidence bases and Eastbourne Borough Council SHMA	Agreed that Eastbourne is one of the most important neighbouring authorities in relation to Duty to Cooperate. Discussed potential white paper in relation to joint plans, and related advice received that precedent had been set where plans would be delayed by joint planning. Discussed the need for outcomes. Issues surrounding disaggregating south Wealden from North Wealden discussed.
24 th November 2017	Initial one to one meeting with merged Lewes and Eastbourne Planning Policy Team. Housing OAHN, HMA. Highways, waste water, employment and statement of common ground.	Explanation of Wealden Local Plan position and Eastbourne Borough Council Review. Issues of shortfall for Eastbourne reiterated, issues regarding employment raised and concerns regarding waste water reiterated.

Date	Purpose of meeting	Outcomes
24 th May 2018	To discuss the Wealden Local Plan, joint planning and statement of common ground	WDC did not consider that a Statement of Common ground similar to that of Ashdown Forest SAC was the most appropriate way of moving forward, but a statement of working together was considered to be a more appropriate way forward by WDC. Owing to the constitution of Wealden District Council (covering the area beyond south Wealden) a joint plan was advised to be unsuitable for Wealden District at this stage. Reassurance as to the importance of Eastbourne for Wealden District. Flexibility in employment for Eastbourne was outlined.
16 th November 2018	To discuss representations made by Eastbourne Borough Council to the Wealden Local Plan (Regulation 19)	To progress a memorandum of understanding with Eastbourne Borough Council regarding future working
6 th December 2018	To discuss Wealden Local Plan Transport Study 2018 and future Eastbourne Transport work	To understand the outcomes of the work project managed by East Sussex County Council for the Wealden Local Plan. To understand future working for Eastbourne Local Plan.
9 th January 2019	To discuss memorandum of understanding and duty to cooperate matters	This meeting did not take place as Eastbourne Borough Council withdrew from the meeting.

6.21 As identified previously Wealden District Council commenced work in 2014 on the Strategic Housing Market Assessment (SHMA). The SHMA for the Core Strategy (2007) was jointly commissioned (within the South Wealden area - based on the South East Plan delineation of South Wealden) with Eastbourne Borough Council. In the comments made to the Housing Paper (dated 2nd April 2014) it is apparent at that time Wealden District Council was the only local plan subject to review (owing to Policy WCS1) and the issue of consistent timescales was identified as a challenge (Appendix EBC 5 comments 12 and 13). Eastbourne Borough Council added to these comments regarding supporting and working with Wealden on their SHMA (Appendix EBC 5).

6.22 In the Duty to Cooperate Statement for the Strategic Sites Local Plan (Appendix EBC 15 paragraph 1.2) Wealden District Council identifies that Eastbourne Borough Council updated its SHMA in 2012, which supersedes the earlier joint SHMA. Wealden District Council provided information in the new Eastbourne SHMA, but it was not a joint commission. Appendix EBC 15, Paragraph 1.4 identifies that the Wealden District Council SHMA was commissioned in 2014 and the brief was discussed, developed and written with Eastbourne Borough Council. This is further evidenced by the email from Eastbourne Borough Council dated 14th February 2014, where comments were made on the brief for consultants. At this time it was envisaged that the SHMA would be a joint commission, but subsequently it was commissioned solely by Wealden District Council (Appendix EBC 20 to 30). Having said this, it was based upon the methodology agreed by Eastbourne Borough Council. At the subsequent stakeholder events where the Housing Market Area and relevant evidence was presented, Eastbourne Borough Council was present at both the housing specialist and the duty to cooperate sessions (Appendix EBC 31 to EBC 37). Eastbourne Borough Council was given special status, in this regard, compared to other neighbouring authorities. The minutes of the meeting (at Appendix EBC 35) show that a county wide SHMA was considered by East Sussex Strategic Planning members Group but discounted as it was not considered to be practical.

6.23 A meeting was arranged with Eastbourne Borough Council prior to the completion of the SHMA and to inform the Issues, Options and Recommendations Consultation. This meeting took place on 9th June 2015. The minutes of the meeting are attached at Appendix EBC 41 to 44. The topic areas discussed included the size of the HMA, shortfall in housing, deficits in retail and employment provision. Ashdown Forest and air quality was raised and in particular a district wide consideration of impacts. The the need for improvements to the A27 was also discussed as well as other infrastructure. In particular Friday Street Farm was discussed and a request made for specific comments to be made at the earlier in the process.

6.24 As a result of the meeting a note of Eastbourne Borough Council's housing provision was provided (Appendix EBC 46).

6.25 A subsequent meeting took place on 22nd July 2015, to discuss joint working on evidence. The agenda is provided at Appendix EBC 48. It covered issues of joint working as well as development contributions.

6.26 As a result of the meetings, Wealden District Council contributed to the evidence base being prepared by Eastbourne Borough Council through provision of information concerning methodology to ensure consistency of approach. The email 1st September 2015 in relation to the Eastbourne Borough Council SHMA is an example of this approach (Appendix EBC 51 and 52). This was reiterated by Eastbourne Borough Council at the Local plan Managers meeting on 30th September 2015 (Appendix LPM 20). Another example is the inclusion of Eastbourne Borough Council in the meeting to set up transport studies (Appendix EBC 53 and 54).

6.27 Eastbourne Borough Council provided a very thorough response to the Issues, Options and Recommendations Consultation in October 2015 (EBC 56 to 72). As previously identified Eastbourne Borough Council responded to the HMA, the level of growth and

under supply as well identification of site specific matters including Friday Street Farm. At this time Eastbourne Borough Council was satisfied that Wealden District Council was meeting its Duty to Cooperate.

6.28 After the consultation Wealden District Council progressed with its preferred options for testing as outlined in the committee report for Local Plan Sub Committee on 20th April 2016.

