Subject	Wealden District Council Core Strategy: Examination in Public
	Matter 14: THE ENVIRONMENT, CLIMATE CHANGE AND SUSTAINABLE CONSTRUCTION (WCS12)
Prepared by	SKM Colin Buchanan and David Williams Landscape
On behalf of	David Wilson Homes

Main Issue: Whether the Core Strategy makes appropriate provision for the protection of the natural environment and other environmental assets and for sustainable construction.

a) Has it been demonstrated that the Core Strategy would have no likely significant effects upon internationally important nature conservation sites?

1. We believe that the Core Strategy will have no significant effects upon the Ashdown Forest SPA subject to the proposed appropriate mitigation measures being brought forward early on in the plan period. In addition, we consider that there is additional 'headroom' to accommodate a greater number of houses within the northern area of the District without having significant effects on the SPA (see our Statement on Matter 3).

b) Has the proposed 400m 'exclusion zone' around the Ashdown Forest Special protection Area (SPA) been justified by the evidence base?

2. No response

c) Has the proposed 7km zone around the Ashdown Forest SPA, within which contributions to Suitable Alternative Natural green Spaces (SANGS) would be sought, been justified by the evidence base?

3. We consider that the Habitats Regulation Assessment of the Core Strategy (Background paper 9) has employed a suitably cautious and robust approach to the assessment of likely effects on the Ashdown Forest SPA, subject to the mitigation measures being brought forward early on in the plan period and, in particular, the provision of SANGS and the monitoring and management of the Ashdown Forest area (to enable it to accommodate greater recreation use whilst enhancing the protected species of interest within the SPA).

4. We have seen no evidence to suggest that the proposed Crowborough strategic SANGS would come forward until after 2015/16 Uckfield strategic SANGs until after 2016/17.

d) Is there adequate evidence that the scale of SANGS required can be identified and deliverable?

5. There are a substantial number of specific locational and design criteria to which SANGS must adhere which are set out in Appendix IX of the

HRA and English Nature's draft (2008) checklist and guidelines for the creation of SANGS (which is referenced in the HRA).

6. The location and characteristics of the land to provide SANGS is important in order to attract new and existing residents away from the Ashdown Forest SPA. Also the creation of SANGS would invariably require the existing use of the land to change including its planning status (as the land will essentially be public open space not open countryside or farmland). In order for land to come forward the following stages would need to happen:

   i. The identification of a suitable areas of land located in close proximity to new residents etc including undertaking any visitors surveys to determine whether the land has any capacity to accommodate additional visitors if it is proposed to re-use / adapted an existing area of public open space;

   ii. Acquisition the land, if needed, and agreement is reached between all stakeholders involved (landowner / developer / District Council / Nature England etc) that the land should be SANGS;

   iii. The area designed to form a suitable area of natural green space which accords with the checklist items;

   iv. Detailed planning permission obtained and other obligations complied with; and,

   v. The works implemented so the proposed area is laid out and maintained / managed as SANGS.

7. We consider that the above stages would require a timescale between 2 to 4 years to deliver an area of land suitable to provide SANGS.

8. We consider that the provision of SANGS will take significant time to achieve in order that SANGS is readily available for use as mitigation for effects on the Ashdown Forest SPA. We understand from Natural England that, at present, there is no indication of the timescales involved and therefore this remains just an aspiration of Council.

9. Appendix B to the Council's Response to the Inspector's Concerns raised in advance of the Exploratory Meeting indicates that 25 hectares of land will need to be provided for SANGS: 19ha in Uckfield and 6ha in Crowborough. But the Council has not yet identified any land for SANGS to mitigate housing growth in these areas. This will delay the ability of these areas to come forward.

10. The Council's strategy appears to be reliant on the provision of two strategic SANGS (one for Uckfield and one for Crowbrough) within the

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northern part of the District. Natural England's agreement 'in principle' to this approach has been obtained.

11. For these reasons we consider that the delivery of SANGS will take a significant period of time even if the Council started the process now. We have seen no evidence that the Council has been proactive in seeking to find suitable land to form SANGS areas but rather is working on the basis that proposed strategic developments in these locations would be able to deliver the required SANGS provision. While this may be appropriate for larger strategic development sites, this is not a viable strategy in relation to the mitigation of impacts associated with small scale development which will need to make financial contributions to off-site strategic SANGs provision.

12. This approach is dependent upon on the delivery timescales of the major developments that will be capable of providing strategic SANGs and the willingness of these developers to agree to contribute / provide more land than strictly required by their own developments or alternatively working with the Council to acquire additional surrounding land to provide the 'strategic' SANGS.

