1. MATTER 15: INFRASTRUCTURE (WCS7 and WCS13)

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 infrastructures was not delivered? Is there sufficient commitment at this stage from the relevant organisations responsible for delivery?

1.1. It is the Trust's view that the critical infrastructure requirements in the IDP have not been justified by the evidence base prior to the publication of the CS and the planned housing numbers are being restricted on inadequate evidence. In particular a case can be made that the CS should have waited for the completion of the Waste Water Treatment Study (stated as due to be completed by 2012, paragraph 4.16 of the IDP, or 2013, paragraph 8.1 of the Waste Water Position Statement, August 2011).

1.2. From our understanding of the evidence it appears that WDC, Southern Water, the EA and East Sussex County Council, as Waste Planning Authority, are working together with the aim of identifying a technical solution to overcome the apparent capacity constraint of both sewage works in Hailsham. The parties appear to be confident that a solution is feasible, but it is stated that;

> **"If a solution cannot be found or cannot be implemented in time, it will be necessary to accommodate residential growth in other locations in accordance with contingency plans".** (paragraph 4.17 IDP).

However, we are not aware as to what the contingency plans are.

1.3. Southern Water has previously made clear, in its letter to WDC, reference CRK/Corp Strategy dated 29 August 2008, that provision of additional wastewater treatment works capacity in south Wealden should....

> **"…. not be a constraint to development proposed in the South East Plan provided the location of development is confirmed via the adopted LDF Core Strategy and development is phased to synchronise with Southern Water's investment programme."**

1.4. Ultimately, it is considered the duty of Southern Water, as the sewerage undertaker, to provide, improve and extend its infrastructure to ensure that an area continues to be effectually drained. This duty is set out under section 94 of the Water Industry Act 1991.

1.5. This is supported by the Inspectors' report into the 'Draft South East Plan Examination in Public' (EiP), August 2007, which stated at paragraph 17.36 that Southern Water was optimistic that a solution could be found and the Inspectors' assumed that it was most likely to be a phasing issue.

1.6. Both IDP (P.75) and the Waste Water Position Statement (WWPS) (August 2011) detail the current capacity across the district in terms of discharge and treatment works capacity, and the need for investment to meet potential growth. The WWPS provides the methodology and calculations for discharge capacities at both Hailsham North and South Waste Water Treatment Works.

1.7. The W E Vine Trust has no issue with the calculations which demonstrate the available capacity after accounting for extant planning permissions and completions (between

April 2006 to April 2010), and also a 'windfall allowance' as of April 2010 (taking into account allocations in the Core Strategy).

1.8. However, of serious concern is the presumption of 500 litres of waste water per dwelling per day which is used in the calculation. It is stated that this figure is set out in the Environment Agency's paper 'Creating A Better Place: Planning for Water Quality in the South East (October 2006)' (pages 5 and 9) and is based upon an average of 2.5 litres per household multiplied by an average of 200 litres per person. It is this '500L/dwelling/day' figure that informs the CS of the number of potential dwellings allowed to be connected within the limits of the discharge consent.

1.9. It is the Trust's view that the average occupancy per household figure of 2.5 is in excess of that which is currently occurring within the area served by the Hailsham South WWTW. If, for example, the average occupancy per household is reduced to an average of 2.3 persons per dwelling, this reduces the waste water to 460L per dwelling per day. This would, in turn increase the available capacity in both Hailsham North and South WWTW. This is clarified in Tables 1 and 2 below: -

Hailsham North WWTW

500L/household/day	**Cubic Metres per day**	**Dwellings**
Dry Weather Flow	1,680	3,360
Total Capacity	3,162	6,324
460L/household/day	**Cubic Metres per day**	**Dwellings**
Dry Weather Flow	1,680	3,652
Total Capacity	3,162	6,874

Hailsham South WWTW

500L/household/day	**Cubic Metres per day**	**Dwellings**
Dry Weather Flow	5,890	11,780
Total Capacity	7,120	14,240
460L/household/day	**Cubic Metres per day**	**Dwellings**
Dry Weather Flow	5,890	12,804
Total Capacity	7,120	15,478

1.10. It is clear from the tables above that by establishing the average occupancy per household served by the Hailsham South WWTW, it is possible to determine significant additional capacity and subsequently additional dwellings that may be served by the WWTW. The example is based upon an average occupancy of 2.3 people per household which translates to 460L of waste water per dwelling per day.

1.11. It is pertinent to note that DCLG's publication entitled 'The Water Efficiency Calculator For New Dwellings', published in September 2009, states at Paragraph 2.4 that the typical UK water consumption is 150 litres/person/day. Also, the Building Regulations and Code for Sustainable Homes target is a 125 litres/person/day. In addition, BS EN 752: 2008 'Drain and sewer systems outside buildings' gives an average flow rate range of 150 to 300 litres/head/day. Using any of these figures would significantly increase the number of additional dwellings.

1.12. There is also the issue regarding the incompleteness of a number of studies required for input into the CS. The CS acknowledges that there remains a great deal of work to be done in achieving a satisfactory understanding of the infrastructure consequences of the development associated with the release of the broad locations identified. It is also apparent that the completion of various studies and assessment of the findings could significantly influence the way in which sites can deliver new homes and/or by when.