6.29 Subsequent meetings were arranged by Wealden District Council regarding waste water (minutes of meeting 26th February 2016 are provided at EBC 77 to EBC 80) which included Eastbourne Borough Council. Eastbourne Borough Council was also invited to be part of the Strategic Flood Risk Assessment SFRA (Appendix EBC 76). Eastbourne did join in the commissioning of the SFRA and took part in the inception meeting and agreed that because flood risk, land availability and timescales of the SFRAs were very different that separate district specific reports were required (Appendix EBC 85). SFRA update notes are provided at Appendix EBC (EBC 84 to EBC 88, EBC 94 to 96, EBC 107 to 109, EBC 112 to EBC 117). The consideration of Eastbourne sites under Level 1 was delayed by Eastbourne Borough Council, but the methods of modelling and approach were similar. In addition joint work on breach analysis was undertaken (Appendix EBC 97 to 100 refers).

6.30 Wealden District Council undertook a procurement exercise to commission a joint retail and economy study for the Wealden Local Plan. Eastbourne Borough Council had an opportunity to comment on the brief which included the methodology. Eastbourne subsequently responded to this (Appendix EBC 81). During the development of the economic study Eastbourne Borough Council had an opportunity to respond to questions by the consultants, however they did not reply to the approaches made on 15th September 2016 and 21st February 2017. This is identified in the Wealden Economy Study - Duty to Cooperate Statement which is provided in the library of documents.

6.31 On 31st May 2016, a further meeting took place with Eastbourne Borough Council Officers. The purpose of this meeting was to discuss progress on the Wealden Local Plan, the Hailsham Area Action Plan (that is now subsumed into the Wealden Local Plan) and the Eastbourne SHMA. This included highways and waste water as well as housing and studies. Specific sites were also discussed including Friday Street Farm (as detailed at Appendix EBC 91).

6.32 On 10th June 2016 Eastbourne Borough Council were asked if there were any cross boundary issues to be considered in the Wealden District Open Space Study. After a discussion with the Manager at the time Wealden District Council shared the methodology of the study with Eastbourne Borough Council (Appendix EBC 92 to EBC 93).

6.33 In June 2016 Wealden District Council worked with Eastbourne Borough Council and other local authorities in relation to Gypsies and Travellers. Subsequent information was exchanged in relation to studies Eastbourne Borough Council wished to commission (at Appendix EBC 110 to EBC 111).

6.34 On 10th January 2017 a meeting took place between respective officers, primarily to discuss Duty to Cooperate. This meeting was initiated by Wealden District Council and was a result from a PAS arranged assessment of the Local Plan with regards to Duty to Cooperate. The purpose of the meeting is outlined in Appendix EBC 118 and EBC 123, but it included discussion regarding evidence bases and methodologies to help progress the Eastbourne Borough Local Plan as evidenced at Appendix EBC 124 to 125. Eastbourne Borough Council responded that they had just received their final SHMA and this could also be discussed.

6.35 On 8th March 2017 the Wealden Local Plan was discussed at the East Sussex Strategic Planning Members Group. It was stated that this meeting that

A 2013-2018 calculation had been commissioned, but it was anticipated that Wealden Council may no longer be able to meet its own Housing Need projections, or to provide any headway for neighbouring authorities, if the nitrogen modelling resulted in the lower end of the housing numbers being proposed. (SPMG 52)

6.36 The minutes of the Local Plan Managers meeting subsequently held on 30th March 2017 state that "EBC is meeting with WDC to discuss the implications of the Plan changes" after it was confirmed that the Plan had an overall lower housing number (Appendix LPM 55).

6.37 It was around March 2017 when the merging of Eastbourne Borough Council and Lewes District Council officers was taking place, with consequential impacts as shown in Appendix EBC 128 to EBC 129.

6.38 A further meeting took place on 24th November 2017. Although at this time officers worked for both Eastbourne Borough Council and Lewes District Council it was identified as an Eastbourne Borough Council meeting by the Lewes-Eastbourne officers (Appendix EBC 132 to EBC 133). The agenda is provided at (Appendix EBC 134) which covers waste water, transport infrastructure, employment and a statement of common ground.

6.39 In January 2018 Wealden District Council asked Eastbourne Borough Council what housing numbers should be used in the transport model to help determine impacts upon Ashdown Forest SAC, Pevensey Levels SAC and Lewes Downs SAC. Even though these figures are lower than the adopted Plan these were incorporated into the model (Appendix EBC 135-138).

6.40 A subsequent meeting also took place on 24th May 2018. Internal notes were taken of the meeting (Appendix EBC 140 to 142). This meeting discussed a number of matters previously addressed. However, it was confirmed that the housing numbers to be contained in the local plan was 14,250 dwellings against a Objectively Assessed Housing Need of 950 dwellings. Therefore it was confirmed that Wealden District could not meet the undersupply of Eastbourne. In addition the constraints of the transport network of south Wealden was identified including the issue of delivery of an off line A27. Eastbourne advised at this meeting that their preference was to increase the time frame for the Wealden Local Plan and for the Wealden Local Plan to meet unmet need from Eastbourne Borough. It was explained by Wealden District Council that higher figures

were tested which required the offline A27 and that if the local plan period could be extended that the housing figures that could be accommodated may be required to meet Wealden District housing need. In addition to this issue of joint planning and Statement of Common Ground was discussed. A statement of common ground was not dismissed by Wealden District Council.

6.41 On 16th November 2018 a meeting took place, subsequent to representations made by Eastbourne Borough Council to the Wealden Local Plan as well as a meeting of the East Sussex Strategic Planning Members group on 2nd November 2018. In part, this meeting related to a suggestion from the Home Builders Federation concerning a memorandum of understanding between Wealden District Council and Eastbourne Borough Council.

6.42 The last set of emails within the Appendix EBC (from EBC 143 to EBC 170) relates to a memorandum of understanding resulting from the meeting on 16th November 2018.

