WEALDEN DISTRICT (INCORPORATING PART OF THE SOUTH DOWNS NATIONAL PARK) LOCAL DEVELOPMENT FRAMEWORK

EXAMINATION OF THE WEALDEN DISTRICT CORE STRATEGY DEVELOPMENT PLAN DOCUMENT (DPD)

Inspector's Matters, Issues and Questions:
Matter 14: The Environment, Climate Change and Sustainable Construction (WSC12)

Submission by Natural England
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1. Introduction

1.1. Natural England is the official body responsible for ensuring that England's natural environment, including its land, flora and fauna, freshwater and marine environments, geology and soils are protected and improved. It also has a responsibility to help people enjoy, understand and access the natural environment. Natural England was established by the Natural Environment and Rural Communities Act 2006. It was formed by the amalgamation of three founder bodies:
- Countryside Agency, the landscape, access and recreation elements
- English Nature
- Rural Development Service, the environmental land management functions of Department for Environment, Food and Rural Affairs (Defra)

1.2. We received the powers of the founder bodies e.g. awarding grants; designating Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest; managing certain National Nature Reserves; overseeing access to open country and other recreation rights; and enforcing the associated regulations.

Inspector's Matters, Issues and Questions

2. Matter 14: The Environment, Climate Change and Sustainable Construction (WSC12)

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

Yes. Natural England is satisfied that the Habitats Regulations Assessment (HRA) carried out to inform and support the Core Strategy has addressed all potential impacts and all relevant European designated sites. We support the methodology adopted, the conclusions of the Assessment and the avoidance and mitigation measures proposed in the HRA and concur that, when the avoidance and mitigation measures are implemented, there will be no likely significant effect on the internationally designated sites

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

Yes. There is a strong evidence base from other sites such as the Dorset Heaths SPA and the Thames Basin Heaths SPA, including "*TBH SPA - Mitigation Standards for Residential Development*" (English Nature 2006), covering the effects of urbanisation on heathland SPAs that is directly transferrable to the Ashdown Forest. The evidence for this was discussed in documents submitted to the South East Plan EIP and Section 4.7.10 to 4.7.14 of the assessor's report on Thames Basin Heaths SPA and the draft delivery plan.

The Urbanisation effects from development close to designated heathland include dumping of garden rubbish leading to the spread of non native species, vandalism, fires, fly tipping, increased cat predation, pollution and recreational pressures such as dirt bike racing. These activities can have adverse impacts on both the habitat of the site and on ground nesting birds through predation and disturbance. Recreational pressure and other urbanisation effects are unlikely to be mitigated within this zone as, at such short distances and in the case of the Core Strategy , residents are likely to use the Ashdown Forest rather than any alternative site.

The use of a 400m exclusion zone has been accepted for other designated heathland sites and in relation to the Thames Basin Heaths is also specifically included in Policy NRM6 of the South East Plan. Natural England consider it is appropriate to use the same 400m exclusion zone for the Ashdown Forest SAC/SPA

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?

Yes. The 2008 Ashdown visitors survey data (Wealden submission document ref K2) identified that the majority of visitors to the Ashdown Forest (approximately 70%) originate from within the 7km zone. This evidence base is specific to Ashdown Forest and it is considered that the reason that visitors originate from a wider area than for Thames Basin Heaths is due to the wider draw that Ashdown Forest has, possibly due to its association with Winnie the Pooh.

The proposed avoidance and mitigation is precautionary, and this precautionary approach is fully supported by Natural England as without these it is not possible to rule out a likely significant adverse effect on the Ashdown Forest SAC/SPA from the proposed housing figures . Further analysis commissioned by Natural England Research Report 048 (Wealden submission document Ref. K4) confirms that avoidance and mitigation measures for the SAC/SPA are both necessary and appropriate.

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

Natural England is confident that SANGS provision can be delivered as there is a large supply of open space available within the District. This includes potentially suitable existing open spaces that currently either have limited public access or that could be enhanced to attract more visitors that might otherwise visit the SAC/SPA, following visitors surveys to assess capability. Many of these existing open spaces are already under the ownership or management of Town or Parish Councils and thus in secure ownership . Additionally, larger strategic sites, such as that proposed at Uckfield (SDA1) , will provide their own SANGS either on site or very close to the proposed development.

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?

According to the DMRB (refs) guidelines, a road where the AADT does not breach 1,000 cars or 200 HGVs does not have to be considered further as the impact is not considered to be significant. Generally, if higher levels of development would result in this threshold being breached then further assessment would be required in order to determine whether there would be a likely significant effect on the site and if so, an Appropriate Assessment (AA) would be required. The Council has taken the precautionary approach of identifying the maximum number of dwellings that might be built before the 1,000 AADT threshold is reached. Whilst we are unable to pre-empt the conclusions of further screening or an AA, Natural England is concerned that the existing critical load of Ashdown Forest is already significantly exceeded and we are not confident that further assessment could rule out a likely significant adverse effects from increased levels of housing being promoted in the core strategy.

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

Yes. In Natural England's view this approach is essential to protect the water quality in the Pevensey Levels candidate SAC. We fully support this approach as it would be inappropriate and unlikely to be in accordance with the Habitats Regulations to allocate development where the infrastructure is clearly insufficient to meet the needs of that new development as in this case where the headroom of the Hailsham WWTW is close to capacity. The Environment Agency and Southern Water are better positioned to respond to this issue in detail in respect of matters relating to headroom, certainty and discharge consents.