Examination into the Wealden District (Incorporating Part of the South Downs National Park) submission Core Strategy

NOTES OF THE EXPLORATORY MEETING
10.00 Wednesday 12 October 2011

at the
East Sussex National Golf Resort, Conference Centre, Little Horsted, Uckfield, East Sussex, TN22 5ES

Inspector: Michael Moore BA (Hons) MRTP ICIMLT MCIIHT
Wealden District Council (WDC)
   Mr David Phillips, (DP) Head of Planning & Environmental Policy
   Ms Marina Briginshaw, (MB) Planning Policy Manager
South Downs National Park Authority (NPA)
   Mr Tim Richings (TM)
   Ms Lara Southam (LS)
Invited participants:
   Cllr Stephen Shing (SS) - Willingdon District Councillor
   Cllr David Larkin (DL) - Crowborough Councillors
   Mr Jeremy Woolf (JW) - Woolf Bond Planning - Grant and Wimpey
   Ms Judith Ashton (JA) - Wates Developments
   Mr Ben Beaumont (BB) - RPS Planning - Rich Tee Ltd
   Mr Christopher Hough (CH) - Sigma Planning - Rydon Homes
   Mr Graham Warriner (GH) - Turley Associates - Hallam Land
   Ms Sophie Westlake (SW) - AS Planning
   Ms Emma Harling Phillips (EHP) - Pelham Homes
   Mr John Hurwood (JH) - CPRE Sussex & Wealden South
   Mr Mark Sullivan (MS) - The Folkington Estate
   Cllr Ken Ogden (KO) - Buxted & Maresfield District Council
   Dr David Evershed (DE)
   Mrs Penny Radcliffe (PR)
   Mr Lawrence Keeley (LK)

Ms Kelly Sharp - Scribe

There were 118 other people in attendance.

Inspector: Introduced himself and Lynette Benton - Programme Officer (PO) Role of programme officer explained.

His opening remarks included an introduction to Development Plan System and Examination into the soundness of the Core Strategy (CS). The Examination in Public (EiP) started with submission of the Core Strategy and will end with Inspector's letter. WDC/NPA: believe that a sound plan has been submitted.
Inspector: had noted the lower land housing provision in the Core Strategy compared to the Regional Strategy and set out a number of concerns / questions in his note to the Council of 7th Sept... WDC/NPA has responded. Inspector acknowledges and thanks for response.

The Inspector outlined the purpose of the Exploratory Meeting. This was to establish the best way to proceed with the Examination having given due consideration to his concerns. Part of the aim of the EM is to avoid the wasted time, effort and expense of all parties in continuing with the Examination as planned if it is likely that the Core Strategy would subsequently be found unsound or not legally compliant. No evidence would be heard or discussion allowed on the merits of the cases or the representations - these would be matters for discussion at hearing sessions if the Examination were to proceed. The Inspector would primarily be looking to the representatives of the Council and NPA to address him on the matters of concern, but others around the table who have been invited to contribute could give him their views on how, or if, the Examination should continue. The proceedings would not prejudice the ability of those who have a right to be heard as a result of their earlier representations on the Core Strategy to appear at any subsequent hearings.

Inspector: Has further document from East Sussex County Council (ESCC) concerning Transport and Education evidence 'Supporting Statement by East Sussex County Council For Examination In Public' received that morning. Queried as to whether the document has been distributed.

David Phillips: No. ESCC were not able to meet deadline response date of 4th October 2011. Inspector asks DP to summarise content. Document details Housing Allocation deliverability in respect of delivery of transport infrastructure and education matters and states that it is considered that the Core Strategy is sound and that transport interventions are able to be delivered. The statement details this work - South Wealden and Eastbourne Transport Study (SWETS) and with reference to Uckfield.

Inspector: Is this document to be considered a submission document by WDC/NPA?

DP: Yes, 'Supporting Statement by East Sussex County Council For Examination In Public'. It is considered to be a submission document

Inspector: For the document to be distributed and considered at this meeting there would have to be an adjournment so all could read it. The meeting was not a hearing and its purpose was not to hear and debate evidence. The document shall be available after the meeting. There will be the opportunity if the Examination proceeds for those who have made representations relevant to the matters covered in the ESCC paper to comment on it, and if they have the right to be heard, to appear at the relevant hearing.

Graham Warriner: Does the ESCC document give comment on Highways/schools?

Inspector: Can deal with that question when we discuss matters relating to Highways.

David Evershed: Can we assume that the Core Strategy was put forward without this information and therefore it is unsound as evidence that is now available was not taken into account at an appropriate time?
DP: This information was available to us to make the decision on the Core Strategy. ESCC failed to meet the deadline of the 4th October.

