Wealden District Council Local Plan Examination

Responses to the Inspector’s Matters and Questions for the Stage 1 Hearings

Matter 2: Vision and Objectives and Local Plan Growth

8th May 2019
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Appendices

Appendix A: WEALDEN LOCAL PLAN TRANSPORT STUDY 2018 - TECHNICAL NOTE Requirement 1 - Delivery Schedule for Highway Interventions
Issue 1: Whether the Spatial Vision for Wealden is justified, effective, consistent with national policy and positively prepared?

Question 32: Are the key local plan objectives which have been identified relevant; justified; and consistent with National Policy?

32.1 The Spatial Objectives within the Wealden Local Plan combine to deliver sustainable development within the District in line with the NPPF (2012). They are locally specific and they focus on key economic (Objectives 2, 3, 4, 5, 6, 11, 13), social (Objectives 1, 4, 8, 9, 10, 11, 12) and environmental (Objectives 5, 7, 11, 14) issues that contribute to achieving sustainable development in the District. As identified here and under Questions 17 and 48, the Plan seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it reasonable to so. The Plan is, therefore, positively prepared.

32.2 The Spatial Objectives have been derived from the Vision, and strategic preferred options for testing, that were considered through the Wealden Local Plan Issues, Options and Recommendations consultation paper (Reference C1) and associated Wealden Local Plan Sustainability Appraisal Report Parts 1 and 2 (Reference C13-C15).

32.3 The links between the Vision and Spatial Objectives are as follows:

- By 2028 Wealden District will have improved the health and wellbeing of its residents by meeting housing need and providing suitable housing in the right location with associated green space, leisure, community facilities and road improvements (Objectives 1, 8, 9, 10, 12, 13). By tackling social isolation, accessibility issues and embracing electronic solutions to problems faced by an ageing population, Wealden will have become an age friendly district (Objectives 1, 2, 9).
- Development will have taken place across the District, and in particular south Wealden, that will improve the economy and attract businesses into the area (Objectives 1, 2, 3, 6, 13). Town centres, including Hailsham and Uckfield will have been developed and regenerated through provision of retail, leisure, employment and housing development this will in turn provide good quality jobs and opportunities for local people to improve skills (Objectives 1, 2, 3, 4, 12). Opportunities for the regeneration of Crowborough and Polegate will have been realised (Objectives 1, 2, 4). The housing stock will have been re-balanced by the provision of smaller dwellings reflecting the
need to improve affordability in the area, meet the needs of those wishing to downsize or take their first step on the housing ladder and make the best use of land (Objectives 1, 11).

- Those unique qualities of rural Wealden, which we have always treasured, will be retained, supported and enhanced through agriculture, viticulture, rural diversification and tourism (Objectives 2, 5, 6, 7, 8, 10). The environment of the District will have been protected and biodiversity enhanced (Objectives 5, 7, 8, 14). The sensitive habitats of Ashdown Forest and Pevensey Levels will have been protected from the threats associated with development and change (Objectives 7, 14).

32.4 The Spatial Objectives have been subject to consultation and engagement throughout the production of the Local Plan. Views were sought between 13th August 2018 and 8th October 2018 on the Spatial Objectives as part of the Regulation 19 consultation on the Proposed Submission Wealden Local Plan and its associated evidence base. Refinements made to the Spatial Objectives as a result of consultation feedback and development of the Local Plan policies can be seen in the Submission Wealden Local Plan Sustainability Appraisal Report (August 2018) – January 2019 (Reference A6).1

32.5 The Spatial Objectives have been subject to sustainability appraisal throughout the production of the Local Plan and have been tested for their internal compatibility2, as well as their compatibility with the SA Objectives. Refinements are reflected in the amendments detailed within the Submission Wealden Local Plan Sustainability Appraisal Report (August 2018) – January 2019 (Reference A6).

32.6 A number of reasonable alternatives have been considered for options that make up the strategy, vision and objectives. These reasonable alternatives have been developed as the Plan progressed and are identified in the WLPIOR Sustainability Appraisal Report Parts 1 and 2 (Reference C13-C15), Proposed Submission Sustainability Appraisal Report March 2017 (Reference B4-B5), Proposed Submission Sustainability Appraisal Report August 2018 (Reference B3), Submission Sustainability Appraisal Report March 2017 (Reference A4-A5) and Submission Sustainability Appraisal Report August 2018 (Reference A6). It is considered that the plan is the most appropriate strategy when

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1 Please refer to Chapter 3, pages 13-37 of the Submission Wealden Local Plan Sustainability Appraisal Report January (August 2018) – January 2019 (Reference A6) to see the amendments made to the Spatial Objectives.
2 Please refer to Chapter 4, pages 83-98 of the Submission Wealden Local Plan Sustainability Appraisal Report (March 2017) – January 2019 (Reference A4). Specifically Table 8 and paragraph 4.5 on pages 88 and 89; Table 10 on page 92 and Table 11 on page 94.
considered against these reasonable alternatives as outlined in the Submission Sustainability Appraisal Report August 2018 (Reference A6)\(^3\).

32.7  The objectives are consistent with sections of the NPPF (2012) and evidence base as set out below:

Table 1: Wealden Local Plan Spatial Objectives and conformity with the NPPF

<table>
<thead>
<tr>
<th>Spatial Objective</th>
<th>NPPF (2012) Section / paragraph</th>
<th>Evidence Base (non-exhaustive)</th>
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</table>
| 1 Housing         | Section 6 and Paragraph 159     | • Housing Background Paper January 2019 (Reference A30)  
|                   |                                 | • Strategic Housing Market Assessment (Reference H2 and H3)  
|                   |                                 | • Wealden Objectively Assessed Housing Need Update (Reference H4 - H6)  
|                   |                                 | • Wealden Gypsy and Traveller Accommodation Assessment November 2016 (Reference H7)  
|                   |                                 | • Wealden Housing Needs Assessment 2010 (Reference H15)  
|                   |                                 | • AONB Housing Needs Survey 2016 (Reference H18)  
|                   |                                 | • Strategic Housing and Economic Land Availability Assessment – January 2019 (Reference A29)  
|                   |                                 | • Brownfield Land Register December 2018 (Reference H8)  
|                   |                                 | • The Authority Monitoring Report 2017/2018 (Reference H10)  
|                   |                                 | • Wealden District Density Background Paper (Reference A22 and A23)  
|                   |                                 | • Wealden District Duty to Cooperate Background Paper January 2019 (Reference A32)  
| 2 Economy         | Section 1; Section 3 and paragraphs 160 -161 | • Economy Background Paper – January 2019 (Reference A17)  
|                   |                                 | • Wealden Economy Study Update – March 2018 (Reference G1)  
|                   |                                 | • Wealden Economy Study 2016 (Reference G2 – G4)  

\(^3\) Table 28 on page 110 provides the justification for selecting the August 2018 version of Policy WLP1 (14,228 dwellings) over the March 2017 (11,456 dwellings) version. Paragraphs 6.7-6.29 and Tables 29-74 on page 112-211 present the appraisal of the various reasonable alternatives for the distribution of housing.
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<tr>
<th>Spatial Objective</th>
<th>NPPF (2012) Section / paragraph</th>
<th>Evidence Base (non-exhaustive)</th>
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<tr>
<td>3 Skills</td>
<td>Section 1; Section 3 and paragraphs 160-161</td>
<td>• Economy Background Paper – January 2019 (Reference A17)</td>
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<td>4 Town Centres</td>
<td>Section 7 and paragraphs 160-161</td>
<td>• Retail Boundaries Background Paper – January 2019 (Reference A18) • Town Centre and Retail Study 2016 (Reference G5-G8)</td>
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<tr>
<td>5 Countryside</td>
<td>Section 11 and paragraphs 165-167 but also Section 1; Section 3 paragraph 28 point 3 and Section 6 paragraph 55</td>
<td>• Economy Background Paper – January 2019 (Reference A17) • Wealden Local Plan Sites – Landscape and Ecological Assessment Study July 2017 (Reference J1) • South Wealden Growth Area Landscape and Ecological Assessment Study April 2017 (Reference J5) • Wealden Landscape and Settlement Character Assessment November 2014 (Reference J6) • Wealden Landscape and Settlement Character Assessment Supplementary Report November 2016 (Reference J7) • Green Infrastructure Study 2017 (Reference J2)</td>
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<td>6 Tourism</td>
<td>Section 3 but also Section 2 paragraph 23 point 6</td>
<td>• Economy Background Paper – January 2019 (Reference A17) • Wealden Viticulture Feasibility Study March 2018 (Reference G12)</td>
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<td>7 Natural Environment</td>
<td>Section 11 and paragraphs 165-167</td>
<td>• Habitats Regulations Assessment January 2019 (Reference A35 and A35a) • Wealden Local Plan Sites – Landscape and Ecological Assessment Study July 2017 (Reference J1) • South Wealden Growth Area Landscape and Ecological Assessment Study April 2017 (Reference J5) • Wealden Landscape and Settlement Character Assessment November 2014 (Reference J6)</td>
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<td>Spatial Objective</td>
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<td>• Wealden Landscape and Settlement Character Assessment Supplementary Report November 2016 (Reference J7)</td>
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<td>• Green Infrastructure Study 2017 (Reference J2)</td>
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<td>• Development within the High Weald AONB Background Paper (Reference A33)</td>
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<td>• Ashdown Forest SPA Mitigation Zone Background Paper January 2019 (Reference I1)</td>
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<td>• Ashdown Forest Air Quality Monitoring and Modelling August 2018 (Reference I6 and I7)</td>
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<td>• Ecological Monitoring at Ashdown Forest July 2018 (Reference I8 and I9)</td>
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<td>• Pevensey Levels Air Quality Monitoring August 2018 (Reference I20)</td>
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<td>8 Built Environment</td>
<td>Section 7; paragraph 17 point 4; paragraph 28 point 1; paragraph 35 and paragraph 55 point 4</td>
<td>• Development Boundary Background Paper January 2019 (Reference A19)</td>
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<td>• Core Areas and Boundary Review Background Paper January 2019 (Reference A15)</td>
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<td>• Heritage Background Paper January 2019 (Reference A9)</td>
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<td>• Public House Study January 2019 (Reference A16)</td>
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<td>• Village and Community Hall Provision Background Paper January 2019 (Reference A20)</td>
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<tr>
<td>9 Accessibility</td>
<td>Section 8 and paragraph 70 and Section 4</td>
<td>• Strategic Housing and Economic Land Availability Assessment – January 2019 (Reference A29)</td>
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<td>• Density Background Paper January 2019 (Reference A22 and A23)</td>
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| **10 Rural Housing** | Section 6; Section 3; and Section 11 | • Infrastructure Delivery Plan January 2019 (Reference A31)  
  • Core Areas and Boundary Review Background Paper January 2019 (Reference A15)  
  • Housing Background Paper January 2019 (Reference A30)  
  • Strategic Housing Market Assessment (Reference H2 and H3)  
  • Wealden Objectively Assessed Housing Need Update (Reference H4 - H6)  
  • Wealden Housing Needs Assessment 2010 (Reference H15)  
  • AONB Housing Needs Survey 2016 (Reference H18)  
  • Strategic Housing and Economic Land Availability Assessment – January 2019 (Reference A29)  
  • Brownfield Land Register December 2018 (Reference H8)  
  • The Authority Monitoring Report 2017/2018 (Reference H10)  
  • Wealden District Density Background Paper (Reference A22 and A23) |
| **11 Brownfield Land** | Section 11 paragraph 111 | • Brownfield Land Register December 2018 (Reference H8)  
  • Strategic Housing and Economic Land Availability Assessment – January 2019 (Reference A29) |
| **12 Health, Wellbeing and Communities** | Section 8 | • Wealden District Council Open Space, Sports and Recreation Assessment 2017 (Reference E2)  
  • Wealden Playing Pitch and Outdoor Needs Assessment 2016-2028 (Reference E1)  
  • Public House Study January 2019 (Reference A16)  
  • Village and Community Hall Provision Background Paper January 2019 (Reference A20)  
  • Infrastructure Delivery Plan January 2019 (Reference A31) |
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<tr>
<th>Spatial Objective</th>
<th>NPPF (2012) Section / paragraph</th>
<th>Evidence Base (non-exhaustive)</th>
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| 13 Infrastructure  | Section 4; Section 5 and paragraph 156 point 3&4; paragraph 157; paragraph 162 | • Wealden Local Plan Interim Air Quality Mitigation Strategy January 2019 (Reference A36)  
• Infrastructure Delivery Plan January 2019 (Reference A31)  
• Wealden Local Plan Transport Study (2017 and 2018) (Reference K1 and K2) and supporting study as identified in paragraph 32.8 and provided at Appendix A to this matter. |
| 14 Climate Change and Flood Risk | Section 10 | • Wealden Level 1 Strategic Flood Risk Assessment June 2017 (Reference F1)  
• South East River Basin Management Plan December 2015 (Reference F8)  
• East Sussex Flood Risk Management Strategy 2016-2026 September 2016 (Reference F9)  
• Surface Water Management Plans for:  
  • Forest Row (Reference F2)  
  • Crowborough (Reference F3)  
  • Heathfield (Reference F4)  
  • Hailsham & Hellingly (Reference F5)  
  • Eastbourne/Polegate/Willingdon (Reference F6)  
  • Uckfield (Reference F7)  
• Infrastructure Delivery Plan January 2019 (Reference A31) |

32.8 In relation to infrastructure, the Wealden Local Plan’s Spatial Objective 13 – Infrastructure (Reference A1, page 38) states that the Council ‘will work with our infrastructure partners to positively plan for and deliver necessary infrastructure associated with growth…’. This is strengthened in the Vision for the South Wealden Growth Area (Reference A1, page 131) which confirms that ‘growth and change will be focused on the South Wealden Growth Area in the settlements of Hailsham, Willingdon, Polegate Stone Cross and the parish of Hellingly. The growth within this area is intrinsically linked with the delivery of critical infrastructure alongside other strategic infrastructure requirements…’ Further evidence to support the justification for the inclusion of a Spatial Objective for Infrastructure is provided a supporting Technical Note which have been developed by the Council in partnership which East Sussex County
Council alongside the Wealden Local Plan 2018 Transport Study (Reference K1). The Technical Note provides clarity on the timeframes and schedule for highway interventions in the South Wealden Growth Area. The document is presented at Appendix A to this Hearing Statement, Delivery Schedule for Highways Interventions (April 2019).

32.9 The Spatial Objectives presented above are considered to be relevant, justified and consistent with national policy.

32.10 As identified in Question 33 below and Question 48 the Plan was reduced in timeframe to ensure that it is deliverable. In addition to this the Viability Study shows that the Plan is deliverable. Joint working on cross boundary strategic priorities is identified in responses to Question 9 and Questions 11 to 13. In this regard, the Vision is considered to be effective.

**Question 33: Is the Plan period effective, justified and consistent with national policy?**

33.1 Paragraph 157 of the NPPF 2012 states that Local Plans should “plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework”; and “be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date”.

33.2 The Wealden Local Plan has been drawn up to meet needs, where it is deliverable to do so, up until 2028 as opposed to 2034 (which would be 15 years from the date of adoption). The Plan start date is 2013, which takes into account undersupply of needs including housing and associated infrastructure (see: Question 48 below). The 2013 date relates to the projections used to derive the OAN. The result is that the Plan’s overall housing figure meets the undersupply between the Core Strategy target set in 2013 (450 dwellings) and the OAN of 950 dwellings.

