General comments on the Inspectors note

1.0 In addition to requesting responses to the specific questions raised by the Inspector the South Downs National Park Authority (NPA) and the District Council are asked for their comments generally in respect of the note setting out the Inspector's comments and concerns. These are offered below prior to setting out a detailed responses to each of the questions.

1.1 The Inspectors note refers to a number of significant concerns relating to general conformity with the Regional Spatial Strategy (RS) and the justification for a lower level of housing provision (our emphasis). It appears therefore that these significant concerns relate mainly to the proposed housing numbers being lower than those proposed in the RS.

1.2 Whilst the provision of housing is acknowledged, by both the NPA and the District Council, as of considerable importance both to meeting local housing needs and providing for economic growth we would emphasise that any assessment of "general conformity " needs to look at the RS as a whole and should not be unduly weighted in relation to those RS Policies (or indeed the single policy) relating solely to housing numbers. Indeed the RS contains something of the order of 180 Policies of which about 85 are applied to the area covered by this joint Core Strategy, and of the order of 20 have particular relevance .

1.3 We believe that our plan is in general conformity with the RS and it is necessary in considering this matter to look at all other relevant Policies and policy objectives within the RS.

1.4 Stated Core Objectives of the RS are of relevant here including- core objective (i) of "seeking a sustainable balance between planning for economic, environmental and social benefits ", as indeed are objectives (viii) and (ix) relating to "adequate infrastructure will be provided in a way that keeps pace with development" and "key transport links will be improved". Core Objective (xvi) of the RS states that "the best of the region's historic, built and natural environment will be protected and where possible enhanced, both for its own sake and to underpin the social and economic development of the region".

1.5 A number of the cross cutting (CC) South East Plan Policies confirm the need to maintain sustainable development and to ensure the conservation of the physical and natural environment, (CC1). Policy CC7 confirms the importance of infrastructure to support growth and the fact that both the scale and pace of development will depend upon additional capacity. The policy also states that in terms of provision of infrastructure there will be "substantial funding from central Government ".

Wealden District Council and South Downs National Park Authority
Response to the Summary of the Inspector's Concerns and letter dated
7th September 2011
1.6 The Core Strategy needs also to be assessed in respect of the RS Policies on Natural Resource Management (NRM1-15) and NRM2 (water quality), NRM5 (biodiversity/ European sites) and NRM9 (air quality) are of specific relevance in seeking to ensure that the Core Strategy is not in significant conflict with these Policies - and thus remains in general conformity with the RS.

1.7 Further credence must also be given to, for example, those RS Policies relating to landscape and countryside management (C1 - C4 of the RSS). Policies C2 (South Downs National Park) and C3 (Areas of Outstanding Natural Beauty) are particularly relevant - especially within Wealden District where some 60% is covered by such designations in formal recognition of their national landscape significance. Policy C3 states for example that "high priority will be given to conservation and enhancement of AONBs " etc and that "planning decisions should have regard to their settings".

1.8 There are many other Policies relating to transport, tourism, market towns, villages, and the Sussex Coast which have all had a bearing upon the development of this Core Strategy. Due and proper regard has been had to these policies and the stated policy objectives in arriving at an evidence based, sound and reasonable response to the district's needs, whilst also not compromising the general conformity of our document with all of these other formally adopted RS Policies.

1.9 The list of studies that have emerged as our evidence base built following the adoption of the RS is set out at the end of this response. The Council and the NPA support the concept of providing a plan led and local evidence based core strategy as required of us. However we consider that in addition to our comments on general conformity set out above that the SE Plan examination in public panel, and subsequently the Secretary of State, did not have the benefit of this finer grain and significant weight of local evidence at the time of considering RS housing targets.

1.10 We further suggest, as we believe is clear from the EiP Panel's recommendations (paragraph 17.83 page 244) that the proposed uplift in housing figures for Wealden district from the original allocation of 8,000 in the draft RS was based upon certain assumptions regarding infrastructure maybe made with the best information available at that time regarding funding and implementation of major schemes. However we now know that these major schemes are so unlikely to be delivered within the lifespan of our strategy that they could not seriously be suggested for inclusion now. In the opinion of the Authorities to have thus assumed otherwise would lead to an undeliverable and thus unsound approach. These include major, critical infrastructure schemes to support sustainable growth eg a new rail station at Polegate, clearly identified needs for A27 improvements (Folkington Link), a significant business park in the south of the District (Appeal reference APP/C1435/A/07/2061628) and new waste water treatment works for Hailsham north and south.
1.11 Coupled with the above the distinctly different economic climate that we now find ourselves in, as opposed to the one prevailing in 2006 when the draft RS was produced means that the uncertainty surrounding these major funding schemes is regrettably now even more remote.

1.12 Finally we would draw attention to the significant and detailed work that we have carried out on appropriate assessment to meet the rigorous requirements of the Habitats Regulations. Both the Regulations themselves and Policy NRM5 of the RS make it very clear that this is a matter of complete, rather than general, conformity. Whilst the precise scale and severity of constraint of this work could not have been known at the time that the RS was adopted the potential significance of HRA was itself then clearly reflected in the wording of NRM5 (iii).

1.13 Wealden District Council and the South Downs National Park Authority ask that the Inspector consider these general comments alongside our detailed responses to his questions when he is considering issues of general conformity. We believe that in any reasonable and rounded assessment of this test, and weighed against all relevant Policies within the RS that our joint Core Strategy provides a robust, evidence based and deliverable document that is clearly in general conformity with the RS - the South East Plan.

**Scale of Housing Provision**

It is not clear what the Council’s view is of the level of housing need during the plan period, irrespective of any considerations of infrastructure or environmental capacities to accommodate that growth. Is it that included in the RS with some further provision for the additional 4 years in the CS plan period? What does the Council consider to be the overall level of housing need during the plan period? If the level of growth is not being met within the District is it being provided for elsewhere and, if so, where is this being accommodated? If it is not being met elsewhere what are the likely consequences for the housing needs of the District?

2.0 We believe there is a misunderstanding on our position relating to housing need and affordable housing provision. The issues raised in paragraph 9 are based on the premise that the Council's Housing Needs Survey shows a requirement for 812 dwellings per annum. This interpretation is understandable given the wording of paragraph 5.14 in the Core Strategy Background Paper “Development of the Proposed Submission Core Strategy” where there is a statement confirming an annual need for affordable housing of 812. However, the a fuller interpretation of need is set out later in Paragraph 5.14 where we confirm the existence of various other mechanisms of meeting housing needs in addition to the provision of new affordable houses.

