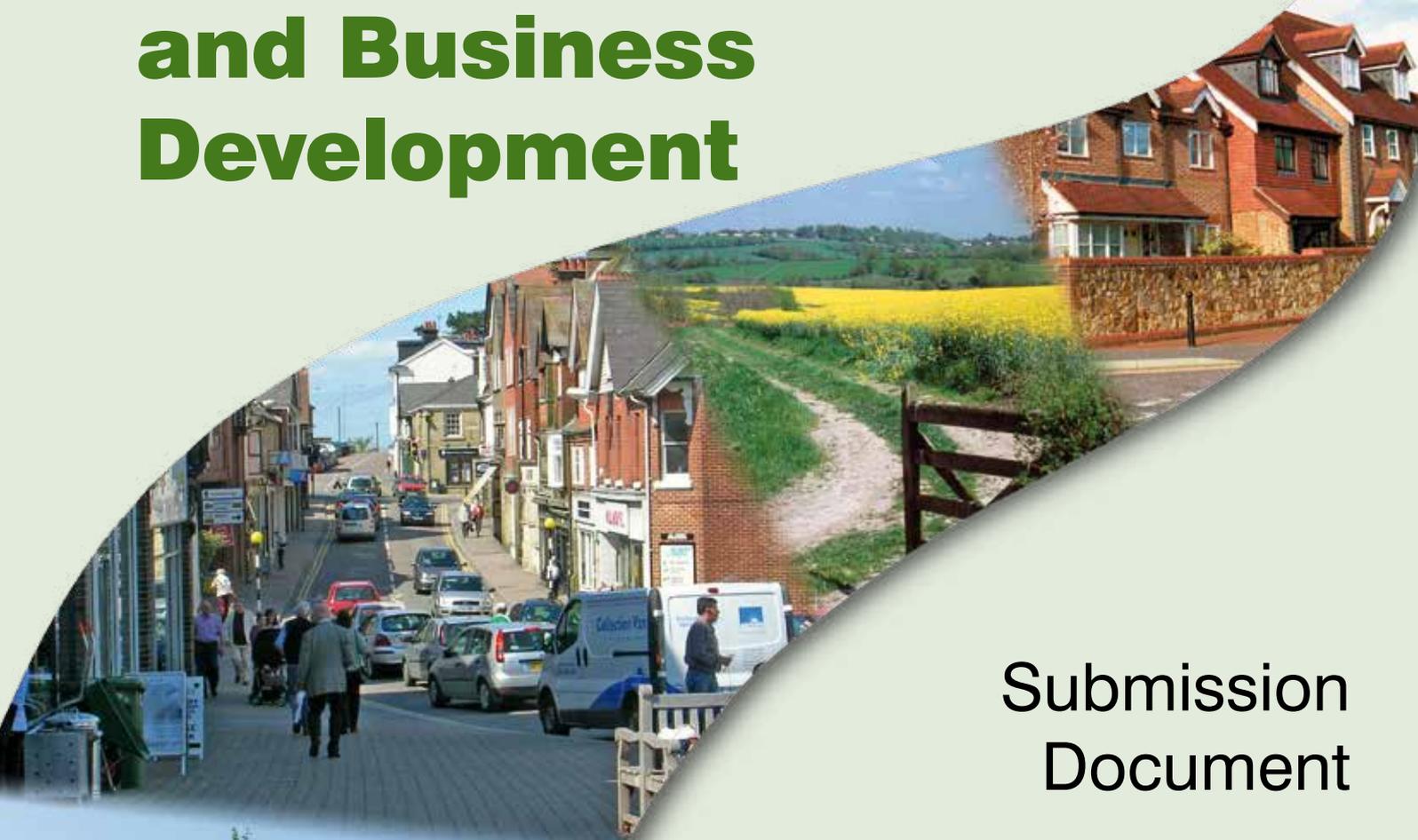


**Wealden Local Plan**

**Air Quality Mitigation –  
Interim Mitigation  
Strategy Tariff Guidance  
for Residential Dwellings  
and Business  
Development**



Submission  
Document



  
Wealden  
District Council

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## **Air Quality Mitigation – Interim Mitigation Strategy Tariff Guidance for Residential Dwellings and Business Development**

### **1.0 Introduction and Background**

1.1 Wealden District Council has a duty<sup>1</sup> to consider the impacts of Plans and Projects on protected European Sites<sup>2</sup>, including sites within and outside of the District.

