MATTER 1

STATEMENT BY THE FOLKINGTON ESTATE

Matter 1(4) – Whether the overarching strategy of the Local Plan is consistent with S19(1A) of the Planning and Compulsory Purchase Act 2004

S19(1A) of the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008) states:

Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

The Plan has one spatial objective relating to climate change.

**Spatial Objective 14 - Climate Change and Flood Risk** (Plan Page 36)

Where possible, the design of development will seek to avoid the exacerbation of climate change and where necessary adapt to the consequences that climate change provides. All allocated housing development will avoid Flood Zone 2 and 3 (fluvial and tidal flooding), including an allowance for climate change, and all potential greenfield windfall housing development will avoid Flood Zone 2 and 3 (fluvial and tidal flooding), including an allowance for climate change. Housing and other development will be able to take place on sites subject to groundwater flood risk, subject to the implementation of necessary mitigation measures.

This objective can be seen to be limited to ‘avoiding exacerbation’ and adapting to consequences of climate change. It is not directed at limiting or reducing emissions that cause climate change.

S19(1A) of the 2004 Act requires the Plan to include policies which secure that the development and use of land contribute to the mitigation of climate change. But the overarching strategy for development of land in Wealden District is to locate development in places where it will add to emissions, by being particularly dependent on private cars and away from where there are sustainable forms of transport.

**Spatial Objective 1** states that

The majority of the housing delivery will be focused around the built up areas of South Wealden including Hailsham, Stone Cross, and Hellingly.

And

Growth will also be delivered within the High Weald Area of Outstanding Natural Beauty including the town of Heathfield, the sustainable villages of Wadhurst and Mayfield.

These locations are in the vast majority not served by rail, and do not have coordinated public transport. (The exceptions are Wadhurst (station on the Hastings-Tunbridge Wells-London line) and perhaps Stone Cross – but only if the long-proposed station between Hampden Park and Pevensey & Westham on the boundary with Eastbourne BC were to be built.)

Hailsham has a bus service to Eastbourne, but is one of the largest towns in the South East of England without a railway station. It has a large amount of out-commuting, and generates a high level of car traffic on local roads and on the A27 trunk road (through Cophall roundabout). Bus links to Polegate Station exist but are infrequent and unattractive.
Policy SWGA2 lists the amount of housing proposed at Hailsham and Lower Horsebridge (Pages 130-131). The Plan proposes 2,720 dwellings at Hailsham and 110 at Lower Horsebridge. Of these nearly 500 have consent (see in Table on p131). The Local Plan would add some 2,350 more houses to what is already a car-dependent urban area.

By contrast, very little development is proposed at Polegate and Willingdon, yet these settlements have a high level of public transport access, being located on the Coastway East main line, which has a frequent rail service with direct trains to and from Lewes, Eastbourne, Hastings, Brighton, Gatwick Airport and London. This location, already far better than those proposed, would be even more sustainable if the proposed station at Stone Cross and the direct Willingdon chord line were added.

Locating the additional housing in the Polegate and Willingdon area on sites within walking distance of Polegate station, to the north and south of the existing built up area of Polegate within the boundary of that urban area set by the A27 trunk road, instead of at Hailsham and Lower Horsebridge, would comply with the requirement set by the 2004 Planning Act S.19(1A) by reducing the need to use the private car and increasing use of more sustainable forms of transport.

Spatial Objective 9 – Accessibility (Page 32) states

The majority of development will be located near to necessary facilities and public transport provision, in order to enhance the sustainability of settlements and improve overall accessibility to residents. We will support necessary infrastructure to encourage the use of electric vehicles and other sustainable transport solutions to reduce dependence on the private motor vehicle. We will support alternatives to the private motor vehicle; a key component to an age friendly District.

This is not achieved as the development at Hailsham, Lower Horsebridge and Heathfield will not have effective public transport provision, there being no rail service, so they will not be in sustainable locations. The aim of ‘supporting alternatives to the private motor vehicle’ cannot be achieved by development in these settlements.

Spatial Objective 9 continues:

We will work with East Sussex County Council and Highways England to secure, safeguard, and construct a new route for the A27 and other necessary transport improvements in order to meet the needs of future growth. We will also work with neighbouring authorities to recognise the need for, and the benefits of, wider A27 improvements across the region.