2.1 On this basis we believe the opening sentence of paragraph 9 is incorrect. We have an acknowledged district wide housing need of 812 per annum, but not a need for 812 new affordable houses per annum. We expect
that overall housing need will be tackled by these range of measures including provision of affordable homes, upskilling in the labour market, targeted advice on housing benefits, finding suitable private accommodation, adaptation and maintenance of existing properties, housing management measures (including bring empty homes back into use, and tackling under occupation) and other related measures part of this overall package. Thus in relation to the questions regarding housing need posed in paragraphs 9 and 10 the Core Strategy has not sought to apportion exactly between these different mechanisms, the degree of contribution to meeting housing need.

2.2 The Council made its position clear to the South East Regional Committee in January 2010 where we set out these problems relating to the absence of guidance on addressing housing need with a comprehensive package of measures (Appendix A). We advised that such guidance would be helpful but we have been unable to find national guidance issued as a result.

2.3 Notwithstanding this, as of April 2010 there were 1046 affordable units in Wealden district with planning consent to be delivered within Wealden with some 188 additional affordable dwellings built between 2006 and 2010. With allocations in the Core Strategy there is potential for at least 35% of the houses delivered to be affordable. This equates to some 2686 affordable dwellings, which has the potential to increase through site specific policies in the Strategic allocations DPD relating to affordable housing provision, and through the delivery of affordable housing not associated with market development. Wealden District Council has recently been granted the ability to start building affordable homes and as a result will be taking opportunities to increase housing stock. On an annualised basis the delivery of at least 112 affordable dwellings, together with the other mechanisms available to meet the housing need faced by the District, will allow the Housing Authority to continue to meet housing needs in the District. Therefore, it is considered that the Core Strategy does not prejudice but rather supports needs being met in the District.

European Sites

Atmospheric pollution: The HRA concludes that the CS will have no adverse effects on the ecological integrity of European sites as a result of atmospheric pollution and that the urbanising and hydrological impacts can be overcome through various avoidance and mitigation measures. This takes account of the 9,600 dwellings proposed during the plan period. It is not clear therefore whether nitrogen deposition would be a significant factor in the achievement of the RS housing figures.

3.0 The Design Manual for Roads and Bridges (Highways Agency Publication 2007) provides the basis for examining whether traffic resulting from development identified within the Core Strategy would have a likely significant effect on a European site. This document states that an increase in traffic by 1000 Annual Average Daily Traffic Flows (AADT) on a road within 200 metres of any European designated site (Europa site) should be
considered to have a likely significant effect, in terms of the Habitats Regulations.

3.1 The Habitats Directive and the Regulations state that any plan not directly connected with or necessary to the management of the European Site but likely to give rise to a significant effect\(^1\), either individually or in combination with other plans or projects, should be subject to appropriate assessment. National authorities are advised that the plan should only be adopted after it is ascertained that it will not adversely affect the integrity of the site concerned.

3.2 Dealing firstly with the Ashdown Forest. In the case of the Wealden Core Strategy modelling suggests that the development proposed will have an increase in AADT by a maximum of 950 (A26 Duddleswell Road - Crowborough) which is just under the threshold identified as having a likely significant effect. The modelling was based upon the levels of growth as proposed in the Core Strategy plus additional commitments up until December 2010 in the Uckfield, Maresfield and Crowborough area. Notwithstanding that additional planning permissions that have been granted since December 2010 commitments in the surrounding rural areas will increase the AADT. In addition the 80 dwellings allocated in Maresfield in the Non Statutory Plan (reference Policy V7), considered as not being available at the time of the modelling has now commenced as development on site. On this basis it must be concluded that on the precautionary basis advocated in the Habitats Regulations that there is a likely significant adverse effect on the European site of any additional development to that in the Core Strategy.

3.3 It is acknowledged in the Habitat Regulations Assessment of the Core Strategy that the current nitrogen deposition load is already significantly exceeding the environmental carrying capacity of the Ashdown Forest SAC and Lewes Downs SAC (section 5.2 of the Habitat Regulations Assessment of the Core Strategy). It is also clear from the assessment that this statement relates to the centre of these sites and that the situation is likely to be more severe in close proximity to the busy road corridors at their edges.

3.4 It is considered that the evidence supports a conclusion that any increase in housing development, beyond that amount stipulated in the Core Strategy, particularly within seven kilometres of the Ashdown Forest (and where it is shown in the HRA in relation to the visitor survey, will result in generation of additional traffic movements) will cause a likely significant effect. Those traffic movements will deposit additional nitrogen above the carrying capacity of the Ashdown Forest. There is no scientific evidence to show that an increase in vehicle movements will not adversely affect the protected SAC habitats within 200 metres of the roads crossing the Ashdown Forest. On the precautionary basis required to be applied it is considered that it cannot be ascertained that development over and above that proposed in the Core Strategy within 7 kilometres of the Ashdown Forest will not adversely

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\(^1\) significance is judged in terms of the features for which the site was designated and the site's conservation objectives.
affect the integrity of the Ashdown Forest. This evidence clearly demonstrates that endeavouring to achieve the RS housing figures would have an adverse effect.

3.5 As the roads within close proximity to the Ashdown Forest constitute major routes for the District it would not be practical nor indeed enforceable to physically re-route cars to reduce the vehicle movements. Therefore consideration can only be given to reducing the impact of nitrogen deposition within 200 metres of the roads crossing the Ashdown Forest. There are currently no practical means to capture nitrogen in order to reduce deposition and therefore the impact cannot be mitigated by employment of practical measures.

3.6 To ensure that our Strategy meets the requirements of the Habitats Regulations the levels of development are constrained in the towns of Crowborough and Uckfield and within the smaller settlements of Blackham, Groombridge, Balls Green, Withyham, Hartfield, Upper Hartfield, Coleman's Hatch, Forest Row, Chelwood Gate, Chelwood Common, Nutley, Fairwarp, High Hurstwood, Danehill, Fletching, Maresfield, Five Ash Down, Buxted, Framfield, Hadlow Down, Rotherfield and Town Row.

3.7 Irrespective of potential land availability arguments, these settlements are therefore unable to accommodate more growth to make up the balance of the district's RSS housing figures. In addition, on a precautionary basis, concern is also raised on the impact of significant growth in areas beyond the 7 kilometre zone but within a 15 kilometre zone, and in particular Isfield where due to its location and road network vehicular traffic would be likely to use both the A26 to Lewes, or the A26 to Crowborough in order to access more significant service and employment centres. This matter is raised in the Portfolio Holder decision and report of July 2011.

The HRA (Table 6.2) indicates that some 50.5ha of SANGs would be required to offset recreational pressure on the Forest arising from the development proposed in the CS. Is there any evidence as to the likely prospect of achieving this level of provision?

4.0 In order to clarify table 6.2 of the HRA is indicative only and relates to all development built, committed and allocated since 2006. Development has already taken place on a number of sites and the resulting population increase will have, in part already, been considered as part of the visitor survey. It is not deemed necessary to retrospectively provide mitigation for such development, as it has already been assessed as part of the planning application process and mitigation sought if necessary at that time. In terms of development proposed to accommodate the Core Strategy a smaller proportion of suitable alternative natural green space (SANGS) will be required.

