Appendix to Matter 3 /WDC

Wealden District (Incorporating part of the South Downs National Park)

Core Strategy Hearing

Matter 3: Housing - Statement by WDC/ SDNPA

Appendix

December 2011

Wealden District Council and South Downs National Park Authority
Response to the Inspector's Matters, Issues and Questions
(Draft issued 3 November 2011)

Appendix To Matter 3

	Page
Appendix A **Evidence Since the Adoption of the South East Plan**	**1**
Appendix B **Environmental Report on revocation of the South East Plan**	**5**
Appendix C: **Sussex Express Newspaper Article dated 28th October 2011, 'Delight as Reservoir plan at farm abandoned' by Rupert Taylor**	**7**
Appendix D: **South East Water Letter dated 30th November 2011, 'Urgent Action to Protect Reservoir Levels'**	**8**

Evidence Since the Adoption of the South East Plan

A) Habitats Regulations and the requirement for Appropriate Assessment

1.1 We confirmed at the exploratory meeting that the requirement for conformity with HR and thus Policy NRM5 of the RS was absolute (rather than any matter of general conformity). Criterion (ii) of NRM5 makes it clear that where it cannot be concluded that there will be no adverse impact on the integrity of a European site a Plan will not be approved **"irrespective of conformity with other Policies in the RSS"**

1.2 Contrary to assertions made by some at the exploratory meeting that the RS had taken this matter fully into account when setting housing numbers it was confirmed that at the time of the examination of the RS the results of the necessary Appropriate Assessment work required simply were not known. Whilst the RS clearly acknowledges the importance of the matter - and sets this down in the strongest possible terms in NRM5 - the requirement to undertake the AA work was left to the LPAs as part of their LDF process. Our evidence clearly shows that in respect of the Ashdown Forest the European site is already in a deteriorating state and that in respect of the Pevensey Levels that growth in south Wealden is severely limited by waste water capacity as it discharges to that site/water catchment.

1.3 In response to the Inspectors letter of 7th September we set out at the end of our response dated 3rd October a summary list of the evidence produced since the RS was adopted. Items K1- K7 of that list set out in detail each of the various reports published in respect of Habitats Regulations requirements for Appropriate Assessment.

1.4 Both the evidence from our appropriate assessment work and that confirmed by the EA and SW in their statements to this Hearing is material evidence that was not available at the time of consideration of the RS and which we consider supports both a different (reduced) level of housing provision and its timetable over an extended delivery period (Indeed Policy SCT5 footnote 3 of the RS specifically supports phasing for the Hailsham area to enable infrastructure delivery to be certain).

1.5 Reviews of discharge consents to the Pevensey Levels, as referred to in the Statement from the Environment Agency, also confirm that such consent regimes will tighten yet further in future thereby further reducing headroom for growth that can be described as sustainable and to have the certainty of not breaching Habitats Regulations. Paragraphs 17.14, page 207 of the RS acknowledges at 17.4 (i) the waste water issues, particularly at Hailsham to be a **key issue** to address water Framework and Habitats Directives requirements. Our evidence completed in accordance with the requirements of the RS and since the RS was adopted provides a clearer basis for decision making and supports a lower level of growth in the south of the District than that set out in the RS.

B) Environmental Report on revocation of the SE Plan

2.1 This report which was published in October/ November 2011 is currently published for consultation by CLG and the Councils response is attached at Appendix B. Critically it confirms the legislative requirements as unchanged in respect of internationally designated sites and at page 28 of the report must not grant permission for a proposed development *" unless they have certainty that it will not, either individually or in combination with other plans or projects, adversely affect the integrity of the european site concerned"*

2.2 This environmental report further clearly acknowledges that certain current RS policies which are clearly acknowledged within the report (page 4) as presenting a threat to local environments will undoubtedly enable such threats to be eliminated. We believe this is also evidence to support a different level of housing provision, particularly in the south of the District

C) Infrastructure

3.1 The RS Policy CC7 which was mentioned at the exploratory meeting confirms that both the scale and pace of development will depend upon infrastructure capacity.

