MATTER 3/A DEKLANDS LTD

WEALDEN DISTRICT CORE STRATEGY

EXAMINATION

FURTHER EVIDENCE RELATING TO MATTERS ISSUES AND QUESTIONS

Consultee ID: 344781
Agent ID: 102571

a) Does the overall scale and distribution of housing accord with the arrangements of the South East Plan (SEP) having regard to policies relating to infrastructure and the environment as well as those for housing? Is the Core Strategy in general conformity with the SEP in this regard?

The Localism Bill received Royal Assent on 15th November 2011. In that context, provisions are in place to ultimately revoke RSS. However, as we sit here today, Orders will be required to do that and there is an obligation on the Government to consult on Environmental Assessments for each of the RSS's before they can be revoked. Decisions on revocation cannot therefore be made until this process has occurred and consequently, the SEP remains the development plan and could do so for an undefined period of time. On this basis the SEP remains relevant to the discussion. Furthermore, the advice at paragraph 33 of PPS3 is that the level of housing provision must be determined in the context of the evidence base including population and household projections and local housing market assessments. It is presumed that in the first instance, general conformity with the SEP is required, and secondly if, during the course of the Examination, RSS is revoked then the fall back position is the local evidence base. Turning first to matter 3a):

Table H1b of Policy H1 in the SEP sets out a requirement for 11,000 dwellings or 550 per annum between 2006 and 2026. To be in general conformity with the SEP, the Submission Core Strategy (SCS) needs to at least meet these housing land supply requirements. I say this because paragraph 7.6 of the SEP notes that the housing land supply requirement is below forecast growth and paragraph 7.7 of the SEP indicates that a higher level could be tested by local authorities. Policy WCS1 of the SCS explains that the scale of housing to be provided in the District is 9,600 dwellings between 2006 and 2030 which is an annualised average of 400 dwellings per annum. If linked to the SEP period then it is only 400 x 20 years or 8,000 dwellings for the period 2006 to 2026. 2030 is chosen by the Council for the end of the Plan period and I note that PPS12 supports 15 years as a minimum time period. However, what this demonstrates is a Council which is extending the plan period whilst promoting a much lower annualised average provision than the SEP.

As a matter of fact the SCS is not in general conformity with the SEP and moreover the SCS has no regard whatsoever to the SEP. Even if RSS were to be revoked during the course of the Examination – and this is by no means certain if the Environmental Assessment reveals that the housing land supply is fundamental to sustainable levels of growth - the issue is one of implementing paragraph 33 of PPS3. By that I mean full regard being had to the evidence base. Policy WCS1 of the SCS should, at the very least, make provision for an annualised average of 550 dwellings per annum – which for the period 2006 to 2030 is a total of 13,200 dwellings. The alternative is to redefine the plan period to 2026 and plan on the basis of 11,000 dwellings for the period to 2026. The Policy should be amended accordingly in order to

make the Policy and strategy sound. If the SEP is set aside then the local evidence base should be the guiding framework and, as I note at Matter 3b) this also means an increase in the housing land supply requirement.

Interestingly the SCS identifies significant areas of land around Crowborough that are considered suitable for housing. The area identified for SD8, SD9, SD10 and north of the A26 is significant yet the quantum is only 300 dwellings. If the Inspector finds that the environmental and infrastructure issues are not a constraint on development then it would require the SCS to be amended to increase housing development within the areas identified, for example, around Crowborough.

The Distribution Strategy

The distribution strategy for housing in Wealden District is partly governed by the Sussex Coast Sub regional Strategy at Policy SCT1 of the SEP. The diagram in the SEP identifies an arc within which growth points, regional hubs, primary regional centres and secondary regional centres are identified within the coastal area. The Sussex Coast and Towns is a Priority Area for Economic Regeneration. SEP Policy SCT1 (iii) sets out the approach to growth in this coastal arc and indicates that sustainable urban extensions should be planned for. If this is not possible then criterion (iii) suggests that other locations in the district should be considered. SEP Policy SCT5 sets out the distribution strategy for this coastal arc which is 7,000 dwellings or 350 dwellings per annum. This means that 4,000 dwellings should be identified outside of this arc this is roughly a split of 64% to the coast and 36% towards the north of the District).