6.43 The memorandum of understanding sought to address concerns raised by Eastbourne Borough Council and in particular the wish to halt the Wealden Local Plan and to start afresh with a new Plan with a longer time frame. A meeting regarding the memorandum of understanding as well as outstanding issues identified by Eastbourne Borough Council in its email of 19th December 2018 was arranged on 9th January 2019. The agenda is attached at EBC 163 with the intention that a new memorandum of understanding be discussed at that meeting. Prior to the meeting on 9th January Eastbourne Borough Council concluded that the memorandum of understanding would not entirely overcome their objections under duty to cooperate "*perhaps in particular the lack of acknowledgement in the Plan and SA of the impacts on Eastbourne and the fact that we have not been meaningfully involved with the evidence studies*" and this was also included in the agenda.

6.44 On 8th January 2019 Eastbourne Borough Council declined the meeting (Appendix 165). Wealden District Council responded on 9th January 2019 (Appendix EBC 168), with a holding reply received on 11th January 2019. A subsequent email from Eastbourne Borough Council on 15th January 2018 states

I'm sorry we are unable to withdraw the duty to cooperate objection and that then team/Cllr was unable to meet on the 9th . I realise that you had hoped to discuss the draft MOU and I would confirm we remain committed to developing something that will help future cross boundary plan making.

6.45 From this statement it can be seen that Eastbourne Borough Council are not taking a consistent view with regards to overcoming the duty to cooperate concerns that they have outlined.

Eastbourne Borough Council's Objection under Duty to Cooperate

6.46 Eastbourne Borough Council has objected on the basis that since the Issues, Options and Recommendations Consultation no formal contact has been made by Wealden

District Council to Eastbourne Borough Council to confirm that it could not meet Eastbourne Borough Council's housing shortfall.

6.47 In response to this, Wealden District Council has outlined the OAHN of the District and the housing target on a number of occasions after the Issues, Options and Recommendations report. This was specifically mentioned at the East Sussex Strategic Planning Members Group on 8th March 2016 with reference to not meeting shortfall. This was mentioned subsequently in meetings including the Local Plan Managers Group on 30th March 2017, with an acknowledgement by Eastbourne Borough Council (LPM 55) and on 24th May 2018 (EBC 140-142).

6.48 It is acknowledged that as the Plan developed housing numbers changed. However owing to early engagement, Wealden District Council was aware of the undersupply issues within Eastbourne Borough and acknowledged this through early discussions. Eastbourne Borough Council was formally appraised at least three times of the change in housing numbers and an Eastbourne Borough Council officer acknowledged implications at a Local Plan Managers meeting. This does not include information provided at the Ashdown Forest Working Group as part of the housing requirement/ OAHN information.

6.49 Eastbourne Borough Council has also objected on the basis that Eastbourne Borough Council instigated all meeting post Issues Options and Recommendations. The meetings were considered to be without active discussion.

6.50 It is not considered necessary for a specific party to instigate a meeting to meet the duty to cooperate. This would not take into account the intention to do so, if another party asked first. This could lead to a situation where authorities were asking for a meeting shortly after a meeting instigated by another party for the sake of appearances as opposed discussing matters and achieving outcomes. It is clear in the documents provided at Appendix EBC that Eastbourne Borough Council commenced a review of their Local Plan during the development of the Wealden Local Plan and it is of mutual benefit for meetings to take place. If it were for Wealden District Council only to instigate meetings, and using Eastbourne Borough Council's argument, then Eastbourne Borough Council would not be able to meet its Duty to Cooperate when its Plan was completed.

6.51 Notwithstanding the above, Wealden District Council has instigated meetings post Issues, Options and Recommendations including the Duty to Cooperate Meeting on 10th November 2017, the flood risk meeting on 26th February 2016, as well as meetings of the East Sussex Strategic Planning Members Group on 23rd February 2016, 8th March 2017 and 2nd November 2018. It is interesting to note that although other Plans are being progressed within East Sussex and beyond, and with the exception of the meeting on 2nd November 2018, no other local authorities have sought discussion on emerging Local Plans using the East Sussex Strategic Planning Members Group which was set up primarily for Duty to Cooperate.

6.52 In addition to this, Wealden District Council did seek input from Eastbourne Borough Council into studies after Issues, Options and Recommendations and both parties were subject to discussions of various matters. Emails were instigated by both Wealden District

Council and Eastbourne Borough Council showing sharing of information and mutual support as described in the section above and evidenced within the Appendix EBC.

6.53 As evidenced in Appendix EBC cross boundary issues between Wealden District Council and Eastbourne Borough has not changed significantly over the years. Although Appendix EBC provides a proportion of correspondence since 2014, meetings and discussions have taken place over a number of years and at least since 2006. Eastbourne Borough Council have struggled to meet housing need and have limited ability to supply. Employment provision has become more difficult in recent years. Eastbourne Borough Council is subject to areas of flood risk and there is concern regarding the capacity at the waste water treatment works. Development contributions have also been of concern as well as the impact of traffic from development within and from the area surrounding Eastbourne. Wealden District Council sought to address concerns where possible and sought to engage Eastbourne on studies and sought to determine where undersupply could be met. However, Eastbourne Borough Council has been behind Wealden District Council in its Plan making and has been concentrating on other documents as shown at Appendix LPM. Wealden District Council has been given limited or no access to recent studies undertaken by Eastbourne Borough Council but has not raised this as an issue. For example Wealden District sought an option to meet the undersupply of Eastbourne Borough in the Issues, options and Recommendations without the ability to consider whether Eastbourne SHEELA showed an under supply existed. Having said all of this Wealden District Council has sought to enter into a memorandum of understanding to ensure that the long history of cooperation can move into the future.

6.54 In the submission, Eastbourne Borough Council does not recognise the Wealden District Council claim that Eastbourne Borough Council has had a chance to input into their evidence base documents. Comments are made regarding attending a stakeholder meeting of the SHMA in 2014 and Eastbourne Borough Council was involved in the commissioning of the Strategic Flood Risk Assessment, but evidence reports for each Local Planning Authority were prepared separately and there was no Eastbourne Borough Council input into the Wealden District Council report.