33.3 The timescale is considered to be the most appropriate, taking into account the constraints.

33.4 The Council considered a longer Plan period with higher growth and this is identified as Scenario C within the Sustainability Appraisal March 2017 (Reference A4). An evidence base was commissioned accordingly. However, there are a number of issues that make a longer term plan with higher growth undeliverable:
(1) The Plan, with its current growth, can only conclude that there will be no adverse effects on European sites if mitigation is provided. Using known practices it is considered that the growth that is identified can be mitigated. However, without significant changes in transport such as an offline A27, further growth cannot be effectively mitigated.

(2) Within south Wealden there are significant impacts on the road network as a result of the growth. The Wealden Local Plan Transport Study 2018 concluded that an offline A27, or equivalent, will need to be considered post 2028. This infrastructure would need to be Government funded, and is currently being considered through the RIS programme. If funded, it still cannot be delivered until mid 2030. These unknowns would render a longer timeframe plan undeliverable. Further transport interventions would also impact on delivery owing to funding requirements.

(3) The delivery of a significant number of additional homes within Uckfield and Crowborough would necessitate a further SANG. This would add an additional significant cost burden onto CIL and currently would result in an undeliverable Plan particularly associated with 2 above and any other additional infrastructure requirements such as schools etc.

33.5 Therefore, although the Plan has a shorter time frame than that considered ordinarily to be “preferable” under paragraph 157 of the NPPF, this is for good reason, and the resulting Plan is considered to be deliverable with large housing delivery aspirations. This number of houses is unprecedented in the local area. It is the preference that the Plan has a higher housing target with a shorter timeframe to motivate higher rates of house building which is in the spirit of the NPPF. The certainty that this Plan provides allows the Council to work with other neighbouring authorities and bodies to help overcome deliverability issues in the mid to longer term and to achieve a planned approach with the necessary infrastructure coupled with meeting environmental standards.

33.6 Further information on these points is provided in response to Question 48 below.
Issue 2: Does the significance attributed to air quality considerations present a positive framework which is consistent with national policy, justified and effective, and will contribute to the achievement of sustainable development within the District?

**Question 34: Why is the Council’s proposed Main Modifications to remove reference to the Pevensey Levels Special Area of Conservation and Ramsar site required to make the Plan as submitted sound?**

34.1. The NPPF states that Plans are sound if they are positively prepared, justified, effective and consistent with national policy. The second of these requires a plan to be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

34.2. Natural England provided advice on the Habitats Regulations Assessment (“HRA”) of the Proposed Submission Wealden Local Plan as part of its representations under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012. In accordance with Regulation 105(2) of the Conservation of Habitats and Species Regulations 2017 as amended, the Council has had regard to the representations made by Natural England. As a result, the HRA has been updated in various respects, including on air quality impacts regarding Pevensey Levels SAC and Ramsar Site. This updated HRA (submission document A35) forms part of the submission papers to the Wealden Local Plan examination.

34.3. As described in the answer to Question 30 under Matter 1, so far as the Pevensey Levels SAC and Ramsar Site are concerned, the submission version of the HRA concludes that there is no adverse effect from air quality impacts of the Wealden Local Plan alone and in combination with other plans and projects (without the need for mitigation). This marks a change from the proposed submission version of the HRA, which concluded that mitigation was required.

34.4. Whilst this change is considered to be material, it does not change the strategy of the Plan. However, it does in the Council’s view require certain modifications to be made in order to ensure that the Local Plan is sound (i.e. main modifications) and the Council has therefore requested that the Inspector recommend such modifications pursuant to section 20(7C) of the Planning and Compulsory Purchase Act 2004.

34.5. A main modification is required because as currently drafted Policy AF1 provides a framework for mitigation to be delivered to mitigate the impact of air quality as relevant to Pevensey Levels SAC and Ramsar to allow development to be delivered. This requirement is not supported by the evidence or the HRA. A modification is therefore required to ensure that the policy is consistent with national policy as well as ensuring a justified and an appropriate strategy.
**Question 35:** Is a simple reading of policy AF1 that all development, irrespective of whether it is included within the list of categories set out in footnote 14 of the LP, or where it is located within the Plan area, is reliant on the action of the LPA? Does this raise any risk to the delivery of development within the Plan? Would development be dependent on the delivery mechanism being created or implemented?

Is a simple reading of policy AF1 that all development, irrespective of whether it is included within the list of categories set out in footnote 14 of the LP, or where it is located within the Plan area, is reliant on the action of the LPA?

35.1. Yes, in part. Policy AF1 requires that all development identified within the Plan may only be delivered when suitable mitigation measures are identified and a delivery mechanism created by the Local Planning Authority is in place in accordance with Policy AF2.

35.2. Policy AF2 sets out a number of air quality mitigation measures. Certain measures are reliant on the action of the LPA, whilst other measures are reliant on them being delivered as part of a development and will therefore fall to a developer to deliver.

35.3. In January 2019, the Council published an Air Quality Mitigation Strategy tariff document (submission document I5). At paragraphs 5.3 – 5.4, the report states:

- 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;
- Measures h) to k) in Policy AF 2 are activities which new developments will be required to undertake as additional mitigation measures.
- Policy AF 2 highlights additional longer term mitigation measures including transport improvements and local employment policies. It is acknowledged that these will require implementation from partner agencies.

35.4. Development identified in the Plan is therefore reliant on a combination of the LPA, and the delivery of mitigation by developers as well as LPA partners / external agencies.

35.5. Development in addition to that identified within the Plan is addressed separately under paragraph (a) of Policy AF1, and will require a full HRA addressing potential impacts and, if appropriate, suitable mitigation measures.

35.6. This does not preclude mitigation measures different from those secured by Policy AF2 so long as they meet the legislative requirements.
Does this raise any risk to the delivery of development within the Plan? Would development be dependent on the delivery mechanism being created or implemented?

35.7. Development would be dependent on the delivery mechanism being created and implemented. Without the delivery mechanism, it would not be possible to conclude ‘no adverse effect’ when assessing a planning application under the Habitats Regulations. This is similar to the mitigation tariff as relevant to Ashdown Forest SPA for SANGs and the SAMM Strategy. The requirement that the delivery mechanism be implemented (or “in place”) does not, however, prevent the details of the mitigation strategy being adjusted throughout the plan period so as to enable its efficacy and cost-effectiveness to be maximised.

35.8. The Air Quality Mitigation Tariff (submission document I5) sets out the parameters required to deliver mitigation to address emissions from vehicles from new development and provides a tariff to implement the strategy and to facilitate growth as proposed within the Plan.

35.9. The Tariff is currently being applied to allow development to be permitted and S106 contributions have started to be collected. Once development has commenced, S106 contributions will be used to deliver the strategy. The mechanism by which development can be delivered has therefore been created and is currently being implemented (i.e. it is already “in place” in accordance with emerging Policy AF2).

35.10. Similar to the implementation of SANGs and the SAMM Strategy, the air quality mitigation will be implemented to ensure that development can be delivered with the appropriate mitigation.

35.11. The approach of Policies AF1 and AF2 to mitigation therefore raises no risks to the delivery of development within the Plan. The Council does, however, recognise that there are differences of view on this subject, and it is therefore appropriate to consider issues of deliverability if (contrary to the Council’s view) it were to be considered that the air quality mitigation strategy were not currently sufficiently certain to be brought forward. In those circumstances, Policies AF1 and AF2 would operate as a lock on development (similarly to Policy SWGA7 which addresses hydrological issues). There would in such circumstances be an element of risk to the delivery of development within the Plan. However, the strategy would still be sound in such circumstances for the following reasons.

35.12. First, the risk to deliverability would be limited. The Council would have a strong incentive to deliver a mitigation strategy to enable development to be released, and the measures would be within its control. Moreover, if the autonomous reductions do eventuate over the plan period (but not sufficiently certain to be taken into account in the appropriate assessment at this stage – see the answer to Matter 1 Questions 25 to 27 and 29) to the extent that this results in the loads/levels for the European Sites falling below their critical loads/critical levels, “headroom” would be created such that the mitigation strategy would need to achieve less or indeed, depending on the extent of the headroom created by autonomous measures, not be required at all. An element of risk to
delivery is normal in Plan making not only when environmental designations are being considered but also, for example, where release of allocated sites is contingent on infrastructure having been funded and secured. In this case, even if (contrary to the Council’s view) it were to be considered that the air quality mitigation strategy is not sufficiently certain at this stage, there is a reasonable (indeed good) prospect that it will become deliverable over the Plan period (either because of further development of the mitigation strategy or because of autonomous reductions or because of a combination of the two) such that deliverability of the Plan strategy is not put at risk.

35.13. Second, if the mitigation strategy is considered (contrary to the Council’s view) to be uncertain, the alternatives would be either a Plan strategy proposing less development (contrary to the aspirations of the NPPF) or a strategy requiring IROPI to be provided under Article 6(4) of the Habitats Directive (which would necessarily lead to delays and itself operate as a lock on development).

35.14. The approach under Policies AF1 and AF2 is therefore sound and sensible, whether or not the Council’s view that the air quality mitigation strategy is currently sufficiently certain is accepted.

**Question 36: Is Policy AF1 consistent with the presumption in favour of sustainable development and national policy? Is the policy justified by appropriate evidence to suggest that harm to Ashdown Forest Special Area of Conservation and Lewes Downs Special Area of Conservation will take place, in the absence of mitigation, as a result of the envisaged level of Local Plan Growth, and in combination with other plans and projects?**

Is Policy AF1 consistent with the presumption in favour of sustainable development and national policy?

36.1 Paragraph 14 of the National Planning Policy Framework (NPPF)\(^4\) states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. It notes that local planning authorities should positively seek opportunities to meet the development needs of their area and moreover, Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

36.2 Footnote 9 of the NPPF\(^5\) confirms that those policies relating to sites protected under the Birds and Habitats Directive and/or sites designated as Sites of Special Scientific Interest (SSSI) would be specific policies that indicate that development should be restricted, amongst others. The footnote refers to paragraph 119 of the NPPF\(^6\) that states:

“... the presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.”

36.3 Policy AF1 (Air Quality and Wealden Local Plan Growth)\(^7\) confirms that development identified in the Wealden Local Plan may only be delivered when suitable mitigation measures for the Ashdown Forest Special Area of Conservation (SAC), Lewes Downs SAC and Pevensey Levels SAC and Ramsar site are identified, and a delivery mechanism created by the Local Planning Authority is in place in accordance with Policy AF2 (Air Quality Mitigation)\(^8\).

36.4 However, so far as the Pevensey Levels SAC and Ramsar Site are concerned, the submission version of the HRA concludes that there is no adverse effect from air quality impacts of the Wealden Local Plan alone and in combination with other plans and projects (without the need for mitigation). This marks a change from the proposed submission version of the HRA, which concluded that mitigation was required.

36.5 As explained in response to Question 34 above, the Main Modifications to the Wealden Local Plan Submission Document (January, 2019)\(^9\) confirms that the Council is proposing to remove the Pevensey Levels SAC and Ramsar Site from policy AF1 (Air Quality and Wealden Local Plan Growth), so this policy would only relate to the Ashdown Forest SAC and Lewes Downs SAC following the conclusions to the Wealden Local Plan Habitats Regulation Assessment (HRA) (January, 2019)\(^10\).

36.6 As noted above, under paragraph 119 of the NPPF\(^11\), the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined. The Wealden Local Plan HRA (January 2019) has considered all the housing/employment development contained within the Wealden Local Plan (January 2019) in relation to the Ashdown Forest SAC and Lewes Downs SAC (amongst others) and has concluded, in terms of air quality, that mitigation measures will be required for the two Habitats Sites identified to ensure that this quantum of development identified in the Wealden Local Plan can proceed.

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\(^6\) National Planning Policy Framework (NPPF), March 2012, P1, Page 28, Paragraph 119.
\(^7\) Wealden Local Plan, January 2019, A1, Page 45.
\(^8\) Wealden Local Plan, January 2019, A1, Page 46-47.
\(^10\) Wealden Local Plan Habitats Regulation Assessment (HRA), January 2019, A35.
36.7 Given the above findings in the HRA, the initial paragraph of Policy AF1 (Air Quality and Wealden Local Plan Growth) of the Wealden Local Plan (January, 2019) is required to ensure that development in the Wealden Local Plan does not adversely affect the two Habitats Sites where mitigation measures are required to be in place. It is the position of the Council that this would comply with the paragraph 14 of the NPPF, as it outlines how development in the Wealden Local Plan (January, 2019) can be delivered, whilst accounting for the conclusions of the Wealden Local Plan HRA (January, 2019).

36.8 Policy AF1 (Air Quality and Wealden Local Plan Growth) also confirms that development in addition to that identified in the Wealden Local Plan will be permitted if it can be concluded that the proposals will not adversely affect the integrity of the Ashdown Forest SAC and Lewes Downs SAC in combination with other plans and projects, including the development allocated or identified in the Wealden Local Plan. It notes that a full HRA 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 Council as competent authority, shall be implemented prior to the completion/occupation of development as appropriate. This is in line with paragraph 119 of the NPPF and outlines where new development (over and above that allocated in the Wealden Local Plan) can proceed.

Is the policy justified by appropriate evidence to suggest that harm to Ashdown Forest Special Area of Conservation and Lewes Downs Special Area of Conservation will take place, in the absence of mitigation, as a result of the envisaged level of Local Plan Growth, and in combination with other plans and projects?

36.9 These issues have been considered in detail under Matter 1 Questions 18 to 31 above. Under the required precautionary approach, the test is not whether there is appropriate evidence that harm to European sites will take place in the absence of mitigation, but whether the Council can be “certain” that the Plan (including mitigation, and in combination with other plans and projects) will not adversely affect the integrity of the sites concerned. Absolute certainty is not required but there should be no reasonable scientific doubt remaining as to the absence of such effects. Necessary elements of this are that the appropriate assessment cannot have lacunae and must contain complete, precise and definitive findings and conclusions and that the data and information on which an appropriate assessment is based must be reliable and up-to-date (see the answer to Matter 1 Question 23 for further detail). As explained under Questions 18 to 31 above, the Council has prepared a very considerable evidence base on habitats which justifies the conclusions it has reached in its HRA and the resultant plan strategy including Policies AF1 and AF2.

36.10 Natural England provides guidance in relation to obtaining appropriate evidence and the scope of an appropriate assessment as relevant to air quality impacts in chapter 5 of submission document I30. The appropriate assessment evidence base for both Ashdown Forest SAC and Lewes Downs SAC meets Natural England’s recommendations in relation to assessment scope.
36.11 The deposition models used for the Ashdown Forest, Pevensey Levels, and Lewes Downs assessments is based on the national modelling that underpins the APIS deposition maps that Natural England frequently relies on for its own work. It is considered superior to any method using annual average deposition velocities.

36.12 The Wealden Local Plan HRA, including the evidence base that is used to inform decisions, has been an iterative process using the best and most up-to-date scientific information held.

36.13 Since February 2018, WDC sought to address the advice provided by Natural England and also that received from the Centre of Ecology and Hydrology (CEH). This resulted in additional modelling taking place as well as both additional air quality and ecology analysis.

36.14 The Ashdown Forest SAC evidence base (submission documents I6, I7, I8 and I9) considered local plan growth in combination with other plans and projects. The conclusions to this work are presented in each of the reports. In addition, both the air quality and ecology reports were peer reviewed by Professor Mark Sutton. The peer review is provided in submission document I28.

The HRA at paragraphs 11.117 – 11.142 considers the Ashdown Forest SAC evidence (presented in chapters 5, 10 and Appendix 1 of the HRA) and presents the impact assessment. The assessment concludes that it cannot currently be concluded with scientific certainty that the Wealden Local Plan would not result in a significant adverse effect on the integrity of the site in the absence of mitigation.