4.1 The Core Strategy allocations of 1000 dwellings at Uckfield, 300 at Crowborough and 50 at Maresfield, which are all within 7 kilometres of the Ashdown Forest, would, based on the assumptions shown in the HRA table...
6.2, require 6ha of SANGs in Crowborough and 20 ha SANGs in Uckfield and Maresfield. A combined total of 26 ha as shown in Appendix B.

4.2 Natural England has expressed its agreement to the provision of two strategic suitable alternative natural green space (SANGS) as part of the mitigation for the growth proposed in the Core Strategy, as described in the Habitat Regulations Assessment of the Core Strategy. In principle, Natural England has also agreed to the consideration of the use of suitable under-used accessible green space, with further adaptation and enhancements to make it suitable for the purpose proposed, as part of that SANGs mitigation, as long as it is relevant to the development proposed. The Planning Policy Guidance Note 17 study shows that in Crowborough and Uckfield there is some 288 ha of multifunctional green space already in-situ for consideration (133ha in Uckfield and 155 ha in Crowbrough not including sports facilities). We are also aware that this underestimates the actual amount of land available, and we are currently working with the relevant Town and Parish Councils regarding the identification of open space not considered as part of the PPG 17 report.

4.3 Notwithstanding this, Wealden district is a particularly rural area with 4% of Wealden district being classified as developed\(^2\) (2001 data) with considerable land available (as shown by the Strategic Housing Land Availability Assessment (SHLAA) particularly on the fringes of our towns. In addition, land has come forward in the SHLAA to include necessary SANGS provision and the District Council has been made aware of developers within the broad locations seeking to identify SANGS provision as part of the strategic growth areas identified. In conclusion we are confident of the provision of the appropriate provision of SANGS to support the Core Strategy.

The 400m zone is shown on the CS Key Diagram but the 7km zone is not. Neither is shown on the Proposals Map. They are not included in a CS policy but are referred to in supporting text. Is this the correct approach?

5.0 The necessary assessments under the Habitats Regulations cannot be precisely described in policy and it is not considered that this particular issue is one that relates to soundness. The requirements of assessment under the Habitat Regulations and Directive need to be part of the consideration for each planning application submitted and the preliminary evidence for the consideration of such matters is provided in the Habitat Regulations Assessment for the Core Strategy. However, it must be emphasised that each application must be considered on its own merits and the assessment must be proportionate to the development proposed. Therefore the necessary assessment may well require to be more detailed than that contained in the Core Strategy evidence base.

\(^2\) Office of National Statistics Developed Area as shown on East Sussex in Figures
5.1 This is illustrated in the South East Plan Policy NRM6 relating to the Thames Basin Heaths, which provides a specific policy regarding development but with clauses concerning exceptional circumstances. Until such time as more detailed development management policies are developed in the Delivery and Site Allocations DPD Ashdown Forest can be protected through these measures. It is considered that by virtue of the Appropriate Assessment carried out that the omission of such policies in the Core Strategy or the showing of these limitations on the proposals map does not affect soundness.

Do the urbanising effects place a ceiling on housing development in the District in any event? It is the scale of development in the CS that has been examined in the HRA, not the higher RS figures. Would the adverse effects of the higher figure be capable of avoidance or mitigation?

6.0 As required by the Habitat Regulations and Directive it is the scale of development proposed in the Core Strategy not the Regional Spatial Strategy that has been examined in the Habitat Regulations Assessment of the Core Strategy. It is not considered the role of Appropriate Assessment to test alternatives if the plan is considered not to have an adverse effect on the integrity of the European Site. However it is for the Sustainability Appraisal to test reasonable alternatives, and for which the test of the Habitats Regulations/ Directive (that a plan or project can only be agreed only after having ascertained that it will not adversely affect the integrity of the European site concerned) can be used as evidence.

6.1 Having said this, the levels of housing growth proposed in the Core Strategy in the north of the District (defined as rest of Wealden in the South East Plan) are in excess of the 4,000 dwellings required by the South East Plan albeit to a different time frame. Therefore, in principle, it is concluded that the RS target in the rest of Wealden can be met through avoidance or mitigation measures when considering the urbanising effects of housing development.

6.2 Mitigation measures could be deployed to avoid the urbanising effects of development if the residual of the South East Plan target (from 2006 to 2026) were to be considered for re-distribution to the north of the District. The 400 metre exclusion zone prevents development from taking place and thereby does create a ceiling of housing development in this particular zone. This has already been taken into account through the SHLAA process.

6.3 Mitigation in terms of SANGS provision is considered deliverable due to the rural nature of the District with significant quantities of countryside; the higher land values to the north of the District; the land that is available and has been assessed as part of SHLAA; the benefits that SANGS would provide; and that the use of land for SANGS would not be necessarily prohibited by landscape designation (subject to suitable design and siting).

6.4 However, a higher housing provision figure above a re-distributed South East Plan target would need to be considered as to whether there was
a ceiling on housing development as open countryside is not a finite resource and land for agriculture, forestry and tourism is critical to the local the economy.

**Hydrology and water quality** The HRA concludes that in mitigation for the effects of surface water run-off all development within the hydrological catchment of the Pevensey Levels should incorporate Sustainable Drainage Systems. Is such an approach achievable and if so does this factor present any constraint in delivering the RS housing totals?

7.0 All new dwellings regardless of location, through Building Regulations and the Planning System, are required to not increase the rate of ground/surface water flow greater than the greenfield equivalent. This can be achieved through various methods, not all requiring land take. It is considered that with the land available in the relevant hydrological catchment area of the Pevensey Levels that SUDs would be able to be accommodated within developments for the RS target of 7,000 and thus also for the lower target as set out in the Core Strategy.

The key issue is whether housing provision could have been made for the longer term contingent on the resolution of the WWTWs issues – is the level of uncertainty such that housing provision above the headroom level cannot be made at this stage?

8.0 Under Article 6 of the Habitats Directive, it is stated that competent authorities shall agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned. Without mitigation, it is concluded that housing development of the quantum and within the broad locations proposed in the South East Plan would adversely affect the integrity of the Pevensey Levels. In order to ascertain that the adverse affect on the integrity of the Pevensey is avoided, it is necessary to show that the mitigation will be able to be provided. In the Authorities submission this very clear test necessitates certainty on a number of matters

a) as technical solutions being found;

b) land being available to deliver them;

c) funding being guaranteed to enable delivery; and

e) delivery within the timeframe of the plan.