1.2 Wealden District Council has been monitoring air quality and ecology at Ashdown Forest since 2014<sup>3</sup>. Air quality work to inform the Wealden Local Plan Habitats Regulations Assessment has also been undertaken for Lewes Downs Special Area of Conservation (SAC) and Pevensy Levels SAC and Ramsar Site.

1.3 The Habitats Regulations Assessment undertaken for the Wealden Local Plan has identified that certain environmental thresholds are currently exceeded on Ashdown Forest SAC and Lewes Downs SAC in relation to certain pollutants produced from traffic (including NO<sub>x</sub> and NH<sub>3</sub> and resulting nitrogen deposition). It is concluded that with mitigation measures the development proposed within the Wealden Local Plan (January 2019) will not adversely affect the integrity of the Ashdown Forest SAC and Lewes Downs SAC. It is also concluded that mitigation measures are not required for Pevensy Levels SAC and Ramsar Site<sup>4</sup>.

### **2.0 Purpose of the Air Quality Mitigation Strategy**

2.1 To ensure that the legislative duty of the Habitats Directive and Habitat Regulations is met, an Interim Air Quality Mitigation Strategy is proposed to ensure that future growth will not further harm the Natura 2000 sites. It is acknowledged that atmospheric emissions derive from a range of sources. The strategy does not seek to address all emission sources that may affect Natura 2000 sites because this is beyond the control of the Council. Instead a strategy has been identified which seeks to account for the contribution that is likely to result from additional growth in the District as a result of the Wealden Local Plan. The strategy therefore seeks to set out the parameters to deliver mitigation to address emissions from vehicles as well as monitor air pollutants to understand the current status and air quality conditions of the sites and trends in emissions.

### **3.0 Purpose of this document**

3.1 This document identifies an Interim Air Quality Mitigation Strategy for residential dwellings and employment development identified within the Wealden Local Plan, in accordance with WLP 7 and WLP 9. It provides a tariff to implement the strategy on a per dwelling/ per square meter basis for dwellings and employment development respectively. The tariff is to be collected through Section 106<sup>5</sup> development contributions. Whilst the

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<sup>1</sup> Habitats Directive 92/43/EEC and The Conservation of Habitats and Species Regulations 2017 (as amended) (known as the Habitats Regulations)

<sup>2</sup> European Sites are also referred to as Natura 2000 sites

<sup>3</sup> Monitoring commenced as a result of Policy WCS 12 of the Wealden District Core Strategy 2013

<sup>4</sup> Please note that the Council has suggested modification to Policy AF1 and AF2 to remove Pevensy Levels SAC from the policies contained within the Submission Wealden Local Plan January 2019, in light of the conclusion provided in the HRA that the Wealden Local Plan will not result in an adverse effect on the integrity of Pevensy Levels SAC Ramsar

<sup>5</sup> Town and Country Planning Act 1990 as amended

overall strategy has been identified and set out within the HRA, the strategy set out within this report is presented as 'interim'. This is because the strategy is at a relatively early stage in its development and delivery.

#### **4.0 Status of Air Quality Mitigation Strategy**

4.1 The Council has worked with consultants to identify an interim air quality mitigation strategy which will allow growth to take place in Wealden District whilst not causing air quality conditions to worsen at Natura 2000 sites. The interim air quality mitigation strategy will be operational until it is further defined and reviewed following monitoring. The interim strategy seeks to address growth in the Wealden Local Plan within Wealden District only.