36.15 The impact assessment for Lewes Downs SAC is presented in the HRA at paragraphs 14.51 – 14.91. The impact assessment considers the outputs of air quality modelling as presented in submission document I22 and considers the potential impacts that may result from a change in atmospheric concentrations and deposition. Again, the conclusion is that it cannot currently be concluded with scientific certainty that the Wealden Local Plan would not result in a significant adverse effect on the integrity of the site in the absence of mitigation.

36.16 The appropriate assessments for Ashdown Forest SAC and Lewes Downs SAC have been informed by sufficient and appropriate evidence and it is on this basis that mitigation measures prescribed in Policies AF1 and AF2 are required.
Question 37: How will the delivery mechanism work? Who is responsible for it? How does it mitigate any adverse impacts, and is there a clear direct link between development and mitigation on a pro rata basis? Should there be one? Is there a difference between the mitigation required for development already identified within the Plan and development which is in addition to that which has already been considered within the Plan’s HRA?

How will the delivery mechanism work?

37.1 The Council has published an air quality mitigation tariff for residential and employment development (Reference I5). The document provides a tariff to implement the air quality mitigation strategy on a per dwelling / per square metre basis for dwellings and employment development. The tariff will be collected through Section 106 development contributions and then used to fund the measures provided in the air quality mitigation strategy.

37.2 The delivery mechanism will work similarly to the approach which has been in place for a number of years to mitigate the adverse effects of residential development on Ashdown Forest SPA. Here developer contributions are collected to fund the provision of SANGs and SAMMs.

Who is responsible for it?

37.3 The air quality mitigation strategy seeks to mitigate growth in Wealden District. Its approach is similar to the delivery of the Ashdown Forest SPA mitigation where Wealden District Council has delivered two new Suitable Alternative Natural Greenspaces (SANGs) and is the lead authority to deliver strategic access management and monitoring (SAMM) at Ashdown Forest. Wealden District Council, through partnership working with relevant stakeholders and agencies, will be responsible for the delivery of the air quality mitigation strategy.

How does it mitigate any adverse impacts, and is there a clear direct link between development and mitigation on a pro rata basis?

37.4 The air quality mitigation strategy will mitigate adverse impacts through the provision of a combination of different measures as provided in policy AF2. The measures will mitigate adverse impacts by reducing the increase in traffic, and traffic emissions that is predicted as a result of the Plan on roads within and adjacent to Ashdown Forest SAC as well as reducing traffic and emissions across the district. The mitigation strategy is formed of a number of measures that work together to overall reduce projected traffic movements and emissions, and which are directly linked to the development being brought forward under the Plan. Some of this mitigation, such as electric vehicle charging stations, will be required both at the point where the traffic originates and also across the area in order to ensure that a step change in fleet composition can be achieved within the District. It is the strategic nature of the mitigation measures coupled
with local on-site measures which means that the mitigation strategy will be successful in mitigating impacts overall and that there is clear direct link between mitigation and development.

37.5 The air quality mitigation tariff has been devised in a way that considers the measures required to be delivered to ensure that the local plan does not result in an adverse effect, and also how this relates to the provision of housing and employment. For residential development the tariff is applied on a per dwelling basis, which is the same approach applied for both SANGs and SAMMs in relation to Ashdown Forest SPA.

37.6 In relation to employment floorspace, evidence derived from the Ashdown Forest Transport model has shown that, taking into account the housing and employment strategy as a whole, the provision of employment in some locations results in either no additional traffic or a reduction in traffic movements across affected roads owing to the resulting change in commuter traffic. Where this is the case a contribution to mitigation will not be required for employment provision\(^{12}\).

37.7 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 floorspace 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.

Should there be one?

37.8 The Council considers that there should be a clear direct link between development and mitigation on a pro rata basis to meet the CIL tests for planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended). The CIL tests (which are also set out as policy tests under paragraph 204 of the NPPF) requires that planning obligations should only be sought where they meet all of the following:

(a) Necessary to make the development acceptable in planning terms;
(b) Directly related to the development; and
(c) Fairly and reasonably related in scale and kind to the development.

37.9 It is considered that a pro rata tariff is therefore required to meet the above tests. A pro rata approach will also ensure that a development can meet the requirements of the Habitats legislation through sufficient contributions to enable an effective mitigation strategy to be achieved.

\(^{12}\) The locations include the following Wealden Middle Super Output Areas (MSOAs): 005 North East, 005 South West, 014 North, 014 South, 016 Central and South West Hailsham, 017 South East Hailsham, 018 Central.
Is there a difference between the mitigation required for development already identified within the Plan and development which is in addition to that which has already been considered within the Plan’s HRA?

37.10 Yes. The development identified in the Plan, including the location and quantum of growth, has been tested through transport and air quality modelling. The level of improvement required to mitigate the growth proposed in the Plan has also been identified and it has been concluded that the increase in traffic and associated emissions can be mitigated by a package of measures. This is considered in the AQC Report presented at Appendix 11 and in the HRA itself.

37.11 Development that may come forward in addition to that specifically identified in the Plan would require an appropriate assessment at the planning application stage, as set out in paragraph (a) of Policy AF1. It is considered that mitigation beyond that already identified and specific to that development would be likely to be required. In this regard there is likely to be a difference between the package of mitigation already identified and mitigation required for additional development, though the precise mitigation measures for proposals for development in addition to that identified in the Plan will need to be considered on a case by case basis under project level HRAs.

**Question 38: Is criterion a) of Policy AF1, clear what development will fall within its remit and how developers should satisfy its requirements? Is the policy internally consistent in how the Lewes Downs SAC and the Ashdown Forest SAC are treated? What evidence is there that the harm would ensue without mitigation, and that the mitigation measures set out within Policy AF2 would be effective and directly relate to the proposed development?**

**Is criterion a) of Policy AF1, clear what development will fall within its remit and how developers should satisfy its requirements?**

38.1 Yes. Criterion a) of Policy AF1 seeks to ensure that development in addition to that identified in the Plan (and therefore beyond the scope of the conclusions of the HRA of the Wealden Local Plan) meets the requirements of the Habitats Regulations though an appropriate assessment of the proposal. The appropriate assessment will determine whether it can be concluded that the proposals will not adversely affect the integrity of the European sites.

38.2 Footnote 14 makes provision for development that is identified in the Plan. It includes all housing allocations and specifically identified SHELAA sites and the windfall allowance (these are all identified in Policy WLP7). It also includes all job provision identified in Policy WLP9 (expressed as B1/B2/ B8 floorspace equivalent). All of this development has been subject to the HRA of the Wealden Local Plan. Criterion a) makes provision for all development in addition to that identified in the Plan, and is addressed in footnote 15. As already noted, such development is beyond the scope of the HRA for the Plan.
Policy AF1 therefore draws a clear and sound distinction between development identified in the Plan and development in addition to this.

38.3 It is clear from criterion a) that the consideration of the effect on integrity relates to traffic movements beyond the 2014 baseline (the relevant impact pathway as established under the HRA for the Plan) and that this will need to be an ‘in combination’ assessment.

38.4 For clarity, it is required that a full HRA 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). This allows the Local Planning Authority to undertake an appropriate assessment. Guidance, through an SPD or note, can be provided to express greater detail on data requirements and potential types of mitigation. Work in this regard is already taking place for transport modelling. However, in terms of mitigation this will need to be considered on a case by case basis and is dependent on the circumstances of each site/proposal.

Is the policy internally consistent in how the Lewes Downs SAC and the Ashdown Forest SAC are treated?

38.5 Yes. Policy AF1 requires suitable mitigation to be delivered in respect of both Ashdown Forest SAC and Lewes Downs SAC and provides the same requirements in relation to the Habitats Regulations. The approach is therefore internally consistent.

What evidence is there that the harm would ensue without mitigation?

38.6 The matters raised by this question have also been addressed as part of the answer to Question 36 above. As there noted, under the required precautionary approach, the test is not whether there is evidence that harm would ensue without mitigation, but whether the Council can be “certain” that the Plan (including mitigation, and in combination with other plans and projects) will not adversely affect the integrity of the sites concerned.

38.7 The HRA has established that Ashdown Forest SAC and Lewes Downs SAC are already exceeding their relevant benchmarks and that additional increments would result from the Local Plan. The sites as a result of the Plan are predicted to continue to result in an exceedance of the benchmark which will risk (absent mitigation) undermining the conservation objective to ‘restore’ the site to favourable condition, or in the case of Lewes Downs SAC to ensure that the site remains in favourable condition.

38.8 WDC has presented best available scientific evidence within its HRA and its associated evidence base documents. WDC has reviewed literature in relation to Ashdown Forest and Lewes Downs and has undertaken a specific study at Ashdown Forest SAC. Both air quality modelling and ecological assessments have been reviewed. The Council draws particular attention to the work of Professor Mark Sutton (see, for example, his Overview and Conclusions Report).
38.9 The impact assessment for Ashdown Forest SAC and Lewes Downs SAC is presented in chapter 11 and chapter 14 of the HRA respectively.

38.10 In the light of all of the evidence and based on the expert advice provided, the Council has concluded that vehicle emissions associated with the Local Plan in combination with other development presents a real risk (in the absence of mitigation). In applying this evidence, the conclusion is that, in the absence of mitigation, then an adverse effect on the integrity of Ashdown Forest SAC and Lewes Downs SAC as a result of atmospheric pollution from additional vehicles as a result of the Plan cannot be ruled out with certainty.

What evidence is there] that the mitigation measures set out within Policy AF2 would be effective and directly relate to the proposed development?

38.11 The effectiveness of the mitigation measures under Policy AF2 was addressed under the response to Matter 1 Question 29, to which reference should be made. The Council would merely add that the effectiveness of mitigation measures is addressed in submission document I41 (see also paragraphs 12.21 – 12.37 of the HRA).

38.12 The measures provided by Policy AF2 directly relate to the proposed development for the reasons given in answer to the third and fourth sentences of Question 37.

38.13 The Council would merely add that certain measures are required to be delivered on a per development basis, whilst others are more strategic in nature. The traffic increases and associated emissions have been identified as per that proposed in the Plan and relate to both the location and quantum of growth. Mitigation options were assessed in relation to their deliverability and effectiveness in Wealden District (see Appendix 10 of the HRA) and the impact of the Plan in relation to the predicted near road increases at Ashdown Forest SAC and Lewes Downs SAC and predicted background increases have formed the basis of the proposed mitigation strategy. The mitigation measures proposed therefore seek to mitigate the increase in traffic and emissions predicted from development in the plan and are directly related to this.
39.1 The Council published a Viability Study- December 2018 (Reference A34) which tested the cumulative impact on viability of the policies in the Wealden Local Plan Draft Proposed Submission (14th March 2017) (Reference B47). The key question the study sought to answer is whether the cumulative impact of the policies within the Wealden Local Plan have the potential to threaten deliverability of the Plan targets including its housing delivery targets. The assessment tests viability of a sample of the total number of allocated sites, and creates an assessment of a typical, hypothetical site in the Villages & Towns with Development Boundaries and Core Areas which represent the type of sites that are most likely to come forward in these locations.

39.2 The Council published the Draft Air Quality Mitigation Interim Strategy Tariff Guidance for residential development in September 2018 (Reference I5) which equates to a £3,100 per dwelling contribution secured through Section 106, applicable to all sites with residential development (paragraph 6.1). The viability study concludes that this charge does impact upon viability but not to the extent that it substantially alters the overall conclusions regarding the deliverability of the Plan.

39.3 The Council published the Wealden Local Plan Interim Air Quality Mitigation Strategy – January 2019 (Reference A36) which 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 (Paragraph 5.8). Given that this rate is less than the rate included in the viability assessment this does not impact on the conclusions from the viability study relating to the deliverability of the plan.

39.4 In relation to the allocation for employment within the Wealden Local Plan the Viability Study – December 2018 (Reference A34 paragraph 2.16) identifies that there is a residual land value for this type of development.

39.5 The Viability study takes into account additional requirements set out in the NPPF 2018 but is also consistent with the NPPF 2012 which the Wealden Local Plan is being assessed against. These additional requirements include that the Plan does not have such a scale of policy burdens that it threatens delivery of the majority of sites and to identify key strategic sites, which the Council has undertaken in the Wealden Local Plan. The assessment takes into account paragraph 174 of the NPPF which states that Local planning authorities should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan when added to nationally required
standards. The viability assessment concludes that the cumulative impact of
the standards and policies do not put the plan at serious risk.

39.6 The Viability Assessment December 2018 (Reference A34) sets out in
paragraphs 9.5, 9.6 and 9.7 how it has complied with the Planning Practice
Guidance including:
- There should be an allowance for a buffer to respond to changing markets
  and to avoid the need for frequent plan updating.
- Viability assessment should not compromise sustainable development but
  should be used to ensure that policies are realistic, and that the total
  cumulative cost of all relevant policies will not undermine deliverability of the
  plan.
- Using Existing Use Value plus as being the key basis for determining
  benchmark land value.

39.7 For those reasons the proposed financial obligations do not risk development
viability so as put the deliverability of the Plan at risk.

Question 40: Are the two policies consistent with the CIL Regulations?

40.1 Yes. Regulation 59 (1) of the Community Infrastructure Levy Regulations 2010
(as amended) states that a charging authority must apply CIL to funding
infrastructure to support the development of its area. “Infrastructure” is broadly
defined in section 216(2) of the Planning Act 2008, which enables CIL to fund
a very broad range of facilities. Paragraph 94 of the CIL section of the Planning
Practice Guidance (Reference ID: 25-094-20140612) states that CIL is
intended to provide infrastructure to support the development of an area rather
than make individual planning applications acceptable in planning terms. As a
result, some site specific mitigation may still be necessary in order for a
development to be granted planning permission. This mitigation may be
delivered through section 106 agreements and section 278 highways
agreements. Paragraph 93 of the CIL section of the Planning Practice Guidance
(ID: 25-093-20190315) states that Local Authorities should ensure that the
combined total impact of such requests does not threaten the viability of the
sites and the scale of development identified in the development plan
(paragraph 173 NPPF).

40.2 Regulations 122 and 123 of the Community Infrastructure Levy Regulations
2010 (as amended) place limits on the use of planning obligations in three
respects:

- They put the government’s policy tests on the use of planning obligations
  on a statutory bases, for developments that are capable of being
  charged the levy;
- They ensure the local use of the levy and planning obligations do not
  overlap; and
They impose a limit on pooled contributions from planning obligations towards infrastructure that may be funded by the levy.

40.3 Regulation 122 (2) states that a planning obligation can only be taken into account when determining a planning application for a development, or any part of a development if the obligation meets the following tests:

- It is necessary to make the development acceptable in planning terms;
- It is directly related to the development; and
- It is fairly and reasonably related in scale and kind to the development.

(See also paragraph 204 of the NPPF, which imposes these as policy tests.)

40.4 Regulation 123 requires Charging Authorities to set out a list of those projects or types of infrastructure that it intends to fund, or may fund, through the levy. Regulation 123(3) (b) restricts the use of pooled contributions towards items that may be funded by CIL. No more than five section 106 agreements can be entered into relating to a specific project or type of infrastructure if it is a type of infrastructure that is capable of being funded by CIL. This provision does not apply to the provision of affordable housing. The adopted Community Infrastructure Charging Schedule 2015 (Reference N1) sets out the Regulation 123 list in Appendix A (Reference N2). The Regulation 123 list includes three tables which identify:

- Infrastructure projects / types to be funded wholly or partly by CIL (by CIL chargeable development). This includes the provision and maintenance of Suitable Alternative Natural Green Space (SANGS) and Strategic Access Management and Monitoring Strategy (SAMMS) on Ashdown Forest;
- Infrastructure projects/ types to be funded through s106 contributions (by CIL chargeable development), which includes provision of new, enhanced and management of biodiversity attributes; the provision of compensatory land for Sites of Nature Conservation Importance; and the provision of open space, green space, leisure and recreation; and
- Where developments are CIL exempt where more than five planning obligations can be pooled s106 will be collected for; maintenance of SANGS for relevant CIL exempt development and SAMMS on Ashdown Forest for relevant CIL exempt development.