3.2 It confirms that there will be *"substantial contributions from central government ".* It further confirms that *" mechanisms to enable forward funding of strategic infrastructure will be agreed between regional bodies and Government "*and goes on to confirm , in Policy CC7 that an Implementation Plan will be monitored and reviewed by the Regional Planning Body to include *"a regional and sub regional investment framework identifying the strategic infrastructure schemes needed to deliver the Plan ".*

3.3 None of these Policy requirements - seen as key to the scale and pace of development delivered - can now be delivered in this form, and indeed there is now no Regional Body in existence to meet this necessary stated requirement of monitoring the RS. The reference to substantial contributions from central Government would, in any practical sense, indeed appear to be heading in the opposite direction as all funding sources are reduced and seen to be doing so for the foreseeable future. These changes are significant and have arisen since the adoption of the RS. In our submission they all have implications for the amount of growth that can or should be delivered.

3.4 At paragraph 17.83 page 244 of the Inspectors Panel Report and recommendations following examination of the RS a number of key infrastructure matters were identified and set out upon the basis that they would be delivered and thus help support the growth required by the RS. We have already set out in this response our view that assumptions were made in respect of appropriate assessment that have not been borne out

by evidence. Further that RS Policies in respect of "substantial infrastructure funding from Government will not now be forthcoming".

3.5 We refer also to statements from the Environment Agency and Southern Water in respect of Habitats Regulations.

3.6 Other matters which are referred to in the RS and which also have now changed significantly are detailed below:

"The Folkington Link". This improvement to the A27 has been confirmed by the HA as not being in any HA capital programme for delivery nor indeed with any realistic prospect of it being so in the foreseeable future. Within the recent appeal decision for housing and submitted by Pelham Homes (APP/C1435/A/10/2130580) the Inspector confirms at page 75, paragraph 408 of his decision *"I conclude that the lack of public funding in the foreseeable future for an off-line improvement to the A27 trunk road is a major and very material change in circumstances ".*

He also confirms at paragraph 395 of his decision that there is no alternative source of funding for this road improvement.

3.7 Whilst his comments relate to a particular appeal site we consider that the non delivery of this scheme, clearly flagged in the RS as of significance for the Sussex coast, is further evidence of material change since the RS was adopted and which does impact on the overall level of growth proposed.

3.8 The RS panel recommendations also refer, in considering the broader needs of the area (paragraph 17.83, page 243 and 244 of the Panel's report) to a possible parkway station at Polegate, a new business park at Polegate and joint LA work on the Eastbourne Hailsham triangle initiative. It details the criticality of the WWTW issues in the south of Wealden.

3.9 There is no evidence available that we are aware of to suggest that these schemes will now be delivered within the timeframe of the Core Strategy or ever, and indeed every indication that they will not be. Indeed part of the "business park" allocation was lost on appeal for residential and so its ability to provide jobs has since diminished. We consider it apparent that in better economic times the RS considered, on the basis of information then available, that these proposals had a reasonable chance of coming to fruition and thus influence over the capacity of the area to accommodate growth.

3.10 The RS acknowledges the SE as being a water stress area and identifies as a search area for key infrastructure a possible new reservoir at Clay Hill near Lewes in the adjoining District. A recent newspaper cutting in which South East Water (SEW) confirm that they are no longer pursuing this option is attached at Appendix C. We also append a which confirms the parlous state of water supply in the area due to recent dry winters (Appendix D). We also conclude that these key infrastructure matters, clearly identified and considered as part of the RS and which will

not now be forthcoming, also support different levels of growth than those set in the RS.