Wealden DC, through the publication of the SCS, has effectively sought to implement a north/south split in distribution strategy. However, the quantum of housing proposed is less than the SEP. As a consequence Policy WCS2 needs to be reconsidered in the light of the evidence at the Examination that would suggest more housing is targeted towards the north of the District. At this point I refer the Inspector to the Housing Market Assessments and the high levels of demand for housing around Crowborough. At present the demand for housing in the north is very high and if the environmental constraints resulting in low housing numbers in the north are allowed to continue then there will remain this ‘spike’ in demand/high house prices/ affordability issues in the north. As currently drafted it is not clear from WCS2 whether the SEP split is followed but in any event the distribution strategy cannot be said to be in conformity with the SEP or the evidence base because the overall quantum of housing spread across the District is at odds with the SEP/evidence base.

Furthermore, it is important to note that the SEP distribution strategy was never intended to be a rigid framework as the footnote to Policy SCT5 of the SEP enabled flexibility in the distribution strategy where this is necessary to meet the overall district provision and to achieve a more sustainable pattern of development without compromising the development of the coastal towns. As

such, and setting aside the environmental constraints identified by the Council, further housing should be targeted at the northern part of the District.

Representations we have submitted maintain that the northern part of the District and in particular the town of Crowborough (which is confirmed by the Council as a District Centre) is highly sustainable given the presence of the mainline railway station. It is also a settlement that has a good range of employment opportunities, schools and other facilities. Additional housing should therefore be targeted at Crowborough which has a relatively modest level of provision under the current distribution strategy of the SCS.

Our client, who is a local housebuilder, and others that we represent are concerned that the local housing market and demand for housing in the northern part of the District justifies a more generous apportionment to this geographic area. In contrast we note that houses towards the coast are located in a more difficult housing market where the market demand for housing is not as strong. Developers will only be able to build properties they feel they can sell and as a consequence there is evidence that the current distribution strategy is unlikely to be met.

We would be seeking amendments to WCS2 which re-apportions the amount of housing land required in the northern half of the District, and particularly secures an increase in housing for Crowborough. Policy WCS2 would therefore be amended so that the shortfall is targeted towards the northern part of the District. I consider the extra housing to be a minimum because I have doubts that the number of committed dwellings via planning permissions will actually come forward – I deal with this under the other matters raised.

Infrastructure and Environmental Issues

Wealden DC are seeking to make the case that the environmental and infrastructure constraints that affect the District are such that a lower level of housing development should be accepted. Paragraph 2.8 of the SCS explains that the environmental constraints justify a lower level of development. Reference is made to the AONB and South Downs National Park covering 60% of the District and the Ashdown Forest SAC and SPA. At paragraph 2.10 of the SCS the limited amount of available brownfield land is noted and that this combines to provide pressure on Greenfield land generally. A further distinction is then made between the settlements of Crowborough and Heathfield that should receive less housing than settlements such as Uckfield, Hailsham and Polegate, Willingdon and Stone Cross.

Background to the Ashdown Forest SPA and SAC

Ashdown Forest received the SPA designation because of the EU Bird Directive and related primarily to the existence of the Nightjar and Dartford Warbler, albeit other species do visit (eg woodlark). The SAC designation was borne from the habitat types including the wet and dry heathland. The key issue for the local authority is the impact of additional population on this

designated area either by visitors or by the impact of pollution (air). The habitat Regulations impose a duty on the competent authority (in this case the LPA) to make an appropriate assessment of the implications of (in this case) the SCS.