6.55 In response, the Appendix EBC and the section above explains input into evidence bases. In most cases Eastbourne Borough Council had direct input into the methodology of the study including the SHMA, Economy and Retail Study and the SFRA. Eastbourne Borough Council was also involved in the joint Gypsy and Traveller Accommodation Needs Assessment. In addition to this Wealden District Council shared the briefs for studies to allow for consistency. Eastbourne Borough Council was also provided an opportunity to participate. For some studies there was no input from Eastbourne Borough Council although it was asked, which included the Economy Study and the Open Space Study. As detailed above Eastbourne Borough Council agreed to a separate report for the SFRA owing to issues of timings as well as other flood risk differences. Eastbourne Borough Council was not excluded from the report, and in the same manner Wealden District Council was not asked to input into the Eastbourne Borough Council report. However, the study is based on a shared methodology and with different flood risk issues, as identified by the consultant, there are no material issues in this regard.

6.56 Eastbourne Borough Council has also mentioned that Wealden District Council declined to discuss the proposal of a joint Plan and that a Statement of Common Ground has been rebuffed on a number of occasions. The issue of a joint plan has been raised by Eastbourne Borough Council in recent meetings with officers since Eastbourne and Lewes Officers merged. This was not a point of discussion at early stages of Plan preparation as evidenced at Appendix EBC. Having said this it was an issue that Wealden District Council discussed with the Planning Advisory Service and prompted a meeting with Eastbourne on 10th January 2017 (pre-merger). The advice from PAS was that a joint plan could delay the Wealden Local Plan and a precedent had been set in this regard. Wealden District Council did advise at the meeting in May 2018 that the Wealden District Council constitution is an issue in relation to a joint plan. This is because Eastbourne Borough Council are only interested in the south of the District and the plan making process of Wealden District including its constitution (and its OAHN) is for the whole of the District.

6.57 A statement of common ground was also raised at the later stages of plan preparation. Wealden District was not adverse to a statement, but did want it to be more than the agree/ disagree approach undertaken elsewhere (Appendix EBC 140). Wealden District Council did initiate a memorandum of understanding that is considered to be a more productive approach in the case of Eastbourne Borough Council and Wealden District Council.

6.58 Eastbourne Borough Council has identified that there is a need to meet Eastbourne Borough's shortfall in housing and employment. From early engagement there has been an understanding that Eastbourne has struggled to meet its need. On this basis Wealden District Council has looked to see if it is able to meet the need of Eastbourne Borough. However this should be seen in the context of a steeply increasing Objectively Assessed Housing Need for Wealden District. Notwithstanding this Wealden District Council has not been involved in Eastbourne Borough Council's SHELAA and as a result of this an un-progressed plan, is unable to currently consider whether it can meet its unmet need without this evidence.

6.59 It has been explained to Eastbourne Borough Council that Wealden District Council was looking at higher than need employment provision and flexibility has been provided in the allocation site. Interestingly in the development of the memorandum of understanding Eastbourne has identified that it is unclear as to its unmet economic needs.

6.60 Eastbourne Borough Council state that Wealden District Council has not engaged with Eastbourne Borough Council over the issue of the Pevensey Levels, and it is suggested by Wealden District Council that the Pevensey Levels is not a cross boundary issue. It then refers to a 2009 study which relates to air quality.

6.61 As previously explained based on Natural England's advice Local Planning Authorities were not considering in combination assessments. Having said this at an earlier point in time a cross boundary air quality assessment was undertaken. Wealden District Council had not considered air quality impacts of the Wealden Local Plan on Pevensey Levels until the end of 2016/ early 2017 and that that time did not consider it to be an issue. From the work on the Ashdown Forest Working Group there are

acknowledged differences in approach to interpreting the implementation of the Habitats Directive/ Regulations. Notwithstanding this Wealden District Council did ask for housing figures from Eastbourne Borough Council to be provided in order to help assess impacts upon Pevensey Levels SAC.

6.62 Having said this, since the Regulation 19 response, a meeting was arranged with Rother District Council and Eastbourne Borough Council. Unfortunately Eastbourne officers were not able to attend owing to the submission timescales of the Lewes District Part 2 Plan. At the meeting Rother District Council was informed that Wealden District Council were reviewing the position with regards to Pevensey Levels and air quality. This was also made known to Eastbourne Borough Council in an email on 30th December 2018. As the conclusion is now that there is not an adverse effect from the Wealden Local Plan alone and in combination with other plans and projects on the conservation objectives of the Pevensey Levels SAC and Ramsar Site in relation to air quality, it is considered that in terms of duty to cooperate outcomes this issue has been addressed.

6.63 In response to a letter from Wealden District Council, Eastbourne Borough Council advised that *"We acknowledge that your recent actions show progress in respect of cooperative working, however it is not clear how these recent actions relate to the Wealden Local Plan production and the Duty to Cooperate and the specific issues we raised concerning this."* (8th January 2019 Appendix EBC 159). Following on from this letter an email was sent from Eastbourne Borough Council stating *"Unfortunately due to the timing of matters in regard to this letter, the proposed agenda and your Local Plan submission timeline, Officers and Members from EBC will not be attending the proposed meeting in Hailsham tomorrow regarding the MoU."* (Appendix EBC 165).

6.64 A subsequent telephone conversation took place on 8th of January which agreed that Wealden District would still be involved in discussions regarding the memorandum of understanding. Of interest in this telephone conversation it was suggested that if Wealden District did not have the time, owing to the examination of the Wealden Local Plan, to input into a study to define a functional geography for Eastbourne and South Wealden then Eastbourne Borough Council would just proceed. It was explained by Wealden District Council that the normal approach between our authorities is to agree a brief beforehand.

6.65 A further email was sent from Eastbourne Borough Council on 9th January 2019 acknowledging receipt of the email of 30th December 2018. In this email Eastbourne Borough Council looked forward to hearing more on the final position in relation to Pevensey Levels SAC and indicated that they were looking towards Rother District Council to update from the meeting (Appendix EBC 167).

