Environment Agency Statement for Examination in Public into Wealden District Council and South Downs Core Strategy

Matter 15: Infrastructure

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1. This is a statement from the Environment Agency (EA) regarding Matter 15: Infrastructure, to assist the Inspector in determining the soundness of the Wealden District (WDC) incorporating Part of the South Downs National Park Core Strategy.

2. The Environment Agency considers that the Core Strategy is based on robust and credible evidence in relation to wastewater treatment infrastructure capacity to support Wealden's development allocation. The EA therefore find the Core Strategy 'sound' in this regard. Please refer to our representations on the Pre-submission Core Strategy point 1.

3. This statement relates to the condition and designation of the Pevensey Levels and the impact of the Councils' proposed housing distribution on the consented capacity at the Hailsham North and South wastewater treatment works (WTW) and ultimately the impact on the receiving waterbodies in the Pevensey Levels.

4. Both Hailsham North and South WTW discharge into the Pevensey Levels.

5. The Pevensey Levels are designated as a Ramsar wetland under the Ramsar Convention as they support an outstanding assemblage of wetland plants and invertebrates. They have also been proposed as a candidate Special Area of Conservation (cSAC) for their population of Rams Horn Snails *(Anisus vorticulus*). Due to the designation(s) of this site, we are currently undertaking a Review of Consents to assess the potential of the environmental permits issued (including discharge consents, abstraction licences and waste operations) to have an adverse impact on the protected species of this site under the Habitats Directive.

6. We have recently completed the first three of the four stages of this Review and have concluded that none of the abstraction licences or waste operations are having an adverse impact on this site; however, this same conclusion can not be reached for 46 of the remaining discharge consents (which include the permits for Hailsham North and South) and, as such, these will be assessed further in the fourth stage of the Review which is currently underway.

7. The EA is also the competent Authority for delivering the objectives of the Water Framework Directive (WFD). WFD is a European directive which stipulates two overarching objectives:

- Prevent deterioration in the status of aquatic ecosystems, protect them and improve the ecological condition of waters; and

- Aim to achieve at least good ecological status or good ecological potential (where waterbodies are heavily modified) of all waters by 2015.

8. The Review of Consents process, along with the requirements under the WFD present uncertainties for providing additional capacity for wastewater treatment discharging into the Pevensey Levels.

9. Any increase in the volume of wastewater, above that consented, going to either WTW will require new investment from SWS to meet tighter consent standards. There is no certainty at this stage that tighter standards can be achieved. Both Hailsham North and South are currently treating effluent to the currently accepted best available technological standards for phosphorous, which is contributing to the eutrophic status of the Pevensey Levels.

10. Based on Dry Weather Flow (DWF) data supplied to us by SWS in 2007, the EA, SWS and WDC agreed in 2009 that the environmental capacity at both WTW is 2,712 m^3/day, and that this would be used for planning purposes. The DWF is the base flow i.e. excludes rainfall events. It is defined and measured as the total daily flow value that is exceeded by 80% of the total daily flow values in any period of 12 months. In practice the DWF will be higher in wetter years.

11. To calculate the impact of new homes on flows to the works, SWS use a figure of 500 litres/household/day (l/hh/d). This includes all waste water that flows to the foul sewer including associated external domestic and commercial water use. We use this figure for planning purposes to estimate whether there is enough environmental headroom at the WTW to accommodate strategic development being proposed in Core Strategies and Local Plans.

12. Using these calculations the submitted Core Strategy proposes development that is within the current consented capacity.

13. If WDC were proposing more development than could be accommodated within the environmental limits of the Pevensey Levels (i.e. the current consented capacity), we would find the Core Strategy unsound based on its coherence, consistency and effectiveness. The Strategy would:

    - not be founded on a robust and credible evidence base which could result in the implementation of the Strategy having an unacceptable environmental impact on the Pevensey Levels;
    - be undeliverable given the constraints to achieving tighter discharge conditions on the existing consent i.e. the infrastructure is not in place to support it; and

- not be flexible enough to deal with changing circumstances.

14. The Environment Agency considers that a mains connection is always the most sustainable and certain way of dealing with wastewater from new development. The EA is the responsible Authority that would approve consent for the discharge of treated waste and as such has a presumption against package treatment plants. In the first instance we consider that development should be timed to coincide with necessary mains infrastructure improvements. In the absence of any certainty in terms of consented package treatment plants for development within the area affected by the Pevensey Levels it is concluded that any suggested approach of package treatment works would not justify increasing the level of housing growth.

15. The Environment Agency support the Wealden and South Downs Core Strategy as it is based on robust and credible evidence relating to the availability of wastewater treatment capacity within the plan period. The EA therefore finds the Core Strategy sound.