Subject	Wealden District Council Core Strategy: Examination in Public
	Matter 15: INFRASTRUCTURE (WCS7, WCS13)
Prepared by	SKM Colin Buchanan
On behalf of	David Wilson Homes

Main Issue: Whether the infrastructure requirements for the Core Strategy are soundly based and deliverable?

a) Have the critical infrastructure requirements in the Infrastructure Delivery Plan been justified by the evidence base? What would be the consequences for the strategy if any of the critical infrastructure was not delivered? Is there sufficient commitment at this stage from the relevant organisations responsible for delivery?

1. To be sound the Core Strategy should be demonstrably deliverable; and there should be a high level of certainty in terms of the provision of infrastructure required to support development programmed to come forward during the first five years of the Plan.

2. The Council itself acknowledges (in the submission Core Strategy and Infrastructure Delivery Plan – Background Paper 11(BP11)), the high level of uncertainty and risk associated with a number of critical items of infrastructure identified as required to bring forward specific developments. We would contend that critical infrastructure could be defined as that which is essential to release land for development i.e. the absence of which would prevent development taking place. This would include: utilities provision (water supply, waste water treatment, energy supply), access, and flood defence. Most other forms of infrastructure (e.g. education, health, etc) can be provided post completion as a development becomes occupied.

3. In the south of the district there are serious risks surrounding the provision of required increases in both waste water treatment and highway network capacity. In particular, paragraph 4.18 notes that consented waste water treatment capacity may be reduced by the Environment Agency under the Habitats Directive. This could have an adverse impact on the potential for accommodating housing in the south of the district. Appendix A notes that additional treatment facilities are '*deemed critical and implementation of contingency required if scheme is not in place*'. We comment on this further in Matter 14.

4. In regard to transport, there are three schemes which the Council and ESCC have identified as essential for the delivery of strategic development at Polegate and East Willingdon and a further three schemes on which development at Hailsham is dependent.

5. All of these six schemes, classified as 'essential to ensure the delivery of development' are at 'concept' design stage; and none have confirmed costs or identified funding. Four of the six are dependent on County Council funding and developer contributions; the other two are dependent on funding from the Highway Agency and developer contributions. No funding has yet been identified or confirmed for any of the six schemes, and none are in the DfT's forward programme (DfT, Local Major Transport Schemes, Development Pool update, 29 November 2011).

6. Furthermore the Executive Summary of BP11 states: '*budgetary cuts and changes introduced by the Government in the latter part of 2010, mean that many organisations, particularly in the public sector face radical changes in their funding streams and service delivery arrangements, which may impact upon this and subsequent iterations of the IDP*'. And, given current economic circumstances, the Council cannot rely on developers to deliver all of their s106 requirements.

7. The critical infrastructure has been identified, but it is not clear that it can be delivered or fully funded. The Council has not demonstrated that there is a reasonable prospect of delivery in relation to any of the scheme identified above.

8. Under such circumstances PPS12 (para 4.10) advises that

   "it is important therefore that the core strategy makes proper provision for such uncertainty and does not place undue reliance on critical elements of infrastructure whose funding is unknown. The test should be whether there is a reasonable propect of delivery. Contingency planning – showing how the objectives will be achieved under different scenarios – may be necessary in circumstances where provision is uncertain."

9. The Core Strategy has not attempted to demonstrate how the Council's objective will be achieved should the critical infrastructure essential to deliver development around Hailsham and Polegate fail to be delivered. An alternative scenario could involve a redistribution of growth across the district, and this should now be explored.

b) Is it clear what infrastructure is required for the first 5 years of the plan and who is going to fund and provide it?

10. To be sound the Core Strategy should be demonstrably deliverable; and there should be a high level of certainty in terms of the provision of infrastructure required to support development programmed to come forward during the first five years of the Plan.

11. By the time the EiP closes and the Inspector reports back to the Council, the first year of the Core Strategy will effectively be 2012/13. The first five year period will thus run through to the end of 2016/17. By this

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time, the housing trajectory in the Core Strategy sees commencement of urban extensions in Uckfield, Crowborough, Stone Cross and Heathfield.

12. In the north of the district the key challenge is with regard to the delivery of SANGS. It is not though clear where this will be provided and how.

13. In both Uckfield and Crowborough, the Plan and the supporting Infrastructure Delivery Plan (IDP) (BP11) acknowledge that new residential development is critically dependent upon the provision of SANGS. The Council has not demonstrated that SANGS can be delivered, where, or when (see our Statement on Matter 14). Furthermore the introduction of CIL Regulations restricting the number of s106 contributions that can be pooled towards individual infrastructure inhibits the use of commuted payments towards the provision of strategic SANGs. CIL is not a viable alternative to s106 for this purpose as there using this mechanism there is no legal requirement that funding raised through CIL will go towards the provision of SANGS.

14. It is thus not proven that SANGS can be delivered.

c) Does the Core Strategy take sufficient account of the introduction of the Community Infrastructure Levy?

15. There is limited reference in the Core Strategy to CIL. It is noted in BP11 that the Infrastructure Delivery Plan will help assist in the negotiation of planning applications and development of CIL. Paragraph 7.5 of the Core Strategy states that a tariff approach or other appropriate mechanism will be developed as part of the Site Allocations DPD. The 2nd December letter from the Council to the Inspector includes a new LDS, with the CIL SPD and site allocations document due to be adopted in 2014. The Plan should indicate how the transition to CIL may impact on infrastructure delivery.

d) Does the Core Strategy provide an adequate basis for the achievement of more sustainable forms of transport and travel? Should there be a policy setting out the transport strategy for the District?

16. No response

e) Does the requirement for all new residential development to contribute to the green infrastructure network make provision for new open space in Policy WCS13 accord with the tests in Circular 05/2005 and the CIL regulations?

17. No response

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Summary Response

What part of the CS is unsound?	Infrastructure and Spatial Strategy (SPO3, WCS2, WCS7)
Which of the soundness criteria it fails to meet	It is not effective
Why it fails	Council has failed to demonstrate a reasonable prospect of delivery of critical infrastructure essential to bring forward strategic development locations.
How the CS can be made sound	Contingency planning through an alternative spatial scenario in the event that critical infrastructure is not forthcoming. Policy should specify fallback position.
The precise change / wording sought	n/a

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