13. This places greater reliance on the Council to obtain the necessary developer contributions and provide a 'strategic' SANGS site or sites within the early stages of the plan, otherwise there is the potential that there will be adverse effects on the Ashdown Forest SPA

14. The housing trajectory contained within the Core Strategy sees strategic development coming forward in Crowborough in 2015/16 and in Uckfield in 2016/17. How will strategic SANGs provision required to mitigate the cumulate impacts of small scale housing development which comes forward in advance of the delivery of these urban extensions? Experience in the Thames Basin Heaths has demonstrated that a condition preventing occupancy of new development until the delivery of a SANGS is not sufficient to demonstrate mitigation in the absence of a deliverable SANGS scheme,

15. Another potential strategy for SANGS delivery which the Council have agreed with NE is that, where appropriate, 'under-used suitable public open space' could be adapted to form part of the SANGS provision within Uckfield and Crowbrough. This approach would require an area of under-used open space to be identified and then subjected to a Visitors Survey and Capacity Assessment. Such an assessment would then establish current visitor use and so identify the potential additional use and adaption's required in order to determine the contribution that area could be make to the strategic SANGS provision. At present very little progress has been made in identifying under-used open spaces suitable for contributing to SANGS provision.

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16. Based on the timescale involved for local authorities within the Thames Basin Heath area, this approach will take a considerable period of time to be formulated, agreed by all parties involved and the strategy then adopted by the Council. Until such work has been completed the Council will need to rely on developments that are able to make provision of SANGS on site and would result in a number of small windfall housing sites located within the 7km zone being delayed until such a strategy is put in place.

17. There are 1,350 units identified in the Core Strategy for settlements within 7km of Ashdown Forest: 1,000 at Uckfield, 300 at Crowborough and 50 at Maresfield. Both Uckfield and Crowborough are constrained though by their ability to deliver SANGS. Crowborough is constrained by a combination of the Ashdown Forest and its location within the High Weald AONB, which encircle the town. In terms of Uckfield, we point towards Chapter 7 of our representations which discusses issues as to the soundness of the landscape assessment undertaken. This highlights that the assessment is incorrect in its assessment of land to the west of Uckfield (the major growth area identified in the Core Strategy for the town). At para 7.45 of our reps we state that '*it is considered that this proposal [development of land to the west of Uckfield] be reassessed and greater emphasis be given to the suitability of land at Maresfield to accommodate increased housing numbers and a larger proportion of the housing requirements for the district*'. Further, we note in representations submitted by Martin Grant Homes Ltd and Taylor Wimpey UK Ltd that they consider land to the west of Uckfield to be undeliverable (see paragraph 3.11 of their representations).

18. The ability, or otherwise, to deliver SANGS suggests that some of the housing identified for Crowborough and Uckfield (in the first five years of the plan) could instead be redistributed towards Maresfield, where proposed development is able to provide in full for SANGS requirements

e) Has the evidence base adequately demonstrated that levels of development materially greater than those in the Core Strategy would be unacceptable in the light of the effects of nitrogen deposition on the Ashdown Forest Special Area of Conservation?

19. We have also previously (see Matter 2) drawn attention to the headroom that actually exists for additional development in the Ashdown Forest based on the modelling of AADT and nitrogen deposition levels. It is clear from this that development in Maresfield is being unduly constrained.

20. Furthermore any road corridor through the Ashdown Forest SPA will need to address traffic related issues such as fire risk and disturbance (noise and movement) and its management could be adapted to mitigate against nitrogen enrichment using turf-stripping (based on the plaggen-

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technique) to remove nitrogen (See Appendix A). This type of heathland management would be compatible with the Ashdown Forest SPA and could be readily integrated within its management and monitoring programme, as part of the proposed AA mitigation measures and may provide further headroom.

f) Is the limit on the quantity of residential development that might connect to the main sewers relating to Hailsham North and South Waste Water Treatment Works (WWTWs), aimed at protecting water quality in the Pevensey Levels candidate Special Area of conservation (SCA), justified by the evidence base? Have water metering and water efficiency measures been fully taken into account?

21. Yes: the uncertainty surrounding the nature and timing of delivery of the necessary WWTWs justifies the limits.

22. The evidence base has been prepared by reference to a number of Environment Agency reports, particularly Creating a Better Place: Planning for Water Quality in the South East, 2007, which advises on the maximum number of dwellings which can discharge to these WWTWs. These limits are set by reference to the Habitats Directive which determines the quality standards for treated waste water. Effluent from these treatment plants discharges into the Pevensey Levels: a large wetland area which, as well as being environmentally sensitive (the whole area is designated as a Site of Special Scientific Interest, SSSI), consists of a complex network of ditches which are controlled by a series of pumping stations and sluices operated by the Environment Agency.

