Matter 14 /WDC

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

Core Strategy Hearing

Matter 14: The Environment, Climate Change and Sustainable Construction
- Statement by WDC/ SDNPA

December 2011

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

Matter 14: The Environment, Climate Change and Sustainable Construction (WCS12)

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

1.1 The Assessment of the Core Strategy under the Habitat Regulations (reference A24, paragraph 9.2) shows that there will be no adverse effects in relation to: atmospheric pollution at Ashdown Forest SPA and Lewes Downs SAC; atmospheric pollution at Pevensey Levels cSAC/ Ramsar Site; and deteriorating water quality at Pevensey Levels cSAC/ Ramsar Site. In addition, adverse effects can be overcome by avoidance and mitigation measures concerning: disturbance from recreation at Ashdown Forest SPA; urbanisation effects at Ashdown Forest SAC/ SPA; and surface water impacts on hydrology at Pevensey Levels cSAC/ Ramsar site. The summary and outcomes of the Habitat Assessment Regulations can be found at Chapter 9 of the Assessment of the Core Strategy under the Habitat Regulations (reference A24).

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

2.1 The Assessment of the Core Strategy under the Habitat Regulations (reference A24, chapter 6 and 7) provides a summary of the justification of the 400 m exclusion zone. The research into recreational disturbance and urbanisation effects, with regards to ground nesting birds not only relates to the Ashdown Forest, but other SPAs within England. This research, together with the visitor survey (reference K2) and the analysis commissioned by Natural England (reference K4) provides the justification for the 'exclusion zone'. This type of exclusion zone is similar in nature to that provided for the Thames Basin Heaths (Policy NRM 6 in the South East Plan), and it is considered that a precedence has been set by this policy with regards to urbanisation issues.

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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?

3.1 The Assessment of the Core Strategy under the Habitat Regulations (reference A24) outlines the impact of recreational disturbance on the Ashdown Forest (Chapter 6). Research relating to impact of visitors upon ground nesting birds, particularly in relation to dog walking, is used in relation to other SPAs in the country. The results of the local visitor survey (reference K2) is used to provide an evidence base of who is visiting the Ashdown Forest, for what purpose and why. The visitor survey is clear that although the survey may underestimate (reference K2, paragraph 3.3.1) the number of visitors to the Ashdown Forest a large proportion come from within 7KM and for the purposes of dog walking (reference K2 paragraph 3.2.9 and A29 paragraph 6.4). This information has been used by consultants commissioned by Natural England to verify the results (reference K4). On this basis of substantial evidence it is considered that without mitigation there would be an adverse effect. The provision of Suitable Alternative Natural Green Space is recommended by Natural England for mitigation purposes and justified by the evidence base (reference A24, chapter 6). The provision of suitable spaces are considered as a viable alternative option to the Ashdown Forest, and if appropriately located should reduce the visitor pressure on the Ashdown Forest. As such the provision of SANGS within 7 kilometres is justified as part of the package to avoid adverse effects on the Ashdown Forest.

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

4.1 The Council's Response to the Summary of Concerns (reference X4a, paragraphs 4.0 to 4.3) provides the evidence that the scale of SANGS required can be identified. In terms of deliverability for the Core Strategy requirements, Wealden District Council is working with developers to identify sites and the provision of such will be part of the Strategic Sites Development Plan Document. It is considered, however, there is adequate green space within and around both Crowborough and Uckfield that can be used for SANGS provision, subject to the necessary works and contributions. It is considered that as a significant proportion of green space in-situ is currently owned and managed by the respective Town Councils that delivery will be achievable.

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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?

5.1 The Council's Response to the Summary of Concerns (reference X4a, paragraphs 3.0 to 3.7) explains that based on the Design Manual for Roads and Bridges that the development provided in the Core Strategy is just within the criteria for an affected road. Therefore it is concluded that there is not a likely significant effect. Any development beyond this threshold is considered on a precautionary basis to affect the integrity of the Ashdown Forest SPA. The materiality of this needs to be considered in three ways.

- The baseline levels and the current environmental carrying capacity
- The precautionary approach
- The difference between the screening considering one road and the subsequent assessment requiring consideration of the whole site.

5.2 Evidence shows that the environmental carrying capacity is already exceeded at the centre of the Ashdown Forest (reference A24, table 5.1, page 20) and on a precautionary basis (without scientific certainty) the authorities would have to conclude that any development in excess of the Core Strategy would have an adverse effect on the SAC, particularly as it is scientifically acknowledged in Department for Transport's Transport Analysis Guidance (as shown in the Air Quality Assessment for the Pevensey Levels K3, page 8) that concentrations of nitrogen will be greater within 200 metres of a road. Notwithstanding the importance of the precautionary approach, the fact that the environmental carrying capacity is breached means that any development beyond the Core Strategy is material.

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5.3 For the purposes of clarification, if screening identifies a likely significant effect on one road the whole of the Ashdown Forest needs to be considered, not just 200 metres from the affected road, in the determination as to whether the integrity of the site is affected. In the absence of bespoke modelling (requiring nitrogen tubes monitoring the whole of the Ashdown Forest, throughout the seasons) then the use APIS data is considered reasonable. If there were any doubt of the use of APIS then it is submitted that the level of nitrogen deposition is not marginal when assessed against the critical load, but exceeds the critical load by 146% on the Ashdown Forest. Levels of this quantity could not be ignored and gives robustness to the case of protecting the Ashdown Forest. Without an ecological survey of the whole of the SAC it is considered appropriate to use the critical load data. Paragraph 5.3 of the Assessment of the Core Strategy under the Habitat Regulations (reference A24) outlines the potential impact on site integrity. The potential change in the composition of the heathland across the area affected by nitrogen deposition would have an impact on the integrity of the site due to the change in habitat. Notwithstanding this, if data was not available and in the absence of scientific proof to show that an increase in vehicle movements would not result in an adverse impact on the integrity of the site, the result would be the same.