40.5 Policies AF1 and AF2 relate to the provision of mitigation, as opposed to infrastructure (as defined by section 216(2) of the Planning Act 2008 (as amended)), and therefore it is considered appropriate to use Section 106 Planning Obligations.

40.6 The policies are consistent with the CIL Regulations as the mitigation meets the three requirements of Regulation 122(2). The Habitats Regulations Assessment (HRA) January 2019 (Reference A35) concludes that the mitigation measures identified in the policies are required to ensure that development does not have an adverse impact on the integrity of the European
sites and are therefore necessary to make the development acceptable in planning terms.

40.7 In addition, the HRA establishes there is a direct link between development and the mitigation identified in the policy. A pro rata tariff is therefore required to meet the tests set out in Regulation 122(2); and will also ensure that a development can meet the requirements of the Habitats legislation through sufficient mitigation contributions.

40.8 Further, a pro rata approach is fair and reasonable, as different types of development have different impacts on different roads across the district. These impacts have varying proportions and therefore a tariff of this nature is reasonable in this regard. This is very similar to how mechanisms for SANGS and SAMMS function within the local area which are secured through section 106 developer contributions or CIL.

**Question 41:** Specifically, how would such measures set out in Policy AF2 be differentiated from other strategies, good practice, and the wider principles of sustainable development consistent with core planning principles of the Framework?

41.1 Measures set out in Policy AF2 are needed in order to allow growth to take place whilst meeting the requirements of the Habitats legislation. Whilst other strategies and good practice exist, Wealden District Council’s local circumstances in relation to atmospheric pollution result in the requirement for a more considered and direct approach to ensure the receipt of financial contributions from development and to target these funds directly to mitigation measures that are appropriate and differentiated from standard contributions.

41.2 Through its proposed mitigation strategy, WDC is seeking to deliver the effective measures required to mitigate the impact of its Local Plan on the SACs. Such mitigation measures will, through their very nature, result in a benefit that would not be achieved through standard developer contributions, certainly in the short and most likely in the long term. In line with evidence provided in the Council’s HRA, the justification for the measures is to mitigate (primarily) the near road impacts of development on the SACs, and not just background levels of nitrogen in the atmosphere.

41.3 In relation to the mitigation required for Ashdown Forest and Lewes Downs SACs, the HRA has identified that near road atmospheric pollution increases and deposition are expected to cause a significant worsening of the condition of the SACs as a result of further exceeding critical levels and loads. The mitigation strategy needs to address this matter as its priority and main aim. This is a site specific issue (albeit with scope to contribute to the wider sustainable development objectives within the Wealden Local Plan). As such, the Council will be clear and transparent to developers on its intention for delivery for developer contributions.
41.4 Whilst the Policy AF2 mitigation measures go above and beyond the requirements of standard developer contributions, they are required to ensure compliance with the Habitats legislation. Moreover, they are also consistent with, and seek to achieve, the wider principles of sustainable development set out in the NPPF (2012) including, in paragraphs 9 and 10, that there is a need to “move from a net loss of biodiversity to achieving net gain for nature” and for plans and decisions to take “local circumstances into account so that they can respond to the different opportunities for achieving sustainable development”; as well as the core planning principles of the NPPF in paragraph 17, including the need to “recognise the intrinsic character and beauty of the countryside” and “contribute to conserving and enhancing the natural environment and reducing pollution”. These principles are fundamental to the delivery of the Wealden Local Plan and cannot necessarily be achieved without the specific nature of Policy AF2, which seeks to mitigate the near road impacts of development on the SACs.

41.5 WDC, in partnership with East Sussex County Council (ESCC) have identified all transport and highway interventions required to support growth and these have been specifically identified in the Plan. These mainly relate to road junction improvements, or other measures such as bus lane improvements and bus related infrastructure. These interventions stem from the need to mitigate the impact of development on the road network in terms of capacity, congestion and highway safety.

41.6 In particular, and aside from mitigation required as per Policy AF2, there is a need to change travel behaviour to further assist issues with road capacity, congestion and safety. This relates to the south of the district and a strategy to address this will be considered in the future by ESCC. It is appreciated that sustainable transport initiatives should not be delivered in isolation and should link into the Council’s wider strategic transport interventions as identified in the Infrastructure Delivery Plan (Reference A31). Since submission of the Wealden Local Plan, WDC have been working closely with ESCC to produce a Technical Note that ‘Develops an Approach for Sustainable Travel’ in support of the Wealden Local Plan 2018 Transport Study. It is anticipated that this Technical note will be published in due course.

41.7 The Sustainable Travel Technical Note once published will provide evidence of the schemes / interventions that could in the future be adopted by the Council. These would assist in helping to facilitate the increased levels of cycling and walking, and the use of public transport, along with behavioural change initiatives aimed at influencing travel habits and addressing perceptions that sustainable travel options are absent or unattractive to local communities. The proposed schemes and interventions provided in the Technical Note will highlight the need to provide soft transport measures (e.g. travel information and planning) alongside hard transport measures (e.g. new walking and cycling links), along with an integrated and holistic approach to the delivery of schemes. It is appreciated that sustainable transport initiatives should not be delivered in isolation and should link into the Council’s wider strategic transport interventions, as identified above.
41.8 Whilst the Local Plan and partnership working with infrastructure providers such as ESCC have identified strategies and good practice, they cannot be delivered or achieved without the funding in place. In this regard, the Council has a number of strategic infrastructure requirements that would benefit from the use of Community Infrastructure Levy (CIL) Funds and it would not be beneficial to increase the scope, and put pressure on, CIL funds, spreading them thinly across the District. Accordingly, Policy AF2 ‘Air Quality Mitigation’ requires developer contributions through a tariff based approach for residential and commercial development, and will not compromise the Council’s ability to fund important mitigation measures.

41.9 In conclusion, it is through the provision of mitigation measures as set out in Policy AF2, which would otherwise not be funded or delivered, that WDC will reduce its impact to conclude no adverse effect on site integrity. Through the delivery of mitigation measures, it will be possible to contribute to wider sustainable development objectives and national core policy principles, whilst providing funding certainty to deliver the mitigation measures. The mitigation measures listed in Policy AF2 are not prescriptive and, although linked to specific SAC sites, they should not be treated in isolation to wider strategic transport interventions. Their separation from standard developer contributions ensures that the necessary funding can be received through development and is ring-fenced to the delivery of mitigation measures.

**Issue 3: Are policies EA1-EA3 positively prepared, consistent with national policy and justified?**

**Question 42: Are policies EA1 – EA3 predicated on robust evidence in terms of impacts and proposed mitigation?**

42.1 Yes, Policies EA1 – EA3 are predicated on robust evidence in terms of impacts and proposed mitigation.

*Policy EA1 Biodiversity*

42.2 The following evidence base has been used to develop Policy EA1:

- Core Strategy Background Paper 5: Biodiversity (Reference J3);
- Wealden Green Infrastructure Study 2017 (Reference J2);
- Wealden Local Plan Sites – Landscape and Ecological Assessment Study July 2017 (Reference J1);
- South Wealden Growth Area - Landscape and Ecological Assessment Study April 2017 (Reference J5);
- The Wealden Local Plan Habitats Regulation Assessment January 2019 (Reference A35);
• Ashdown Forest Air Quality Monitoring and Modelling August 2018 (Reference I6 and I7);
• Ecological Monitoring at Ashdown Forest August 2018 (Reference I8 and I9)
• Pevensey Levels Air Quality Modelling August 2018 (Reference I20);
• Wealden and Rother Core Strategies Appropriate Assessment, Hydrology for the Pevensey Levels Report September 2010 (Reference I21);
• Air Quality Input for the Habitats Regulations Assessment: Lewes Downs Air Quality Modelling August 2018 (Reference I22);
• Wealden District Council Proposed Core Strategy – Habitats Regulations Assessment February 2011 (Reference I25);
• Wealden and Rother Core Strategies – Appropriate Assessment – Hydrology local to the Pevensey Levels Report and appendices - September 2010 (Reference I26); and
• Risks from air pollution to the integrity of Ashdown Forest: Special Area of conservation: CEH Report - January 2019 (Reference I28 and I29).

42.3 All of the above studies provide information that has informed the development of Policy EA1 and is the most up to date information available. Moreover, the requirements of Policy EA1 in relation to international and European sites are in line with the evidence base for the Ashdown Forest SAC and SPA, and Pevensey Levels SAC and Ramsar site.

42.4 The Submission Wealden Local Plan SA Report March 2017 (Reference A4) details the appraisal of the reasonable alternatives considered for Policy EA1 at paragraphs 11.2-11.7 on pages 2601-2609. Table 576, on page 2601, provides the reasons for selecting or rejecting each alternative and Table 577 assesses the policy at that time.

42.5 The Submission Wealden Local Plan SA Report August 2018 (Reference A6) confirms, at paragraph 8.1 on page 231, an amendment to the policy from that assessed within the March 2017 SA Report (Reference A4) to reflect the subsequent updated Policy AF1 and inclusion of new Policy AF2 to the Plan. It also amends the policy from that assessed within the March 2017 SA Report (Reference A4) to reference Policy SWGA7.

42.6 The appraisal in Table 80 on page 233 of the Submission Wealden Local Plan SA Report August 2018 (Reference A6) confirms that only SA Objective 1 is updated from the appraisal in the March 2017 SA Report (Reference A4) and Table 81 on the same page details the reason for selecting the updated Policy EA1.
Policy EA2 Ashdown Forest Special Protection Area

42.7 The Ashdown Forest SPA Mitigation Zone Background Paper (Reference I1) clearly sets out the evidence base and information used in determining the mitigation measures required to conclude that development would not have an adverse effect on the integrity of the SPA, and the eventual Policy EA2. This includes:

- The Wealden Local Plan Habitats Regulation Assessment January 2019 (Reference A35);
- Ashdown Forest Visitor Survey 2016 (Reference I17);
- Visitor surveys at potential SANGs sites in Wealden District April 2015 (Reference I18);
- Natural England Commissioned Report NECR048: Ashdown Forest visitor survey data analysis September 2010 (Reference I19); and
- Visitor Access Patterns on Ashdown Forest for Mid Sussex and Wealden District Councils September 2009 (Reference I24).

42.8 The visitor surveys and analysis undertaken by external consultants provide valuable information and data on the recreational use of Ashdown Forest SPA and identify the areas from where visitors derive. Both the 2008 (Reference I24) and 2016 (Reference I17) surveys identify a significant use of Ashdown Forest by the existing local population, particularly for dog walking.

42.9 The Wealden Local Plan Habitats Regulations Assessment January 2019 (Reference A35) has identified that avoidance and mitigation is required to ensure that new residential development does not lead to an adverse impact on the integrity of Ashdown Forest SPA. It is the role of the Habitats Regulations Assessment to help to identify and assess a suitable mitigation strategy to allow development contained within the Plan to proceed. Decisions must be made and supported by the best scientific knowledge / evidence available. Guidance also provides that information from previous similar projects may be useful, especially if quantitative predictions were made initially and have been monitored in operation\(^\text{13}\).

42.10 The main focus of the analysis work is the 2016 visitor survey (Reference I17) as this survey contains the most up to date knowledge on visitor patterns and use of the Ashdown Forest SPA. The 2008 visitor survey (Reference I24) has allowed for differences in recreational patterns over time to be identified and this survey has been used as a check to ensure that the mitigation strategy considered all known relevant data.

\(^{13}\) Assessment of plans and projects significantly affecting Natura 2000 sites, European Commission.
42.11 The Ashdown Forest SPA Mitigation Zone Background Paper (Reference I1) details, at paragraphs 2.6 - 2.28 on pages 6-11, the work and options considered to identify and determine the mitigation zone for the Ashdown Forest SPA. Paragraphs 3.1-3.13, on pages 12-18, review and analyse the 2016 visitor survey data (Reference I17) in identifying a zone of influence. Paragraphs 4.1-4.10, on pages 18-22, review the 2008 visitor survey data (Reference I24) for the same purpose. Paragraphs 5.1-5.20, on pages 22-37, present the techniques that were used to assist in the identification of a suitable zone in which avoidance and mitigation would be necessary and effective.

42.12 Section 6, pages 37-38 of the Background Paper (Reference I1) presents the conclusions which acknowledge that whilst it is impossible to predict with certainty individual human behaviour (i.e. whether someone owns a dog or where they choose to walk the dog), the data that exists is the best available data and provides the best available information for the purpose of any Habitats Regulations Assessment.

42.13 The conclusion of the Wealden Local Plan Habitats Regulations Assessment January 2019 (Reference A35) in relation to the Ashdown Forest SPA and recreational disturbance is that it cannot be concluded that current levels of visitor pressure are not affecting breeding bird success and therefore any increase in residential development would likely exacerbate the issue, in combination with other plans and projects, and may lead to adverse effects on the ecological integrity of the SPA in the absence of mitigation. Therefore, the precautionary approach has been applied in line with the Habitats Regulations to secure the mitigation strategy for the SPA.

42.14 Based on the work undertaken, and following consultation with Natural England, a two-zone approach was identified. This included the following:

- A 400m zone where it is unlikely that additional residential development can take place due to the inability to avoid or mitigate disturbance or urbanisation impacts; and
- A 400m -7km zone where disturbance and urbanisation impacts of residential development may be mitigated through contributions to SANGS and SAMMs.

42.15 The Habitats Regulations Assessment January 2019 (Reference A35), Table 51, page 230, breaks down the Wealden Local Plan Housing Provision based on the mitigation zones whilst Table 52 and Table 53, on pages 232 and 234, respectively provide a summary of the data from other local authority areas.
42.16 From the work undertaken in relation to the Ashdown Forest SPA\(^\text{14}\) in the Habitats Regulations Assessment January 2019 (Reference A35), a suitable strategy has been identified to avoid and mitigate any impact that may arise from new residential development on the protected features at Ashdown Forest SPA. In order to arrive at this strategy, a number of options were considered and these are summarised in Appendix 10 of the Wealden Local Plan Habitats Regulations Assessment January 2019 (Reference A35).

42.17 For Ashdown Forest SPA, the mitigation strategy includes the provision of Suitable Alternative Natural Greenspace (SANG) to provide an alternative destination for visitors to that provided at Ashdown Forest. This is so that development does not result in a net increase in visitors. It also includes a programme of Strategic Access Management and Mitigation (SAMM) at Ashdown Forest SPA itself. The purpose of this is to ensure that the potential for disturbance events is reduced should residents of new development visit Ashdown Forest SPA from time to time.

42.18 Specific to Ashdown Forest SPA, surrounding local authorities have been working together for some time to identify and implement a joint SAMM Strategy. SANGs are currently being delivered on a per local authority basis of which Wealden District Council is currently in the process of implementing two SANGs, Mid Sussex has one SANG, and so too does Lewes District Council.