23. Waste water from these treatment works is currently treated to the highest available standard prior to discharging to the Levels and the Environment Agency will not permit any increase in the effluent load above what is currently consented due the environmental constraints imposed by the Habitats Directive.

24. Under the requirements of the Water Framework Directive (WFD), new developments should not cause deterioration to water quality and the ecological status of water bodies. In the light of this directive the EA are currently undertaking a review of all existing consents which has the potential to reduce the existing consented capacities for both these WWTWs. In addition, DEFRA are currently developing a WFD "No Deterioration Policy" which may also impact on consented capacity.

25. Given the above, it is considered that the limits placed on treatment capacity of these WWTWs is aimed at protecting the water quality in the Pevensey Levels and is justified by the evidence base.

26. Water meters are currently compulsory for all new developments within Wealden District and Building Regulations require increased water

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efficiency measures to be included in all new dwellings. Southern Water are also introducing water meters for all existing customers so that by 2015 the majority of properties will be metered. The Core Strategy considered this in their assessment of headroom at the treatment works but concluded that given the uncertainties about the impact of the "No Deterioration Policy" and the potential mitigation which might be required following the current EA consent review that it was prudent to maintain the consented discharge capacity. This would seem a sensible approach.

g) If the headroom level at the two WWTWs has been justified, has it been demonstrated that all alternative options that would permit growth beyond this are being explored? Has it been shown that these options could not be delivered and that the headroom limit could not be removed during the plan period

27. No response

h) Should the Core Strategy give more guidance in the approach to water efficiency in new development?

28. No response

i) Does the Core Strategy take sufficient account of sustainable waste management objectives?

29. No response

j) Should the Core Strategy make provision for the potential need to enlarge Bewl reservoir?

30. No response

k) Does the Core Strategy give appropriate guidance on sustainable construction and, if so, is the approach evidence-based and justifiable in terms of the Supplement to PPS1?

31. No response

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Summary Response

What part of the CS is unsound?	Policy relating to SANGS, infrastructure and the spatial strategy (WCS2, WCS7, WCS12, WCS13)
Which of the soundness criteria it fails to meet	It is not effective
Why it fails	No reasonable prospect of delivery of SANGs in first 5 years of the plan period
How the CS can be made sound	Allocation of housing to locations where SANGs can be provided on-site.
The precise change / wording sought	n/a

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APPENDIXA : Technical Note on the Plaggen Technique

1. Nitrogen oxides are emitted from traffic and are though to account for some 35 % of nitrogen deposition in the UK (Ainsworth, 1992). These fertilize the nitrogen-poor heathland and produce changes in the vegetation, most significantly by promoting grasses which then outcompete heather (Van der Eerden, 1992). Research in the Netherlands indicates that atmospheric deposition of nitrogen is implicated in the spread of heathland grasses such as Purple Moor-grass and this grass is dominant within the Ashdown Forest.

2. Removal of the heather turves (i.e. surface vegetation, litter layer and topsoil) is an old land practice in Britain for providing cheap fuel for commoners under Turbary Rights, and a similar practice known as 'plaggen' was used on Dutch heathlands. Plaggen is being re-introduced in the Netherlands (Bakker, 1989). Mechanical methods of turf stripping have been developed in the Netherlands using tractor-mounted machinery, and have successfully re-established heather on sites formally dominated by grasses (Michael, 1993). Small long-arm excavators might also be suitable for cutting turves. It is also possible that nitrogen could be locked out of circulation by means of sequestration through the burial of topsoils at depth (Perrow & Davy, 2002).

3. Turf stripping has long been recommended as a conservation management tool for nutrient removal in Britain (Marrs, 1985; Chapman et al., 1989; Smith et al., 1991; Traynor, 1995). In the last few decades, it has been successfully trialled on a number of sites, e.g. on the Walsall heaths during the early 1990's, see attachment; and on the Breckland in the late 1990's, the latter to control Wavy Hair-grass. More recently, Surrey Wildlife Trust have used turf stripping between 2009 to 2011 as part of the SITA Trust-funded Heath Tiger Beetle Project.

4. As well as removing fertility, turf cutting can also be used as a management tool for breaking up even aged stands of heather and creating small scale variations in vegetation growth stages. It is probably best undertaken on scattered plots so that heather litter and seed capsules can wash down or blow into the excavated areas and so supplement regeneration from the soil seed bank (Michael, 1993). The topsoil removed from a nature reserve is also likely to have considerable commercial value for its seed bank of species of high conservation interest (Putwain & Gilham, 1990).

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