6.66 From the information provided Wealden District Council considers that there were early and on-going discussions with Eastbourne Borough Council on matters of a strategic cross boundary nature. These matters are not new to the Local Plan and many matters were discussed at the Core Strategy stage. However, in relation to strategic cross boundary and also non-strategic cross boundary issues Eastbourne Borough Council has had an opportunity to input into the development of the Local Plan. It is understood that there is a shortfall in housing delivery and provision in Eastbourne and that possibly employment

provision will also need to be met within Wealden District. A number of interests and in particular transport and education are dealt with by a common body, East Sussex County Council, and as infrastructure provider it is expected that this body will maintain the interests of East Sussex. Having said this Wealden District Council has actively encouraged infrastructure providers such as Southern Water to engage with Eastbourne and has raised issues in the absence of Eastbourne Officers. However, the duty to cooperate is not a duty to agree and Wealden District Council has always explained the issues of identifying a sub market within the Housing market for example, but has always acknowledged that the unique geography (the majority of Eastbourne Borough being surrounded by Wealden District) results in a unique relationship.

6.67 Wealden District Council has sought through the memorandum of understanding to create positive outcomes of allowing the Wealden Local Plan to proceed and allowing sustainable development, however this has not been reciprocated by Eastbourne Borough Council. Without prejudice to the above, further involvement of Eastbourne Borough under Duty to Cooperate would not have resulted in a different Plan than submitted owing to current strategic constraints. If it is considered that Wealden District Council has not met its Duty to Cooperate in this regard, it can be argued that Eastbourne Borough Council has not met their Duty to Cooperate in relation to their own plan or, using Eastbourne Borough Council's benchmark, a number of other local authorities within the area.

6.68 It is noted that issues concerning site specific matters have not been raised by Eastbourne Borough Council in terms of Duty to Cooperate as part of their Regulation 19 submission and therefore have not been addressed in this paper.

Tunbridge Wells Borough Council

6.69 Tunbridge Wells Borough is identified, alongside Eastbourne Borough, to have strong housing, employment and retail links with Wealden District. In addition to housing pressures, an issue shared with Tunbridge Wells Borough is the protected landscape of the AONB. In addition to these matters Wealden District Council has also worked with Tunbridge Wells Borough as part of the SAMMS Partnership and the Ashdown Forest Working Group. Tunbridge Wells Borough Council is also included in the East Sussex Planning Members Group at the instigation of Wealden District Council.

6.70 A schedule of meetings, not including Ashdown Forest Working Group, SAMMS Partnership and East Sussex Planning Members Group are identified below.

Table 6 Meetings between Tunbridge Wells Borough Council and Wealden District Council

Date	Description	Outcomes
4 th June 2015	SHMA, OAHN, development options and distribution, Ashdown Forest SAC and air quality including traffic	Tunbridge Wells to be kept up to date on Ashdown Forest work. TWBC made aware of ESSPMG

	modelling and surrounding local authorities. Mitigation and avoidance measures were raised. Employment, education, water infrastructure, meeting Eastbourne's housing needs, Gypsy and Traveller provision	
11 th August 2015	Portfolio Holder Meeting regarding meeting housing need, the economy, Ashdown Forest, gypsies and Travellers and Infrastructure	Wealden District and Tunbridge Wells Borough to collaborate on text for Issues, options and recommendations.
17 th August 2015	Cross boundary Highways and Transportation infrastructure issues	Better understanding of Tunbridge Wells transport issues with regards to growth.
16 th March 2016	Tunbridge Wells workshop regarding economic needs	Input into cross boundary issues
6 th April 2016	Ashdown Forest visitor survey, SHEELA, Landscape studies, retail, employment, dark night skies	Better understanding of evidence outcomes and future studies
17 th August 2016	Evidence bases including landscape, ecology, retail, economy, settlement hierarchy and housing. SHELAA, Ashdown Forest and scope of Tunbridge Wells Local Plan	Sharing of information relating to evidence bases and input into relevant future evidence bases.
4 th January 2017	Update from PAS re duty to cooperate, housing land supply and meeting need, economy and retail, landscape study, Ashdown Forest and nitrogen deposition	Sharing of information.
24 th April 2017	Plan update, Ashdown Forest and nitrogen deposition including the need for mitigation/ compensation. Ashdown Forest SPA. Objections to planning applications. Cross boundary sites.	Sharing of information and understanding in relation to Ashdown Forest SAC, SPA and Planning applications.

4 th April 2018	Tunbridge Wells presented its work on Ashdown Forest SAC and critique of Wealden District Councils approach.	Wealden District requested to consider Tunbridge Well Borough Council's position
11 th June 2018	Housing and employment need, cross boundary infrastructure, sites on the edge of Tunbridge Wells	No requirement to meet unmet needs, owing to lack of sites on Tunbridge Wells border no particular issues regarding infrastructure. Sites on the edge of Tunbridge Wells are being considered as part of Tunbridge Wells Local Plan with potential cross boundary issues.

6.71 Wealden District Council met with officers from Tunbridge Wells prior to commencement of the Wealden Local Plan, and was already aware of particular matters resulting from allocation of development on the border of Tunbridge Wells in the Parish of Frant within Wealden District. Wealden District Council commenced work on its Core Strategy Review (now the Wealden Local Plan) around the same time that Tunbridge Wells Borough Council was gathering early evidence for their complete Local Plan review.

6.72 As a result of meetings prior to Issues, Options and Recommendations (Appendix TWBC 1 to 11 refers) Tunbridge Wells were asked to check the proposed text within the Issues, Options and Recommendations prior to publication (Appendix TWBC 12 to TWBC 15).

6.73 Subsequent to this a number of meetings took place with Tunbridge Wells Borough Council. As part of this work Tunbridge Wells Borough Council were invited to be involved with the SHMA and Employment Study. Discussion and sharing of information took place with regards to other studies including landscape matters. The meetings up until 24th April 2017 are outlined in the table above and the emails showing communication between officers is provided in Appendix TWBC.

6.74 From May 2017, Tunbridge Wells Borough Council has been involved in the Ashdown Forest Working Group with regular meetings. In addition to these it has been involved in the SAMMS partnership. The interaction in relation to Ashdown Forest SAC and the working group is provided in other sections of this document and the on-going discussions are provided in Appendix SAMM.

