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Office hours Monday, Tuesday, Thursday, Friday 8.30am to 5.00pm and Wednesday 9.00am to 5.00pm

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If you, or somebody you know, would like the information contained in this document in large print, Braille, audio tape/CD or in another language please contact Wealden District Council on 01323 443322 or info@wealden.gov.uk
RE: Meeting with Wealden Council and DCLG

Sent: 8 June 2017 11:31

From: [Redacted]

To: [Redacted]

MCHLG and WDC

Note: Attachments may contain viruses that are harmful to your computer. Attachments may not display correctly.

1 Attachments

Briefing note for [Redacted] Ashdown Forest Nitrogen Deposition - 130317 final.docx (47 KB)

Dear All

Thank you for agreeing to this meeting - we look forward to meeting you at 4pm next Wednesday.

By way of outline agenda can I suggest

1. Introductions

   1. Update from WDC on the Ashdown Forest briefing note previously forwarded (copy attached for ease of reference)

1. Discussion on the proposed approach including DCLG views and potential issues

1. Next steps

1. Close

Happy to adjust this as required either beforehand or on the day.

Best regards

[Redacted]

Briefing note for [Redacted] Ashdown Forest Nitrogen Deposition - 130317 final.docx

Director Planning Policy and Economic Development

Wealden District Council


MHCLG1
-----Original Appointment-----
From: [REDACTED]  MHCLG
Sent: 01 June 2017 14:28
To: [REDACTED]  WDC and MHCLG
Subject: Meeting with Wealden Council and DCLG
When: 14 June 2017 16:00-17:00 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.
Where: [REDACTED]  MHCLG

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http://archivemanager.wealden.gov.uk/app.html#/message/3e94d630-5b49-c2f3-0cd6-88410151076b/[19/12/2018 11:49:06]  MHCLG2
13th March 2017

Briefing Document for the Minister, [Name] on the Ashdown Forest Nitrogen Deposition position and Wealden District Council proposed housing numbers

Background

1. Following adoption of its Core Strategy in 2013 Wealden District Council (WDC) initiated a review of its local plan (as required by the Inspector) commencing in 2015. This led to an Issues, Options and Recommendations document being issued for consultation in the autumn of 2015 with a preferred option for testing of some 20,000 dwellings in total across the then proposed plan period (2013 to 2037).

2. During 2016 the Council has been testing the preferred options set out in the Issues, Options and Recommendations document alongside testing of the reasonable alternative options leading to the Wealden Local Plan Draft Proposed Submission Document published on 3 March for review by the Council’s Committee and Full Council during March.

Ashdown Forest Nitrogen Deposition

3. One of the key factors impacting on the Draft Proposed Submission is the additional evidence gathered in relation to the impact upon the Ashdown Forest Special Area of Conservation (SAC). Significant work has been undertaken 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.

4. The conservation objective for Ashdown Forest SAC is to avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features. Ashdown Forest qualifies as an SAC due its Annex 1 habitats of European dry heaths and Northern Atlantic wet heaths and its Annex II species great crested newts.

5. The monitoring work on the SAC has identified that the impact on the Ashdown Forest SAC is significant in the vicinity of the roads across the forest with high levels of nitrogen deposition recorded and ecological damage. This is a wider impact than just relating to the A26 as initially considered as part of the adopted Core Strategy.
6. 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 a significant increase in levels of nitrogen deposition in certain areas.

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

8. 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 and diverting roads. Work is continuing on this, however, for a variety of reasons the Council believes these measures would not produce any significant improvements, either because they are already in place or because they are not practical or economically viable.

9. 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 impact on 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.

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

11. Wealden are keen to overcome this situation as soon as possible and are progressing the compensatory measures through a range of means including discussions with the Minister, Natural England and the Ashdown Forest Conservators and seeking potential land which can be returned and restored to heathland.

What is the evidence?