4.2 The interim air quality strategy will be reviewed at least every two years in accordance with the monitoring programme as appropriate. Within this time opportunities may arise for partnership working with other local authorities or organisations. The strategy may also be reviewed, to deliver a more strategic approach with partners or to up-date the Strategy following the refinement of individual project elements. Should a more strategic approach be identified to be necessary then a strategic air quality mitigation strategy will supersede this strategy.

#### **5.0 Mitigation Measures Policies and Approach**

5.1 The Council, on the basis of the results of the Habitats Regulations Assessment and associated evidence base, has included two policies within the Submission Wealden Local Plan (January 2019) relating to air quality concerning Ashdown Forest SAC and Lewes Downs SAC<sup>6</sup>. These policies are AF 1 and AF 2 and are included at Appendix A of this Tariff Guidance. Policy AF 2 sets out a number of measures proposed to be included within an Air Quality Mitigation Strategy.

5.2 Investigation of certain measures proposed (as identified below) will be required, including traffic modelling, to assess the effectiveness of measures and any direct and indirect implications that could arise from them. In this regard, although certain measures may be shown to be effective in reducing vehicle trips across and near to the protected sites they may have adverse consequences for the highway network elsewhere and issues such as congestion and air quality. Such matters will need to be taken into consideration in determining the feasibility of any mitigation measures and whether they are pursued. This investigative phase has been considered and built into the strategy. The strategy will therefore be an iterative process and will be considered alongside the phasing and delivery of development within the Plan. Following investigations, it is anticipated that some measures may be more effective than others. It is also noted at this early stage that some projects that require investigation may not be an effective or deliverable option at all. Alternatively, it may be the case that measures not identified within this interim strategy may be included at a later stage<sup>7</sup>.

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<sup>6</sup> Please note that the Council has provided a suggested modification to Policy AF1 and AF2 to remove Pevensey Levels from the policies (and other relevant policies in the Plan) from the Submission Wealden Local Plan January 2018 in light of the conclusion provided in the HRA that the Wealden Local Plan will not result in an adverse effect on the integrity of Pevensey Levels SAC Ramsar.

<sup>7</sup> This could include technological advances that we may not be aware of currently or are in the early stages of being tested for example.

5.3 In relation to securing the delivery of measures, measures a) to g) in Policy AF2 are activities that the Council will implement, working with partners where appropriate in their delivery. The investigation of and delivery of these measures will be funded by development contributions through S106 planning obligations. The decision to collect development contributions in relation to these measures has been taken to enable planning applications and development to be progressed in accordance with the Community Infrastructure Levy Regulations 2010, as amended.

5.4 Measures h) to k) in Policy AF 2 are activities which new developments will be required to undertake as additional mitigation measures. In addition, policy AF 2 highlights additional longer term mitigation measures including transport improvements and local employment policies.

5.5 As part of the Wealden Local Plan Habitats Regulations Assessment, the Council sought advice to inform the development of an air quality mitigation strategy. The resulting report<sup>8</sup> is published at Appendix 9 of the HRA. The report identifies numerous mitigation options and appraises each option in relation to delivery, cost and effectiveness. In accounting for these aspects, the following individual projects are proposed to be taken forward in the interim air quality mitigation strategy<sup>9</sup>:

Strategy / Policy

- Low emission Strategy
- Air quality planning guidance
- Travel plan guidance

Monitoring

- Monitoring at Ashdown Forest
- Monitoring at Lewes Downs

Communication plan

- Active travel campaign
- Travel communication plan
- Car and lift sharing schemes
- Information and education
- School travel plans
- Promotion of walking and cycling

Investigation and delivery of mitigation measures

Initial investigations to determine deliverability and individual project scope for:

- Access restrictions

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<sup>8</sup> Air Quality Mitigation Strategy: Review of Transport Options, Ashdown Forest (Air Quality Consultants, June 2018)

<sup>9</sup> Please note that these are the projects being taken forward as part of the interim air quality mitigation strategy and the strategy is not limited to these project elements only.