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 (WWTWS), 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?

6.1 The evidence relating to the headroom at both waste water treatment works is provided in the Waste Water Position Statement (reference K7) and the Infrastructure Delivery Plan (reference A25, Appendix A). Waste water treatment works are complex systems and the flow through the works are impacted by a number of factors. As a result the average yearly flows through the works vary, and not necessarily directly proportional with houses connected. This variable flow rate means that the Council has relied upon the professional expertise of both Southern Water and the Environment Agency in understanding the nature of the waste water treatment process and the headroom at the waste water treatment works. Discussions with Southern Water and the Environment Agency have been on-going since 2005.

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6.2 The potential impact of water metering and water efficiency measures have been taken into account as described in the Waste Water Position Statement (reference K7), as on a precautionary basis they can not be relied upon to provide the certainty of avoidance measures. This is ratified through the CLG Paper concerning the future of Building Regulations[1] (paragraph 2.32) which states that the Government will not be reviewing the water efficiency part of Building Regulations after a period of one year as it is uncertain as to the impact of the water efficiency measures currently provided through Building Regulations.

6.3 Water efficiency measures and water metering has been considered by the House of Lords Science and Technology Committee (8th Report of Session 2005-2006 (Water Management)[2]. It was reported (paragraph 6.33) that there was difference of opinion as to the long term success of water metering, but more crucially that water efficiency measures will be replaced by standard fittings if the fittings are inferior than standard options (paragraph 6.58). The effectiveness of water efficient measures appeared to be considered inadequate as the report called for research to improve the performance of water efficient devices (paragraph 6.59).

[1] Future Changes to Building Regulations - Next Steps CLG Dec 2010
http://www.communities.gov.uk/documents/planningandbuilding/pdf/1800841.pdf

[2] http://www.publications.parliament.uk/pa/ld200506/ldselect/ldsctech/ldsctech.htm

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G) If the headroom level of 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 shown that these options could not be delivered and that the headroom limit could not be removed during the plan period?

7.1 Initial discussions with Southern Water and the Environment Agency identified the need for infrastructure to be required on a strategic basis, not on a site by site basis. The alternatives being considered by Southern Water are contained within the Waste Water Position Statement (reference K7). The issue of alternative options for the Core Strategy on a site by site basis, is that private plants would be required to facilitate substantial numbers of houses. Without treatments that could effectively strip chemicals in waste water that cause eutrophication in the Pevensey Levels it will be necessary to drain into catchment areas other than the Pevensey Levels (as shown in Appendix 1 to the Hydrology for the Pevensey Levels Evidence Paper reference K6), which would require land take and pipelines to drain the treated effluent to areas outside the hydrological catchment area of the Pevensey Levels. As the majority of the sites are within the catchment area this would be a significant expense. Issues regarding management, maintenance and control would also be an issue on such a large scale. The Environment Agency regulate private plant and have commented separately on this matter.

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

8.1 The inquiry into the South East Plan made it clear that water efficiency measures should be set nationally, even though the South East of England is a water stressed area (Paragraph 10.10 and Paragraph 10.11 of the Panel Report of the South East Plan reference T2). In addition, In order to comply with Planning Policy Statement: Planning Policy and Climate Change Supplement to Planning Policy Statement 1 it is necessary to show that local circumstances clearly warrant and allow this (paragraph 31) and that when proposing any local requirement for sustainable buildings local planning authorities should focus on development area or site specific opportunities. Therefore Wealden District Council is seeking to consider site specific opportunities in the Strategic Sites Development Plan Document and Delivery and Site Allocations Development Plan Document as appropriate.

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

9.1 By guiding development towards existing settlements, with known waste infrastructure reflecting sustainable waste management objectives, it is considered that the distribution of growth takes into account sustainable waste management objectives. The site specific requirements will be dealt with as part of the Strategic Sites Development Plan Document and Delivery and Site Allocations Development Plan Document as appropriate.

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

10.1 It is acknowledged that the Water Management Plan for South East Water includes an option to enlarge Bewl Water. However, in order to safeguard the land it would be necessary for the Authorities to know the extent of the land to be safeguarded, which should be defined through the amount that the reservoir needs to be raised. In the absence of this information, the safeguarded land has not been included as part of the Core Strategy. However, inclusion of text outlining the need, and the proposal to safeguard as part of the Delivery and Site Allocations DPD, when further information is provided, would be supported.

K) Does the Core Strategy give appropriate guidance on sustainable construction and, if so, is the approach evidence based and justified in terms of the Supplement to PPS1.

11.1 Sustainable construction policies are considered to be more appropriate on a site by site basis taking into local circumstances and opportunities, in accordance with Planning Policy Statement: Planning Policy and Climate Change Supplement to Planning Policy Statement 1 (paragraph 32). Therefore such matters will be addressed as part of Strategic Sites Development Plan Document and Delivery and Site Allocations Development Plan Document as appropriate.