Inspector: Outlined the Order of Business
   Merge items 2 to 4 on the agenda – will consider the Council’s response section by section
   Go through council responses and questions
   Inspector will initially question the Council/NPA and then bring in others as appropriate. He would intervene if participants sought to debate evidence or engage in discussions that should more properly occur at a future hearing.
   Strict focus to be placed on the Inspectors questions posed in the Summary of Concerns

Inspector: Any Questions? (none)

Council’s response paras 1.0 – 1.13 – General conformity

Inspector: Summarised the definition of term general conformity.
Does the Council agree that the Core Strategy will either conform or not conform and there is no half way measure?

DP: Agreed with the Inspector

Inspector: Referred to 1.10 of WDC response to Summary of Concerns relating to matters arising from the RS. The “finer grain and significant weight of local evidence” cannot be taken into account when assessing general conformity other than in so far as it relates to RS Policy NRM5 or specific clauses of other RS policies. Further justification required.

DP: Other points must be considered and are closely interrelated to the Core Strategy achieving the best level of general conformity with the RS as a whole. There were various Planning Policy documents and elements of policies that could suggest that the strategy go in other directions. It may not be possible to precisely meet all of these conflicting objectives and policies. The relationship lies here.

Inspector: There are two levels of test 1. General Conformity and 2. Test of Soundness, Is the scale of housing provision justified?

DP: First test needs to be met. Soundness relates to the evidence base - effective, justified, deliverable and reasonable alternatives.

Inspector: Cannot accord with all, what is the process of when you conform and when you don’t? Do you consider not all Regional Strategy (RSS) points to be equal?

DP: The Core Strategy has strived to meet RSS, however there are a number of RS policies which relate to our evidence base. Other RSS policies ask us to seek a range of environmental objectives and these Policies are referred to in our response to the Inspectors note. We have sought to reach general conformity as far as we can.

Questions to WDC/NPA
Emma Harling Phillips: In Wealden's view is it possible to reach an evidence base that is robust but still not in general conformity?

DP: Evidence and therefore general conformity must be looked at across the piece as a whole ie in respect of the RS as a complete document. Not everything is achievable and if the evidence is not robust it will in any case, question the deliverability and thus the soundness of the document.

Christopher Hough: In terms of weight to different elements would you give more weight to the vision, in terms of general conformity - what weight is given to different elements?

DP: WDC / SDNPA has clearly acknowledged the importance of housing need, European sites and infrastructure constraints. The document developed as a result is an effective response to the needs of Wealden, whilst recognising its constraints. There is nothing however in the RS which suggests that greater weight should be given to certain policies or objectives than to others.

DE: Did Councillors give any political objectives which were against the Regional Spatial Strategy?

DP: No political objectives were given. WDC would be wrong to put forward a document if it were felt to be unsound.

EHP: In the Core Strategy paragraph 3.11 Environmental, Social, Infrastructure and Community aspirations, there is no explanation provided of what community aspirations are.

DP: Refers to the Background Paper 'The Development of the Core Strategy'. The town and parish councils’ responses to consultation. There is evidence from the consultations and evidence provided to illustrate the Councils support towards initiatives to localism. We have where possible and where the evidence (technical evidence) supports this, endeavoured to meet the aspirations of our Parish and Town Councils......

Stephen Shing: South East Plan changed the number of houses it requires from 8000 to 9,600 and than 11,000 making it difficult for residents to decide which figure is acceptable. This has not been explained fairly to the public. (Inspector intervenes on the basis that making a statement in support of representations)

DP: The Core Strategy was approved by the council and WDC has undertaken a vast amount of public consultation, both in 2007 and in 2009 including exhibitions, drop in sessions, media releases and deposit points 'we have done our best'.

David Larkin: Did WDC take an early view of the regional spatial strategy in regard to landscape character

DP: WDC expressed its concerns regarding environmental and infrastructure constraints to the draft South East Plan. WDC has nevertheless consulted upon the RSS housing figures and other requirements and in seeking conformity with the South East Plan and our evidence base has confirmed environmental and infrastructure constraints.
Ken Ogden: Would WDC consider the Environmental constraints over the Housing Needs Survey?

DP: WDC has made it clear in its response in regards to the Habitat Regulations and RSS related Policy NRM5 that it considers that this is an issue of absolute rather than general conformity. WDC has attempted to balance ensuring compliance with the Habitats regulations whilst optimising housing provision to meet housing needs.

Paras 2.0 – 2.3 – Scale of housing provision

Inspector: Regarding the housing requirement, do WDC have an unconstrained housing figure. What is the gap if there are no constraints and what are the subsequent consequences?