General Point on the Environmental Issue

As a general point I note that Regulation 49 of the Habitat Regulations 1994 sets out circumstances where the overriding public interest of the plan/project may allow that plan or project to continue notwithstanding a negative assessment. In the 'planning balancing act', the provision of new homes to meet economic and social needs could be deemed sufficient to outweigh the negatives. Notwithstanding, I also note that Regulation 53 sets out compensatory measures which could be implemented to reduce that negative impact. I could foresee a situation where additional housing is allowed providing specific developer contributions are sought to enhance the SPA/SAC. If the habitat were improved then the capacity to accept visitors may also increase. The contributions could be used to manage access to the forest to ensure disturbance is minimised, a good example would be maintaining a limited number of car parking spaces or introducing car parking charges. Monies could be directed at securing traffic management to encourage reduced levels of pollution. These techniques could enable additional housing to be identified in the SCS. Alternatively, it may be possible to promote SANGS or other open spaces within the SCS. If these were supported by developer contributions, and were of sufficient quantum and quality this alternative destination may reduce pressure on the Forest. Again this could provide the opportunity for additional housing within the District.

Specific Concerns with Wealden DC Approach on the Environmental Issue

At the Exploratory Meeting on 8th September 2011 the Inspector produced a summary of his concerns. In particular he noted Policy NRM5 of the SEP and the approach towards development where matters of international nature conservation are relevant. I disagree with the Council's view that the environmental constraints relevant to the District justify a lower provision of housing land. I say this because if the Council's case is ratified then the implication is that there will be an effective embargo on housing development after the plan period, that is, a ceiling which can never be breached.

I have concerns at how the Habitat Regulations are being implemented and the evidence base used to do this. I have concerns about the 400m embargo and the 7km zone, neither of which are supported by a specific SEP Policy for the Ashdown Forest/Pevensey levels. If these areas warranted a specific policy approach then the SEP would have included one. In fact SEP Policy NRM5 requires measures to avoid development (within 400m) or mitigate (400m to 5km) any potential adverse impacts caused by new development. It does not advocate a reduction in housing numbers, only that mitigation is proposed for locations beyond 400m. In my view the Council are relying heavily on the similarities with the Thames Basin and the prediction that more housing will result in more visitor pressure on the Forest, which I have shown

not to be the case (see remainder of this statement). The Thames Basin is a more heavily populated area with roads that carry more traffic and the similarities with Ashdown Forest regarding disturbance and air pollution do not exist.

What the Council appear to have failed to take into account is the ability for a variety of mitigation measures to be employed thus allowing SEP housing targets to be met. For example, visitor numbers to the Forest can be controlled without a reduction in housing numbers or better use is made of identified growth areas.

Urban Disturbance

The extract below is from Natural England's report 'Ashdown Forest Visitor Survey Data Analysis 2010' which is a document used to underpin the Council's SCS.

"7.1 Once we allow for the differences between habitat types in average bird densities within Ashdown Forest, we can detect no clear evidence that the current spatial distributions of either woodlark, nightjar or Dartford warbler are affected by the patterns of current levels of nearby visitor pressure or by path intensity within the SPA."

On this basis the current level of housing and population is clearly acceptable to Natural England.

In support of this conclusion, Natural England have looked at both pedestrian visits and car borne visits. I include relevant extracts.

Pedestrian Visits

Modelling and predicting foot visitor rate

4.4 The rate (V_{ik}) of people visiting any access point (i) of Ashdown Forest (AF) on foot from their home was not related to whether or not there were any parking facilities, but merely declined with distance band (k) from home to the access point (**Table 2**, **Figure 8**).

4.5 Based on the UE survey in September 2008, the estimated overall rate of visiting AF on foot via any particular access point within 500m of home was 0.034 per 16 hours of daylight (in September) (Table 2). Thereafter for every further 500m distance band, foot visitor rates decreased by about three-quarters and only one interviewed geo-reference visitor who walked to the site lived more than 1500m away (as measured by straight-line distance from home postcode to used access point).