D) Economic climate

4.1 We referred at the exploratory meeting to the fact that the RS was consulted upon, developed and conceived during a period of substantial growth. Paragraph 1.11 of our response to the Inspectors letter of 7th September (reference X4) confirms that today's economic climate is significantly different. If anything growth projections since the exploratory meeting have confirmed a worsening situation and for further into the foreseeable future. We believe that this is also important evidence of change since the SEP was adopted and supports less optimistic forecasts for growth than was considered possible at that time.

4.2 Whilst the ministerial statement on Planning for growth is acknowledged and indeed the principle of it supported the Government has reaffirmed its clear commitment, in response to recent widespread concerns regarding the draft NPPF, to the protection of the environment and to the equal status of social and environmental matters as well as economic ones in looking to provide growth in a sustainable way .

E) CLG/ ONS projections

5.1 The Draft South East Plan was based on 2004 estimates of Population growth. Those projections can be found in the Wealden Housing Market Assessment (reference I4, page 10) and shown in Appendix A of the Response to the Summary of Inspector's concerns and Letter dated 31st October 2011 (reference Y10). Later projection information was published using 2006 information, which increased this projection. This information was used in the Wealden Core Strategy (reference A1, paragraph 3.10). However in 2010 further projections were published by the CLG, which are used in section 1 in the Response to the Summary of Inspector's concerns and Letter dated 31st October 2011 (reference Y10). They show a significant reduction in the projected household growth. These figures were not available on East Sussex in Figures until 12th January 2011[1], and therefore provide the most up to date household projection forecasts.

[1] http://www.eastsussexinfigures.org.uk/webview/index.jsp?mode=documentation&submode=catalog&catalog=http%3A%2F%2Fesfigures01s.escc.gov.uk%3A80%2Fobj%2FfCatalog%2FCatalog27&top=yes

OUR REF: DP/ CLG/LDF
ASK FOR: Mr. D. Phillips 01892 602587
DATE: 5th December 2011
YOUR REF: Env. Report SE Plan

Environmental Assessment Team
Department of Communities and Local Government
Zone 1/J6
Eland house
Bressenden Place
London SW1E 5DU

David L Phillips
Head of Planning and Environmental Policy

Dear Sirs,

Environmental Report on revocation of the South East Plan.

Thank you for your invitation to forward consultation responses and views to the publication of the above report. We note that the report is largely based upon the data and evidence provided in the South East Plan and the various assessments produced to support its preparation. Following consultation with the relevant Portfolio holder please find set out below our formal response to the environmental report on the revocation of the South East Plan.

The environmental report now published confirms the environmental and capacity concerns detailed in the RS in respect of growth, in particular the references to air pollution issues, waste water capacity, water stress, and the fact that the road network is under stress in many locations with congestion acting as a brake on growth. We support one of the principal aims of the revocation as promoting localism and thus use of locally derived evidence, including that of sustainability appraisal work to plan for growth.

In particular we note the affirmation at p28 of the report that nationally and internationally designated sites will continue to be subject to statutory protection. In this regard we welcome the endorsement that Local Authorities must not grant planning permission for a proposed development *"unless they have certainty that it will no, either individually or in combination with other plans or projects, adversely affect the integrity of the European Site concerned".*

We note that the environmental report confirms that the RS clearly acknowledged that wastewater treatment capacity could come under stress, depending upon the location of housing and growth (page 32 of report). We also then welcome and support the report's findings that, in assessing the impacts of revocation it is suggested that it will be for local authorities to work with others to plan and manage the water environment *" taking into account biodiversity sites of international importance".*

We note that the report acknowledges that it will be for local authorities to determine housing provision and location in their area and that in future, even post revocation ,Statutory Requirements under the Habitats Regulations remain in force and that the overarching legislation for

national and international sites will remain unchanged. This confirmation is welcomed as these important matters have been a major consideration in our response to accommodating growth and in arriving at what we believe to be a legislatively compliant, supportable and deliverable Core Strategy.

We wish also to support the view expressed in the report that enabling local authorities to work with local communities to deliver sustainable development will mean benefits for the environment. Further that the removal of certain current RS policies which are clearly acknowledged in the report (page 4) as presenting a threat to local environments will undoubtedly enable such threats to be eliminated .