DP: Realistically, the issue of need was not the primary determining factor of distribution in the RS, as environmental and economic and accessibility factors are key. In parts of the District our SHMA evidence actually indicates that WDC is helping in meeting neighbours housing needs (EBC).

Marina Brigginshaw: Further by looking at our SHMA (Strategic Housing Market Assessment) evidence it is clear in Wealden there are two housing market areas, the North and the South of Wealden which includes Eastbourne.

MB: The ONS projections have changed from 2004 (those used in the RS) In 2004 this projected figure was 14,000 households for the period 2006-26 But the ONS 2008 figures revised this figure downwards to 12,218. WDC have sought to meet the RSS target but also take into account the SHMA as more recent evidence and ways of assessing housing needs. The RS doesn’t accord with current ONS projections

Inspector: What is the housing need figure if constraints are not there?

DP: It is difficult to move in such hypothetical circumstances with any profundity. Even without the constraints regarding Waste Water Treatment Works (WWTW) a Sustainability Appraisal process would need to be undertaken to arrive at any figure. It is not figure we have in any document. With reference to the SHLAA document, whilst land may be available this is emphasised as not a policy document. We are already meeting housing need for neighbouring authorities.

Inspector: Is there evidence of this?

MB: Refers to our submitted SHMA Appendix 1, the RSS Distribution in the South, Eastbourne and the market areas.

EHP: What is the overall actual requirement, the ceiling figure. Concern over the evidence base, that the figure 9,600 is the one that has been assessed. Environmental constraints have been assessed based on this 9,600 figure rather than using the 11,000 as a starting figure, then reducing subsequently based on these constraints ‘cart before the horse’.

DP: The RSS figure has been tested this was clearly the basis of earlier consultation on our Core Strategy.
EHP: This RSS figure has not been tested as part of the Habitat Regulations Assessment (HRA)

MB: It isn't required to be tested through the HRA. It is for the Sustainability Appraisal to assess this.

CH: The lack of testing and looking at consequences of under provision is a problem with general conformity. What discussions have taken place with adjoining authorities to meet the additional housing? An overall strategic approach has not been collectively addressed.

DP: WDC has worked closely with neighbouring authorities looking at these implications. This is evidenced by our working jointly with EBC and ESCC on the SWETS, and with Mid Sussex on the HRA. WDC has sought to deal with socio-economic effects and these have been considered along with housing needs.

CH: Has there been any focused liaison on Housing Distribution/needs?

DP: This focus comes from the RSS, we have worked along with ESCC and neighbouring authorities to reach this. That is how we work locally and the work for example on our Infrastructure Development Plan (IDP) illustrates this.

Questions posed to WDC

SS: The Housing needs survey shows Polegate/Willingdon as one division. Polegate has housing need of 193, Willingdon of 139, this is a low need. The sewage has a 1000 capacity. WDC should not be considering the Eastbourne market.

BB: The Inspector asked about housing need, was housing need looked at, at all?

GW: Question relates to consequences. WDC has considered the housing figures and the ONS projections and I would like to understand this further

Sophie Westlake: Would like clarification between Housing need and affordable housing. WDC response for housing was 812 yet housing needs assessment states 812. Please explain this.

EHP: First question relates to the SA, its alternatives and the ceiling figures. Scenario A and B in the SA says that this would result in an adverse environmental effect but there has been no test of these effects. This then leads to C in the HRA, however we do not know the level of adverse effect. Secondly, the 812 figure MB said it referred to households. Please confirm what the 812 relates to?

DP: (response to SS): WDC has endeavoured to accommodate the RSS figures. Housing markets having different boundaries to district or borough boundaries (S. Shing question). Growth proposed is intended to meet both the Core Strategy and the RSS policies and objectives.
DP: (response to EHP): As emphasised in WDC response to Inspector the figure of 812 is households in need of assistance, means just that it does not mean 812 new affordable units are required per annum. Not a need per annum for 812 houses to be built.

MB: (response to EHP): The SA is an iterative process, we cannot detail every thought, the report provides a summary of the whole SA process.

MB: In relation to the HRA there is a ceiling, this is the capacity ceiling for the WWTW. There is therefore no point in testing over this and as explained this is not required under Habitats Regs. The SA considers this and details it in the SA and also within the evidence base.

Questions to WDC

Laurence Keeley: Questions the 812 figure. It is the wrong figure, why has it been noted. There are 800 on waiting list, the core strategy doesn’t meet it, we need to look at housing in a different way.

Penny Radcliffe: What is the Councils top figure for housing?

KO: Regarding the housing number that is required, according to a private survey there are 13,000 requests for accommodation.

MS: Is there an issue for South Wealden, assuming in migration. Is there an element of meeting other local authority needs. The Councils approach is more realistic.