Table 2 Foot visitor rates by bands of distance from home to access point

Distance bandupper limit (km)	Total Residents	Total Observed Visitors per 16hrs allowing for non geo-referenced visitors	Overall Visitor rate per 16hrs in September
0.5	2048	70.4	0.034361
1.0	7087	57.4	0.008094
1.5	7033	1.6	0.000222
2.0	9605	0.0	0.000000
2.5	16596	0.0	0.000000
3.0	19536	0.0	0.000000

Clearly for the growth areas identified around Crowborough and elsewhere it is highly likely that there will be no additional impact by pedestrian visitors whatever the housing levels adopted, provided the sites are more than 1km away from the Forest – which they are.

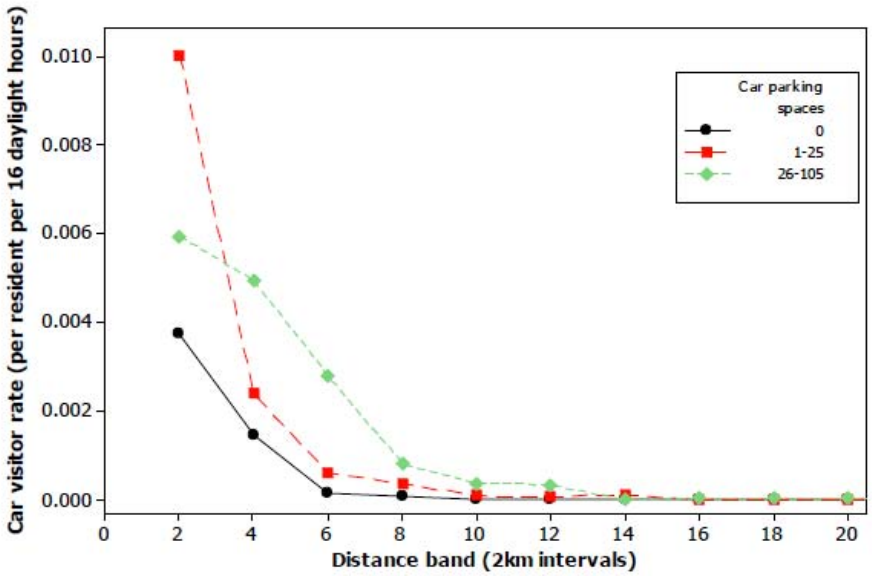
Car Borne Visits

At paragraph 4.7 of the Natural England report, they use data on car park size and the number of residents around access points to predict the number of visitors arriving at each point (access points).

At paragraph 4.10 they say: “Previous analyses have shown that the visitor rates for people driving to access points declines with the distance from their home to the access point. The rate of people visiting an access point from a given distance also tends to increase with the number of car parking spaces available at the access point, as shown previously and below.”

At paragraph 4.13 Natural England confirm that:

“ **Figure 10** is a similar plot of observed average visitor rate with distance but with separate curves for three groups of access points with differing amounts of car parking spaces: 5 points with none, seven points with 3-25 spaces and 8 points with 26-105 spaces. In this plot, data have been grouped into 2km distance bands because of the relatively low number of residents, and thus visitors, from short distance bands close to the relative small sample of access points in each group. This plot shows that for residents at any distance band, car visitor rate is on average higher to access points where there are more car parking spaces.”



This is based on access points grouped according to the number of car parking spaces available (none, 1-25, 26-105, based on 5, 7 and 8 surveyed access points respectively)

In its conclusions on predicted visitor increases (section 8 of the Natural England Report) the following paragraph is of relevance:

"8.21 Of course the cumulative percentage of visits in relation to distance is likely to be related to the spatial distribution of houses and the location of key settlements. This is the value of our modelling of visitor rates in relation to spatially-explicit actual housing levels in distance bands from each access points. Our model (M1, equations 1 and 2) can be used to predict the number of extra visitors to each access point and thus the whole site arising from the proposed development of a specific number of houses in one or more specific areas. In **Table 8** we provide a model-based estimate of the number of additional visits to the SPA as a result of development at different locations. We have chosen a selection of settlements around Ashdown Forest and for each location have predicted the extra number of visits to Ashdown Forest arising from 100 extra residential properties. The table therefore provides the potential to directly compare the consequences of development (in terms of increased SPA visitor numbers) at each potential development location. Thus 100 new houses at Crowborough near parts of the SPA is predicted to lead to 12.2 extra visitors per 16 hours in contrast to only 0.3 extra visitors for an equivalent numbers of extra houses near Crawley further away. This illustrative example highlights how the effect of additional housing near the SPA would lead to a much higher increase in visitors than an equivalent sized development much further from the SPA or with a much longer travel time. Our predictive model allows for distance to the SPA access points and the characteristics of the access points. "

My main concern is that the modelling and conclusions on which Wealden base their SCS is a pure extrapolation based on current visits - data on the current visits being used to predict the impact of additional housing. There has been no assessment of the fact that the limited supply of car parking spaces has a significant dampening effect on the number of visitors at the access points. This has to be the single most important factor in deciding what the likely impact of new housing will be.

If car parking management were carried out there would be scope to manage visitor numbers by either reducing or just maintaining the current level of car parking spaces and hence the level of disturbance from new populations could be managed even if additional housing were promoted. This has not been considered by Wealden DC in their SCS. Their SCS should include higher housing but with special developer contributions which enable effective traffic management at the Forest.

Turning now to the Habitats Regulation Assessment, 2011 (HRA) produced as a background paper by Wealden DC.

Firstly, as a general point, the Council's HRA was published in August 2011. It post dates the SCS which was published in February 2011. Whilst this is not an issue in itself, what it means is that the HRA tested a scenario in the SCS for 9,600 homes and 40,000 sq. m of employment floor space. It has also tested a distribution strategy set out in the SCS. Reasonable alternatives have therefore not been assessed in the Council's HRA. The HRA has not fed into the SCS but merely sought to ratify it. The HRA has been used as a check of the proposed strategy. In this context we are no nearer knowing whether an alternative strategy which meets SEP housing requirements and which includes different mitigation measures could have been planned for.

Section 6 of the HRA deals with disturbance and data is assessed as to the likely impact of growth on visitors and hence disturbance. It is claimed that 50.5 hectares of new SANG's are required to meet the net additional pressure from new populations created by the planned growth in the SCS. Table 6.3 sets out the mitigation for this. Section 2 of that Table sets out how that provision will be met. I also note Weaden DC's response to the Inspector's concerns where it is confirmed at paragraph 4.2 that in Crowborough and Uckfield that there are 288 hectares of multifunctional green space (133ha in Uckfield and 155ha in Crowborough). Paragraph 4.3 then confirms that only 4% of the District is developed. The paragraph goes on to say that considerable land is available from the SHLAA survey and SANG's are being identified as part of the growth areas by developers. It is important to establish what the quantum of existing and proposed natural green space is in the District and to understand whether more than the 50.5ha is available. It would be possible in my view for developers to enlarge their land holdings/options in order to deliver suitable amounts of SANG's or make contributions where off site SANGs are considered appropriate. Indeed contributions could be directed at existing open space sites and rights of way to enhance their attractiveness thus off setting the need to constrain housing. The Council's assessment has not adequately been carried out and consequently it cannot be confirmed that the SCS is the most appropriate strategy.

Since Wealden DC are willing to consider SANG's as part of the strategic growth areas then the implication is that the identified growth locations will include sufficient land to provide SANG's. On this basis, it must also be within the Council's gift to identify suitably sized growth areas or further growth areas to meet SEP housing land requirements but which also consume their own smoke as regards SANG's.