12. The critical load for the SAC heathland is defined as 10kg of nitrogen deposition per hectare per year. Scientists consider that deposition under 10kg of nitrogen deposition per hectare per year mean that significant harmful effects on specified sensitive elements of the environment do not occur according to present knowledge. Published air quality monitoring data shows that the critical load on the SAC as a whole is already
exceeded. The level of deposition varies across the Forest. The published data can be found on the Wealden District Council website¹.

13. Natural England guidance states that if the level of nitrogen deposition is greater than 1% process contribution or above that there is a likely significant effect which requires further investigation called an appropriate assessment. In practice this means levels of deposition need to be below 0.1kg of nitrogen deposition per hectare per year not to have a likely significant effect. This threshold of 0.1kg of nitrogen deposition per hectare per year is regardless of whether the critical load has been exceeded. Legislation requires that the contribution a Local Plan makes to nitrogen deposition is considered alone and in combination with other plans or projects.

14. A number of Local Plan scenarios have been tested. We tested the delivery of 21,279 dwellings made up of all planning consents and proposed future growth² up until 2037. The modelling that Wealden has carried out indicates levels of up to a maximum of 6.67 and 6.09 kg of additional nitrogen deposition per hectare per year in areas close to the forest roads on dry and wet heaths respectively. This amounts to up to 60% of the critical load. We have also calculated the amount the Plan deposits alone and this amounts to up to a maximum of 1.29 and 2.49 kg of additional nitrogen deposition per hectare per year for dry and wet heath respectively. Across the Forest as a whole, and in combination, the average additional deposition across the Forest is 0.18 kg of additional nitrogen deposition per hectare per year, which is similar to the average wet heath average deposition of 0.19 kg of additional nitrogen deposition per hectare per year both of which is over the 1% process contribution. The estimated amount of land within the SAC which is over the 1% process contribution is 1430 hectares.

15. Taking into account the deposition on the margins of the road and across the SAC, as a whole, further scenarios were tested. A scenario of 14,101 dwellings delivered by 2028 resulted in levels up to a maximum of 4.15 and 3.91 kg of additional nitrogen deposition per hectare per year for dry and wet heath respectively. It is estimated that alone the Plan deposits up to a maximum of 2.02 and 1.7 of additional nitrogen deposition per hectare per year for dry and wet heath respectively. Across the Forest as a whole, and in combination, the average deposition additional deposition across the Forest is 0.11 kg of additional nitrogen deposition per hectare per year, which is similar to the average wet heath average deposition of 0.12 kg of additional nitrogen deposition per hectare per year both of which is over the 1% process contribution. The estimated amount of land within the SAC which is over the 1% process contribution is 769 hectares.

16. A further scenario of 11,456 dwellings delivered by 2028 resulted in levels up to a maximum of 3.78 and 3.59 kg of additional nitrogen deposition per hectare per year for

¹ Interim Report Yr 1: Ashdown Forest Air Quality Monitoring and Modelling http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/CoreStrategy/CoreStrategyLibrary/Planning_Evidence_Base_Habitat_Regulations_Assessment.aspx
² Excluding any completions within the plan period
dry and wet heath respectively. It is estimated that alone the Plan deposits up to a maximum of 1.65 and 1.39 of additional nitrogen deposition per hectare per year for dry and wet heath respectively. Across the Forest as a whole, and in combination, the average deposition additional deposition across the Forest is 0.1 kg of additional nitrogen deposition per hectare per year which is around the 1% process contribution. The estimated amount of land within the SAC which is over the 1% process contribution is 693 hectares.

**What does this mean for development proposals now?**

17. The Council has also modelled a scenario of all planning permissions that have been granted up until the end of September 2016, which also includes an additional 517 dwellings granted planning consent post September 2016. This exercise assumed a delivery date of 2037. This modelling shows that the permissions alone deposit up to a maximum of 1.17 and 0.92 of additional nitrogen deposition per hectare per year for dry and wet heath respectively. This is 10% of the critical load.

18. The Council will continue to assess the impacts of development on the Ashdown Forest, as set out above, 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.