DP: (Response to PR): The top figure is the RSS top figure, we have looked at this and looked to see if evidence supports this, the Core Strategy cannot meet this, however, 9,600 is the figure that is possible based upon our evidence.

DP: (Response to CH): We have constraints

Inspector: What is the housing requirement. Taking away the constraints what figure would WDC work to?

DP: we believe our CS is effective in meeting our housing needs, 9,600 as stated.

Inspector: WDC has not set out a demographic argument, only a constraint argument.

DP: Through the SHMA we have looked at various ways of approaching this and how and what our housing need is.

PR: Is the housing figure taking into account refurbishment and doing up of existing empty housing or just new housing?

JA: On the Housing Needs Assessment, Chapter 6, conclusions para 6.59 it indicates the annual affordable need is 812. The flow chart takes into account re-lets, surplus stock and vacant stock etc. Given this, how can the Council be correct? How can a plan which is 25% less that the RSS be in conformity? The EIP panel for the RS took into
account constraints HRA/Infrastructure - clearly referred to. How in looking at housing growth have they considered economics and the growth agenda?

EHP: The 812 figure. Half should be through new dwellings, if the rest through other mechanisms this is not evident in the Core Strategy itself, should these mechanisms require other policies within the strategy?

DP: (Response to EHP): It is not the approach of the CS to reflect other mechanisms of housing provision such as housing benefit, re lets, adaptations etc. WDC has an approach in which these mechanisms are dealt with but it would not be appropriate for these to be contained within the Core Strategy.

DP: (Response to JA): The HRA and WWTW evidence was clearly not available at the time of the consideration of the RS by the panel or subsequently. This evidence post dates that.

MB: Housing Need Survey - cannot find dwellings, it doesn't mention units of quantity, the unit of use is the figure we use in the document.

MB: Mechanisms are not dealt with in the survey, as they don't need to be according to the SHMA guidance. The Habitat Regulations came in late in the process of the RS going through its statutory procedures, the draft South East Plan (SEP) has not taken the HRA into account. WDC Has looked into the HRA further, including Nitrogen Levels, WWTW and Environment Agency consents. The WWTW is an ongoing process.

Break (11.25 – 11.40)

Paras 3.0 – 3.7 – Atmospheric pollution

Inspector: Thoughts required on atmospheric pollution and AADT. HRA Volume of traffic. This confirms one affected road where there may be an increase. A26 - South of Crowborough. Would like to understand the step between an affected road to significant effect. HRA refers to Nitrogen level deposition close to the roads. Further explanation is required. How robust is the evidence to draw a conclusion?

MB: Data taken from website (APIS), this is a well-known data set. Deposition of nitrogen is concentrated within 200m from edges of road. Results show a deteriorating condition from a central point on the forest. However on a precautionary basis the effect is greater within 200m. Must take into account the evidence and data we have. We will need to undertake monitoring of the situation to see if continuing deterioration........

Inspector: Is it likely that development in the South of the district will be constrained by the Ashdown Forest (HRA issues)?

MB: We do not have traffic movement data for South Wealden. For North Wealden we have used travel to work data. We cannot capture all traffic movement from South to North.

EHP: Air Pollution information has been based on APIS, which is used for large-scale industry, this evidence is wrong. Given the effects on the SAC/SPA is it not appropriate to go back to do a detailed site specific assessment?
Inspector: This is not a constraint for the level of housing provision proposed in the Core Strategy.

EHP: It is not a constraint. It shows that there is headroom for more housing numbers. You cannot start low and justify, it needs to be looked at differently.

CH: A two stage process, First Likely significant effects (AADT), second, if above threshold carry out an Appropriate Assessment to find out whether the integrity of the site has been undermined. Is WDC relying on APIS figures? Is this the only assessment? and what is WDC view on the integrity of the site?

SS: South Wealden Traffic - Cophall Roundabouts

KO: 25,000 cars a day in Ashdown Forest, wildlife is fructicious

DP: Emphasises that WDC have undertaken a proper assessment the methodology and results of which are endorsed by Natural England. This work was jointly commissioned with Mid Sussex. We are meeting our requirements under the Regulations.

MB: Habitat Regulations have been updated based upon the latest APIS data. The most up to date information/data has been used at this time in completing our assessment/evidence.

MB: WDC undertook work to establish the effect and found that there would be a likely significant effect. The appropriate threshold and other planning permissions granted have been taken into account. The next stage is Appropriate Assessment and with the data we have available there is currently an impact and as the environmental carrying capacity has already been exceeded consequently it shows that there is already an effect. We must look at what the future impact will be. SAC habitats, we have taken a precautionary approach as we are required to do and we are seeking to protect the Ashdown Forest.