6.75 In relation to Ashdown Forest SPA, Tunbridge Wells Borough Council and Wealden District Council have worked together to establish the Statement of Common Ground for the Ashdown Forest SPA. This together with the most recent visitor survey, on-going discussions regarding the legal agreement for SAMMS and other on-going SAMMS work shows cross boundary cooperation.

6.76 In addition to meetings of the Ashdown Forest Working Group Wealden District Council has met and spoken to Tunbridge Wells Borough Council separately regarding

Ashdown Forest SAC, which the meeting on 4th April refers. In addition to this Tunbridge Wells Borough also contributed housing figures on a middle super output area to assist Wealden District Council to assess in combination impacts (TWBC 112 to TWBC 124) in around January 2018. A further general meeting was held on 11th June 2018 with Tunbridge Wells Borough Council.

6.77 Although Tunbridge Wells Borough Council objected under the Duty to Cooperate with South Downs National Park Authority and Lewes District with regards to air quality, in its separate planning related response this did not raise any particular Duty to Cooperate issues.

South Downs National Park Authority

6.78 The initial Wealden District Core Strategy was a joint document with South Downs National Park Authority and officers from the Authority supported Wealden District Council at examination. Therefore issues within the area are generally known between the Authorities. Similar to other local authorities Wealden District Council had early discussions with South Downs National Park Authority regarding cross boundary issues prior to publication of the Issues, Options and Recommendations Consultation (Appendix SDNP 66 to SDNP 69). South Downs National Park Authority responded accordingly to the consultation and their response was considered alongside other consultees in the report to Local Plan Sub Committee on 20th April 2016.

6.79 As discussed previously, South Downs National Park Authority was a party to the legal challenge lodged by Wealden District Council. As a result of the judgement that was handed down the South Downs National Park Authority initiated the Ashdown Forest Working Group. This and the objection submitted by South Downs National Park Authority regarding Ashdown Forest SAC is dealt with elsewhere.

6.80 During the time of development of the Local Plan and the Ashdown Forest Working Group consideration of a statement of common ground, Wealden District Council discussed with South Downs National Park Authority (or representatives thereof) technical matters of transport modelling and provision of housing numbers for modelling as provided in Appendix SDNP 47 to 48.

6.81 As part of the South Downs Local Plan, a statement of common ground was agreed with Wealden District Council. This document and its development are contained within the Appendix SDNPA. The final document is provided at Appendix SDNP 20 to SDNP 23, which remains relevant.

6.82 Subsequent to the meeting on 12th June 2018 with South Downs National Park Authority and the publication of the Ashdown Forest SAC Position Paper in October 2018, Wealden District Council withdrew its objections to the South Downs National Park Authority concerning its Habitat Regulations Assessment. This is in line with Wealden District Council's position that it respects other competent authorities to make decisions with regards to their own Habitat Regulations matters (Appendix SDNP 3 to SDNP 10).

Tandridge District Council

6.83 Tandridge District Council shares a short border with Wealden District Council and this border area is relatively rural. Links between the two authorities are relatively weak and as a result Tandridge District is not within Wealden District HMA.

6.84 Having said this, Wealden District Council does share common issues and both Wealden District Council and Tandridge District Council are part of the Ashdown Forest Working group, SAMMS Partnership and High Weald Officer Steering Group. In addition to this there have been meetings between Tandridge District Council and Wealden District Council and Plans are being developed by both authorities within a relatively similar time frame. As a result of discussions Wealden District Council and Tandridge District Council have signed a statement of common ground (Appendix TAN 1). Copies of correspondence, meeting notes and development of the statement is provided at Appendix TAN.

6.85 Tandridge District Council addressed Ashdown Forest SAC as part of its representations at Regulation 19 and does not consider that Wealden District Council has not met its Duty to Cooperate in this regard.

Sevenoaks District Council

6.86 Similar to Tandridge District, Sevenoaks District shares a short border with Wealden District and this border area is relatively rural. Links between the two authorities are relatively weak and as a result Sevenoaks District is not within Wealden District HMA.

6.87 Having said this, Wealden District Council does share common issues and both Wealden District Council and Sevenoaks District Council are part of the Ashdown Forest Working Group, SAMMS Partnership and High Weald Officer Steering Group. In addition to this there have been meetings between Sevenoaks District Council and Wealden District Council and Plans are being developed by both authorities but with a different time frame. Copies of correspondence and meeting notes are provided at Appendix SO.

6.88 Sevenoaks District Council addressed Ashdown Forest SAC as part of its representations at Regulation 19 and did not consider that Wealden District Council failed its Duty to Cooperate in this regard.

Mid Sussex District Council

6.89 Mid Sussex District Council has worked with Wealden District Council for a number of years prior to the adoption of the Core Strategy on Ashdown Forest SAC and SPA. It works with Wealden District Council on the SAMMS partnership as well as the Ashdown Forest Working Group. It also attends the East Sussex Strategic Planning Members Group.

6.90 Mid Sussex District Council has met with Wealden District Council on a number of occasions as identified in the chronology of events. It also has a memorandum of understanding, which was agreed in 2016 (Appendix MSDC 22-25). Although Mid Sussex District Council is contained within the Wealden Housing Market Area it has stronger links

with authorities to its west. As a result Mid Sussex District Council is working with Crawley Borough and Horsham District to meet housing needs in this area.

6.91 In terms of the Wealden Local Plan the main area of interest between parties is Ashdown Forest SPA and SAC. As part of this, Wealden District Council and Mid Sussex District Council hosted a joint meeting with other local authorities concerning the Wealden Local Plan.

6.92 Mid Sussex District Council did not mention Duty to Cooperate in its response to the Local Plan at Regulation 19 and unlike other authorities it has not objected in terms of methodology. The main consideration related to mitigation.

Lewes District Council

6.93 Owing to the partnership with South Downs National Park Authority and combined officer support to the separate Councils of Eastbourne Borough Council and Lewes District Council, correspondence is mainly contained within other appendices within this document. Lewes District Council is also on the Ashdown Forest Working Group, SAMMS Partnership and East Sussex Strategic Planning Members Group.