8.1 The level of uncertainty of timing in relation to the provision of a waste water infrastructure including obtaining consents (both planning and environmental consents) as well as acquiring land is such that the Authorities believe that allocations relating to meeting the growth required in the South East Plan target would not be able to be built out in the timeframe of the Core Strategy. It has also come to our attention one of the potential solutions, to increase discharge capacity at Eastbourne, will be extremely contentious due to odour issues currently arising at this site, as well as all the issues raised in
the paper Waste Water Position Statement - Hailsham North and Hailsham South waste Water Treatment Works. The degree of uncertainty of any scheme or solution, as detailed within the submission papers, means that it can not be proved that mitigation will be able to be provided for the full South East Plan target (2006 to 2026) and the Authorities cannot see how given these considerations any core strategy promoted on this basis could possibly be deemed sound on the basis of reasonable certainty of delivery, or indeed no adverse impact upon the integrity of a European designated site.

8.2 Even were such concerns to be ignored, in order to consider the implications of allocating development without known mitigation, the practicalities of such a situation require very careful consideration. Southern Water, along with all other statutory sewage undertakers, are required to connect that consented development to the mains sewer even if the environmental capacity of the waste water treatment works is breached by virtue of that development. Therefore were planning permission to be granted for development and the implementation of that development breached the capacity, Southern Water is still obliged to connect even if the capacity of waste water treatment works are breached. Therefore, in order to ensure that the Pevensey Levels is protected, if 7,000 dwellings were allocated from 2006 to 2026, the Core Strategy would need to indicate which sites would be dependant on the Waste Water Treatment Works being completed and a new discharge solution being implemented before any occupation. This in itself would be difficult, if not impossible, to reason in terms of selecting which sites should be held back. If the authorities could not state which areas would be held back an agreement between the landowners/developers regarding phasing when planning consent was granted would be required, which would not be likely to be acceptable to developers, legally robust or indeed enforceable and risk challenges on the grounds of breaches of environmental law.

8.3 As sewage/waste water infrastructure is the responsibility of a third party, and given the rigorous test of the Habitats Directive, any planning application on sites breaching the capacity would have to be refused planning permission until such time as the new waste water treatment works were completed and a new discharge solution implemented. This has a number of practical issues based on the way in which the planning system works. LPAs are currently required to have an up to date 5 year housing land supply. If developers, who are not prohibited by waste water issues, apply for consent but do not choose to develop (as indeed many have chosen not to during difficult economic times) the LPA could not bring forward those sites subject to waste water infrastructure delivery. This would in turn have implications for supply, which could lead to unsustainable unplanned provision in other areas (albeit very limited in Wealden). This would also be the case by the end of the plan period if the waste water infrastructure had not been provided. Notwithstanding, these issues ultimately the absence of deliverability or the prospect of delivery of the prohibited sites does not in the authorities view meet the test of soundness as detailed in Planning Policy Statement 12. The need to have any new waste water infrastructure in place to meet RS figures
and prior to occupation exacerbates the issue of provision in a timely manner and deliverability in the time period of the plan.

8.4 The lack of certainty and information concerning timing and funding of any solution causes additional concerns regarding phasing development towards the end of the plan period. Backloading development in south Wealden has proven to be an issue historically. Housing development is built in line with the market, that is housing is built on request by prospective purchasers and not speculatively. Therefore the rate of development or build out is based on the market and prevailing market conditions, not on the commencement date of any permission. House building is a free market, and in a weaker market developers do not tend to flood the market with a similar product. Therefore backloading development does not necessarily mean that development will take place. Wealden, historically has low build out rates below that specified in the South East Plan and on average has delivered 400 houses per annum. Recent allocations in the Non Statutory Wealden Local Plan in 2005 have not been built out, and although delivery rates have increased, the lead in time has often been significant.

8.5 In conclusion the lack of certainty over the resolution of this key infrastructure constraint means that the clear and rigorous test of the Habitats Directive/Regulations cannot be met. The authorities would therefore conclude that housing provision above the headroom level cannot be made at this stage and be in compliance with the Habitats Regulations and Directive. In addition the lack of certainty over technical solutions, timing and funding and the need for legal certainty to make allocations contingent on waste water infrastructure means that sites could not be proven to be able to be delivered and therefore proposed housing provision above the headroom level would be unsound due to deliverability.

Is there any evidence on the possible costs of the alternatives and whether they are likely to meet OFWAT criteria or capable of being addressed through an element of developer contributions?

9.0 Southern Water has been approached regarding possible costs of alternatives and OFWAT criteria and it has been explained that this is a unique situation for them. It is the first time that Southern Water has not been able to increase headroom at existing works and therefore using examples of previous schemes relating to matters such as meeting OFWAT criteria and costing are difficult to clarify. Notwithstanding this, Southern Water has explained that they would be firstly required to demonstrate need and the delivery of a scheme in the most cost effective way in order to bid for funding. This would necessitate funding of research to explore a variety of possible technical solutions, consultation upon those solutions and the costing of those. It has also been confirmed that any solution would be likely to be in the tens of millions (pounds) but no further information as to the scale of costs can be provided at this time. To accommodate the requisite timescales for the preparatory work, including Environmental statements, consideration of any application by the County Council, including possible Inquiry, would realistically mean that no such facility would be in place within the timeframe
of any core strategy. In what might be considered a proposal less prone to consideration of alternative possible solutions the nearby Portabello treatments works (Telscombe) took some eleven years (1997-2008) to be granted planning permission, and construction on that project is still not complete, some 14 years after the initial consideration of a scheme.

9.1 In response to the question posed as to whether developers might be asked to contribute Southern Water, as a statutory provider, does not consider that it would be appropriate for developers to pay for the cost of the sewage infrastructure. Indeed current Government advice would appear to be suggesting that LPAs favorably consider requests from developers to reduce their potential contributions to provision of facilities covered in S106 agreements. As many of the possible identified solutions to the waste water issues in the south of Wealden would have a greater capacity than required by the increase in dwellings to meet the South East Plan (2006 to 2026) developers would not legally, under Regulation 122 of the Community Infrastructure Levy Regulations 2010, be able to meet the whole of the cost of the new treatment works required to be installed before the occupation of the houses connecting to it. If a scenario involving developer contributions were realised then the proportion to which developers would have to contribute would be unknown until the solution and the costing are known and the proportion required to offset OFWAT agreed funding.

9.2 Notwithstanding this, land values are relatively low in south Wealden (as described in the Housing Viability evidence base). The funding requirements from development arising from the Core Strategy will already be likely to be greater than that achieved in the Non Statutory Wealden Local Plan. That Plan required 30% affordable housing as well as a range of contributions in relation to transport and other social infrastructure. This range of contributions will be likely to greater with a higher proportion of affordable housing required (35% District target), greater transport contributions due to the interventions clearly identified as necessary to meet needs outlined, as well as community and social infrastructure. The ability to secure additional monies are unknown at this stage.

9.3 The significant uncertainty in terms of the current housing market, as well as the future economy, as highlighted by the Planning for Growth Statement by the Rt Hon Greg Clark MP shows that developer contributions should not be relied upon to achieve all infrastructure requirements. With the additional costs that this significant infrastructure will require and the relative low market values and viability in the south of the District it is not considered that developer contributions should be relied upon to deliver such critical infrastructure.