19. *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.*

20. Any applications which already have planning permission will not be affected so there will continue to be considerable development taking place across the district, for example there are planning permissions granted for some 5,000 dwellings yet to be built.

**Revised Plan Period**

21. Alongside the proposals for protecting the Ashdown Forest the council is proposing to revise the Plan period to be 2013 to 2028. This plan period is felt to be more appropriate given the recent Housing and Planning White Paper and provides a 15 year plan period from the adoption of the Wealden Core Strategy and a 10 year plan period from the anticipated adoption date of the Wealden Local Plan.

22. The Local Plan housing policy proposes housing provision distributed away from Ashdown Forest with development concentrated in the most sustainable centres. There is a significant focus on South Wealden, however development is identified to towns
and villages to the north of the District where traffic can access Tunbridge Wells using an alternative route to the A26. The strategy includes making a business case for an improved A27 or a reasonable alternative, to help reduce the base line traffic across Ashdown Forest and allow for growth in the Wealden Local Plan. This strategic approach still applies, however, as a result of the testing and evidence gathered, the proposed level of housing growth will be reduced from the Issues, Options and Recommendations preferred option for testing.

23. The business case for the A27 offline dual carriageway between Polegate and Lewes was recently updated from the original study produced in 2014. Incorporating the development proposed in the South Wealden Area in the Issues, Options and Recommendations document the business case shows an increased benefit : cost ratio from 1.3 (2014) to 4.18 (2016). The lower development numbers now being proposed will impact on the ratio and sensitivity testing to assess this impact is being considered. However, the provision of an upgraded A27 between Polegate and Lewes continues to be seen as a significant benefit not only to the South Wealden area but also to the county’s other growth areas of Hastings and Bexhill; Eastbourne and Newhaven and will support housing and economic development across the area. The updated (2016) business case report has been shared with colleagues in Department of Transport and Highways England but is not yet in the public domain.

**Next steps**

24. As discussed with the Minister, Wealden District Council is keen to enable development within the district whilst recognising the need to protect the environment and meet the legal obligations in relation to protection of the Ashdown Forest. The Council wish to work with Natural England and DCLG to discuss the approach the Council has proposed and explore any other options which might be considered. The Council therefore requests support from the Minister in facilitating a meeting with DCLG officials and Natural England to progress this.

WDC
130317
Wealden Local Plan Update - 12 April 2018

Sent: 12 April 2018 16:35

From: WDC

To: MHCLG

CC: DEFRA, Natural England

Note: Attachments may contain viruses that are harmful to your computer. Attachments may not display correctly.

Dear All

Please find an update attached covering the latest position on the Wealden Local Plan which I hope will help inform Monday’s meeting.

Best regards

Wealden District Council

http://archivemanager.wealden.gov.uk/app.html#/message/9874b87b-78df-be50-3fe5-6a7a2d2f01f5/[19/12/2018 11:33:46]
Wealden Local Plan Update – 12 April 2018

As previously reported Wealden District Council (WDC) has received advice from Natural England in respect of the impact of air quality on the ecology of the Ashdown Forest Special Area of Conservation (SAC) which has confirmed that there is a likely significant effect in relation to the proposed plan and that an Appropriate Assessment should be carried out by WDC as the ‘Competent Authority’ under the Habitats Regulations.

On the basis of the advice received WDC has been working with its specialists to update the Wealden District Council Air Quality and Ecology report to inform the Appropriate Assessment and the Habitats Regulations Assessment (HRA) in order to deliver an updated Wealden Local Plan by the end of June for consideration at the Full Council meeting on 18 July 2018.

WDC are aware of the recent s78 Mid Sussex Appeal decisions by the Secretary of State and of the report from the Planning Inspector in relation to the Mid Sussex Local Plan and have considered the impact of these on the Wealden Local Plan and on Wealden’s responses to neighbouring authorities plans and applications.

WDC fully recognises and respects that each council (or the Planning Inspector or the Secretary of State depending on the situation) is the “competent authority” for its area and will make decisions based on each council’s specific set of circumstances and the evidence and advice it has available to it. WDC recognises this applies to Local Plans, appeals and to individual applications.