## January 2019

- Visitor parking at 'gateway' locations only
- Reduction of speed limits
- Published Air Quality data through Sussex Air
- Priority parking for Low Emission Vehicles (LEVs)
- Provision of electric vehicle charging points in local centres, railways and car parks etc.
- Support community transport operators to use low emission vehicles
- Improvement to freight vehicles/ traffic
- Congestion management

### Strategic long-term<sup>10</sup>

- Polegate Parkway Station
- A27 offline Improvements
- Upgrade of Uckfield – Eridge Line
- Reinstatement of Lewes-Uckfield Line
- A27 online improvements

5.6 Whilst there are many different ways to mitigate air pollutant effects with varying levels of effectiveness, the conclusion of the work undertaken is that a combination of the above air pollution mitigation measures will be required to deliver the necessary improvements to mitigate the growth proposed in the Wealden Local Plan.

5.7 Policy AF1 and AF2 requires that all development identified within the Wealden Local Plan<sup>11</sup> that results in net additional traffic movements across the roads adjacent to Ashdown Forest SAC or Lewes Downs SAC<sup>12</sup> will be permitted subject to providing a financial contribution to the identified mitigation. Evidence shows that taking into account the housing and employment strategy as a whole, in some areas employment development results in either no additional traffic or a reduction in traffic movements across affected roads owing to the resulting change in commuter traffic. These areas are called Middle Super Output Areas (MSOAs). Therefore, where employment development identified in the Wealden Local Plan has either no additional transport movements or reduces transport movements in relation to affected roads, development will not be required to make financial contributions. The full list of these MSOAs is as follows:

Wealden 005 North East	Wadhurst
Wealden 005 South West	Mayfield
Wealden 014 North	Herstmonceux
Wealden 014 South	Ninfield
Wealden 016	Central and South West Hailsham
Wealden 017	South East Hailsham
Wealden 018 Central	Berwick and Alfriston

<sup>10</sup> It is not anticipated that it will be possible to deliver these strategic measures during the plan period. These measures are long-term measures and they cannot therefore be relied upon to mitigate development identified within the Wealden local Plan.

<sup>11</sup> Please see the specific requirements of Wealden Local Plan Policy AF1 and AF2.

<sup>12</sup> Also referred to as affected roads.

Wealden 019	Polegate
Wealden 020	Stone Cross and Pevensy
Wealden 021	Willingdon

5.8 Information obtained from the Ashdown Forest Transport Model, shows that 83% of net additional traffic movements across the affected roads results from residential floorspace, with 17% from employment floor space when considering comparable floorspace and the development identified in the Wealden Local Plan. This ratio provides a residential tariff rate of £2,697 per dwelling and a rate of £15.64 sq/m for employment floorspace for development identified in AF1 and AF2 of the Wealden Local Plan (see below for further details).

## 6.0 Development contributions

6.1 Development contributions will be collected to devise and deliver the Interim Air Quality Mitigation Strategy. A breakdown of the Interim Air Quality Mitigation Strategy expenditure and cash flow is given at Appendix B along with details of the type of development and the application of the mitigation tariff of £2,697 per dwelling and £15.64 per sq/m of business floor space (in accordance with Policy WLP 7 and 9). This is in line with the approach for SAMMS<sup>13</sup>.

6.2 The tariff has initially been calculated through to 2040. This is the government target date for all new car and van sales to be electric vehicles alongside a series of other measures set out in the Government documents Air Quality Plan for nitrogen dioxide in UK (2017) <https://www.gov.uk/government/publications/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2017>. This date will however be reviewed at regular intervals with reference to progress towards the government's targets. This is on the basis that whilst there is a target for vehicle sales to be electric, the composition of vehicles on the road in 2040 is unknown. The effectiveness of government strategies will therefore need to be considered and it may be required to extend the mitigation period beyond 2040.