The Highways Agency considers the CS to be unsound as it is not satisfied that improvements affecting the strategic road network are deliverable. Can the Council point to evidence that would address this concern?

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10.0 The concerns expressed by the Highways Agency relate to Uckfield and South Wealden.

10.1 Developer contributions have been sought and collected in relation to development already taking place in Uckfield and the surrounds. Since the publication of the Proposed Submission Core Strategy East Sussex County Council has published an action plan\(^3\) to deliver the transport infrastructure to overcome the capacity issues in the centre of Uckfield. The Council considers that this action plan, approved by the East Sussex county Council as Highway Authority and which is attached as Appendix C addresses the concern of deliverability expressed by the HA. Further financial undertakings through signed legal agreements are due to be collected in relation to delivering the necessary transport improvements to support both existing and proposed growth at Uckfield. The modelling work associated with the town centre road network has now been published by East Sussex County Council as part of the work to deliver the improvements\(^4\). In a letter dated 28th September 2011 the HA has indicated that it welcomes the progress made (Appendix D).

10.2 With regards the HA concerns in the south of the District further SWETS modelling is taking place to take into account the lower most recent TEMPRO baseline figures, which may show an increase in capacity in south Wealden. In addition, East Sussex County Council is undertaking more local modelling work to provide a finer grain of detail in relation to designs and costings for interventions required in Hailsham and along the A271 and A22. The authorities consider that the SWETS evidence already published, together with this additional work is sufficiently robust to prove deliverability of its strategy.

10.3 Notwithstanding this additional work, improvements to the Trunk Road are part of the Non Statutory Wealden Local Plan including Policy TR3. Contributions are being collected on behalf of the Highways Agency and East Sussex County Council (ESCC) for improvements to the transport network and at the current time c. one millions pounds has been agreed to be collected/secured for highways improvements in south Wealden. These "TR3" measures are part of the requirements of the SWETS interventions. In addition although the proposal in question was dismissed at a very recent appeal on a number of grounds, a package of measures for the Honey Farm Appeal (APP/C1435/A/10/2130580/NWF) Appendix E were agreed, which are similar in nature to those of SWETS in relation to the Trunk Road improvements. The Inspector in his decision letter commented

\[\text{NSWLP Policy TR3 lists a series of trunk road junction improvements required to facilitate housing and business development at Polegate and Hailsham [26]. The HA is now satisfied: that the need for the necessary trunk road works can be addressed by planning conditions to restrict development}\]

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\(^3\) ESCC Report July 2011
\(^4\) The Report can be found on the ESCC website http://www.eastsussex.gov.uk/roadsandtransport/roads/roadschemes/uckfieldtransport/default.htm
until the works are in place; and that financial contributions towards implementing the works can be secured using a S278 agreement [50]. The District Council has already secured contributions from other developments [20]. Contributions are not now sought from the appeal development towards the Policy TR3 A27/A259 improvements near Pevensey which would be too remote from this site. Further off-site non trunk road junction and public transport improvements (including the bus subsidy) are suitably addressed by the submitted S106 agreement with ESCC [57]. Whilst some residents doubt the efficacy of measures such as the signalisation of the Cophall roundabout [344], the need for them was identified in the SWETS Transport Study prepared for the Councils [30] and they are required by the HA which has overall responsibility for traffic management on the trunk road system. (Honey farm Appeal Reference APP/C1435/A/10/2130580/NWF paragraph 439).

10.4 The Authorities would therefore conclude that the HA statement is somewhat inconsistent given they are aware of proposals presented to them which they accepted as deliverable in terms of mitigation on the trunk network. In addition, the Highways Agency has recently placed a holding direction on a development in Polegate (reference) in order to collect monies to carry out works based on the policy TR3 Appendix F. It is therefore rather puzzling that the HA latest correspondence seems to infer that they have no planned programmes or schemes for improvements of the trunk road network.

10.5 Based on this information / latest HA direction and the financial contributions already secured/ to be collected it is considered that these concerns as to deliverability and thus soundness have not been substantiated by the Highways Agency.

In any event, to what extent has the housing provision in south Wealden been restricted by transport considerations?

11.0 The RS housing targets were tested as part of SWETS and the strategic interventions required were outlined as part of that work. It was concluded that

"Without any Transport Interventions, transport capacity issues in 2026 would be widespread throughout Hailsham and Polegate. As far as can be determined from this work, the full SE Plan housing allocation to 2026 can be accommodated within south Wealden with an appropriate Transport Interventions Package including an improvement at the A27/A22 crossing. Signals at Cophall roundabout (as in TIP 2) would only give about half of the potential mitigation of the Folkington Link (as in TIP 1). Folkington Link (or something similar) is desirable not only to respond to increasing strategic transport demands and to ensure delivery of the WDC 2026 Development Option, but also to maximise opportunities for reallocation of highway network capacity to buses along the intended Quality Bus Corridor. If Folkington Link is not able to be provided, a less effective alternative such as signals at Cophall roundabout may allow delivery of the WDC 2026 Development
Option, albeit with more residual transport issues (such as at the signalised junctions of A27/A22/A2270 and, important for Quality Bus Corridor delivery, A2270 / Wannock Road / Polegate High Street)........ Regardless of Development Scenario and Transport Interventions Package, outstanding issues at 2026 include traffic pressures on the A271 and A22 around Hailsham, on B2104 Ersham Road and its junction with B2247 Dittons Road, and the junction of A259 / Pevensey High Street." (South Wealden and Eastbourne Transport Study 18th November 2010)

11.1 Whilst the RS figures place a significant burden on the transport network and has a number of impacts that would need to be resolved it is not considered, subject to the necessary infrastructure being in place, to be an overall constraint to growth. However in its 2007 response to the Council’s Issues and Options consultation the Highways Agency confirmed that "it would not support an additional allocation, on top of South East Plan allocations, of housing on the Sussex coast " (Appendix D). The authorities again would conclude that the certainty of deliverability of necessary intervention is thus probably at its limit in relation to the amount of growth proposed in its Core Strategy, the obvious concerns of the HA and the ability/viability of development in the south to be able to fund schemes identified as necessary to support sustainable growth.

11.2 It is acknowledged that specific interventions on a more localised basis will need to be considered in more detail, with particular regard to Hailsham. East Sussex County Council is currently considering the implications of development proposed in the Core Strategy and are undertaking modelling work to determine the impact of the interventions proposed in SWETS in the Hailsham area. The outcomes of the work, including the costings for interventions is intended to be completed by February 2012 and will inform the Councils emerging Strategic Sites DPD.

11.3 In conclusion, subject to the implementation of necessary transport infrastructure the housing provision (to the extent of the RS target for the Sussex Coast Sub Region) has not been restricted by transport considerations.