Overall the environmental report concludes that it will be highly unlikely that there would be any significant adverse environmental effects resulting from the revocation. This is however clearly on the basis of confirming the continued relevance and legal force of strong environmental protections provided for by national and European legislation. On a general but important point we would urge that the ultimate timing and manner of any revocation of the Regional Strategy should not further worsen concerns that have been widely expressed elsewhere regarding the creation of a Policy void nor have any further adverse impacts upon the production and adoption of Core Strategies by Local Planning Authorities. We have flagged similar concerns in our recent response to the draft National Planning Policy Framework (NPPF) and where we have asked for clear transitional arrangements to be put in place for instances where development of Core Strategies has reached advanced or post adoption stages. We note that it is the intention that previously saved Policies from adopted development plans will remain in force.

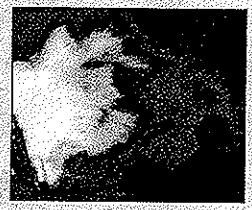
Yours sincerely ,

David L. Phillips
Head of Planning Policy & Environment

cc Cllr Roy Galley Portfolio Holder Planning and Development

In next week's Express

● **BONFIRE PREVIEW SPECIAL including map of road closures**



● **Newick Bonfire: Report and pictures from Newick's big night**

● **CHIPPER Little People prizes**

Man dies in bike collision

A MOTORCYCLIST died after a collsion in Maresfiled on Sunday (October 23).

The fatal crash happened at School Hill, Maresfield.

A 33-year-old London man was riding a motorcycle northwest when it was in collision with a Hyundai Amica hatchback travelling in the opposite direction. The 59 year old hatchback driver and his 55-year-old woman passenger, both from Horley in Surrey, were unhurt but the motorcyclist died at the scene.

Firecrews from Uckfield were called at 2.01pm and made the area safe.

Police are seeking witnesses.

A police spokesman said: "We asking anyone who saw what happened to contact us via 0845 60 70 999 quoting Operation Lyndhurst."

On the same day another woman had to be cut out of a car in a separate incident.

Firefighters were called to release a trapped woman from an overturned car near Burwash Weald.

Crews from Burwash, Uckfield and Battle attended the one-vehicle crash along the A265 at 12.34pm.

They were on the scene until 1.12pm stabilising the vehicle, which had flipped onto its roof and was stuck in a hedge.

The technical rescue unit was also on scene with extra equipment.

Incident commander Pup Upton

Delight as reservoir plan at farm is abandoned

by **RUPERT TAYLOR**
rupert.taylor@sussexnewspapers.co.uk

DELIGHT has greeted the announcement this week that South East Water has shelved controversial plans for a reservoir at Clay Hill, Ringmer.

The £90m project had widespread opposition locally and was the subject of a Public Inquiry last year.

Implementation would have meant completely obliterating Plashett Park Farm, which provides habitats for an enormous amount of wildlife.

Miles of hedgerows would have been flooded if the reservoir was dug, together with more than 400 ancient trees.

South East Water said the Clay Hill site would be able to supply, on average, an extra 18 million litres of water each day.

This would be achieved by abstracting, and then storing, excess winter rainfall from the lower reaches of the River Ouse which would otherwise go out to sea. Storing the water meant it could be used when needed.

Ringmer Parish Council argued that the calculations were "flawed and unreliable". It said Plashett Park Farm was too valuable to be sacrificed to a reservoir.

The land has been farmed by Bob Peters and his family for more than 70 years.

His wife, Ruth, said they were delighted the farm would be spared and called it "a victory for common sense".

She recalled their feelings of shock and disbelief when the reservoir plan first emerged.

"We're so grateful to the many people who have supported us and campaigned against the scheme," she said.