EHP: WDC have based modelling on assumptions. If evidence is provided to show assumptions are wrong what will WDC do if the effects are not there?

MB: To undertake a survey will be costly and time consuming. The PUSH Authorities are undertaking similar work and it has taken two years and still nothing has been provided yet from this work. To provide such data will take too much time...

Paras 4.0 – 4.3 – SANGS

Inspector: Urbanisation effects relating to Ashdown Forest, the WDC approach is mitigation/SANGS. Can this be achieved?
Further question - is the provision of a contribution to a SANG in addition to the open space requirement that would otherwise be sought from development?

DP: Referred to Paragraph 4.2 of WDC Response and confirmed that the requirements for SANGS provision will not be a limiting factor, provision can be made and is deliverable. It is in addition to that normally required of development.
Paras 5.0 - 5.1 – Proposals Map

Inspector: Section 5: Key Diagram/Proposals Map. Mitigation has two zones, should these zones be shown on the PM and should they also not be within a policy? Relying on these two zones, is it WDC intention that the proposals map will include these in the Strategic Sites DPD (SSDPD)

MB: The SSDPD will address this.

Inspector: If on consultation someone doesn't like it and the CS has been based on this are we denying people the opportunity to have their say? As such is this an acceptable way of proceeding?

DP: Local Planning Authorities (LPAs) have clearly been advised to produce policy light Core Strategies as this was advised. The prospect for the Council's SSDPD to deal with this matter is considered appropriate however, if this isn't appropriate no doubt the Inspector can advise us accordingly. We were told that this was not the correct way forward.

Inspector: Confirms he is aware of the comments of Inspector S. Emerson - acting as critical friend and adviser from PINS. However if it is fundamental to the CS it should be dealt with here.

JA: On the issue of proper consultation. Forest Health Challenge. 7km has implications on other authorities such as Mid Sussex and Tunbridge Wells. We assume this is an agreement to be had between LPAs.

DP: Mid Sussex and Tunbridge Wells are both aware of the requirements of the habitats regulations. We have in fact jointly commissioned our evidence with Mid Sussex as the implications will clearly affect them also...

Paras 6.0 – 6.4 – Urbanising effects

Inspector: Is the Council agreeing that it could not run an argument based on Policy NRM5 that the housing figures could be achieved due to the possible impacts on Ashdown Forest? Cannot use policy (urbanising impacts) as mitigation.

MB: Agree that SE Plan target could be mitigated in respect of urbanising effects above the S E Plan figures however we need also to consider impacts on agriculture etc as land is a finite resource ..................

Para 7.0 Inspector: No Further Questions

Paras 8.0 – 9.3 - Waste Water Treatment Works.

Inspector: In looking at the RS split between South and North the housing figures proposed show a difference of 5% shortfall for North Wealden, 37% shortfall South Wealden. In conclusion, the crucial factor of policy NRM5 is whether the two WWTW that discharge into the Pevensey Levels are capable of improvement that could allow higher growth? Can development be distributed differently?
DP: WDC Response Para 8.0 a, b, c and d reflects this and the considerable uncertainties regarding any prospect of an alternative suitable WWTW solution being found within the timeframe of the Core Strategy..

Inspector: If shortfall in South Wealden, WWTW crucial to lower figures.

Inspector: Representations from others, Pelham Homes evidence. Not much evidence from others as to why housing should be higher. Does anyone at the table have any further evidence?

JA: Not much discussion as SE Plan takes this into account in Policy ST5. Housing developers are told prior to making an application that there is no WWTW capacity then when they progress with application then there is capacity ie infrastructure providers change their mind. It’s not just the Hailsham WWTW, there is the Eastbourne WWTW. Is there an opportunity for alternative provision?

EHP: Significant under estimation of WWTW capacity due to changing Building Regulations.
   WDC should consider what onsite waste water treatment can occur
   Not much consideration has been given to sites that don’t drain into the Pevensey levels, hence sites that won’t effect the WWTW

PR: Any consideration been given to areas prone to flooding?

MS: WWTW drains into a Ramsar Site. This makes it important that a precautionary approach is taken.

DP: The hearing will be the place to debate evidence.

DP: (Response to EHP): In response to EHP’s suggestion that developers will need to look at on site provision eventually the waste has to go somewhere however there is no evidence to suggest it can go anywhere else...

DP: (Response to JA): In response to JA comment that infrastructure providers can change their minds as to requirements pointed out that, with respect, Developers may also change their mind in what they may offer for contributions and provision in planning obligations...

DP: (Response to EHP): Referred to in WDC response in the appendix. We have looked very closely at sites that don’t drain into the Pevensey levels through the SHLAA process and this is reflected in our responses to the Inspector

Inspector: Headroom level set by Environment Agency, evidence base has taken this as a given. Is there background evidence that supports the headroom levels?