1.13. In its Supporting Statement for the EiP, October 2011, East Sussex County Council has declared its support for policy WCS7 (Infrastructure). In particular, it considers;

> **"It is important that the release of land for development will be conditional upon there being sufficient capacity in the existing local infrastructure to meet the requirements generated by the proposed development, or that there is an agreed programme for delivery of new infrastructure which will ensure that improvements are provided at the time they are needed"**.

1.14. It is the Trust's view that it is inappropriate to make the release of land for development conditional on there being sufficient capacity within the existing local infrastructure; instead it should be more appropriate to make provision for infrastructure concurrent with development.

1.15. It is pertinent to note that East Sussex County Council (as planning authority for wastewater management) acknowledge within their Waste & Minerals Core Strategy Preferred Strategy the need to accommodate up to 11,000 additional households for South Wealden at the WWTW's in Hailsham. A number of options (Options W7a to e) are set out in Issue W7 which deals with the whole of Hailsham ***(it is noted that the works have been considered as a single entity as there is potential to transfer between them).***

1.16. PPS12 acknowledges that information on funding and delivery may not always be available at the time the Core Strategy is prepared. However it goes on to state:-

> **"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 prospect of provision. Contingency planning – showing how the objectives will be achieved under different scenarios – may be necessary in circumstances where provision is uncertain". (PPS12, para 4.10)**

1.17. It is clear that waste water management measures are needed to attain the scale of strategic development proposed in Hailsham and contingency measures should be identified. There is no contingency planning evident within the CS and no alternative scenarios whereby the key regeneration objectives for Hailsham can be achieved. For example, it is possible to treat waste water form quite large developments by using 'self-contained' standalone treatment works.

1.18. The overall conclusion must be that although constraints to the current waste water treatment works have been identified, there is a strong likelihood that a technical solution to securing additional capacity and hence to accommodate additional dwellings, to the level identified in the South East Plan, is entirely feasible. Therefore, it is the Trust's view that the CS housing numbers for Hailsham should not be constrained on the basis of the existing wastewater treatment capacity but that the required number of dwellings should set the capacity required.

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

1.19. The IDP demonstrates the significant uncertainties surrounding the funding of key elements of critical infrastructure. These are most acute in relation to highway works and waste water treatment upgrades in the South of the district. However, it is not clear what infrastructure is required for Hailsham for the first five years of the plan, particularly in relation to waste water treatment.

1.20. In addition, there is an absence of any detailed assessment of the costs of the common and site specific infrastructure required associated with the development envisaged, e.g. whether the house builders in particular are expected to fund the total costs or whether the Local Planning Authority envisages public funding for any elements. This is a key viability issue and whether the delivery mechanism envisaged has established that the development sites are self-financing and capable of delivering the required level of affordable housing.

1.21. The Council needs to also understand what it will be doing in terms of "banker and facilitator" in the apportionment and securing of financial contributions towards common infrastructure, advanced funding and retrospective recovery. This has very real practical issues in relation to education provision, highways mitigation measures and network enhancement. Similarly does the CS commit WDC to using Compulsory Purchase Powers to overcome land ownership ransoms, etc? These issues are critical to the delivery of the infrastructure. The Trust do not believe that the CS deals with any of these potential deliverability issues (see paragraph 4.45 of PPS 12.).

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

1.22. Although it is acknowledged that a Community Infrastructure Levy (CIL) working group has been set up involving all the Boroughs and Districts in East Sussex, the Trust considers that the CS does not take sufficient account of the introduction of the CIL and needs to given that it has to be in place by April 2014.

1.23. It is suggested that a CIL Policy is introduced and this should be investigated which would significantly improve certainty and greater predictability in terms of funding issues and related delivery.

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?

1.24. It is the Trust's view that the proposed SDA's (WCS4) for Hailsham do not, provide an adequate basis for the achievement of more sustainable forms of transport and travel. Fundamentally, it would appear that despite statements to the contrary, key sustainability considerations have not informed the Hailsham strategy.

1.25. The Sustainability Appraisal is set out on p.42 of the Sustainability Objectives for Wealden. An environmental objective included ***(amongst others)***:-

12. 'Reduce the need to travel by car and promote alternative methods of transport.'

1.26. Strategic Site SD3 (north Hailsham) does not meet objective 12 in that, compared to south Hailsham, development in north Hailsham would lead to an increase in travel distances and an increased reliance on the private car. Given the need for development to be located in sustainable locations, the Council has not demonstrated how SD3, as a preferred location for development, will achieve more sustainable forms of travel over other sites which are clearly more accessible within Hailsham.

1.27. Furthermore, Background Paper 5 'Broad Locations' (Page 204), states the following Social Objective and concludes:

> **"To provide accessible and high quality public services and facilities north and east locations** (around Hailsham) **should have beneficial effects on this objective through delivering a new neighbourhood centre and creating good links to the town respectively.** (A) **Southern location may adversely affect**

this objective as a small area not well connected to the town and would result in increasing the number of people removed from services and facilities".

1.28. The Trust has difficulty finding any evidence to support this statement. In terms of sustainable forms of transport and accessibility across the town and to the town centre, the key feature of the south Hailsham sites are that they are directly adjacent to the Cuckoo Trail, a significant sustainable transport link for pedestrians and cyclists. Compared to the distance from SD3, the south Hailsham sites are about 1km closer to the town centre (to the High Street) via the Cuckoo Trail.

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

1.29. Provided that it is fully capable of costing and apportionment. This is part of the criticism of the absence of a delivery mechanism.