This objective would be directly contrary to S19(1A) of the 2004 Act. Construction of a ‘new route for the A27’ would mean a large new dual carriageway between Lewes and the Polegate Bypass which would attract and generate new car journeys and increase not reduce use of private cars, and dependence on them. Resources used to fund such a road would not be available for enhancing public transport quality or reducing its cost.

The Committee on Climate Change’s 2019 publication ‘UK Housing: Fit for the Future?’ assesses the measures that need to be adopted in the housing sector to both manage climate change impacts and reduce greenhouse gas emissions. It is clear about location of new housing in relation to sustainable transport:

New developments should enable sustainable travel, which should be a primary consideration from the beginning of the planning process. This includes planning neighbourhoods around infrastructure to encourage walking, cycling, the use of public transport and electric vehicles. Walking and cycling routes should be well lit, feel safe and be segregated from busy traffic. Integrating consideration of sustainable transport into plans for new houses should ensure developments are easy to serve by public transport. Local authorities must consider where best to locate new homes to minimise the need to travel to work.
and amenities such as shops and schools. New developments should ensure easy access to electric vehicle charging points for residents in both private and public parking spaces.

(CCC: ‘UK Housing: Fit for the Future?’ Summary, section 4, p15)

“In the current planning process, access to sustainable transport is not sufficiently prioritised, resulting in transport being considered in isolation to other key aspects of the development. This can lead to many new housing projects being designed around car use, located away from social hubs and lacking safe walking and cycling infrastructure.

‘Local authorities should prioritise locating housing in areas which minimise extra traffic. However, many new areas of housing are being developed in locations which are remote from rail stations or located with good access to motorways only. This will generate large amounts of traffic:

“Where possible, housing should be developed within existing urban areas. This provides easy access to amenities, reducing the need to travel.

“Many new developments, particularly those built on large greenfield sites on the edges of towns, are designed for travel by car.”

(Extracts from the chapter on Sustainable Transport in ‘UK Housing: Fit for the Future?’ p101-109)

Changes to the Local Plan to comply with S19(1A) of the Planning & Compulsory Purchase Act so that it contributes to the mitigation of climate change are needed:

(a) location of new housing development in sustainable locations accessible on foot to rail services
(b) removing the objective to ‘secure, safeguard and construct a new route for the A27’.

Matter 1(8) - The Sustainability Appraisal: Whether reasonable alternatives have been considered in terms of strategy, policies and sites.

The Sustainability Appraisals (SAs) for the Wealden Local Plan are extremely large documents, in which it is difficult to identify issues clearly. The number of different SAs carried out (2015, 2017, 2018 and Addendum 2019) complicates matters and makes them more difficult to follow. The different ‘Scenarios’ of housing numbers add to the complexity. The principal SA for the Local Plan is that of March 2017, which consists of more than 1,000 pages excluding appendices.

The Sustainability Appraisals and the Plan itself do not explain why significant development at Polegate and Willingdon, which was envisaged in the Strategic Sites DPD that was withdrawn, has been replaced by the high level of development proposed at Hailsham and Lower Horsebridge at Polegate / Willingdon.

In the March 2017 SA Report, Chapter 6, Growth Strategy, ‘Sector Options’ at Polegate and Willingdon are shown at Tables 158 to 162 (pages 782 to 786).

At Polegate, Option 4 – Sector Polegate West was rejected justifiably:

‘Housing rejected on the basis that the lack of A27 would mean severance and not sustainable. Also concern raised regarding the setting of the South Downs National Park and the historic Park and Garden.’

But the SA Tables offer backing for Sector Polegate North (600 to 780 dwellings):

‘Provides an opportunity to infill between existing development and the A27’

and Sector Polegate East & Willingdon West (range of 700 up to 1100 dwellings)

‘Provides an opportunity for a mixed use development of housing, employment and infrastructure in a relatively central location for Polegate and Willingdon’.
Although these locations are supported in Chapter 6, marked as ‘selected’ or ‘part selected’, the principle of housing being located at Polegate & Willingdon is rejected in Chapter 5 at page 142:

“Polegate and Willingdon - 1,300 dwellings in Polegate and Willingdon (in addition to commitments and completions but including 700 outstanding in the Core Strategy)
“REJECTED

“The amount of growth was a reflection of an estimate of land that was available within Polegate and Willingdon including land to the north (between Polegate and the A27) and the land known as Hindsland/ Mornings Mill area). At this stage a call for sites was on-going, however this formed the basis of the testing post Issues, Options and Recommendations. This option was selected for testing as it was further away from Ashdown Forest than the other successful and sustainable Town of Uckfield and the Town of Crowborough. Uckfield is limited with regards to land that is available for development (due to structural constraints) and Crowborough is limited by its location (being surrounded by AONB).