Finally, I note there is no specific policy requirement in the SCS that SANG's should be provided at either Crowborough or Uckfield. Figure 9 on page 49 or Figure 6 on page 38 of the SCS do not identify such green space. In that context it appears incumbent on the Site Allocations DPD to identify sufficient land to include a SANG. That being the case I wonder whether the omission of SANG's on these Key Diagrams is partly the reason why insufficient housing is planned for. I conclude that mitigation is available for more housing and urbanisation impacts should not be considered as a reason to artificially constrain housing growth.

Air Pollution

Paragraph 5.6 of the HRA, based on modelling, concludes that the SCS housing supply would have no effect on the ecological integrity of Ashdown Forest or Lewes Downs SAC. Paragraph 5.7 then postulates that even given the paragraph 5.6 conclusion, extra traffic would result from the SCS: 'possibly leading to increases in atmospheric pollution.' A mitigation strategy and good practice guide is then proposed at Table 5.3. The principle objection I have is that the decision in the SCS to constrain housing land supply is based purely on a 'possibility' and on no other evidence than that. There is no evidence that higher levels of housing supply could not be developed without applying the mitigation at Table 5.3. I also have concerns about the HRA report.

It is common practice amongst Environmental Impact assessment practitioners to refine further the air pollution impact assessment based on predicted improvements to engine efficiency technologies and pollution control mechanisms within new cars, particularly as older cars and older technologies are replaced over time. No assessment appears to have been made of this and no assessment has been made of improvements to bus transport infrastructure that generally flow from strategic development sites where travel plans, bus service contributions and other enhancements are sought and implemented. The HRA is not therefore reliable in my view and over estimates the impact of air pollution on the Forest.

Given that no assessments of a reasonable alternative to the SCS has been undertaken within the HRA, it is not clear whether identifying land sufficient for SEP housing figures could not be achieved subject to different mitigation. Paragraph 5.8 of the HRA confirms that the SCS is neutral as regards air quality. Clearly if reasonable alternatives have not been considered (including different mitigation strategies) then there can be no confidence that SEP housing land supply figures cannot reasonably be met with the same degree of neutral impact. The SCS cannot be confirmed as the most appropriate strategy to meet SEP policy.

Water Quality and Infrastructure

I mainly confine my comments to the issue of waste water treatment capacity. Water Utilities and their work programmes are normally funded on a 5 yearly

basis with each 5 year period being subject to the submission of a bid to meet predicted needs. The SEP provides the utility companies with the growth plans for the area and they will presumably bid on that basis. I have no doubt that funding would be forthcoming in order to deliver much needed growth in relation to the SEP. In my view there are no grounds to plan negatively by constraining housing land supply. The more appropriate strategy is to plan positively for SEP housing land supply but with clear triggers and phasing to ensure infrastructure links in with development.

Given the 5 year financial planning Southern Water will tailor their bid to meet that future housing need. It would be perverse for the Council to reduce its housing target on the basis of the limited infrastructure that currently exists which then leads to a reduced bid in the longer term by Southern Water. A more appropriate strategy is to plan for the SEP now, thus ensuring that future bidding rounds are made at levels commensurate with the SEP housing targets.

For the Council to say the uncertainty in waste water treatment infrastructure delivery justifies stalling housing land supply is to plan for diminishing housing delivery and subsequent reduced bids by Southern Water - the opposite of what should happen.

In any event, reasonable contributions could be sought to deliver enhancements where a funding gap exists. I do not therefore subscribe to the Council's view that delivery of necessary infrastructure is uncertain to the extent that the SEP targets should not be planned for. It was certain enough for the SEP to be adopted in 2009. I question why the Wealden SCS should take a different approach.

Whilst National Planning policies stress the importance of provision of essential infrastructure before development commences, this does not necessarily preclude the use of temporary infrastructure to deal with effluent pending the upgrading of wastewater treatment works, providing environmental standards are met. I could foresee a situation where some form of temporary on site treatment could occur providing acceptable discharge quality rates are maintained. As such, I do not consider the infrastructure constraints that currently exist as being sufficient to reduce the housing land supply target.