42.19 The Ashdown Forest SPA Mitigation Zone Background Paper (Reference I1), states, at paragraphs 1.4-1.7 on page 2, that surrounding local authorities have been working together for some time to identify and implement a joint SAMM Strategy and that SANGs are currently being delivered in Wealden, Mid Sussex and Lewes District Councils. They also confirm that the avoidance and mitigation strategy identified by the Wealden Local Plan Habitats Regulations Assessment January 2019 (Reference A35) is plan specific, and that the types of measures identified are assessed as appropriate and can be monitored and adapted as necessary.

42.20 The Ashdown Forest SPA Mitigation Zone Background Paper (Reference I1) specifically sets out the work that has been undertaken to understand and ultimately identify the locations where avoidance and mitigation measures will apply in order for the plan to conclude no adverse effect on integrity. This has then been used to inform the Wealden Local Plan Habitats Regulations Assessment January 2019 (Reference A35) in relation to the Ashdown Forest SPA and mitigation measures/strategy.

\(^{14}\) Please see Chapter 13 of the Wealden Local Plan Habitats Regulations Assessment January 2019 (Reference A35)
42.21 The options considered for the mitigation measures/strategy and Policy EA2 itself are fully assessed within the Wealden Local Plan Sustainability Appraisal March 2017\footnote{Please see Chapter 11 Ecological Environmental Assets of the Wealden Local Plan Sustainability Appraisal March 2017 (Reference A4) Table 580, pages 2617-2621} and August 2018\footnote{Please see Chapter 8 Environmental Assets of the Wealden Local Plan Sustainability Appraisal August 2018 (Reference A6) Tables 82-98, pages 233-299}. The appraisal of the policy is given in Table 581 of the March 2017 Sustainability Appraisal, on page 2622, and Table 99 of the 2018 Sustainability Appraisal, on page 297. The reasons for selecting Policy EA2 are given in Table 100 of the 2018 Sustainability Appraisal, on page 299.

**Policy EA3 Green Infrastructure**

42.22 The following evidence base has been used to develop Policy EA3:

- Wealden Green Infrastructure Study 2017 (Reference J2);
- Wealden Local Plan Sites – Landscape and Ecological Assessment Study July 2017 (Reference J1);
- South Wealden Growth Area - Landscape and Ecological Assessment Study April 2017 (Reference J5); and
- Core Strategy Background Paper 6: Green Infrastructure (Reference J4).

42.23 The Wealden Green Infrastructure Study 2017 (Reference J2) forms the primary evidence base document for Policy EA3 and provides a comprehensive assessment of the quantity, quality and accessibility of the District’s green assets that contribute to the green infrastructure network. From this audit the Study identifies deficiencies within the network and makes recommendations for opportunities for provision and enhancement of green infrastructure to provide a coherent and accessible network for the benefit of people and nature. This work has been used to inform Policy EA3.

42.24 The Submission Wealden Local Plan SA Report March 2017 (Reference A4), details the appraisal of the reasonable alternatives considered for the green infrastructure policy at paragraphs 11.8-11.15 on pages 2609-2617. Table 578, on page 2610, provides the reasons for selecting or rejecting each alternative and Table 579 assesses the policy at that time.

42.25 The Submission Wealden Local Plan SA Report August 2018 (Reference A6) confirms the conclusions of the March 2017 Report at paragraph 8.21 on page 299.
Question 43: Are these policies consistent with the CIL Regulations?

43.1 The statutory and policy framework and the relevant provisions of the Council’s CIL Charging Schedule (Reference N1) are set out in the answer to Question 40 above (paragraphs 40.1 to 40.4, to which reference should be made).

43.2 Policy EA1 sets out measures to ensure there is not a net loss of biodiversity, and development will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate. These measures do not fall within the definition of infrastructure (with the exception of open space) (as defined by section 216 (2) of the Planning Act 2008 (as amended)). The policies are consistent with the CIL Regulations as they meet the three requirements of Regulation 122(2) and it is therefore appropriate to use Section 106 Planning Obligations to secure them, if required.

43.3 This approach is necessary to make the development acceptable in planning terms and to achieve the key objectives of contributing to and enhancing the natural environment through minimising the impacts of development on biodiversity, and providing net gains in biodiversity, as set out in paragraph 109 of the NPPF (2012). It also accords with the Council’s strategic approach to planning positively for the creation, protection, enhancement and management of networks of biodiversity in accordance with paragraph 114 of the NPPF (2012), and sets out how this will be achieved. And this approach is also in accordance with paragraph 118 of the NPPF (2012) through clearly setting out the Council’s position that where significant harm resulting from development cannot be avoided, adequately mitigated or as a last resort compensated for then planning permission will be refused.

43.4 It is anticipated that, owing to the nature of the sites, mitigation can be provided on site by way of condition to create a net gain in biodiversity. This will directly be related to development. However, if it is necessary to do so, there is also potential for off-site provision to achieve a net gain. It is considered that there is a direct link between development and mitigation which will allow Regulation 122 to be met whether or not off site mitigation is required.

43.5 Policy EA1 paragraph a) makes reference to Policies AF1, AF2 and SWGA7. Responses to Question 40 deal with the CIL Regulations and AF1 and AF2. As for SWGA7, this requires the provision of mitigation to ensure that development does not have an adverse impact upon Pevensey Levels SAC. This normally is in the form of Sustainable Urban Drainage Systems and usually they are accommodated on the site of development and are therefore directly related and proportionate to development. There is scope for off-site strategic SuDS, although it is not technically necessary, and any Section 106 Planning obligation will require to ensure that any contribution is reasonably related in scale and kind to the development.

43.6 So far as Policy EA2 is concerned, the provision for mitigation regarding the Ashdown Forest SPA in the form of SANGS and SAMMS have already been
subject of scrutiny through the examination of the Regulation 123 list and Charging Schedule in 2015 and meets the CIL Regulations. Any Section 106 contribution is related to a cross boundary agreed set of mitigation measures that are strategic in nature and work together to mitigate development. The charge is directly related to costs and distributed between all developments that require the measures.

43.7 Policy EA3 sets out measures to ensure the creation of a multi-functional and accessible green infrastructure network in the District. Development will be expected to protect, improve and enhance existing green infrastructure and contribute towards the provision and creation of additional green infrastructure. Measures put forward in Policy EA3 set out the Council’s strategic approach to planning positively for the creation, protection, enhancement and management of networks of green infrastructure, in accordance with paragraph 114 of the NPPF (2012), and how this will be achieved. This approach is further justified as it is in accordance with paragraph 117 of the NPPF (2012) which states that in order to minimise impacts on biodiversity and geodiversity, planning policies should:

“…plan for biodiversity at a landscape-scale… identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them... promote the preservation, restoration and re-creation of ecological networks…”

43.8 Policy EA3 is further supported in its requirements by the Green Infrastructure Study 2017 (Reference J2), which clearly presents and assessment/audit of the quantity, quality and accessibility of the District’s green assets that contribute to the green infrastructure network, including but not limited to trees, hedgerows, parks, public rights of way, rivers, farmland, churchyards and natural/semi natural green spaces. From this audit, the work identifies deficiencies and makes recommendations for the provision of, and enhancement to, green infrastructure to provide a coherent and accessible network for the benefit of people and nature. The study also provides a potential green infrastructure network for the District going forward.

43.9 Green infrastructure does not fall within the definition of infrastructure (with the exception of open space) as defined by section 216 (2) of the Planning Act 2008 (as amended), and therefore it is considered appropriate to use Section 106 Planning Obligations to secure them. The policy is consistent with the CIL Regulations as the measures meet the three requirements of Regulation 122(2). Owing to the nature of the sites, green infrastructure can be provided on site by way of condition to create multiple benefits, including for biodiversity and human health. The Council considers that there is a direct link between development and green infrastructure. It is considered that these measures should be secured through section 106 agreements if improvements are required off site, which would meet the tests set out in Regulation 122(2).
Question 44: What is the justification for setting out the 400m and 7km thresholds? Is it clear what is meant by ‘large residential developments’?

What is the justification for setting out the 400m and 7km thresholds?

44.1. The 400m and 7km thresholds relate to the Ashdown Forest SPA avoidance and mitigation approach.

44.2. It has long been established, and supported by evidence, that it is not possible to mitigate development that falls within a 400m zone around a SPA other than in exceptional circumstances. The justification for this is presented in the HRA at paragraphs 5.71 and 5.72 and relates to urbanisation effects on the SPA including cat predation and fly tipping. In particular, the HRA identifies that research indicates that the number of cats hunting further than 400m from their home is significantly less than those ranging within 400m, which the Council considers eliminates the potential for population level effects on prey species beyond a 400m distance. In addition, it identifies that fly tipping is more likely when an urban area is within 400m of its boundary. Hence, no new residential development is permitted within 400m of the SPA boundary other than in exceptional circumstances (and subject to a project level habitats regulations assessment).

44.3. The 7km zone has been informed by visitor surveys (Submission document I19 and I17). Further analysis was also undertaken to ensure that the mitigation zone distance is justified. This is presented in submission document I1.

Is it clear what is meant by ‘large residential developments’?

44.4. Policy EA2 provides that “large residential development schemes located close to but beyond the 7km boundary will be assessed on a case by case basis”. The assessment will determine whether either alone or in combination mitigation may be required to ameliorate a significant effect.

44.5. In particular, development beyond 7km may, by its location or nature, have the potential to result in an adverse effect, either alone or in combination (see submission document I1). This is particularly so for residential developments where the number of new residents may collectively increase overall total visits to Ashdown Forest SPA. On this basis the potential for residential developments to have such an impact must be considered at the planning application stage; and the term “large residential development” is deliberately undefined to enable this potential to be considered on a case-by-case basis.
Question 45: Are the policies consistent with national policy?

Policy EA1 Biodiversity

45.1 Yes. The National Planning Policy Framework (2012) states that:

“The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (Paragraph 109, page 25)

“Local planning authorities should... set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity” (Paragraph 114, page 26)

“To minimise impacts on biodiversity and geodiversity, planning policies should... plan for biodiversity at a landscape-scale... identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation...promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan...” (Paragraph 117, page 27)

45.2 Policy EA1 clearly sets out, at (d), that development facilitated by the Plan must achieve a net gain in biodiversity and, where possible, that any biodiversity corridors and stepping stones should be protected, retained and where appropriate suitably buffered, enhanced, restored and strengthened. The policy also sets out the hierarchy of sites within the District, distinguishing between the specific requirements, for each level in the hierarchy, to be provided alongside the overall biodiversity requirements. There is also clarity over site specific biodiversity, to link with the allocation policy requirements within the Plan.

45.3 The Policy also provides guidance on where compensation and mitigation measures can be focused to assist in positively contributing to national biodiversity targets set out in the UK Biodiversity Action Plan, but makes it clear
that biodiversity improvements are not restricted to Biodiversity Opportunity Areas within the Action Plan\(^\text{17}\).

45.4 Policy EA1 is therefore justified and consistent with national policy.

**Policy EA2 Ashdown Forest Special Protection Area**

45.5 Yes. Paragraph 166 of the National Planning Policy Framework (2012) identifies that Local Plans may require assessments under the Habitat Regulations where there is a likely significant effect on a European wildlife site. Paragraph 2 identifies that Planning policies and decisions must reflect and where appropriate promote relevant EU obligations and statutory requirements.

45.6 Policy EA2 ensures that the integrity of the SPA is not adversely affected by increases in recreational pressure from development, as identified within the Habitats Regulations Assessment, and is therefore in line with the requirements of national policy and law.

45.7 Policy EA2 is therefore justified and consistent with national policy.

**Policy EA3 Green Infrastructure**

45.8 Yes. The National Planning Policy Framework (2012) states that:

“Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure” (Paragraph 99)

“Local planning authorities should... set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure...” (Paragraph 114)

45.9 Policy EA3 clearly sets out the Council’s strategic approach to planning for green infrastructure and specifically references the need for development to protect, improve and enhance existing green infrastructure, whilst also contributing to additional green infrastructure in the District.

\(^{17}\text{Please see the submission Wealden Local Plan January 2019, Policy EA1 Biodiversity, page 90}\)
45.10 In addition, Policy EA3 as a whole seeks to ensure a multi-functional and accessible green infrastructure network within the District that includes its function in contributing to climate change mitigation and adaption and the implementation of water management.

45.11 Policy EA3 is therefore justified and consistent with national policy.

**Issue 4: Whether the approach to development within the High Weald Area of Outstanding Natural Beauty is justified, effective and consistent with national policy?**

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**Question 46:** Having regard to the core planning principles set out within the Framework, and the exceptional circumstances and public interest tests set out in paragraph 116 of the document, is the development proposed within the AONB, including that which could take place within extended settlement boundaries, soundly based?

46.1 Paragraph 115 of the 2012 NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty (AONB), which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 116 of the NPPF goes on to state that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

46.2 The Wealden Local Plan (January, 2019) proposes a limited number of housing allocations within the High Weald AONB as tabulated below.
Table 2: Sites Allocated in the Wealden Local Plan and within the High Weald AONB

<table>
<thead>
<tr>
<th>Site Allocations</th>
<th>Policy Reference for Wealden Local Plan</th>
<th>Number of Dwellings (net)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land South of Burwash Road, Heathfield</td>
<td>Policy RUGA 1 – Land South of Burwash Road</td>
<td>30</td>
</tr>
<tr>
<td>Land South West of Ghyll Road, Heathfield</td>
<td>Policy RUGA 2 – Land South West of Ghyll Road</td>
<td>103</td>
</tr>
<tr>
<td>Land at Windmill House, Wadhurst</td>
<td>Policy RUGA 5 – Allocation Land at Windmill House</td>
<td>20</td>
</tr>
<tr>
<td>Land at High Street, Wadhurst</td>
<td>Policy RUGA 6 – Allocation Land at High Street</td>
<td>10</td>
</tr>
<tr>
<td>Land East of Old Station Road, Wadhurst</td>
<td>Policy RUGA 7 – Allocation Land East of Old Station</td>
<td>21</td>
</tr>
<tr>
<td>Land at Foxhole Farm, Wadhurst</td>
<td>Policy RUGA 8 – Allocation Land at Foxhole Farm</td>
<td>40</td>
</tr>
<tr>
<td>Land at Mayfield Cricket Club, Mayfield</td>
<td>Policy RUGA 17 – Allocation Land at Mayfield Cricket Club</td>
<td>50</td>
</tr>
<tr>
<td><strong>Total Number of Dwellings Allocated within the Wealden Local Plan that are within the High Weald AONB</strong></td>
<td></td>
<td><strong>274</strong></td>
</tr>
</tbody>
</table>

46.3 As identified above, the total number of dwellings allocated within the High Weald AONB amounts to 274 dwellings, which equates to 1.9% of the total number of dwellings accounted for under Policy WLP 1 (Provision for Homes and Jobs) of the Wealden Local Plan. This includes 50 dwellings in Mayfield, 91 dwellings in Wadhurst and 133 dwellings in Heathfield. It should be noted that the allocation at Land East of Old Station, Wadhurst for 21 dwellings (under Policy RUGA 7 – Allocation Land East of Old Station) has already received outline planning permission following the submission of the Wealden Local Plan on 21 March 2019.  

46.4 The High Weald AONB Management Plan (2019-2024) published by the High Weald AONB Joint Advisory Committee (JAC) confirms that 53.36% of the Wealden District is covered by the High Weald AONB.

46.5 Further, the towns / larger villages in Wealden District that are included in, or surrounded by, the High Weald AONB include Forest Row, Frant, Crowborough, Heathfield, Wadhurst, Rotherfield and Mayfield. These

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parishes alone accounted for just over 51,000 people within the Wealden District Census (2011), approximately a third of the Wealden District population at the time of the Census (this was 148,915). Moreover, there are a number of additional rural settlements and parishes within the High Weald AONB that would increase the population higher still.