## 7.0 Next steps

7.1 Work will be ongoing to further the Air Quality Mitigation Strategy and updates to the Strategy will be provided at key stages. It is recognised that development contributions may change as a result of this work and as individual mitigation measures are further defined. The existing arrangements for monitoring levels of pollution at Ashdown Forest SAC will continue. Arrangements will also be made to implement long-term monitoring at Lewes Downs SAC as appropriate also. Monitoring results will be reviewed at key stages. These may also result in a requirement to review the Strategy and tariff.

WDC  
January 2019

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<sup>13</sup> SAMMS – Strategic Access, Management and Monitoring Strategy

## Appendix A: Wealden Local Plan Policies

**Please note that the following policies show main modification amendments that have been submitted as part of the examination of the Wealden Local Plan.**

### Policy AF 1

#### Air Quality and Wealden Local Plan Growth

Development identified in this Plan<sup>14</sup> may only be delivered when suitable mitigation measures for the Ashdown Forest Special Area of Conservation and Lewes Downs Special Area of Conservation and ~~Pevensey Levels Special Area of Conservation and Ramsar Site~~ are identified and a delivery mechanism created by the Local Planning Authority, is in place in accordance with Policy AF2.

- a) Development in addition to that identified in this Plan<sup>15</sup> will only be permitted if it can be concluded that the proposals will not adversely affect the integrity of Ashdown Forest Special Area of Conservation and Lewes Downs Special Area of Conservation and ~~Pevensey Levels Special Area of Conservation and Ramsar Site~~ owing to traffic movements beyond the 2014 baseline<sup>16</sup> in combination with other identified development, including that allocated or identified<sup>17</sup> in this Plan. A full Habitats Regulations Assessment of the potential impacts of the development and, if appropriate, proposed mitigation measures must be submitted prior to the determination of the planning application(s) and suitable mitigation measures, as approved by the competent authority, shall be implemented prior to the completion / occupation of development as appropriate.
- b) The impact of the Plan alone and in-combination will be monitored in accordance with Policy WLP 12 and particular regard will be given to the balance between employment and the impact of loss of employment on the overall traffic movements across Ashdown Forest SAC.

### Policy AF 2

#### Air Quality Mitigation

Development identified in this Plan that results in the net increase in traffic movements across roads adjacent to Ashdown Forest SAC or Lewes Downs SAC will be permitted subject to providing a financial contribution<sup>18</sup> a package of measures designed to ensure

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<sup>14</sup> Development identified includes allocations, specifically identified SHELAA sites and development within the windfall allowance identified in Policy WLP 7 and Policy WLP 9.

<sup>15</sup> Development in addition to this Plan includes any housing development in addition to allocations, specifically identified SHELAA sites and development within the windfall allowance identified in Policy WLP 7 and WLP 9. Where development within plan policies have not been subject to a Habitats Regulations Assessment the policy will cross refer to Policy AF1.

<sup>16</sup> Any development that increases the traffic movements across the Forest beyond the 2014 baseline will constitute a net increase in traffic movements. Particular regard will be given to the loss of employment for housing purposes as loss of employment may overall increase vehicular movements of existing and new residential population by increasing out commuting.

<sup>17</sup> Identified development includes allocations, specifically identified SHELAA sites, and development within the windfall allowance identified in Policy WLP 7 and WLP 9.

<sup>18</sup> Contributions will be sought through Section 106 development contribution

## January 2019

that there is no adverse impact on the integrity of Ashdown Forest SAC and Lewes Downs SAC. Such measures could include, but are not limited to, the following:

- a) Air quality and ecology monitoring of Special Area of Conservation;
- b) Investigation of and where suitable the potential implementation of measures to contribute to a wider SNAP, where this is considered appropriate. This could include measures to strengthen nitrogen sensitive habitats;
- c) Investigation of measures to reduce local transport emissions from vehicles;
- d) Reduction of emissions from other land uses that affect the Special Area of Conservation;
- e) Provision of electric charging points for electric vehicles within public areas;
- f) Resources relevant to promotional/ instructive material regarding public and sustainable transport use and walking; and
- g) Provision of electric public transport, cycling and walking facilities and schemes to reduce the use of petrol and diesel vehicles.