The Infrastructure Position Statement was first published by Wealden DC in 2009 and confirmed that the Crowborough area was served by St Johns WTW and Redgate Mill WTW where existing treatment capacity exists. There are no wastewater treatment constraints around Uckfield. In the 2011 update, it is confirmed that wastewater upgrades are proposed for Hailsham for delivery in 2012. In addition Southern Water are carrying out a study to identify other technical solutions – this could yield positive actions which enable SEP Policy targets to be met. It is confirmed that the next round of funding is in 2014 with delivery in 2018. This will be 6 years after the Examination. On this basis, if a clear housing strategy is identified that meets SEP policy then there is plenty of time for Southern Water to include this in

their 2014 bid. In addition, given my comments on the distribution strategy, it seems that an appropriate strategy is to target more housing toward the north of the District and phase implementation accordingly.

If a suitably worded phasing policy were introduced then it is highly likely that the SEP housing targets could be met over the next 15 years. Indeed appropriate phasing and active management in the delivery of housing and infrastructure by Wealden DC means that this issue should not prevent the SEP being implemented. Policy SCT5 of the SEP encourages such phasing.

Highway Infrastructure

These representations relate to our client's interest in land to the north of the A26. We share some of the concerns of the Highway Agency but in particular are concerned at the lack of certainty over the deliverability of Policy SD10. This area is to be served off Western Avenue which is acknowledged as being unsuitable given its width and existing capacity constraints. Attached is a statement from a highway consultant which raises issues with the accessibility of this area. In my view, there needs to be clear commitment to an access strategy before this area can be considered developable.

b) Is there evidence since the SEP was adopted that would support a different level of housing provision in the Core Strategy from that in the SEP?

Paragraph 7.2 of the SEP explains that PPS3 expects an evidence based approach in setting out the level of housing provision and paragraph 33 of PPS3 is the origin of that statement. This advice is reflected in PPS12. I note that paragraph 3.10 of the SCS accepts that the evidence base that the Council has used demonstrates a population increase consistent with a demand for 16,800 further households over the period 2006-2030. I also note that East Sussex County Council show an increase of 20,000 people or 13,500 households/13,000 dwellings between 2006 and 2031. This is higher than the SEP housing land supply requirement. Paragraph 7.6 of the SEP accepts that the SEP "is still significantly below the forecast growth.." I produce at Appendix 1, CLG Household projections published in 2010 which demonstrate that between 2006 and 2026 Wealden is expected to experience an increase in household formation of 12,000 households (growth from 61,000 in 2006 to 73,000 in 2026). By 2028 this increases to 13,000 dwellings and by 2030 it is likely to be in the region of 15,500 dwellings (based on a mid point between the figures provided for 2028 and 2033). This projection post dates both the SEP and the SCS and must be considered the most relevant and up to date evidence available in circumstances where the SEP is to be revoked.

Whether the SEP Housing Land Supply Requirement of Policy H1 is taken for the period to 2026, a period to 2030 is extrapolated or the household projection evidence is considered, Wealden DC has failed to plan for enough homes over its plan period. We are recommending that WCS1 is altered to refer to a quantum of 13,200 dwellings being required between 2006 and 2030 with much more housing targeted towards the northern towns where need exists.

PPS12, paragraph 4.14, expects Core Strategies to be sufficiently flexible to be able to deal with changing circumstances such as changes to the RSS housing land supply requirement. Indeed this advice is relevant to situations where RSS is revoked/abolished and where Core Strategies need to be flexible enough to deal with that outcome. One of the implications of the Council's approach (i.e., to significantly undershoot the SEP and household projections figures) is to encourage a severe undersupply of housing which not only is harmful to the Regional Strategy but also is harmful to the social and economic needs of the District's population generally.

c) How does the overall level housing provision in the Core Strategy relate to the need for both market and affordable housing in the District?