46.6 If the housing target under Policy WLP 1 (Provision of Homes and Jobs) of the Wealden Local Plan (January, 2019) was split such that allocations were made in the same proportions as the current population divide (i.e. approximately a third in the AONB), this would equate to 4,742 dwellings for the Plan period or 316 dwellings per annum. The Wealden Local Plan (January, 2019) only seeks, therefore, to provide a relatively low proportion of housing in the High Weald AONB, reflecting the importance which is attached to its valued landscape. But in circumstances in which it covers over half the District, it is not realistic to avoid any allocations in the AONB.

46.7 In terms of public interest considerations set out in paragraph 116 of the NPPF, each of these has been considered, as summarised for each settlement with an allocation in the Table below:

Table 3: Public Interest Tests for Heathfield, Wadhurst and Mayfield

<table>
<thead>
<tr>
<th>NPPF Public Interest Considerations</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) The need for development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.</td>
<td>A sufficient supply of housing land is needed on both a district wide and local level to meet the housing requirements set out within Policy WLP1 (Provision of Homes and Jobs) of the Wealden Local Plan. In addition to the general need for development, the following specific factors apply in relation to each settlement.</td>
</tr>
<tr>
<td><strong>Heathfield</strong></td>
<td></td>
</tr>
<tr>
<td>(1) Heathfield has been described in the Wealden Local Plan ‘settlement ‘hierarchy’ as one of the most sustainable settlements in the District (alongside Hailsham, Crowborough and Uckfield) and is therefore expected to meet its own housing needs where it is appropriate to do so in the context of the environmental constraints of the settlement.</td>
<td></td>
</tr>
<tr>
<td>(2) The impact of not allocating land for housing development within/adjoining Heathfield would be significant, as both retail and employment land would rely upon household growth within/adjoining the town.</td>
<td></td>
</tr>
<tr>
<td>NPPF Public Interest Considerations</td>
<td>Justification</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>(3) Further, it is known that at least 50 households in the Heathfield settlement are ‘in need’ of affordable housing&lt;sup&gt;20&lt;/sup&gt;.</td>
<td></td>
</tr>
</tbody>
</table>

**Wadhurst**
(1) Wadhurst is likewise described in the Wealden Local Plan ‘settlement hierarchy’ as a ‘sustainable settlement’ in the District and, as with Heathfield, is therefore expected to meet its own housing needs where it is appropriate to do so in the context of the environmental constraints of the settlement, including its landscape impact.

(2) The impact of not allocating land for housing development within/adjoining Wadhurst would also be significant, as both retail and employment land would rely upon household growth within and adjoining the village.

(3) Further, it is known that at least 19 households in the Wadhurst settlement are ‘in need’ of affordable housing<sup>21</sup>.

**Mayfield**
Mayfield is described in the Wealden Local Plan ‘settlement hierarchy’ as a ‘sustainable settlement’ in the District and the same factors therefore apply as for Wadhurst. On (3) it is known that at least 10 households were ‘in need’ of affordable housing within the Mayfield settlement<sup>22</sup>.

**b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way.**

**Heathfield**
(1) The High Weald AONB designation surrounds Heathfield on all sides and extends a further 2.5km to the south of the settlement. As a result, no development can

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<sup>20</sup> Housing Need Survey Report: Wealden District – Settlements in Areas of Outstanding Natural Beauty, August, 2016, H18, Page 88, Table 81.

<sup>21</sup> Housing Need Survey Report: Wealden District – Settlements in Areas of Outstanding Natural Beauty, August, 2016, H18, Page 168, Table 211.

<sup>22</sup> Wealden District Council - Wealden Landscape and Settlement Character Assessment, November 2014, J6.
be located outside of the designated area, and still relate to Heathfield, with the exception of development within the settlement boundary.

(2) If development was located at the nearest sustainable settlement outside of the High Weald AONB (i.e. Horam), this would deliver housing development that would benefit other settlements and the wider district, but not relate specifically to meeting the housing needs of Heathfield.

(3) In addition, whilst it is preferable to accommodate new housing development on Previously Developed Land (PDL) within the development boundary of Heathfield, it is not considered possible to deliver the housing needs of the town solely through the use of PDL in Heathfield.

**Wadhurst**
As with Heathfield, the High Weald AONB designation washes over the entirety of Wadhurst and extends a further 8km to the north of the settlement. As a result, no development can be located outside of the High Weald AONB and still specifically relate to Wadhurst. (If development was located at the nearest sustainable location outside of the High Weald AONB, such as Tunbridge Wells, this would deliver development that would not necessarily benefit or relate in any way to meeting the local housing needs of Wadhurst).

**Mayfield**
As with Heathfield and Wadhurst above, the High Weald AONB designation washes over the entirety of Mayfield and extends a further 9km to the south of the settlement. As a result, no development can be located outside of the High Weald AONB and still specifically relate to Mayfield. (If development was located at the nearest sustainable location outside of the AONB, such as Horam, this would deliver development that would not necessarily
<table>
<thead>
<tr>
<th>NPPF Public Interest Considerations</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>benefit or relate in any way to meeting the local housing needs of Mayfield).</td>
<td></td>
</tr>
<tr>
<td>c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.</td>
<td>Heathfield, Wadhurst and Mayfield</td>
</tr>
<tr>
<td>The Council’s evidence base includes the Wealden Landscape and Settlement Character Assessment (November, 2014)(^\text{23}), the Wealden Landscape &amp; Settlement Character Assessment - Supplementary Report (November, 2016)(^\text{24}) and the Wealden Local Plan Sites – Landscape and Ecological Assessment Study (July, 2017)(^\text{25}). These identify the implications of potential housing sites put forward by developers/land owners in the High Weald AONB through the Strategic Housing and Economic Land Availability (SHELAA). The Wealden Local Plan Sites – Landscape and Ecological Assessment Study (July, 2017) also provides, for each site, potential opportunities to moderate the impact of new development in the High Weald AONB, and appropriate policies to mitigate the impacts of new development. This has also been considered, for each AONB allocation site, within the ‘Development within the High Weald AONB Background Paper’ (January, 2019)(^\text{26}). The planning policies in the Wealden Local Plan (January, 2019) have, in line with this evidence base, identified the criteria to moderate the impacts of each allocation on the High Weald AONB.</td>
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46.8 It should be noted that the ‘public interest tests’ have been undertaken for each of the allocated housing sites as part of the ‘Development in the High Weald AONB Background Paper’\(^\text{27}\) and are relied upon in terms of the

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\(^{26}\) Wealden District Council – Development within the High Weald AONB Background Paper, January 2019, A33.

\(^{27}\) Wealden District Council – Development within the High Weald AONB Background Paper, January 2019, A33.
allocation of housing development in these locations (including the Sustainability Appraisals\textsuperscript{28} (SA) that accompany the Wealden Local Plan (January, 2019)).

46.9 In terms of the proposed extended settlement boundaries, a number of housing sites have received planning permission within the High Weald AONB, and the Council has endeavoured to incorporate such sites within the Wealden Local Plan Development Boundaries where this is appropriate. This has been documented for each settlement in the High Weald AONB (and outside) in the Council’s Development Boundary Background Paper\textsuperscript{29} (January, 2019) under Section 12. For example, in Heathfield planning permission has been granted in recent times for 20 (net) dwellings at Parklands, Land South of Burwash Road (planning reference WD/2016/2064/MEA), 113 (net) dwellings at Land to the Rear of the Police Station, High Street (planning reference WD/2015/1782/MRM), 15 (net) dwellings at the Cart Barn, Burwash Road (planning reference WD/2015/2438/MAO) and 23 (net) dwellings at Land at Tilsmore Lodge, Cross-in-Hand Road (planning reference WD/2016/1877/MAJ). All of these sites have extant planning permissions and development has commenced on some of them. They have therefore been incorporated within the development boundary for Heathfield, as the principle of developing on the High Weald AONB has been established in these cases.

46.10 In addition, the Wealden District Council Development Boundary Background Paper (January, 2019)\textsuperscript{30} confirms that Land at Steel Cross has similarly been included within the development boundary of Crowborough, given that it has been resolved that, subject to the prior conclusion of a Section 106 agreement, full planning permission will be granted for the construction of 103 (net) dwellings subject to conditions (planning reference WD/2018/2122/MAO). This is following a separate planning appeal at this site, where the Planning Inspectorate agreed with the principle of development in this less sensitive location within the High Weald AONB.

46.11 It should be noted that an assessment of how the development boundaries for each settlement within the High Weald AONB was determined is included within the Sustainability Appraisal\textsuperscript{31} that accompanies the Wealden Local Plan (January, 2019).

46.12 For those reasons, and having full regard to the exceptional circumstances and public interest considerations set out in paragraph 116 of the NPPF, the Council considers that the development proposed in the AONB is soundly based.

\textsuperscript{29} Wealden District Council – Development Boundary Background Paper, January 2019, A19, Section 12.
Question 47: In particular: (a) what is the need for the development proposed, including in terms of national considerations? (b) what is the likely impact of permitting, or refusing, the housing development on the local economy? (c) is there scope for providing for the housing development outside of the AONB, or meeting the need for it in some other way? (d) what is the likely effect of the development on the environment, landscape and recreational opportunities having regard to the potential for moderation?

47.1 This answer should be read in conjunction with the Council’s answer to Question 46 above.

(a) What is the need for the development proposed, including in terms of national considerations?

47.2 In August 2016, the Council commissioned Action in Rural Sussex (AIRS) to carry out a housing needs survey report into settlements in the High Weald AONB, focused on affordable housing. The study identified 168 households as being ‘in need’ of affordable housing based on an inability to afford a suitable market property. The three parishes found to have the highest affordable housing needs of those surveyed were Heathfield and Waldron Parish (65 households); Mayfield and Five Ashes Parish (17 households); and Wadhurst Parish (21 households); and the Wealden Local Plan (January, 2019) makes housing allocations to them.

47.3 As identified under Policy WLP 1 (Provision of Homes and Jobs), the wider OAHN for the Wealden District is 950 dwellings per annum. In terms of the towns/larger villages in the Wealden District that are included in, or surrounded by, the High Weald AONB, this includes Forest Row, Frant, Crowborough, Heathfield, Wadhurst, Rotherfield and Mayfield. As identified under Question 46 above, these parishes accounted for just over 51,000 people within the Wealden District Census (2011), approximately a third of the Wealden District population at that time, and there are a number of additional rural settlements and parishes in the High Weald AONB that would make this population higher still. A substantial proportion of the District’s population therefore lives within the High Weald AONB boundaries and will be reliant on housing growth of towns and villages within the High Weald AONB.

(b) What is the likely impact of permitting, or refusing, the housing development on the local economy?

47.4 The Wealden District Council – Wealden Economy Study (December, 2016)\(^{35}\) identifies that around 4,600 businesses (or 52% of Wealden’s business base) are based in rural areas within the District. (In particular, one of the key economic drivers of the Wealden District is the construction industry, with a higher proportion of construction jobs than other Districts within the Functional Economical Market Area (FEMA) at 8.6%\(^{36}\); and there is also a high reliance on tourism).

47.5 The High Weald AONB part of the Wealden District therefore plays a substantial role in terms of economic growth and there are a high number of existing businesses located within the High Weald AONB reliant on housing growth within or near to the AONB to ensure that there are potential employees in close proximity to them. This supports a spread of housing development to the north of the District to enable these existing businesses within the High Weald AONB to continue to grow.

47.6 Further, it is recognised by the Council that the key challenges resulting in overall low productivity for the District include lower than average wages, slower employment growth, and pockets of higher relative deprivation\(^{37}\). The Council also recognises that Wealden District has relatively poor transport links, particularly in the north of the District. It is, accordingly, anticipated that local people are required to sustain the rural economic businesses of the District, particularly within the High Weald AONB.

47.7 In terms of new homes in the High Weald AONB, Policy HG9 (Housing Mix)\(^{38}\) and Policy RAS1 (Core Areas)\(^{39}\) of the Wealden Local Plan seek to provide smaller dwellings (of 1 and 2 bedrooms) in the rural areas of the Wealden District, including the High Weald AONB.

47.8 The evidence base against which those policies are to be seen includes the Wealden District Council Strategic Housing Market Assessment (SHMA), which demonstrates that Wealden District has an higher percentage of both 4 and 5 bedroom dwellings than the remainder of the wider Wealden HMA\(^{40}\) (20.2% having 4 bedrooms compared to 17.2% for the wider Wealden HMA; and 8.4% having 5 bedrooms or more compared to 6.5% for the wider Wealden HMA); that settlements in the north of the District have a higher proportion of larger 4 and 5+ bedroom stock\(^{41}\); and that settlements in the south of the District

\(^{38}\) Wealden Local Plan, January 2019, A1, Page 521.
\(^{39}\) Wealden Local Plan, January 2019, A1, Pages 413 – 416.
\(^{40}\) Wealden District Council Strategic Housing Market Assessment (SHMA), August 2016, H3, Page 40, Table 20.
\(^{41}\) Wealden District Council Strategic Housing Market Assessment (SHMA), August 2016, H3, Page 67, Table 20.
(particularly Polegate and Hailsham) have higher proportions of smaller 2 bedroom stock.

47.9 Given this disparity, and the Council’s focus to rebalance the housing stock in the High Weald AONB, it is considered beneficial to include provision for smaller homes in this part of the District to ensure that potential workers can relocate to support existing rural businesses.

(c) Is there any scope for providing for the housing development outside of the AONB, or meeting the need for it in some other way?

47.10 There is scope outside of the High Weald AONB to allocate new housing development, but under a plan-led system, it is nonetheless considered appropriate to allocate housing land within the High Weald AONB to ensure the sustainable development of some of the larger towns/villages within the Wealden District. In particular, if no further housing development is planned for the High Weald AONB, it is considered that existing businesses will suffer from a lack of a local workforce; and that housing affordability issues will become more acute.

47.11 As highlighted under (a) above, over 51,000 people live in the larger towns/parishes within the High Weald AONB (excluding some of the rural parishes) with other towns / villages located on the edge of the High Weald AONB (such as Horam and Herstmonceux) also. Given this, if there was less housing development in the High Weald AONB then that planned for in the Wealden Local Plan (January, 2019), this would mean that there would be adverse consequences for the local economy of such towns/villages (particularly the larger towns, such as Crowborough and Heathfield) due to a lack growth of such towns / villages and an inadequate employment base to support the economies / retail provision of each town/village.

47.12 Furthermore, without new housing allocations the towns and villages within the High Weald AONB would not benefit from any new affordable housing provision, or the provision of new smaller homes as part of the Wealden Local Plan (January, 2019). This would exacerbate known issues relating to the affordability of such settlements (house prices to the north of the district are particularly high). In addition, the existing housing stock in the north of the District contains a much higher number of 4 and 5+ bedroom homes than the south, and the wider Wealden HMA.

(d) What is the likely effect of the development on the environment, landscape and recreational opportunities having regard to the potential for moderation?

47.13 As explained under Question 46 above, the Council’s evidence base includes the Wealden Landscape and Settlement Character Assessment (November, 2014)\(^{42}\); the Wealden Landscape & Settlement Character Assessment -

\(^{42}\) Wealden District Council - Wealden Landscape and Settlement Character Assessment, November 2014, J6.
Supplementary Report (November, 2016)\textsuperscript{43}; and the Wealden Local Plan Sites – Landscape and Ecological Assessment Study (July, 2017)\textsuperscript{44}. These identify the implications of potential housing sites put forward by developers/land owners in the High Weald AONB through the Strategic Housing and Economic Land Availability (SHELAA).