The issues raised by WDC with Mid Sussex and the Planning Inspectorate have been responded to by the “competent authority”, including by the Secretary of State for the s78 appeals, and consequent decisions made. WDC has decided that it will not be challenging the Mid Sussex appeal decisions or the Mid Sussex Local Plan, having regard to the particular circumstances of those cases.

Similarly we will not as a matter of course challenge individual planning applications submitted to neighbouring councils, simply on the basis that they result in additional trips across Ashdown Forest. It is not the function of WDC to oversee the decisions of neighbouring competent authorities and it would be impracticable to do so. Further, whilst preparing its Local Plan, WDC is discussing with Natural England the approach to be taken to in-combination assessments under the Habitats Directive and Regulations. WDC will consider its position in respect of particular cases in the light of those discussions and any further advice received from Natural England.

As highlighted above WDC are currently undertaking an Appropriate Assessment and HRA as the “competent authority” for the Wealden district, taking into account Natural England advice. This work will determine, based on Wealden’s specific set of circumstances and the evidence and advice it has available to it, if there is an adverse effect on the integrity of the Ashdown Forest SAC and other protected sites from the proposed Wealden Local Plan, either alone or in combination with other plans and projects.

WDC will determine all planning applications having regard to this work when it is completed, subject to any further advice arising from discussions with Natural England.

WDC

12 April 2018

MHCLG9
RE: Wealden District Council

Sent: 24 April 2018 10:44
From: MHCLG
To: WDC

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1 Attachments
image001.jpg (7 KB);

Thanks again [name]

MHCLG

From: WDC
Sent: 24 April 2018 10:42
To: MHCLG
Subject: RE: Wealden District Council

Yes, I can confirm we will progress without the information from the Conservators if necessary.

Kind regards

WDC

From: MHCLG
Sent: 24 April 2018 10:40
To: WDC
Subject: RE: Wealden District Council

Many thanks [name]

And I suppose the same goes for the info requested from the Conservators – if it isn’t available you’ll progress without?
From: WDC
Sent: 24 April 2018 10:27
To: MHCLG
Subject: Wealden District Council

Dear [Name],

Sorry for the delay in getting back to you. I understand that Natural England provided all the information that they possess relevant to Ashdown Forest on Friday (20th April). Unfortunately, some of the data that we requested has not been retained, in accordance with Natural England protocols, and therefore we have no option but try to progress without this data. We are currently awaiting further information from the Conservators of Ashdown Forest regarding management of the Forest and we are progressing this separately.

Kind regards

Wealden District Council | Council Offices | Vicarage Lane | Halsham | East Sussex | BN27 2AX
Web. www.wealden.gov.uk
Fwd: Wealden

Sent: 22 May 2018 16:32

From: [Redacted]  
MHCLG

Required: [Redacted]  
WDC

Location: [Redacted]

Start Time: 16 April 2018 09:00

End Time: 16 April 2018 10:00

Time Zone:

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2 Attachments

Wealden Agenda.docx (27 KB); ATT00001.htm (179 B);

Here is the agenda email with contacts.

Begin forwarded message:

From: [Redacted]  
MHCLG

To: [Redacted]  
WDC, Natural England, Defra, G

Subject: Wealden

All

Please find attached the agenda for Mondays meeting.

http://archivemanager.wealden.gov.uk/app.htm#mosaage/07af41b-4568-e34c-e10d-6a5947874129/[19/12/2018 11:31:30]

MHCLG12
Wealden Meeting

Date: Monday 16th April 2018
Time: 09:00 – 10:00
Venue: [Redacted]

AGENDA

WDC, MHCLG

Introductions

Update on the Wealden position in relation to the Ashdown Forest

MHCLG position

Natural England position

DEFRA position

Issues for resolution and possible ways forward

Next steps
Great, ta.

MHCLG

From: 
Sent: 14 June 2018 12:03
To: 
Subject: RE: DEFRA Air Quality Strategy Consultation and Wealden Local Plan

Hi MHCLG

Thank you for keeping me informed. We are busy finalising the Plan and HRA for publication (for relevant committee consideration) on the 27th June.