MB: No public documents. This identified Headroom has been agreed by both Southern Water and Environment Agency. SE Plan process identifies it as a key issue and our evidence has used the accepted industry standard in calculating headroom. Southern Water must provide headroom and the issues are dealt with by Environment Agency. The EA is actually in the process of reviewing its consents and this could lessen headroom.
Inspector: Does the Council feel that it can reinforce evidence to support argument? This is a crucial area, differing views that may be tested.

MB: Southern Water have provided WDC with the evidence that they have. There is further no evidence nationally. The Justification paper has clearly identified this.

JA: In WDC Response, Appendix G Map - This indicates that Stone Cross drains to Hailsham WWTW, but part of this area drains into Eastbourne. Would like to see further evidence behind this.


Paras 10.0 – 11.3 – Highways and transport

Inspector: Highways Agency concerns relating to Strategic Road Network remain relating to the scale of development proposed.

DP: Agrees there is some ambiguity in the latest correspondence from the Highways Agency. Their concern centres on uncertainty of delivery of necessary transport interventions. Para 10.2 of WDC response concludes that SWETS (South Wealden and Eastbourne Transport Study) is robust enough to prove deliverability. Honey Farm appeal, which although dismissed for other sound reasons, accepted that transport interventions were deliverable. ESCC statement (and apologies again for its late arrival) clarify deliverability of these interventions including Uckfield.

EHP: Policy TR3 trunk road Improvements. Pelham Homes are concerned that reliance is placed on these improvements. The appeal (Honey Farm) was refused therefore improvements are not going ahead. It cannot be said that another development will consist of these road improvements, the deliverability of these improvements cannot therefore be relied on for the Core Strategy.

DP: (Response to EHP): WDC Not relying on Honey Farm interventions. The main point here is to emphasise that if one landowner can provide them, then others can- including where the CS proposes a greater amount of development than that subject of the Honey Farm appeal... WDC believe interventions can be delivered.

Inspector: Do WDC see transport as a constraint in achieving the RSS figures like they do the WWTW?

DP: That is correct, these are a significant constraint to growth. WDC acknowledge that trunk road solutions and indeed that the SWETS study confirms that the ideal trunk road solution to be the Folkington Link. This is clearly referred to in the RS considerations. However was of the view, confirmed by the HA that this will not now happen. This also suggests that that the policies of the SE Plan regarding "substantial central government funding “ for infrastructure has now disappeared further over the hill.

SS: Regarding the Honey Farm appeal, there has been a change from local plan to now.
MS: Highways Agency position not proposing any funding. ESCC may assure that interventions can be made but it is not them who will be providing these improvements.

DP: (Response to SS): The Inspector in dismissing the Honey Farm appeal agreed that the lack of any prospect of funding for an offline trunk road improvement was a major and very material change in planning circumstances. Major and material consideration of Honey Farm appeal, circumstances have changed.

DP: (Response to MS): WDC/NPA and ESCC as Highways Authority jointly believe that the Core Strategy can be delivered

Paras 12.0 – 12.28 – Basis of housing provision

Inspector: WDC calculations based on Habitat Regulations constraints and other considerations. Must conclude that there is a quantum of growth that has not been achieved due to non HRA factors - in Wealden’s response this is identified as 137 dwellings in South Wealden, 504 North Wealden. In relation to the RS target that is 2% of total in South Wealden, Total 6% of under provision. In South Wealden can the CS housing provision be justified on the basis of Policy NRM5?

DP: Habitat Regulations are a significant constraint and as emphasised is a matter of absolute conformity. the limited additional potential/capacity (above) has not been maximised due to other policies, such as landscape, AONB, accessibility, ability of settlements to assimilate development etc etc.

Inspector: NRM5 must be taken into account for general conformity. Only 6% of under provision has not been realised due to the Habitat Regulation Assessment constraints.

GW: WDC answered incorrectly in regard to what were the housing need targets. They have balanced the Habitat Regulations of the RSS but undertaken evidence i.e. HRA etc and then come to the position that they can't meet the 11,000 figure.

EHP: HRA reason for lower provision based solely on Nitrogen tests, site specific assessments should be undertaken before CS goes ahead. Would not take long

Inspector: Regarding the shortfall in South Wealden. WDC states that nitrogen levels do not effect South Wealden, are you wanting to put more housing in North Wealden? (question to EHP)

EHP: Is the Council saying hydrology is the reason for lower housing? Building Regulations and developers are being ignored. If it is not the Nitrogen levels then water needs to be looked at as well. This work really should be looked at. Assessments need to be undertaken and figures re-looked at for water.