All new development must also:

- h) Provide appropriate electric vehicle charging infrastructure. The type and amount of infrastructure to be agreed with the competent authority to suitably mitigate the type of development;
- i) Demonstrate that freight traffic resulting from new development will seek not to impact the Special Area of Conservation through routing arrangements and travel plans;
- j) Provide personalised travel planning; and
- k) All new housing and employment development to have the ability to connect to high speed broadband.

In order to mitigate the impacts of development, the Council:

Supports provision of an off-line A27 to provide an alternative route to roads crossing the Ashdown Forest SAC and Lewes Downs SAC;

Supports the reinstatement of the Lewes to Uckfield Train Line and an upgrade to Uckfield-Buxted - Crowborough- Tunbridge Wells Railway line including services; and

Supports creation of Polegate Parkway Station/ or alternative parking capacity in South Wealden.

Other mitigation measures contained within policies in this plan include:

Locating services in towns and villages to reduce trips to other centres; and

Supporting employment development which reduces the need for out commuting and which results in a net reduction in traffic movements associated to the Special Area of Conservation<sup>19</sup>.

~~Mitigation measures identified at a, c, e, f, g, h, j and k will assist in reducing overall emissions and increase the use of sustainable transport measures to combat any impacts of air quality on the roadside of the Pevensy Levels SAC and Ramsar Site.~~

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<sup>19</sup> Employment development within certain Middle Super Output Areas that exceed the provisions in Policy WLP 9 may reduce out commuting and reduce traffic movements on roads relevant to Ashdown Forest SAC, Lewes Downs SAC and Pevensy Levels SAC and form the overall mitigation measures to reduce background emissions as a long term solution.

**Appendix B: Interim Air Quality Mitigation Strategy expenditure and cash flow and type of development and application of the mitigation tariff**

**Table 1: Forecast Mitigation Strategy Expenditure 2018/19-2039/40**

Summary	Total Forecast Expenditure
	<b>£'000</b>
<b><u>Expenditure Category</u></b>	
Strategy / Policy	240
Monitoring	6,450
Communication Plan	2,000
Investigation and delivery of mitigation measures	3,187
Contingency / potential contribution to wider SNAP	1,000
Consultations	60
Air Quality Advisor	100
WDC Staff costs	2,150
ESCC Staff Costs	860
Contingency	4,166
<b>Total Expenditure forecast 2018-2040</b>	<b>20,213</b>