47.14 The latest assessment includes a desk-based assessment of each settlement/area and individual sites, a landscape and visual survey of sites and landscape character and visual analysis based upon the desk-based assessments and visual surveys that have taken place. The full landscape assessment methodology for the evidence base document can be found at Section 2.0 of the Wealden Local Plan Sites – Landscape and Ecological Assessment (July, 2017)\textsuperscript{45}.

47.15 The Wealden Local Plan Sites – Landscape and Ecological Assessment (July, 2017) also provided, for each site, potential opportunities to moderate the impact of new development in the High Weald AONB and appropriate policies to mitigate the impacts of new development. This has also been considered for each allocation site within the High Weald AONB within the ‘Development within the High Weald AONB Background Paper’ (January, 2019)\textsuperscript{46}.

47.16 For each allocation within the High Weald AONB, the planning policies in the Wealden Local Plan (January, 2019) have, accordingly, identified criteria in order to moderate the impacts on the High Weald AONB from the development in line with what has been identified in the evidence base.

47.17 The Council has also introduced a separate planning policy (Policy EA 5 – High Weald Area of Outstanding Natural Beauty) for new development within or affecting the setting of the High Weald AONB as part of the Wealden Local Plan (January, 2019)\textsuperscript{47} to ensure that unplanned development in High Weald AONB can also come forward during the Plan period if deemed to be appropriate through the relevant criteria.

\textsuperscript{43} Wealden District Council – Wealden Landscape and Settlement Character Assessment – Supplementary Report, November 2016, J7.
\textsuperscript{44} Wealden District Council – Wealden Local Plan Sites Landscape and Ecological Assessment Study, July 2017, J1.
\textsuperscript{45} Wealden District Council – Wealden Local Plan Sites Landscape and Ecological Assessment Study, July 2017, J1, Page 62.
\textsuperscript{46} Wealden District Council – Development within the High Weald AONB Background Paper, January 2019, A33.
\textsuperscript{47} Wealden Local Plan, January 2019, A1, Page 112.
Appendix A

Technical Note-
Delivery Schedule for Highways Interventions (April 2019).
Requirement 1 - Delivery Schedule for Highway Interventions

Prepared for
East Sussex County Council

April 2019
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# Document Issue

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<td>29/03/2019</td>
<td>Final Report</td>
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<td>James Glover</td>
<td><em>James Glover</em></td>
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## Approval

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<td>Tim Cuthbert</td>
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**Acronyms and Abbreviations**

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1. Introduction

The Wealden Local Plan Transport Study (WLPTS2018) identified a set of junctions where improvements will be necessary to enable delivery of the Wealden Local Plan (WLP). The study concluded that further work would be undertaken to establish the potential phasing of identified improvements in relation to potential housing development trajectories.

Working in partnership, Jacobs and GTA Civils have developed an infrastructure delivery schedule that assigns prioritisation to the necessary transport mitigations that support the WLP, which is both *practically achievable* and *best accommodates the delivery of the development plan*.

2. Delivery of Requirements

In order to identify the infrastructure delivery schedule, the following points have been considered:

1. **The interventions required to deliver the WLP.** Each of the junction improvements that have been proposed by the WLPTS2018 have been defined in terms of description, location and responsibility for delivery.

2. **A demand-based assessment of when these interventions are required.** This takes into account the requirements of the network from a demand perspective, by applying a range of performance indicators to a strategic model, and also looking at the spatial distribution of the development sites over the period of the Wealden Local Plan.

3. **An assessment of the practical and financial delivery constraints.** An assessment has been made of when each intervention can be delivered, with consideration of scheme timeframes and the integration and timing of other local transport schemes.

2.1 Scheme Locations and Proposals

The WLPTS2018 identified a set of junctions where improvements would be necessary to enable delivery of the WLP, some of these improvements are the responsibility of East Sussex to deliver, and some of which are for Highways England (HE) to deliver. These are presented in Table 1.

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<td>Roundabout Layout Improvements</td>
<td>ESCC</td>
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<tr>
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<td>A22 / Hempstead Lane</td>
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<tr>
<td>3</td>
<td>A295 South Road / Ersham Road / Diplocks Way</td>
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<td>6</td>
<td>A22 Golden Jubilee Way / Dittons Road</td>
<td>Roundabout Layout Improvements</td>
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**Table 1. Wealden Local Plan Transport Study interventions**

The key objective of this Technical Note is to develop a schedule of prioritisation for schemes 1 through to 6 for the reasons outlined below. However, consideration of the other seven schemes listed here has been an essential part of this work, to ensure any overlapping programmes take into account the relationships between junctions, and the resultant impact on the overall transport network.

The Hailsham, Polegate and Eastbourne Movement and Access Corridor and Polegate High Street improvements have already been programmed to some degree, but adjustments to these timings have been considered when establishing an overall, optimal schedule for all ESCC highway scheme improvements within Wealden District. This will be alongside the proposed HE schemes, particularly schemes 10 to 13, where ESCC and the HE are working in partnership to ensure that scheme delivery is integrated, to reduce the impact on the operation of the network.

The WLPTS 2018 identified a need for layout improvements at Cophall Roundabout prior to 2028. However, due to the potential for a Comprehensive Offline Solution for the A27 to be prioritised as part of the Government’s second Road Investment Strategy (RIS2), no improvements at Cophall Roundabout are proposed at this time. The options for proposals at Cophall Roundabout, with or without a Comprehensive Offline Solution for the A27, will be re-considered once the outcome is known.

Figure 1 below shows the location of each of those highway interventions. This clearly shows that the interventions are concentrated within the South Wealden Growth Area (SWGA).
Figure 1. WLP Interventions
2.2 Scheme Timings Assessment

The delivery schedule has been developed using information from two crucial sources. These are:

- the modelling results (and their interpretations); and
- the housing development delivery schedule (Wealden’s housing trajectory).

The initial modelling approach draws upon a range of junction performance indicators extracted from the model for a variety of scenarios, the most important relating to 2028 (the end of the plan period) with and without the full Local Plan development proposals. This has identified where improvements will be necessary to mitigate traffic growth, and when that mitigation should be delivered to ensure that junction performance remains acceptable.

To support this set of data, the development delivery phasing (as provided by WDC in their housing trajectory) has brought insight into the distribution of the development sites geographically over the ten-year build out programme. Whereas the modelling analysis assumes an even spread of growth over the SWGA, the reality is that certain locations around Hailsham, Willingdon, Polegate and Stone Cross will experience different levels of growth than others in certain years. The results of this analysis present a separate set of prioritisations for the highway interventions, which has been compared with the output schedule from the modelling results.

2.2.1 Network Demands and Needs

Included in this section are the results from GTA Civils following the work they have undertaken to inform the required timings for transport infrastructure improvements.

A range of performance indicators from the strategic model assignments for a variety of future scenarios, has been considered, comprising: junction DOS (degree of saturation or volume / capacity); individual junction arm DOS; junction delays; and junction queues. Each indicator provides one perspective on how any particular junction responds to different levels of traffic demand. No individual indicator is any more consistently reliable than another as the sole indicator of junction performance. Each presents only a partial picture; all are necessary to gain a full understanding.

An aggregate approach has therefore been adopted, scoring each indicator and totalling to give an overall assessment of the performance of each junction in any end of plan period scenario. If and when an improvement will be required to mitigate the impacts of increased traffic by or beyond the end of the plan period, an integrated approach is used as follows:

1) Comparing the scenario results against a set of values for each that is considered to represent a target maximum for acceptable performance; and

2) Determining the necessary timing of any improvements, within or beyond the plan period, by using a count back / forward process based on overall modelled traffic growth within the plan period (approximately 1% per annum) and TEMPRO7.2 forecasts for 10 years beyond (approximately 0.8% per annum).

Following on from this, a schedule of potential timing for each identified scheme has been prepared. The results are summarised in Table A1 of Appendix A in the form of priorities.
This assessment indicates that interventions will be required at all six junctions within the plan period to enable delivery of the local plan development proposals, without significant increases in traffic congestion that will lead to major delays and unreliable journey times during peak periods. It also indicates that the improvement at Boship Roundabout should be prioritised first (score of 1), and from previous analysis of the interdependencies between junctions, Hempstead Lane should have an assumed corresponding level of priority. The other junctions would be required at different stages within the plan period.

Overall, the network demand analysis indicates priorities for junction improvements as follows, suggesting a timing schedule to suit.

1) A22 / A267 / A271 Boship Roundabout & A22 / Hempstead Lane.
2) A22 / A295 South Road, A22 Golden Jubilee Way / Dittons Road, & South Road / Diplocks Way / Ersham Road.
3) A27/A22 Golden Jubilee Way.

It is important to note that the network which includes the 2015 base and the necessary improvements included in the WLPTS2018 will require improvements to the following junctions after 2028, with or without an A27 offline improvement:

- A22/Hempstead Lane
- A22/Diplocks Way
- A22/A295 South Road
- A27/A22 Golden Jubilee Way roundabout and A22 Golden Jubilee Way / B2247 Dittons Road roundabout

The timing of these improvements will be dependent on when and if an A27 Comprehensive Offline Solution is implemented.

2.2.2 Development Delivery

As already discussed, the main limitation of the demand model analysis lies in its assumption that the development delivery phasing will be evenly spread through the plan period over all identified development areas, both spatially and temporally. This potentially ignores the distorting effects on timing need that may arise from significant concentrations of development in certain areas of the SWGA at different points in time within the overall plan period. Any disproportionate early focus of development in areas closer to particular junctions may bring forward the earlier need for an improvement at those junctions and/or set back the need at others where the need may be more associated with development that would therefore take place later in the plan period. The development delivery schedule has therefore been reviewed, both spatially and temporally. The findings of this analysis have been considered alongside the findings of the overall needs-based assessment (section 2.2.1) to ascertain if an adjustment to the schedule of intervention prioritisation, as set out so far, is required.

2.2.2.1 Defining the Development Sites

Likely significant levels of association between the locations of proposed development in the South Wealden Growth Area and the identified junction interventions were identified in Table B.24 of the WLPTS 2018 Main Report. Figure A17 (Wealden Local Plan & Windfall Development Areas & Permutations) of the WLPTS 2018 main report identified the following 3 groupings:
1) North Hailsham  
2) South Hailsham  
3) Polegate and Stone Cross  

For the current exercise, developments have therefore been grouped into three “clusters”, consistent with the above groupings, providing a simplified means of categorising grouped individual sites, whilst retaining the geographic definition necessary for any associations with the junctions to be considered.

2.2.2.2 Development Delivery Schedule
The committed and projected development sites for the WLP are shown in Figure 2 (based on data provided by WDC).
As can clearly be seen in Figure 2, there is a focus on the SWGA, in close proximity to the junctions that have been identified as part of the WLPTS 2018.

An analysis of the data provided by WDC has been undertaken, which shows a likely programme of development delivery in the SWGA through the Local Plan period by
Understanding the timescales involved with each of the planned developments, along with the number of dwellings associated with each site, allowed a year-by-year breakdown to be established. From this information, a series of GIS maps were created to illustrate the areas of significant development geographically, in correlation with the timescales involved. Those maps are contained within Appendix A. Additionally, to analyse the data geographically, the study area has been split into cluster 1, 2 and 3 areas in alignment with the WLPTS 2018 main report.

Figure 3 below illustrates that up until 2020/21, relatively few developments will be delivered, but of those, the focus is on Polegate and Stone Cross as opposed to Hailsham. For the next few years this pattern reverses, and the number of developments also increases, resulting in a rise in housing around the Hailsham area from 2021/22 onwards.

To further understand the potential housing distribution for the next 10 years, Figure 4 below shows the cumulative dwellings likely to be built each year. The chart illustrates that, during the first seven years up to 2024, there will be a larger number of developments located at the south of the study area (termed Cluster 1). However, during the financial year 2024/25 the distribution chart identifies a marginally larger number of houses to be delivered in the north area (termed Cluster 3).

It is worth noting, that from 2023 onwards, there is an increasing uncertainty with the years in the number of houses to be delivered, due to the fact the most of developments planned in those years do not yet have approved planning applications.
Figures 4 - Aggregate Housing Commitments and Projections for WLP

Whilst the performance indicators in 2.2.1 do not consider variations in timing of the overall spatial distribution of the development delivery over the plan period, the relatively uniform distribution that is demonstrated here justifies this pragmatic approach. The schedule of priorities, however, could be amended to reflect the bias in developments to the South during the first few years, which would put additional emphasis on the two Golden Jubilee Way Roundabouts. For that reason, the timing of the A27/A22 Golden Jubilee Way improvement should be considered to be on a par with A22 / A295 South Road, A22 Golden Jubilee Way / Dittons Road and South Road / Diplocks Way / Ersham Road. The updated prioritisation therefore is now as follows:

1) A22 / A267 / A271 Boship Roundabout & A22 / Hempstead Lane.

2) A22 / A295 South Road, A22 Golden Jubilee Way / Dittons Road, South Road / Diplocks Way / Ersham Road, & A27/A22 Golden Jubilee Way.

2.3 Practical Delivery Considerations

In addition to identifying when these interventions are required from a demand perspective, this technical note also considers the practical delivery issues.

An estimation for the timeframe for each intervention has been calculated, since these durations will determine when the construction phases of each scheme will be carried out, and possibly run concurrently with another scheme(s).

Furthermore, the other schemes in Table 1 have also been taken into account, as well as any relevant known factors of the transportation network in the area that could impact, or be impacted by, the delivery of a particular permutation of highway schemes as suggested by this work.
2.3.1 Highway Improvement Deliverability Timeframes

The total duration for each scheme from preliminary design through to construction has been estimated, and a breakdown has also been provided, with timeframe considerations for:

- Preliminary design (including stats searches)
- Detailed design
- Consultation
- Tender and award
- Construction

Known complications with certain junctions have been considered and represented as contingency in the timeframe. At present, these complications are as follows:

- Boship roundabout suffers from peak hour congestion and delays at present and therefore, regardless of additional future demand, could be considered to require action as a matter of priority. Modelling has demonstrated that the full benefits associated with an improvement at Boship are interdependent with improvements at the A22/Hempstead Lane junction, and that therefore these two schemes should be scheduled as close as possible to each other.

- Land ownership at Boship roundabout are likely to cause delays to work being undertaken at this junction.

- The A27 / A22 Golden Jubilee Way and A22 Golden Jubilee Way / Dittons Way roundabout improvements would benefit from being carried out simultaneously, to prevent repeating certain elements of construction and network management. These two junctions are close enough to each other that from a practical perspective, the improvements proposed for both can be considered one scheme. ESCC and the HE are working in partnership on the design and the coordination of delivery of the necessary improvements, especially in relation to the A27 / A22 Golden Jubilee Way roundabout and the A22 Golden Jubilee Way/Dittons Way, to ensure that the identified improvements will come forward as required.

- There are also existing issues at the junctions of A295 South Road with Ersham Road and Diplocks Way. Improvements would not only impact on the operation of those junctions but would also impact how Hailsham is accessed from the south generally, and the way that access points from the A22 are specifically chosen. Investigational studies have uncovered common land issues at this location, as well as an electrical substation, which would likely bring about delays to current proposals at this junction.

- Whilst neither is included in the junctions specifically addressed in this Technical Note, there is an operational association between the A27 / A2270 signals and the A2270 / Polegate High Street signals that can have wider routing consequences if not fully addressed in the individual proposals for those junctions. East Sussex Highways are engaging with Highways England regarding the linking of the traffic signals at the two junctions to maximise the operational capacity on this critical part of the road network.