CH: In terms of the north-south split - Crowborough has the capacity for greater numbers of housing but Ashdown Forest will affect the numbers.

DE: WWTW is a constraint in the South, why not allow the North to make up the deficit? There is room in the middle of the district, North Wealden should have more. The RSS figure should be used in the absence of a WDC figure.
DP: (Response to CH): As Crowborough is close to the Ashdown Forest does DE suggestion of looking outside of South Wealden exclude Crowborough. (rhetorical question for C Hough ) On the matter of EHP's comments DP emphasised that MB had clearly stated that further modelling and work on nitrogen deposition would take at least two years .WDC have worked closely with Natural England on this matter and NE has endorsed both the methodology and results of this work. The Council confirmed this was the most appropriate Authority and approach to take in such matters. On the matter of WWTW the Council has worked closely with the Environment Agency and Southern Water in gathering its evidence - again surely the most relevant and appropriate sources of advice and expertise in. DP emphasised that EHP was incorrect in suggesting the work had not been done properly or that the work re nitrogen deposition would not take long - he reaffirmed that MB had clearly referred to a period of two years . This would take too long and WDC is keen both to meet its housing needs and have a plan led process.

Para 13.0 – 13.2 - Sustainability Appraisal, SEA Directive, High Court Judgement

Inspector: Are WDC satisfied that they have taken the High Court Judgement into account and are satisfied with their explanation of why alternatives have been rejected?

MB: The Sustainability Appraisal looks at this and considers this is appropriately covered in the Council's work.

Para 14.1 – 14.3: - Housing Commitments - Trajectory

Inspector: Questions the way that WDC will prevent 'fall out/non implementation'. WDC provided figures on their existing commitments, small and large sites. This had indicated 10% fall out for smaller sites, WDC has explained deliverability. Is there such a figure for larger sites or do these by their nature tend not to lead to fallout?

MB: confirmed her view that this was so / agreed in respect of larger sites .We are looking at the plan period and market delivery. Figure of 129 dwellings, movement on sites, this was a very small amount when looked at over the plan period.

Inspector: Many LPAs provide an open calculation.

PR: If sites are identified as being deliverable then what is happening?

DP: Ensured deliverability is with the landowners. In producing its strategy the Council had liaised with landowners and agents of the areas selected for growth to ensure that this was indeed available and viability assessments had also specifically been undertaken to ensure there were no issues in delivering the Strategy...

Para 15.0 - Housing Data - Annual Monitoring

Inspector: Has any further information come to light since 2009/2010 AMR?

MB: explained that the Council's AMR runs April to April .WDC produce AMR in December. Figures will be updated in December 2011.

Documents produced since SE plan –
Inspector: No Questions

Question from the floor
Mr Trigere: regarding WW TW of the South of the District. As an engineer this is an engineering problem. The Council are relying on other parties for advice, 20% reduction in housing numbers due to WW TW. Code 4 will reduce capacity.
3 reasons to reconsider CS -
  1. the Council has not taken into account the South Trent Water 2012 completion.
  2. RSS considered this factor
  3. Water Industry have obligation to supply and maintain sewers.
[Inspector urged Mr Trigere to produce a question not a representation on basis this is not a hearing]

Mr Trigere: How can WDC come to its decisions when such factors have not been finalised?

DP: confirmed that he felt that the Council had already responded to this question in WDC Response to the Inspector (para 8 of that response). WDC has clearly indicated that a technical solution needs to be found however the main issue was the significant uncertainty that this can be met in the period of the Core Strategy in respect of the matters et out in its response. ie land being available, funding being guaranteed and delivery of a solution within the timeframe of the plan. Uncertainty is key and the level of uncertainty was far too great...

Agenda Item 6: The Way forward

Inspector: Four possible outcomes of today
  1. WDC choose to withdraw the Core Strategy
  2. The Inspectors issues of concern are resolved and the examination proceeds
  3. A temporary suspension of the examination
  4. Issues of concern are not addressed but Examination continues regardless

WDC/NPA have provided information in terms of housing numbers and Inspector has listed the key matters before the meeting, namely
  1. Overall Housing Requirement and consequences of not meeting this
  2. Highways Agency objecting to development in South Wealden
  3. Technical evidence in terms of the two WW TW's
  4. Nitrogen Deposition in the Ashdown Forest
  5. Proposal Maps

Inspector: What is the Council’s view?

DP: WDC has emphasised in their response that the CS is in general conformity when looking at the whole of the SE plan
  The document is sound in meeting the tests of soundness- justified effective evidence based, deliverable
  WDC desire to have a plan led approach unless the Inspector states otherwise
  WDC has spent a lot of time gathering evidence
  Concern from WDC if we were to not keep moving forward
We have expressed concerns in relation to uncertainties, NRM5 and WWTW. There was nothing to prevent the Core Strategy being reviewed at some future time if delivery/overcoming of constraints eg WWTW was confirmed as possible/deliverable in the future.

