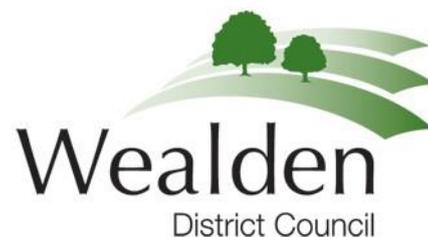


OUR REF: KW
ASK FOR: Mr K Williams Tel: 01892 602484
DATE: 07 March 2017
YOUR REF:



Planning Agents

Kelvin Williams
Head of Planning and Environmental Services

Dear Sir/Madam

Re: Development proposals in Wealden District

I am writing to you as you are on the Council's list of agents who regularly submit applications within the District. The reason for this letter is to bring to your attention the recent publication of the Wealden Local Plan for Sub-Committee's approval. Very shortly the evidence base prepared to support the plan will also be published including that around the protection of the Ashdown Forest.

Background

Following the examination and subsequent adoption of the Core Strategy Local Plan on 19 February 2013, the Council has been obliged to take into account evidence concerning the impact of development on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) as required by the Habitats Regulations.

The position which the Council is obliged to follow is that all development which would, either individually or in combination with other development, increase use of the Ashdown Forest for recreational and other purposes must mitigate its own impact. Each planning application is considered on a case by case basis.

In addition to recreational impacts, it is also necessary for the Council to assess all development which would, either alone or in combination with other development, increase the level of nitrogen deposition on the Ashdown Forest SAC. When considering nitrogen deposition the focus will be on the emissions from motorised vehicular traffic.

Where it is assessed that there will be a likely significant effect due to an increase in the level of nitrogen deposition, and in the current absence of any identified mitigation measures, planning permission must be withheld.



Ashdown Forest SAC

Large parts of Ashdown Forest (2,729 hectares) are designated as a Special Area of Conservation (SAC). The SAC status was awarded because Ashdown Forest contains one of the largest single continuous blocks of lowland heath in south-east England. The SAC designation recognises the special nature of the vegetation found within Ashdown Forest, namely European dry heaths and North Atlantic wet heath and affords it legal protection by the Conservation of Habitats and Species Regulations 2012 (as amended) which transposes the requirements of the European Habitats Directive (92/43/EEC).

Monitoring the effects of Nitrogen deposition

As part of the Council's adopted Core Strategy Local Plan we are committed to investigating the impacts of nitrogen upon the Ashdown Forest SAC so that its effects upon development in the longer term can be more fully understood and mitigated if appropriate. The monitoring is "to undertake further investigation of the impacts of Nitrogen deposition on the Ashdown Forest Special Area of Conservation so that its effects on development can be more fully understood and mitigated if appropriate".

Wealden District Council is required to consider the effects of new developments on the integrity of the SAC. This includes considering the effect of new development on the SAC with regards to an increase in traffic that may result from such development. This is on the basis that excess nitrogen or an increase in nitrogen from more cars on the road or an increase in car journeys across the forest may result in damage to the protected species or a net decrease of species or habitat cover.

Significant work has been undertaken since 2013 to monitor nitrogen deposition and the impact on the ecology of the protected areas as an ongoing requirement following the Core Strategy and to model traffic flows, nitrogen deposition and ecological impact based on proposed development numbers and locations.

This has identified that the impact on the Ashdown Forest Special Area of Conservation (SAC) is significant in the immediate vicinity of the roads across the forest with high levels of nitrogen deposition recorded and consequent ecological damage. This is a wider impact than just relating to the A26 as initially considered as part of the adopted Core Strategy.

Taking into account existing levels of traffic and development commitments that are in place there is already an unacceptable level of impact from nitrogen deposition in the areas close to the forest roads.

Modelling the impact of the development numbers of the preferred option in the Issues, Options and Recommendations document over the original plan period of 2013 to 2037 shows an even greater effect above the acceptable level in these areas.

Alongside this the Council has gathered evidence of levels of nitrogen deposition across the whole of the SAC which indicates high but currently acceptable levels. The Council is proposing to adopt an approach which is based on delivering development at a level which will be below that which, applying the precautionary principle, would be deemed to be potentially damaging to the SAC overall.

The Council has explored a range of alternatives to the level of development proposed in order to protect the SAC including lower levels of development, alternative distributions for development and development conditions. In addition it has considered mitigation measures including traffic speed restrictions, introducing tolls, restricting categories of vehicles and options for tunnels. For a variety of reasons these measures would not produce any significant

improvements, either because they are already in place or because they are not practical or economically viable.

The Council recognises that, having considered and either implemented these options or found them to be of very limited value, there is a need to address the damage already being done to the SAC in the vicinity of the forest roads. The proposal is that compensatory measures will be put in place to provide equivalent comparable habitat to that being lost. It is recognised that this requires a public interest test which the Council believes will be met through the benefits from the provision of the development over the plan period including the associated employment opportunities.

In order to allow development to proceed the proposal is therefore to compensate for the damage which is already occurring close to the roads and alongside this to set a level of development across the district which will ensure that the overall integrity of the SAC is not damaged due to traffic movements and the consequent nitrogen deposition.

What does this mean for development proposals now?

The Council will continue to assess the impacts of development on the Ashdown Forest, as set out in the Background Section earlier in this letter, and until the necessary compensation/mitigation measures are in place, developments throughout the District (including those within the existing Core Strategy Local Plan and the emerging Wealden Local Plan that do not have existing planning permissions) can only proceed where they can prove that they will not damage the SAC any further.

In practical terms this means demonstrating that the development of a site will provide no more vehicle emissions than currently along the affected roads in the SAC.

As you may know, this constraint has been affecting development close to the SAC since 2013, however working with applicants some development has been able to proceed. We are keen to continue wherever possible to enable development to progress.

Further Information

There is information about this constraint on the Councils website and there will be further updates over the coming days/weeks. In the meantime if you are in any doubt about the impact on your proposed development I would ask you to contact the Councils duty planning service on 01892 602011, Monday - Friday 09.30-12.30.

Yours faithfully

Kelvin Williams

Kelvin Williams
Head of Planning and Environmental Services