Overall it is not clear as to how the particular CS housing figure has been derived. Does it represent the provision up to the level closest to its original allocation for which it can be concluded that it can be distributed without adversely affecting the integrity of any European sites as required by the RS? Or have some of the other factors also played a part? This needs to be clarified. However, is there specific evidence of a ceiling on development due to the European sites or other factors that would prevent such a redistribution being achieved?

12.0 We have initially considered all of our evidence with a view to where and to the highest capacity we might accommodate growth without compromising the integrity of our European designated sites. This is to ensure no breaches of the HR but also to ensure conformity with Policy NRM5 of the RS which is very clear on this point. The impact of the Habitat
Regulations/ Directive in relation to nitrogen deposition on the Ashdown Forest and the growth constraints this imposes on many settlements in the north of the District has been set out in detail in the earlier question.

12.1 The impact of the Habitat Regulations/ Directive and the ceiling of growth in relation to the Hailsham North and Hailsham South Waste Water Treatment Works is explained in the submitted Waste Water Position Statement - Hailsham North and Hailsham South Waste Water Treatment Works (August 2011). Further clarification as to why a strategy involving growth contingent on the provision of new waste water infrastructure would not be compliant with the Habitats Regulations/ Directive and would not be considered to be sound is set out in an earlier response to the relevant question. This impacts upon the settlements of Hailsham, Hellingly, Lower Dicker, Upper Dicker, Chiddingly, Muddles Green, Magham Down, Lower Horsebridge, Polegate, Willingdon and Stone Cross. As part of the work investigating waste water capacities it was bought the our attention that the waste water treatment capacity at Eastbourne works was also now at limits when the Eastbourne Core Strategy requirements were taken into account. This in turn has had an impact upon the settlements that drain into these catchment including Westham, Pevensey and Pevensey Bay. As explained in the Waste Water Position Statement - Hailsham North and Hailsham South Waste Water Treatment Works (August 2011) the capacity issues at Eastbourne are being considered, but without capacity at Eastbourne Southern Water has made it clear that any development above infill will need to be treated at the Hailsham Works, as is the case with Stone Cross. Essentially the HRA does place significant constraints upon growth within Wealden- constraints which were not fully known or appreciated in their severity at the time of consideration of the South East Plan, either by the Inspectors Panel or indeed subsequently the Secretary of State. Our strategy, as required, has been informed from locally derived evidence on this and many other matters.

12.2 A plan showing all the settlements in the Sussex Coast Sub Region and the rest of Wealden is provided at Appendix G. It identifies all the settlements within Wealden Sussex Coast sub region and the rest of Wealden and the areas limited by the impact of ensuring compliance with Habitats Regulations, either through the Waste Water Treatment works issues and the nitrogen emissions.

12.3 This Plan also shows the settlements outside those areas of those particular constraints, identifying the potential housing land supply (SHLAA) together with the landscape designations and settlement classification. The plan shows where the level of housing land supply has been met at its capacity by allocations in the Core Strategy and those settlements where the housing land allocations have not been fully realised.

12.4 The settlements that have housing land available, but do not reach their full growth potential (based solely on SHLLAA) and are not subject to constraints to growth due to the Habitat Regulations Assessment, are set out
below with detailed consideration of why the council does not believe it appropriate to push growth to the limit in these settlements.

Sussex Coast Sub Region

12.5 Windmill Hill - Neighbourhood Centre - (available housing land: 6 dwellings, allocated no growth): Six units is considered too small for any allocation in a strategic document such as the Core Strategy. Policy WCS 6 allows for the development of at least 455 homes in the villages and if applicable growth here can be considered as part of Neighbourhood Plan or Delivery and Site Allocations DPD as appropriate.

12.6 Boreham Street - Neighbourhood Centre - (available housing land: 48 dwellings, allocated 10 dwellings). Boreham Street is a significantly small settlement, with no sewerage infrastructure and located close to the Pevensey levels Ramsar site. The proposed development of 10 dwellings is deemed appropriate to the scale of this settlement, taking into account the limitations of use of individual sewerage systems, its settlement classification and sustainability.

12.7 Ninfield - Local Service Centre - (available housing land: 424 dwellings, allocated 50 dwellings). Ninfield drains into Hooe Waste Water Treatment Works. The treatment works currently has capacity for 40 dwellings and drains into the Pevensey Levels. This settlement is therefore affected by the Pevensey Levels European designation and all that stems from this. Notwithstanding this, Ninfield is one of our larger settlements in the Sussex Coast Sub Region but is relatively isolated from larger village settlements with a range of facilities required to meet the needs of the population. In order to ensure integration and respecting the scale and character of the village, whilst acknowledging that without considerable growth no new facilities be provided it is concluded that 50 dwellings is appropriate.

12.8 Ripe (available housing land: 12 dwellings, allocated 10 dwellings). Ripe is a particularly small settlement, however there is scope within policy WCS 6 to accommodate 12 dwellings, if considered appropriate as part of the Delivery and Site Allocations Development Plan Document. Any consideration of an additional 2 dwellings is considered deminimus in relation to the Core Strategy.

12.9 Selmeston (available housing land: 20 dwellings, allocated 10 dwellings). Selmeston is a particularly small settlement, and 10 dwellings in considered commensurate with the size of settlement, its limited range of facilities and its close proximity to the South Downs National Park.

12.10 Berwick Station (available housing land: 62 dwellings, allocated 20 dwellings). Berwick Station is a small settlement and whilst land is potentially available it is concluded that growth to this potential capacity would not be easily able to be assimilated whilst retaining the character of the settlement or indeed in accordance with local expressed wishes.
12.11 Alfriston (available housing land: 6 dwellings, allocated no growth). Six units is considered too small for any allocation in a strategic document such as the Core Strategy. Policy WCS 6 allows for the development of at least 455 homes in the villages and if applicable further growth can be considered as part of Neighbourhood Plan or a Development Plan Document to be progressed by the South Downs National Park Authority as the Local Planning Authority for Alfriston.

12.12 East Dean and Friston (available housing land: 43 dwellings, allocated 10 dwellings). East Dean and Friston are located within the South Downs National Park, where provision is associated with housing need. The housing needs survey state there is a gross housing need of 7 dwellings in East Dean and Friston (as shown in Appendix 2 of Background Paper 2, Managing the Delivery of Housing) and the Housing Register shows 10 households on the housing waiting list, 5 of which are within the Parish (as shown in Appendix 4 of Background Paper 2, Managing the Delivery of Housing). There are two very distinct areas of East Dean, which are separated between the busy Coast Road the A259. The older village centre is based on the south side of the A259, with a limited number of houses and a designated Conservation Area. The more modern northern side of the A259 is where the majority of the housing is located. The land that is potentially available for growth is located on the land to the south and this sensitive downland location, together with limited housing need is the reason for limiting growth. It is considered that development of a significant number of houses in this separate area would change the character of the area, be likely to be contrary to the primary purposes and objectives of designation as part of a National Park and therefore housing numbers have been limited.