Inspector: Is WDC satisfied that evidence base is robust?

DP: Yes we believe so.

Inspector: Does WDC believe it can demonstrate that the CS is sound and that it will stand up as sound in terms of any legal challenge?

DP: There is nothing that ever is 100% secure from legal challenge but WDC believe that it is at the point where the document can go forward.

_Inspector poses the way forward question to the table_

DE: My sympathy for planning officers has disappeared during the course of this meeting. It seems that WDC have not been working to the RSS and that they have been working to other objectives. WDC should think long and hard and consider a temporary suspension to meet the time scale of 11,000 houses by 2026 and consider more growth in the North of the District to substitute for under provision in the South.

LK: Suspension is a good idea and refers to the need for a meeting to involve everyone concerned in trying to agree matters

MS: We have waited a long time for an adopted plan in Wealden and so the plan should continue and proceed to the EIP where issues can be addressed then. Believes that WDC should be cautious about ESCC as they are not the authority and that the lower housing figures should be accepted.

PR: Have WDC considered what they will do with large empty properties is this part of the solution etc?

KO: WDC should look deeper into Habitat Regulations and laws to determine whether this is blocking affordable housing.

EHP: WDC used the wrong starting point, based the Core Strategy and its evidence on figure of 9,600 not 11,000 and as a result has found that the lower figures meets the needs of the Habitat Regulations. WDC need to work out what the ceiling figure is and how close it can meet the 11,000 figure.

    This is not fatal to the Core Strategy but the Core Strategy should be suspended for a short period and further work undertaken. If there is no suspension then it should go ahead to a preliminary hearing as this will be more use than straight to the EiP

Inspector: How long should the suspension be?

EHP: 6 Months

GW: CS shouldn't be abandoned but should clarify why moving away from RSS figures more clearly.
CH: Do not want Core Strategy to be abandoned as a plan needs to be in place in Wealden. Believes good momentum has been achieved and a lot of good work - pity to lose this if the plan is not sound WDC should consider this.

It would be helpful to consider the SE Plan 11,000 figure as the starting point. The 11,000 figure has already been subject to examination and proved that this is the unconstrained figure. Therefore, the RSS is a reasonable starting point and then argue the case from there.

Further Appropriate Assessment work required, what is the real impact upon integrity of the sites? And its impact?

Look into the strategic context along with other LPAs, how does WDC fit in with this?

Inspector: What is your preferred option?

CH: Suspend for a minimum of 6 months minimum or restart. However the RSS will be gone by then and we might all be dealing with changed circumstances. More work with developers could be undertaken but appreciates limitations on resources for the Local Authority.

BB: Agrees with CH short suspension

JA: Suspension. More evidence is required into housing need and regeneration in the South.

JW: Cannot see how 35% deficit of RSS figure can be accepted. For example air quality. Testing has been carried out but emission standards will inevitably change. STC5 does allow for redistribution between North and South, this could be looked at further.

DL: WDC has addressed the legal question of general conformity and it has emerged that additional work on the WWTW could be further tested. Therefore I would recommend a short suspension to allow for this.

SS: As a councillor I have difficulty between loyalty to the Council and loyalty to residents. What is best for residents? Consultation has ignored the Polegate and Willingdon response in 2007 (700 responses against proposed growth). Another consultation should be carried out if housing figures change.

DP: Confirms on behalf of the Council that the 2009 consultation was carried out on the basis of trying to accommodate 11,000 houses, the 2007 consultation carried out was on the draft SE Plan figure.

Inspector: Wishes to deliberate for a few days. WDC have expressed their wish to go ahead with the EIP and not to withdraw. It may be that WDC will look at further work if suggested or requested by the Inspector? Will inform people of his conclusion in due course.

DE: Do the council need additional time to go back to Councillors?

DP: The officers here represent the Council. However the Leader of WDC is present if Inspector requires any clarification.
Inspector: Accepts this and confirms he wants one point of contact with the Council. No doubt the Council can advise further if necessary.

Inspector: Indicated how he would move forward if the Examination were to proceed. The pre hearing meeting (PHM) is not a statutory requirement and is commonly dispensed with now. It is an administrative meeting, not a statutory requirement. He did not believe it was necessary in this case. In response to a question he indicated that consultation on drafts of his Guidance Note, list of matters, issues and questions, and hearings programme could be coordinated through the Programme Officer. He therefore did not propose to hold a PHM.

The Inspector thanked all those who had attended and for the contributions that had been made. He closed the meeting at 13.50 hours.