Paul Seeley, Asset Director at South East Water, said: "Following the Public Inquiry into our last Water Resources Management Plan, we've taken stock of some of the much earlier decisons that were made for the last plan, and considered carefully the robust debates that emerged at the Public Inquiry itself about some of the options that were being considered to provide new water resources in East Sussex.

"While we got a lot of things right, we also know we got some things wrong, and so are determined to deliver a better process and plan next time around.

"With work on the 2014 water resources plan starting imminently, we have confirmed our intention not to proceed with those earlier plans for a new reservoir at Plashett Park Farm specifically, but clearly will still need to determine how any shortfall of water over the next 25 years can be met."

Mr Seeley added: "To do that, we will engage with the local community in Ringmer and beyond, and indeed a wide range of other key stakeholders, as we prepare our next water resources plan as they clearly have an important role to play in shaping the future of their water supplies."

Queue for launch of budget retailer

Inside

Family announcements 4
Letters ..... 6 & 7
Leisure/listings 38-43
Property ..... Property Today
Sport 62-68
Parish Pump ..... 44 & 45
Chipper page 37

Contact us

Sussex Express, Temple House, 25-26 High Street, Lewes, East Sussex BN7 2LU
Editorial fax: 01273 476524
Editorial e-mail: sussex.express@sussexnewspapers.co.uk
Editor-in-chief: Gary Shipton
Content editor: David Phillip
Head of news: Mark Dunford
Head of photographic: Steve Cobb

Chief reporter:
Lewes: Rupert Taylor 01273 484738 rupert.taylor@sussexnewspapers.co.uk
Reporters:
Uckfield: Susan King 01273 484736 susan.king@sussexnewspapers.co.uk
Hailsham: Chris Eyre 01273 484739 chris.eyre@sussexnewspapers.co.uk
Newhaven and Seaford: Samantha Clark 01273 484737 samantha.clark@sussexnewspapers.co.uk

Advertising sussexexpressadvertising@sussexnewspapers.co.uk
Group advertisement manager: Hayley Scott 01323 437456 hayley.scott@ipress.co.uk
Media sales: Geoff Hough 01273 484711 geoff.hough@sussexnewspapers.co.uk
Display Manager: Peter Mead 01323 437455 peter.mead@sussexnewspapers.co.uk
Property advertising: Marie Townsend 01323 437454 marie.townsend@propertytoday.co.uk

Announcements/Subscriptions/Photo sales: Sally Funnell 01273 480601

south east water

Tel: 01634 873904
Email: lee.dance@southeastwater.co.uk

30th November 2011

Mr Charles Lant
Chief Executive
Wealden District Council, Council Offices, Pine Grove
Crowborough, East Sussex
TN6 1DH

Dear Mr Lant

Urgent action to protect reservoir levels

Further to our letter of 18th November 2011, when we advised you of our concerns about the exceptional shortage of rain this year, and the increasingly serious impact that was having on our two reservoirs in Sussex - Ardingly and Arlington - I wanted to give you a further update.

Unfortunately the situation has deteriorated rapidly, with little or no rainfall experienced to date; that has meant we've been unable to abstract sufficient water from the River Ouse to re-fill Ardingly Reservoir as quickly as we would want to this Winter, in order to secure customers' supplies. This reservoir is a strategic water resource which serves around 72,000 homes across large parts of East and West Sussex.

The amount of usable water left in Ardingly Reservoir is around 12 per cent – the equivalent of two months' worth of available water without any rainfall. Faced with this situation, with no sign of significant rainfall and customer demand for water continuing, we are now having to take immediate steps to protect Ardingly Reservoir. Following discussion with the Environment Agency, we are applying to DEFRA (Department for the Environment, Food and Rural Affairs) for special permission to vary our water abstraction licence on the River Ouse. If granted, the Drought Order would allow the Company to reduce the minimum flow in the River Ouse, below our abstraction point at Barcombe Water Treatment Works, from 20 million litres per day to 5 million litres per day. This relaxation would apply for six months from the date an Order is approved and issued. A copy of the formal application notice is attached to this letter.