The highway delivery timeframes for each scheme are shown in Table 2.
Table 2. Highway Improvement Deliverability Timeframes

<table>
<thead>
<tr>
<th>SCHEME NAME</th>
<th>PRELIM DESIGN</th>
<th>CONSULTATION</th>
<th>DETAILED DESIGN</th>
<th>TENDER / AWARD</th>
<th>CONSTRUCTION</th>
<th>CONTINGENCY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A22 / A267 / A271 Boship Roundabout</td>
<td>4 – 7</td>
<td>2 - 3</td>
<td>6 - 8</td>
<td>3 - 6</td>
<td>6 - 9</td>
<td>6</td>
<td>27 – 39</td>
</tr>
<tr>
<td>A22 / Hempstead Lane</td>
<td>4 – 7</td>
<td>2 – 3</td>
<td>6 – 8</td>
<td>3 – 6</td>
<td>6 – 9</td>
<td>3</td>
<td>24 – 36</td>
</tr>
<tr>
<td>A295 South Road / Ersham Road / Diplocks Way</td>
<td>4 – 7</td>
<td>2 – 3</td>
<td>6 – 8</td>
<td>3 – 6</td>
<td>6 – 9</td>
<td>6</td>
<td>27 – 39</td>
</tr>
<tr>
<td>A22/A295 South Road</td>
<td>4 – 7</td>
<td>2 – 3</td>
<td>6 – 8</td>
<td>3 – 6</td>
<td>7 - 10</td>
<td>3</td>
<td>25 – 37</td>
</tr>
<tr>
<td>A27 / A22 Golden Jubilee Way</td>
<td>4 – 7</td>
<td>2 – 3</td>
<td>6 – 8</td>
<td>3 – 6</td>
<td>7 - 10</td>
<td>3</td>
<td>25 – 37</td>
</tr>
<tr>
<td>A22 Golden Jubilee Way / Dittons Road</td>
<td>4 – 7</td>
<td>2 – 3</td>
<td>7 – 9</td>
<td>3 - 6</td>
<td>6 – 9</td>
<td>3</td>
<td>28 - 40</td>
</tr>
</tbody>
</table>

The estimated delivery timescales range from 24 to 40 months, but crucially it is expected that each of these interventions could be delivered within a three-and-a-half-year period. Whilst some of these interventions have additional complications, no issues have been identified to suggest that these could not be delivered within the period of the Local Plan.

Assuming that design work starts shortly after adoption of the Local Plan, construction of the first intervention could commence by 2021. Even if all schemes are staggered whereby no two schemes run concurrently, the final scheme would be completed well before the end of the Local Plan period. Therefore, no modification to the schedule of intervention prioritisation needs to be made as a result of this section of the analysis.

2.3.2 Integration with Other Schemes

Knowledge of other schemes in the area has been factored into this work, to consider the effects of implementing multiple schemes simultaneously. The following schemes are already programmed and will have varying impacts on the six interventions assessed in this report:

- Hailsham/Polegate/Eastbourne Movement & Access Corridor (includes phases 1 to 5) – this includes a proposed improvement at the junction of A2270 and Polegate High St / Wannock Road (Phase 1);
- HE proposals:
  - A27 between Cophall Roundabout and A27 / A2270 junction – capacity improvements;
  - A27 / A2270 signalised junction – layout improvements; and
  - A27 / Station Road / Alfriston Road (Drusilla’s Roundabout) – roundabout layout improvements

There are also interdependencies between some identified schemes (and with other schemes) in terms of need and practicality that has an influence on otherwise preferred independent delivery timetables, for instance:
• Boship and A22 / Hempstead Lane;
• A22 Golden Jubilee Way with A27 and Dittons Road;
• A22 / A2270 and A2270 / Polegate High St.

Whilst there is no current indication that this could be an issue, it has also to be recognised that, although one of the junctions specified to be assessed as part of this work, the A22/A27 junction is the responsibility of HE. For this reason, ESCC and the HE are working in partnership on the design and the co-ordination of delivery of the necessary improvements, especially in relation to the A27/A22 Golden Jubilee Way roundabout and the A22 Golden Jubilee Way/Dittons Way, to ensure that the identified improvements will come forward as required.

2.3.3 Network Resilience

Consultation with ESCC Network Management has provided feedback on the proposed junction improvements for each of the six schemes, which has been summarised below:

• **A22 / A67 / A271 Boship Roundabout** has been demonstrated in the past to be a particularly sensitive junction on the network. Examples of this include 5-mile tailbacks at 10 mph that have resulted from road traffic accidents at the roundabout itself. There is extremely high traffic volume connecting Eastbourne, Hailsham, Heathfield whilst linking to the A27 out towards Brighton. Congestion at Boship drops approximately 25 percent after 7 pm, so construction should be restricted to night works (7 pm to 5 am). A22 / Hempstead Lane has similar peak time traffic and should also be subject to night working only.

• **A27 / A22 Golden Jubilee Way and A22 Golden Jubilee Way / Dittons Road** are relied on heavily by both Eastbourne District General Hospital Accident & Emergency centre and Sussex Police. A number of buses use these junctions as well. Furthermore, the Eastbourne International Tennis Tournament and Air Show take place in June and August respectively each year, and so works should not be carried out during this time. Therefore, any works at the two Golden Jubilee roundabouts should be restricted to night time (7 pm to 5 am) and outside of the summer months (June through August). As outlined in 2.3.1 practically these schemes should be treated as one. However ESCC Network Management preference is that no two schemes are constructed at the same time, due to the potential impact on the operation of the highway network, but this will be reviewed as more detailed designs become available and provide greater certainty.

• **A295 South Road / Ersham Road / Diplocks Way** is a residential area and considered built up, therefore night works would not be appropriate at this location. However, there are adequate diversion routes that can support traffic, which need to be factored into the design work.

• **The road network at A22 / A295 South Road** is wide enough to allow shared space for works and continued traffic movement and has demonstrated from previous extensive works that normal working hours can be successfully facilitated at this location.

All six of the schemes are considered to be located in key areas of the network and provide substantial corridors for traffic movement. It is the strong preference from
Network Management that no two schemes are constructed at the same time, as this would present a serious risk of gridlock in certain areas. However, this will be reviewed as more detailed designs become available.

2.4 Funding Plan

ESCC and WDC recognise the importance of the need to secure a blend of public and private funding sources to enable the delivery of the highway infrastructure projects identified within the WLPTS 2018.

2.4.1 Committed Funding

To demonstrate this commitment ESCC and WDC has already secured funding towards the following transport infrastructure improvements, required to support development.

- Hempstead Lane roundabout - £0.7m development contributions (secured but not yet received)
- A27/A2270 signals, Cophall, A22/A27 junction near Stone Cross - Approx £1m development contributions secured by Wealden
- Junction Improvements £1m LGF (to be spent by March 2021)

2.4.2 Current Funding Applications

There are also a number of other funding streams, which ESCC, WDC and other key partners are currently preparing bids for, to support the delivery of the transport infrastructure requirements. These include:

- **Department for Transport – National Roads Fund.** ESCC is proposing to submit a package of junction improvements for the SWGA, as a Major Roads Network scheme (through Transport for South East (TfSE)) to seek funding from the National Roads Fund, which will become available between 2020/21 – 2022/23.

2.4.3 Potential Funding Applications

There are a number of other funding streams, which ESCC, WDC and other key partners will actively pursue in the near future to support the delivery of the transport infrastructure requirements. To support these forthcoming applications, ESCC is accelerating the design work associated with the identified junction improvements, alongside identifying transport infrastructure measures, at a localised level. The potential funding available includes:

**National Funding:**

- **Department for Transport - Road Investment Strategy Investment Plan** - to provide funding for major works.
- **Ministry of Housing, Communities and Local Government - Housing Infrastructure Fund** – whilst ESCC are not applying for HIF currently, there is potential to apply for funding at a later stage.
- **Ministry of Housing, Communities and Local Government** - National Productivity Investment Fund, future rounds.
- Ministry of Housing, Communities and Local Government - UK Shared Prosperity Fund – to be launched in 2019
- Local Growth Funding (or its equivalent) as allocated through the South East Local Enterprise Partnership - future rounds.

Local Funding:

- ESCC Local Transport Plan - Capital Programme – potential for funding to be allocated by using ESCC Transport Prioritisation Framework.
- Development Contributions – secured through planning applications, including Community Infrastructure Levy.

2.4.4 Estimated Scheme Costs

The estimated costs and current funding arrangements, for each of the six schemes is displayed in Table 3 below.

<table>
<thead>
<tr>
<th>NO.</th>
<th>SCHEME</th>
<th>COST</th>
<th>FUNDING ARRANGEMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A22 / A267 / A271 Boship Roundabout</td>
<td>Estimated cost, as identified in Wealden Local Plan Transport Study 2018 in the region of £4-5m Further work is being undertaken to establish detailed costs</td>
<td>Potential Development Contributions Potential External Funding</td>
</tr>
<tr>
<td>2</td>
<td>A22 / Hempstead Lane</td>
<td>Estimated cost £840,000 - £1.5m</td>
<td>Development Contributions - £700k (East of Park Rd, Hailsham – Secured but not currently available) Potential External Funding</td>
</tr>
<tr>
<td>3</td>
<td>A295 South Road / Ersham Road / Diplocks Way</td>
<td>Estimated cost, as identified in Wealden Local Plan Transport Study 2018 – in the region of £645,000 - 1.5m Further work is required to establish detailed costs</td>
<td>Existing Development contributions Potential Development Contributions Potential developer delivered scheme Potential funding from ESCC Local Transport capital programme Potential external funding</td>
</tr>
<tr>
<td>4</td>
<td>A22/A295 South Road</td>
<td>Estimated cost, as identified in Wealden Local Plan Transport Study 2018 - 350,000 - £1m Further work is required to establish detailed costs</td>
<td>Potential Development Contributions Potential External Funding</td>
</tr>
<tr>
<td>5</td>
<td>A27 / A22 Golden Jubilee Way</td>
<td>Estimated cost - £1 - £1.5m Further work is being undertaken to establish detailed costs</td>
<td>Local Growth Fund funding total of £1M available for A22/A27 junction improvements Existing and Potential Development Contributions Potential External funding</td>
</tr>
<tr>
<td>6</td>
<td>A22 Golden Jubilee Way / Dittons Road</td>
<td>Estimated cost £1m - £2m Further work is being undertaken to establish detailed costs and most appropriate option</td>
<td>Local Growth Fund funding total of £1M available for A22/A27 junction improvements Existing and Potential Development Contributions Potential External funding</td>
</tr>
</tbody>
</table>

Table 3 - Estimated Scheme Costs
As further design work is undertaken on the above measures, this will provide greater certainty on the proposed costs, and these will be updated accordingly and published in future iterations of Wealden’s Infrastructure Development Plan.

2.5 Conclusions

An indicative delivery schedule for the delivery of the transport infrastructure improvements identified in the WLPTS2018 has been developed, which integrates independent, topic-based assessments alongside practical considerations from various other sources.

2.5.1 Concurrent vs Sequential Implementation

Implementing some, or all, schemes’ construction phases simultaneously could provide cost efficiency and network management benefits, as well as reduce the period over which the network is disrupted. However, ESCC Network Management has raised concerns in relation to the potential amount of disruption this could cause. When considered alongside funding requirements, it is not realistic to plan for multiple schemes to be delivered during the same period of time. Therefore, it is proposed at this stage that schemes are programmed sequentially, with the exception of the two Golden Jubilee junctions, which are in close enough proximity to each other that they can be considered one scheme. It is proposed, however, that as the scheme designs evolve and provide more certainty, the opportunity to implement any of them concurrently will be reviewed.

2.5.2 Demand Based Assessment

Analysis of the strategic demand model, and the effects of the most likely development phasing of the local plan development proposals has demonstrated that all the six identified junctions will all be subject to additional loading by the end of the plan period, but that the location and phasing of development will have some influence on the phasing needed for the identified highway improvements at those junctions. Over the ten-year build-out of the WLP, the spatial distribution of the development delivery schedule across the SWGA is fairly evenly spread, although the early emphasis on development in the south of the study area will intensify the need for early improvement to the junctions of A22 Golden Jubilee Way with A27 and Dittons Road, and lessen the potential impacts of development on Boship roundabout. Nonetheless, the existing and forecast issues at Boship roundabout would continue to heavily influence the timing of necessary improvements there and at the associated A22 / Hempstead Lane junction. Given the level of urgency that is reported from the network demand analysis, the highest level of prioritisation should be given to these two junctions.

2.5.3 Practical and Financial Delivery Constraints

Evaluation of the timeframes required for each intervention has shown that there is some certainty that they can all be delivered within the ten-year programme of the WLP, as even with known complications considered, the estimates durations range from 24 to 36 months.

There are a number of important interventions that are due to be delivered alongside the six junctions that have been the key focus of this report, and network assurance considerations (resilience during the construction programme) need to be taken into account for the final scheme delivery schedule, which will require liaison with the East Sussex Network Management team.
As outlined, due to the extent of the highway infrastructure requirements, considerable funding will be required to deliver the package of measures, which will mean that schemes cannot be delivered concurrently, but rather when the available funding can be secured.

Whilst there is uncertainty around the timings of national funding and the amounts available, to ensure that ESCC is a stronger position to secure this, resource is being invested in accelerating design work and assessing the wider deliverability of the identified highway infrastructure measures.

This will enable ESCC to include schemes that are ‘shovel ready’, which is often a prerequisite of many national funding streams, and should enable greater success in securing external funding. The Governments proposed Comprehensive Spending Review in 2019, should hopefully provide greater clarity of the availability of future funding in the short to medium term.

2.5.4 Draft Scheme Delivery Schedule

Taking all considerations into account, an indicative programme is as shown in below Figure 5.

Figure 5 - Draft Scheme Delivery Schedule

Note: The draft scheme delivery schedule reflects schemes where funding is either committed or is actively being sought through the submission of bids for external funding.
### Appendix A – Network Demand Analysis

#### Table A1 – Network Demand Analysis

<table>
<thead>
<tr>
<th>JUNCTION</th>
<th>Demand: 2028 no WLP (DN1)</th>
<th>Demand: 2028 + WLP (DN4)</th>
<th>Demand: 2028 + WLP (DS1)</th>
<th>Demand: 2028 + WLP (DS2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A22 / A267 / A271 BOSHIP ROUNDABOUT</td>
<td>1</td>
<td>1</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>A22 / HEMPSTEAD LANE</td>
<td>Linked to Boship</td>
<td>Linked to Boship</td>
<td>Linked to Boship</td>
<td>Linked to Boship</td>
</tr>
<tr>
<td>A22 / A295 SOUTH RD</td>
<td>3</td>
<td>2</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>A27 / A22 GOLDEN JUBILEE WAY</td>
<td>5</td>
<td>3</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>A22 GOLDEN JUBILEE WAY / DITTONS ROAD</td>
<td>3</td>
<td>2</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>SOUTH RD / DIPLOCKS WAY / ERSHAM RD</td>
<td>4</td>
<td>2</td>
<td>5</td>
<td>5</td>
</tr>
</tbody>
</table>

#### Key: Improvement Timing

<table>
<thead>
<tr>
<th>Timing priority in period 2018-2028</th>
<th>2028-2038</th>
<th>Post 2038</th>
</tr>
</thead>
</table>

**On basis of scenario growth being delivered evenly through period 2015-2028**

*IMPROVEMENT NEEDED WHEN?*

- **2015 Base year network**
- **2015 Base + WLPTS2018 improvement**
- **2015 Base + WLPTS2018 improvement + A27 offline improvement**