6.94 In October 2017 Wealden District Council and Lewes District Council entered into a Statement of Common Ground which explained the housing market in the respective areas (Appendix LDC 7 to 15). This was further progressed through the SHMA and the meeting prior to Issues, Options and Recommendations consultation. Lewes District Council responded accordingly to the consultation and their response was considered alongside other consultees in the report to Local Plan sub committee on 20th April 2016. The main focus was Ashdown Forest SPA, although it was identified at East Sussex Strategic Planning Members Group on 23rd February 2016 that Housing Market Areas including Lewes overlap. In addition it was identified that the FOAHN cannot be met within Lewes District but considers the preferred location of meeting that need is not within Wealden District (Appendix SPMG 44).

6.95 Lewes District Council was a party to the legal challenge lodged by Wealden District Council to the joint Core Strategy. As a result of the judgement that was handed down, South Downs National Park Authority initiated the Ashdown Forest Working Group. This and the objection submitted by Lewes District Council regarding Ashdown Forest SAC are dealt with elsewhere.

6.96 On 7th December 2018, prior to submission of its Local Plan on 21st December 2018 Lewes District Council identified a need of 3 Gypsy and Traveller pitches that could not be met within the District (Appendix LDC 41). It was requested that Wealden District Council consider meeting its undersupply. The Council has considered that request and has identified that subject to the examination of the Wealden Local Plan and negotiations with the landowner to provide that site, then Wealden District Council could meet that need (Appendix LDC 44). Although this has been acknowledged, no further approaches have been made by Lewes District Council to further a memorandum of understanding in this regard.

East Sussex County Council

6.97 Wealden District Council works with East Sussex County Council as Highways Authority and Education Authority as well as infrastructure provider in relation to non-strategic roads. It also works with East Sussex County Council as Lead Local Flood Authority.

6.98 Appendix ESCC provides a small snapshot of communication between officers. In addition to the East Sussex Strategic Planning Members Group, Wealden District Council Officers and Members meet on a regular basis through the Infrastructure Road Map Meetings. These meetings are addressed elsewhere in this document.

6.99 In addition to opportunities to consider site specific matters, East Sussex County Council were given an opportunity to comment on the emerging plan as shown at Appendix ESCC 7 and 8, ESCC 11 to 18. In addition to this ESCC were given opportunities to draft and track change sections, and in particular transport and education sections within the emerging Plan (Appendix ESCC 19). These chapters have been subject to changes by East Sussex County Council throughout the modelling that has taken place.

6.100 In addition to direct inputs into the Local Plan, East Sussex County Council has been involved in writing and editing elements of the infrastructure delivery plan based on the modelling work undertaken by them/ on their behalf.

Brighton and Hove City Council

6.101 Wealden District Council met Brighton and Hove City Council early on in the preparation of the Wealden Local Plan to discuss the relationship between the areas. Brighton and Hove City Council is not a neighbouring Authority and is some distance from the Authority. On this basis it was agreed that in terms of housing the relationship is relatively weak and not of relevance. However, Brighton and Hove City Council has been involved in East Sussex Strategic Planning Members Group, Local Plan Managers Group, Ashdown Forest Working Group and joint studies in relation to Gypsies and Travellers. These partnerships and topic areas are covered in other parts of this document.

Natural England

6.102 Wealden District Council has been working with Natural England for a number of years in relation to Ashdown Forest SPA, SAC and Pevensey Levels SAC. Communications with the groups that deal with such matters are provided as part of different sections of this Plan. In addition to this work, Wealden District Council has had meetings and corresponded with Natural England regarding these and other matters and these are provided at Appendix NE. In addition this Wealden District Council had a meeting on 13th December 2018 with officers from Natural England. In this regard the status of Natural England's advice concerning air quality was discussed and its position was reiterated that it is a matter for Wealden District Council to decide whether it departs from the advice provided particularly owing to the fact the Natural England considers that there is no adverse effect. The original advice is provided at Appendix NE 32.

6.103 In addition AONB matters were discussed in relation to its general objection to major development in the AONB, stating that its preference that these sites are considered at Local Plan instead of developer led planning approvals. This point was passed onto Rother District Council by Wealden District Council at the meeting on 20th December 2018.

7 Conclusion

7.1 Wealden District Council has undertaken early and continuous engagement with Duty to Cooperate bodies in the preparation of the Wealden Local Plan. Notwithstanding the engagement in relation to the Core Strategy, Wealden District Council commenced engagement in 2014 with the development of the SHMA and subsequent meetings with local authorities in the summer of 2015. These discussions scoped the areas of Duty to Cooperate as well as proving information contained within the Wealden Local Plan Issues, Options and Recommendations Consultation.

7.2 The responses to the Issues, Options and Recommendations Consultation resulted in options for testing. These options were tested through a number of evidence bases including transport modelling, retail and economic studies and Strategic Flood Risk Assessment. All of these studies had input from other relevant bodies. In addition to this the Council considered the impact of the options on Ashdown Forest SAC. The modelling resulted in a change to the options, which was communicated to Duty to Cooperate bodies. These options were considered by Members at Wealden District Council in March 2017. After the publication of this document, other Duty to Cooperate bodies became aware of the need to consider the cross boundary implications of Ashdown Forest SAC and other relevant European Sites. Wealden District Council worked with the Ashdown Forest Working Group, the SAMMS Partnership as well as other groups to provide a better understanding of the background to the Wealden Local Plan and to better understand the other Duty to Cooperate bodies position. As a result of the discussion that took place, Wealden District Council modified methodologies and conclusions, taking into account concerns and issues raised. An example of this is the change in position with regards to mitigation zone and Ashdown Forest SPA.