“In relative terms to Hailsham, Polegate High Street is of a lower order in terms of the range and variety of shops and facilities (and is of an order comparable to the villages of Wadhurst and Forest Row). It is considered that Polegate High Street cannot compete with the nearby centres of Eastbourne and Hailsham. This means that as well as lacking a number of larger retail outlets within the High Street there is a lack of leisure facilities such as a leisure centre that can be found in the higher order settlements. Whilst there is a main line train station this facility alone does not make this settlement meet all the requirements of the appraisal process. Having said this there is some economic floorspace well located close to the A27 and Eastbourne and its workforce. This number of dwellings was rejected as further work provided greater clarity as to the capacity of growth around Polegate and Willingdon.”

The evidence used to reject the Polegate North and the Polegate East & Willingdon West locations is not consistent or clear. These two locations are found favourable in terms of the reduction of impact on Ashdown Forest, when compared to Crowborough or Uckfield. There does not seem to be a direct comparison of this pair of locations (1300 dwellings) with some or all of the Plan’s proposals for an additional (net) 2,350 houses at Hailsham and Lower Horsebridge. The sustainability of the location with a main line station is admitted, and the reasons for rejection appear to be a poor retail offer in terms of shops and the lack of a leisure centre.

The reasonable-alternatives comparison does not seem to have included taking into account how the retail offer in Polegate town centre would be likely to be upgraded by commercial investment because of an increased population within walking distance, or whether one or other location would be able to deliver the desired leisure facilities for Polegate & Willingdon through S106 agreements.

There is also an implied reasoning in the SA that development at Polegate & Willingdon (and at Stone Cross) would be closely related to Eastbourne, being seen as a negative factor. From existing and potential residents’ point of view, however, convenient access to retail, facilities and leisure in Eastbourne from Polegate (a short train journey by frequent trains) is an advantage of that location, compared with Hailsham or settlements further north such as Heathfield or Mayfield.

The evidence used in the SA to assess the Polegate North and the Polegate East & Willingdon West locations as reasonable alternatives appears not to be like-for-like but tilted against these locations. No comparison has been made between
• the Hailsham & Lower Horsebridge locations and
• the two Polegate / Willingdon locations
regarding the relative levels of car traffic generated and use of public transport use. In a Sustainability Appraisal, that comparison ought to be axiomatic.
Matter 1 (18 to 31) Habitat Regulations Assessment

The HRA does not take into account historic landscape features which contribute to biodiversity. In Wealden District, high-quality habitats that result from construction of what are now historic landscape are important.

The Folkington Estate has requested that the Local Plan includes as a Locally Designated Heritage Asset the former Lewes to Pevensey Roman Road which crosses the Low Weald from west to east, up to 1 mile north of the existing A27 trunk road. The existing A27 as a new turnpike replaced the historic ‘old road’, originally a Roman Road, in 1821. The historic road can be traced in the landscape from the woodland belt that has taken it over, between the A27 western bypass of Polegate and Selmeston.

Information on this Heritage Asset was sent to Wealden District Council by the Folkington Estate in 2015 at the Issues & Options Phase of the Local Plan with the recommendation that the Roman Road be shown as a heritage asset and as a biodiversity corridor. It does not yet appear in the list of heritage assets or landscape features.

The Local Plan in support of Policy HE3, at para 40.13, states:

“40.13 The National Planning Practice Guidance states that where an initial assessment indicates that a site includes or has the potential to include heritage assets with archaeological interest, applicants should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The National Planning Practice Guidance also states that it is helpful if Local Plans note areas of potential for the discovery of non-designated heritage assets with archaeological interest. The known sites and areas of archaeological interest within the District are included within the Historic Environment Record as Archaeological Notification Areas (ANA). As yet undiscovered archaeological remains, in particular below ground but also hidden with historic buildings and structures, can be found outside these ANAs.”

The Roman Road is not yet recorded on the Policies Map of the Local Plan. It should be recorded in the Plan as a site of Archaeological Interest falling within policy HE3.