Rest of Wealden

12.13 On the edge of Tunbridge Wells, in the Parish of Frant (available housing land: 220 dwellings, allocated 120 dwellings). Although our SHLAA identifies land as being available for 220 dwellings, this land includes a former landfill for municipal solid waste. This land is known to be contaminated and with the significant complexities of building on a landfill site the land available to be developed has therefore been reduced to 120.

12.14 Bells Yew Green (available housing land: 26 dwellings, no growth allocated). It was considered that on balance Bells Yew Green has a fair bus service concerning access to a secondary school, however the facilities in this small High Weald AONB settlement are very limited. Bells Yew Green in located in Frant Parish where 20 dwellings have already been allocated (Non Statutory Plan), and this together with some 120 dwellings proposed on the edge of Tunbridge Wells is deemed appropriate. Gross housing need is considered to be 14 households in Frant and 26 households were on the housing register in the parish of Frant in July 2010 (Background Paper 2 Managing the Delivery of Housing). Development in this area would also be likely to promote the need to travel by car and therefore it is not considered appropriate to develop this settlement in line with national and regional policy on sustainability, as well as Core Strategy objectives. As Bells Yew Green is
in the High Weald AONB, and considering the test for the allocation of housing relating to housing need (and the delivery of housing in the more sustainable location of Frant and the edge of Tunbridge Wells), together with the lack of facilities it is considered that no further growth above that proposed should be provided in this area.

12.15 Cross in Hand (available housing land: 44 dwellings, allocated 25 dwellings). Cross in Hand comprises of linear development around the road system. Although it has a number of facilities, these are mainly located along the main road of the A272. However some growth is deemed to be acceptable, since the increase in frequency of a bus service to the area has enhanced accessibility. However, this settlement is located in the High Weald AONB where housing need is a key factor in considering appropriate levels of growth as well as the impact of development on the landscape character. The land submitted through SHLAA lies within the AONB and consideration will be required as to the capacity of the landscape to take any growth that is incongruent with its current form of linear development associated with the main roads. It is therefore considered that 25 dwellings would be sympathetic with the character of the area, allowing scope to ensure limited impact upon the High Weald AONB. Development would also help to meet local housing need (as identified as Heathfield and Waldron Housing Need) but also taking into account its links with Heathfield, which is not a District Centre but a service centre with more limited facilities and sustainability characteristics.

12.16 Heathfield (available housing land originally identified 301 dwellings, allocated 160 dwellings). It is considered that the land identified within the broad location of the strategic development area SDA 11 can accommodate 160 houses. This SDA capacity is limited due to the ecological interest of the area, adjacent to ancient woodland within a prominent position within the High Weald AONB. The remainder of the SHLAA suitable, available and achievable land is located to the eastern edge of the town located to the north of Heathfield Park SSSI. The area, according to the SHLAA could yield 82 dwellings, however further assessment would be required to clarify this taking into account its AONB location, the adjacent SSSI and ancient woodland. Therefore as the situation currently stands the overall potential yield of Heathfield is reduced to 242 dwellings not 317 as stipulated in the SHLAA.

12.17 Heathfield is a vibrant centre, but somewhat isolated in terms of public transport to nearby larger employment centres. It is clear from travel to work data that there is a close relationship between Uckfield and Heathfield in terms of Uckfield providing employment opportunities. As with housing land, employment land is extremely restricted in Heathfield. An example of this is that a Non Statutory Plan allocation for a mixed use (policy HE1) was unable to sustain employment provision and as a result there has been limited increase in employment floorspace provision. The lack of employment provision in terms of sustainably meeting needs and reducing or not encouraging out commuting is an additional reason, that growth potential is limited in Heathfield.
12.18 The development to the east would extend the current gateway into Heathfield creating a new urban edge changing the rural character of the area. Such additional encroachment into the AONB (over and above the 160 units proposed) and in a location some distance from the town centre is not considered appropriate nor indeed to accord with national planning policies in respect of AONBs. This is a stance supported elsewhere in environmental protection policies within the RS. The encroachment into the AONB needs also to take into account that in the Heathfield area the affordable housing need in the Parish is between 88 (gross) and 110 dwellings from the housing needs survey and the affordable housing waiting list respectively and the allocation of 185 dwellings in the Parish.

12.19 Blackboys (available housing land: 135 dwellings, no growth allocated). Blackboys is categorised as an unclassified settlement with limited sustainability attributes. Development in this area would undoubtedly promote the need to travel by car, in an essentially unsustainable location and therefore it is not considered appropriate to develop this settlement in line with national and regional policy, as well as Core Strategy objectives.

12.20 Isfield (available housing land: 273 dwellings, no growth allocated). Isfield is a small settlement with limited facilities situated just of the main A26 which leads into Lewes. Its position off the main road does mean increased accessibility but onto the roads that lead to the Lewes Downs SAC. Although this site is outside of the 7KM of the Ashdown Forest for recreational purposes its 'natural' service centres are Lewes and Uckfield. The settlement was allocated growth in the Non Statutory Plan, and the planning application (for some 33 dwellings) is anticipated to be implemented. This growth is considered sufficient for this size of settlement and significant growth is not considered appropriate or justified for this small rural settlement. Notwithstanding this, despite its location outside the 7KM of the Ashdown Forest it is considered that development in this location would be likely to use the A26 to Lewes or the A26 to Crowborough or A22 through the Ashdown Forest for recreational purposes or to access employment. Therefore significant development in this settlement would, in combination with that already proposed elsewhere in the Core Strategy, contribute to the adverse impact of nitrogen deposition on the Ashdown Forest (that is in the area where the AADT is at its critical limit).

12.21 Maynards Green (available housing land: 7 dwellings, no growth allocated). Maynards Green is categorised as an unclassified settlement with limited sustainability attributes. Development in this area would promote the need to travel by car and therefore it is not considered appropriate to develop this settlement in line with national and regional policy, as well as Core Strategy objectives. Nor is this level of growth seen as one that might appear in a strategic document.

12.22 Punnetts Town (available housing land: 73 dwellings, no growth allocated). Punnetts Town is categorised as an unclassified settlement with limited sustainability attributes. Development in this area would again compromise AONB objectives in respect of nationally designated landscapes.
(and thus contrary to RSS and other policies), promote the need to travel by car and therefore it is not considered appropriate to develop this settlement in line with national and regional policy, as well as Core Strategy objectives.

12.23 Vines Cross (available housing land: 18 dwellings, no growth allocated). Vines Cross is categorised as an unclassified settlement with limited sustainability attributes. Development in this area would again promote the need to travel by car and therefore it is not considered appropriate to develop this settlement in line with national and regional policy, as well as Core Strategy objectives.