7.3 The Council published its Proposed Submission Wealden Local Plan in August 2018 for representations. A number of representation were received from Duty to Cooperate bodies. Whilst a number were silent regarding Duty to Cooperate, five local planning authorities objected. The main areas of objection related to Ashdown Forest SAC and other air quality matters, with exception of the objection from Eastbourne Borough Council. Wealden District Council considers that it has met the Duty to Cooperate in relation to Ashdown Forest SAC and other air quality matters and this is explained within the document. In relation to Eastbourne Borough Council's objection, Wealden District Council also consider that it has met its Duty to Cooperate and has detailed its responses to Eastbourne Borough Council's concerns. In the spirit of Duty to Cooperate, Wealden District Council has sought to progress a memorandum of understanding with Eastbourne Borough Council to overcome its objection and to re-set the parameters of working together. However, Eastbourne Borough Council has not sought to progress this within the timescales that Wealden District had identified. This has been further hampered with changing opinions as to why the memorandum of understanding would not overcome the objection raised.

7 Conclusion

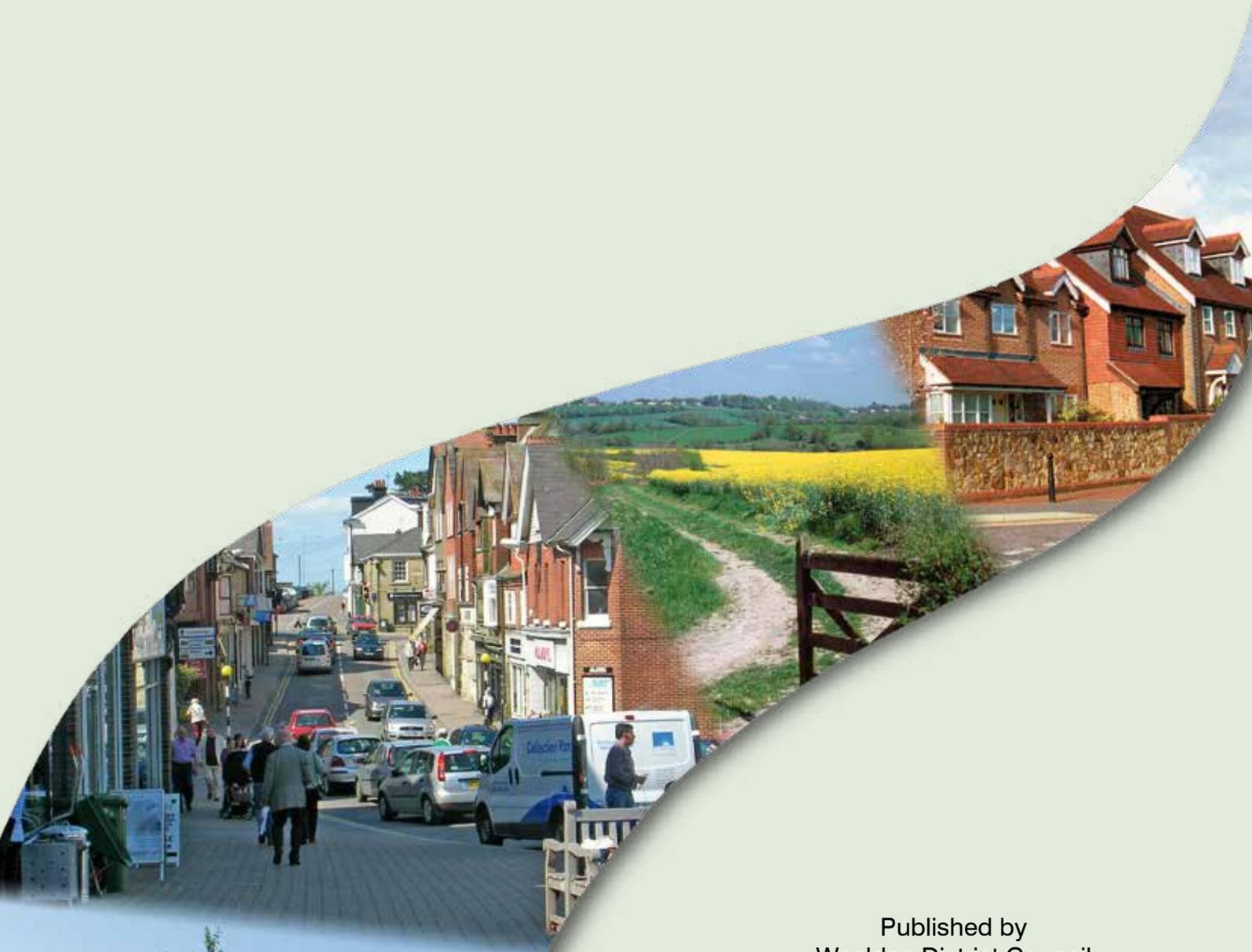
8 Appendices Schedule

8.1 There are a number of Appendices associated with this document. The appendices are provided separately. A list of the appendices and a high level description is provided in the table below.

Table 7 Appendix Schedule

Appendix Name	Description
AFWG	Ashdown Forest Working Group communications and minutes. Most information that is in the Wealden District Council Position Statement has been removed from this Appendix.
CPP	Cuckmere and Pevensey Partnership minutes
DHS	Information concerning SHEELA and Housing Market Position Paper
EBC	Eastbourne Borough Council relevant material
ESCC	East Sussex County Council relevant material
IRM	Infrastructure Road Map minutes
LDC	Lewes District Council relevant material
LPA	Responses from neighbouring authorities to Regulation 19 representations
LPM	Local Plan Managers Group minutes
MHCLG	Communications with Ministry of Housing, Communities and Local Government
MSDC	Mid Sussex District Council relevant material
NE	Natural England relevant material
RDC	Rother District Council relevant material
SAMM	Communications regarding Ashdown Forest SPA and SAMMS Partnership

Appendix Name	Description
SDNP	South Downs National Park Authority relevant material
SO	Sevenoaks District Council relevant material
TAN	Tandridge District Council relevant material
TWBC	Tunbridge Wells Borough Council relevant material
WW	Minutes concerning discussions regarding waste water treatment
PS	Wealden District Council Ashdown Forest SPA Position Statement, October 2018
PSA - PSE	Wealden District Council Ashdown Forest SPA Position Statement Appendices



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