An immediate effect of this Order would be to "slow down" the rate of water being drawn off at Ardingly Reservoir; this will help with the winter refilling of the reservoir in order to help secure customers' supplies next Spring, and ensure the river environment can also be better protected during warmer, drier weather. Due to the time of year, the short-term impacts on the water environment are expected to be minimal, but we have put in place a number of mitigation measures.

Rocfort Road
Snodland
Kent ME6 5AH

TELEPHONE
0845 223 5111

EMAIL
water@southeastwater.co.uk

EMERGENCY LINE
0845 603 2603
0845 602 1724

WEBSITE
www.southeastwater.co.uk

South East Water Ltd
Registered in England No. 2679874

Registered Office: Rocfort Road, Snodland, Kent ME6 5AH

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ISO 14001 Certified
OHSAS 18001 Certified

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Anyone may inspect our proposals at the addresses below during normal working hours until Friday 9th December 2011:

- The Lodge, Ardingly Reservoir, Ardingly, West Sussex, RH17 6SQ
- South East Water, Rocfort Road, Snodland, Kent, ME6 5AH
- Environment Agency, Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH

Objections may be made to the Secretary of State at the Department of Environment, Food and Rural Affairs by Friday 9th December 2011 at Water Supply and Regulation Division, Department for Environment, Food and Rural Affairs, Area 2C, Ergon House, Horseferry Road, London SW1P 2AL.

In the meantime, please be assured that South East Water continues to optimise the available resources we do have, is working with the Environment Agency and neighbouring water companies, while significantly stepping up its media and customer communication campaigns to urge everyone to think about their water use at this critical time. I hope this update has been useful but if you have any immediate concerns please do not hesitate to contact me on the contact details at the top of this letter.

Yours sincerely

Lee Dance
Head of Water Resources and Environmental

SOUTH EAST WATER LIMITED

WATER RESOURCES ACT 1991

APPLICATION FOR DROUGHT ORDER UNDER SECTION 73

Notice is hereby given that, because of an exceptional shortage of rain, a serious deficiency of water supplies exists in the Sussex Region of South East Water's supply area. The Company is therefore applying to the Secretary of State for Environment, Food and Rural Affairs for a Drought Order under section 73 of the Water Resources Act 1991 to enable the Company to take measures to alleviate the deficiency of water, so as to help ensure that a sufficient supply of water is available during 2012.

The proposed Drought Order will amend the Company's licence number 21/128 dated 30 March 2004, regulating abstractions by the Company from the River Ouse at Barcombe. This Order, if granted, would allow the Company to reduce the minimum flow in the River Ouse from 20,000 cubic metres per day as stated in the existing licence, to 5,000 cubic metres per day. This relaxation would apply for 6 months from the date the Order is issued.

The anticipated effect of this Drought Order, if granted, will be to reduce the rate of drawdown of Ardingly reservoir and to assist in the winter refill of the reservoir. Due to the time of year, the short-term impacts on the water environment are expected to be minimal, and shall be dealt with through mitigation measures. Anyone may inspect the proposals free of charge at the addresses below during normal working hours until Friday 9 December 2011.

- The Lodge, Ardingly Reservoir, Ardingly, West Sussex, RH17 6SQ
- South East Water, Rocfort Road, Snodland, Kent, ME6 5AH
- Environment Agency, Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH

Objections may be made to water.resources@defra.gsi.gov.uk or The Secretary of State for Environment, Food and Rural Affairs, c/o Water Supply and Regulation Division, Area 2C, Ergon House, Horseferry Road, London SW1P 2AL by 9 December 2011.

The Secretary of State may make complete copies of the objections and other representations public, including any personal information in them, and will copy them to South East Water as the applicant for the Order.

The Company considers that the Order needs to be made urgently and is asking the Secretary of State to dispense with holding a hearing or inquiry into any objection which may be duly made in respect of the application.

South East Water

1 December 2011

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