12.24 East Hoathly (available housing land: 46 dwellings, no growth allocated). East Hoathly has limited accessibility with a very limited and intermittent bus service to the service centres of Uckfield and Crowborough, having been by-passed by the A22. Development in this area would promote the need to travel by car and therefore it is not considered appropriate to develop this settlement in line with national and regional policy, as well as Core Strategy objectives.

12.25 Horam (available housing land: 202 dwellings, allocated 100). Horam is a vibrant settlement with relatively good links to Hailsham and Polegate. It is classified as a local centre, and although some distance from the District Centre of Hailsham some 100 dwellings have been allocated. As the majority of Horam and the surrounds are outside the AONB there is potential for growth in line with the size of the settlement. Whilst the SHLAA, which considered housing growth only assessed that 202 dwellings could be accommodated other factors do need to be considered. In this regard, one of the SHLAA sites is brownfield and a former cider factory. Proposals for the site therefore need to consider a mix of housing and employment in order to create sustainable communities. This together with the size of the settlement means that a housing figure of 100 was considered appropriate.

Conclusion

12.26 Therefore, specific settlement assessment factors other than the Habitat Regulations have been considered in determining allocations include housing land availability, the sustainability of settlements in terms of the lack of basic facilities (and the inability of limited growth to make the settlement more sustainable), landscape designation including of the High Weald Area of Outstanding Natural Beauty, designation of the South Downs National Park, discharge capacity at waste water treatment works serving small settlements which discharge into the Pevensey Levels and the scale of growth compared to the size of settlement.

12.27 Notwithstanding this, and taking into account those significant numbers of settlements clearly constrained by the Habitat Regulations in their ability to accommodate growth, (including Isfield and Ninfield) and the contaminated land issue at the edge of Tunbridge Wells the quantum of growth not realised due to these additional factors is limited to some 137 dwellings in the Sussex Coast Sub Region which is only 2% of the RS housing target and some 504
dwellings in the rest of Wealden which together represents 6% of the RS housing target.

12.28 It must be emphasised that the factors of protecting the High Weald AONB, the South Downs National Park and reducing the need to travel by car all are objectives of the Core Strategy, resulting from national policy. These are themselves reflected in a number of Policies clearly set out within the RS and which also need to be taken into account in considering any matter of general conformity with that document.

While I am not examining the ‘soundness’ of the SA report, could you confirm whether in the Council’s view it has fully complied with the requirements of the SEA Directive and associated regulations. In particular, is the Council satisfied that the report accompanying the draft plan adequately summarises or repeats the reasons that were given for rejecting the alternatives at the time when they were ruled out (and that those reasons are still valid)?

13.0 Annexe I of the SEA Directive, recreated as Schedule 2 of the The Environmental Assessment of Plans and Programmes Regulations (2004), does not require that the Environmental Report provides the reasons for rejecting alternatives and only requires that an outline of the reasons for selecting the alternatives dealt with when implementing Regulation 12 (2) which states the report shall identify, describe and evaluate the likely significant effects on the environment of—
(a) implementing the plan or programme; and
(b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.

Notwithstanding this, it is acknowledged that "A Practical Guide to the Strategic Environmental Assessment Directive" (CLG 3 August 2006) provides in the Quality Assurance Check List that reasons are given for selection or elimination of alternatives.

13.1 The Council's Sustainability Appraisal Report (SA Report) indicates the three spatial growth scenarios considered (Scenario A, B and C) and shows how they were derived and developed from considering the Spatial Development Options Consultation, the settlement hierarchy and broad locations of growth proposed. The SA Report then provides an analysis of Scenario A and B (Background Paper 4) as well as an assessment of the Policies WCS1 and WCS 2 and WCS6 (SA Background paper 8) which are the relevant policies for the provision and distribution of housing growth. This SA also has a comparative analysis of the three housing scenarios against the Council's adopted 22 Sustainability Appraisal Objectives, providing information concerning deliverability with particular regard to the Habitat Regulations Assessment (page 64 to 71). The reasons for selecting or rejecting options are contained within pages 100 to 107, with the distribution
of growth dealt with on pages 100 and 101. The text summarises the reasons for rejection that were provided in greater detail in pages 64 to 71.

13.2 It is concluded that the Sustainability Appraisal Report provides the reasons for rejecting alternatives and is compliant with the SEA Directive and the associated national regulations. It is considered that the reasons provided remain valid.

**Housing commitments** The Council has taken as a commitment all the houses built in the District between 2006 and April 2010 plus the extant planning permissions in 2010 and allocations from the 2005 Non-Statutory Wealden Local Plan that are considered deliverable. No allowance has been made for non-delivery or ‘fallout’ of some of these permissions or earlier allocations. What evidence does the Council have on this and should it be taken into account more directly in the housing provision?

14.0 The data provided in the Core Strategy relates to planning consents and other commitments as of April 2010. In terms of ‘fall out’ we have considered both minor (below 6 dwellings) and major sites (6 and above dwellings).

Minor Sites

14.1 As of September 2011 of the 457 dwellings attributed to minor sites stated in April 2010 123 dwellings have been completed. Development on sites has commenced which will yield a further 110 dwellings, planning applications for 45 dwellings have lapsed and 193 dwellings are outstanding. There are currently 479 dwellings subject to planning permission (minor), and this means that from the 479 dwellings some remaining 289 dwellings need to be built in the 19 years of the Strategy to make up the 457 dwellings required. It is considered that a 63% delivery rate on that granted consent is a more than reasonable assumption, notwithstanding any other windfalls that may be granted.

Major Sites

14.2 The April 2010 commitments total 3101 dwellings to be provided on large sites. Appendix H, shows that the current re-assessment of those sites and shows that now 3203 dwellings will be delivered in the plan period- a slight increase. In addition to these commitments the Council can confirm that planning permission has been granted for an additional 368 dwellings.

14.3 In terms of fall out rate on large sites, of the commitments (April 2010 reflecting changes in circumstances) 129 are dwellings on allocations that are either awaiting Section 106 agreements to be signed or without consent. Sites totaling provision of 2075 dwellings have commenced with sites for a further 684 with planning consent and sites for 309 with preparation work or where the tendering process has commenced. Therefore in order to meet the commitments required for large sites there is already a margin for some fall
out equating to a figure for those sites which have been allocated but without planning consent as yet. This does not take into account the small sites. Notwithstanding this, it is considered the time period of the proposed Strategy is sufficient to allow all these consents to be delivered as in themselves they are considered suitable. In essence ‘fall out’ is not considered to be an issue of concern from the evidence which we have available.

**Housing data** The evidence base includes the Council’s Annual Monitoring Report for 2009/10. Is there any more recent housing data, particularly relating to the matters I have raised and to the CS housing trajectory?

15.0 Appendix 1 provides information on additional planning consents granted post April 2010, which are referred to in the question above.

It would be helpful if the Council could provide a summary list of the evidence produced since the RS was adopted which it regards as new information relevant to the decision to proceed with the lower housing figure.

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Response dated 4th October 2011