Kind regards

MHCLG
HI WDC

You'll remember neighbouring authorities wrote to the SoS about Wealden. The Wealden Leader then wrote to the SoS in response.

After a delay following the appointment of the new SoS, a response has now gone back to the neighbouring authorities, copied to the Wealden Leader.

In a nutshell, it flags Wealden's 12 April public statement and commits to monitor the situation.

Kind regards,

MHCLG

MHCLG

Development Plans
Tel: 
Email: 
Twitter: 

From: WDC
Sent: 23 May 2018 12:29
To: MHCLG
Cc: 
Subject: RE: DEFRA Air Quality Strategy Consultation and Wealden Local Plan

I am sorry I didn't clarify that we will be taking the Reg 19 version of the Plan to Full Council in mid July and publication of papers is therefore late June. The representation stage is set to start in August through to early October.

Kind regards

WDC

From: MHCLG
Sent: 23 May 2018 12:14
To: WDC

http://archivemanager.wealden.gov.uk/app.html#message/d4852f29-853f-e954-c987-7fd01070b5de2[/19/12/2018 11:27:38]
Hi,

Sorry for not replying to your previous email – I have a few colleagues (including [redacted] – copied in) that routinely phone LPAs to ask about Local Plan progress. I gather the message is that Wealden are still on track to deliver an updated Wealden Local Plan to Council by the end of June 2018, and publish (Reg 19) in July.

On Defra contacts, I'd try [redacted] MHCLG

All the best,

[redacted] MHCLG

From: [redacted] WDC
Sent: 22 May 2018 16:55
To: [redacted] MHCLG WDC
Cc: [redacted] MHCLG
Subject: DEFRA Air Quality Strategy Consultation and Wealden Local Plan

Dear [redacted] MHCLG

I am writing to ask whether you could provide me with a relevant contact in DEFRA with regards to interesting comment made in the Air Quality Strategy 2018 Consultation released today. In the document (page 5, 33 and 34) it is stated Later this year we will provide guidance for local authorities explaining how cumulative impacts of nitrogen deposition on natural habitats should be mitigated and assessed through the planning system. As you will be aware we are currently progressing work on mitigation with


MHCLG16
regards to air quality and we would be interested in any early outcomes of this work to aid our local plan.

Kind regards

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Wealden District Council

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MHCLG17
Update on the Wealden District Council Local Plan

Sent: 2 August 2018 11:48
From: WDC
To: MHCLG
CC: WDC

Dear MHCLG

Thanks for the useful discussion earlier.

I can confirm that the Wealden Local Plan was approved by our Full Council on 18 July to go forward to the Regulation 19 stage and for subsequent submission to the SoS for examination.

The representations consultation period is from 13 August to 8 October and we aim to submit to the SoS for examination in December.

As discussed when Marina and I met with you earlier this year we are proposing development on the basis of an OAHN of 950 per annum with a plan period of 2013 to 2028 – a total of 14,228 dwellings over the period of the plan.

We have identified that there is an impact on the Ashdown Forest SAC as a result of nitrogen deposition and also on the Pevensey Levels and Lewes Downs. However, we are proposing a package of mitigation measures which will allow development to proceed up to the level identified above.

Natural England will formally comment on our AA / HRA within the representations consultation period - so by 8 October.

In the meantime we will be starting to process planning applications which have been held due to the Ashdown Forest issues. Pending the Natural England advice on our AA / HRA any approvals will need to be “subject to” the NE advice but as you know we are keen to progress with applications where we can and we hope that the NE advice will be supportive of our approach.

http://archivemanager.wealden.gov.uk/app.html#/message/d3b9f9c3-3c65-3cad-ccda-25066d0af147/19/12/2018 11:15:28

MHCLG18
Dear All

Please find an update attached covering the latest position on the Wealden Local Plan.

Any questions please come back to me.

Best regards

WDC