**Table 2 : Forecast Mitigation Strategy Cash Flow Summary 2018/19-2039/40**

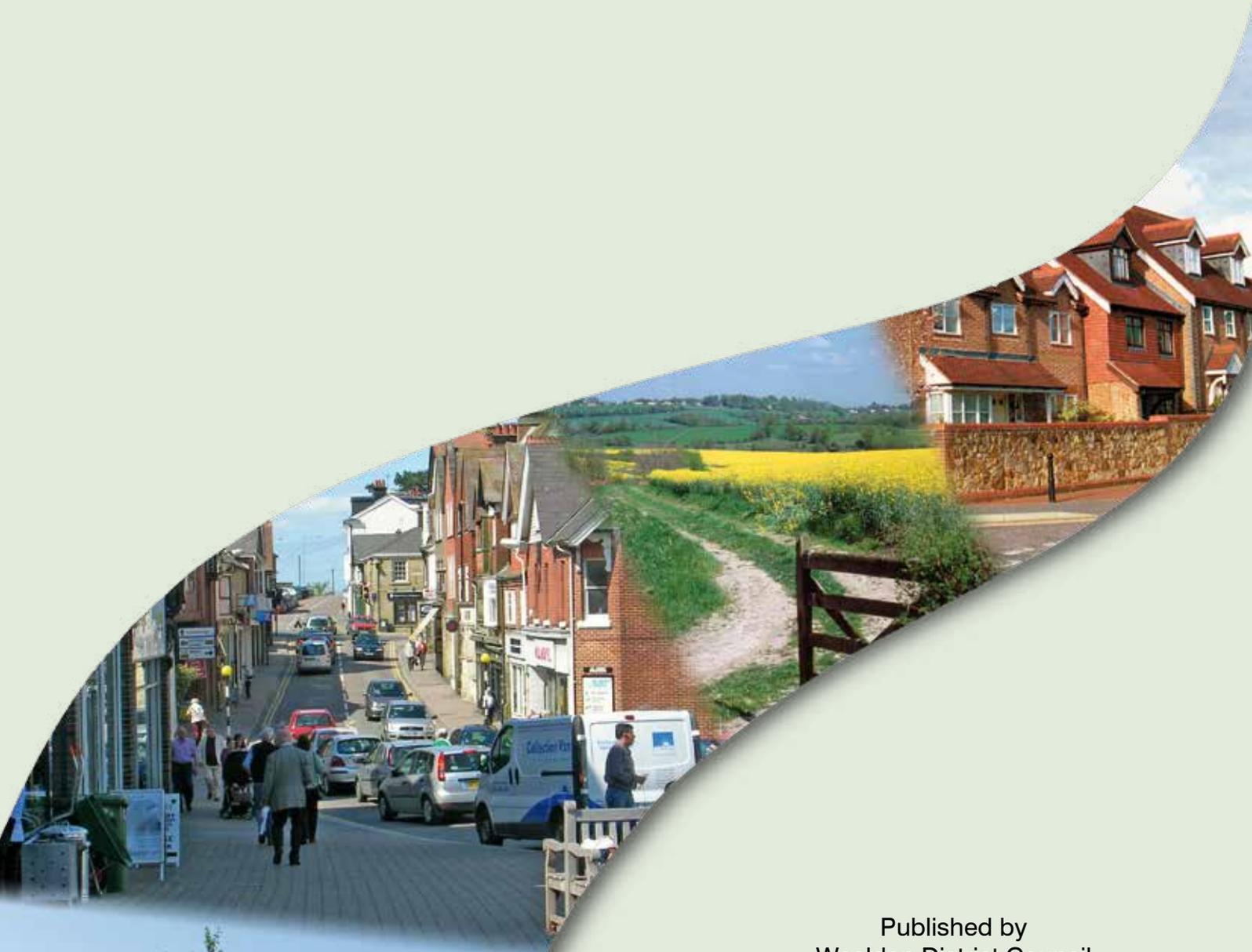
Summary	Years 1-5 (2018/19 - 2022/23)	Years 6-22 (2023/24- 2039/40)	Total Expenditure and Income
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b><u>Expenditure Category</u></b>			
Strategy / Policy	60	180	240
Monitoring	1,350	5,100	6,450
Communication Plan	800	1,200	2,000
Investigation and delivery of mitigation measures	1,389	1,798	3,187
Contingency / potential contribution to wider SNAP	700	300	1,000
Consultations	15	45	60
Air Quality Advisor	40	60	100
WDC Staff costs	450	1,700	2,150
ESCC Staff Costs	180	680	860
Contingency	1,413	2,752	4,165
<b>Total Expenditure forecast</b>	<b>6,397</b>	<b>13,815</b>	<b>20,212</b>
<b>Mitigation Fee Income</b>	<b>-4,452</b>	<b>-15,785</b>	<b>-20,237</b>
<b>Net Expenditure</b>	<b>1,945</b>	<b>-1,970</b>	<b>-25</b>
<b>Housing Development Units Residential Mitigation Fee</b>			6,528 £2,697

## January 2019

<b>Total Income from housing</b>			17,606
<b>Business Sq/M in WLP 9, excluding MSOA where no/positive impact (see above)</b>			168,226 sq/m
<b>Business Mitigation Fee</b>			£15.64 sq/m
<b>Total income from business</b>			2,631
<b>Total income</b>			20,237







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