Draft NPPF says at paragraph 109 that the evidence base should be used to ensure local plans "meets the full requirements for market and affordable housing in the housing market area," Whilst only draft this does represent a new direction of travel and suggests that Local Authorities should do their very best to achieve sufficient housing.

The SEP and the local evidence base is a significant planning tool. The evidence would indicate that too few homes of the right type are being targeted towards the north of the District. The Wealden Housing Market Assessment (HMA) 2007 explains in its summary that the north of the District contains a high proportion of large detached homes and the most expensive post codes (paragraph 9 to 12 of that document). This would indicate that demand is outstripping supply thus resulting in higher prices. This results in an affordability trap in the north. Paragraph 13 of the Wealden Housing Market Assessment then goes on to refer to the Housing Needs Survey of 2004-05 which identified a 870 dwelling shortfall in affordable homes each year. This has since been refined to an annualised need for 812 affordable homes in the Housing Need Assessment 2004. The authors of the report say that the provision of market housing is key to providing affordable housing provision and logically to increase affordability in the north more market homes would be needed. Clearly in order to begin making inroads into the affordable housing shortfall, more market housing needs to be allocated.

d) Has the distribution of housing between the different types of settlement been justified by the evidence base and does it accord with national and regional policy?

Draft NPPF introduces at paragraph 110 a presumption in favour of sustainable development. In terms of DPD preparation this would include preparing strategies which are sustainable. At the heart of this Core Strategy Examination is the Council's claim that environmental constraints which constrain housing are set against the need to promote sustainable pattern of growth.

Paragraph 1.09 of the Wealden HMA 2007 explains that there is a weak pattern of household movement between the towns in the north of the District. This would indicate that there are housing pressures which contribute towards this lack of movement and a shortage of housing in this area is one of these. Paragraph 1.16 of the Wealden HMA 2007 explains that north Wealden does not have a cohesive housing market and the recommendation is to secure a range of housing across the northern part of the District.

Figure 4 of the Wealden HMA 2007 notes that 200 dwellings per annum are required in the northern half of the District by the SEP to 2026. Policy WCS2 indicates that only circa 3,300 are identified for the northern part of the District, which is 165 dwellings per annum. This does not conform with the SEP plan and reinforces the point I make at Matter 3/E that the north of the District has high house prices and is relatively unaffordable compared with other parts of the District. National Policy in PPS3 is relevant and explains that housing needs must be met having regard to paragraph 33 of PPS3). Paragraph 1.20 of the Wealden HMA 2007 poses the following question *"A key question for this HMA is whether the housing targets set for South Wealden within the Eastbourne HMA area and North Wealden are likely to be sufficient to meet the level of future demographic and economic growth."* Paragraph 1.24 confirms that in an unconstrained housing market, demand for new dwellings would exceed SEP targets and I refer the Inspector to the DCLG projections at Figure 5 of the Wealden HMA where 8,300 dwellings are noted as being necessary to meet unconstrained demand in the north. Whilst it is unlikely that the environmental or urban capacity of the northern part of the District would sustain all this housing demand, it is clear that the Council's approach to distributing housing to the settlements in the north and the south is at odds with the evidence base and regional and national policy.

Crowborough is identified as a District Centre and together with Uckfield has a main line railway station which links to London and Tunbridge Wells. These are sustainable top tier settlements. That said, the proportion of housing targeted at Crowborough in particular is very limited and does not relate to the size of this settlement nor its status in the settlement hierarchy. PPS3 and PPG13 encourage settlements like Crowborough to be a location for new growth because of their sustainability benefits. In view of the comments I

make in all my Matter 3 submissions, there is no evidence which would inhibit further housing being targeted at Crowborough. I do query the SD10 growth area but come to the view that the alternative is housing development on the contingency site north of the A26. Whilst I accept a split in north vs south as per Policy SCT5 I conclude that neither the current quantum of housing proposed is sufficient and nor does Policy SCT5 preclude a flexible arrangement where evidence justifies it. In my view, the housing need and demand in the north of the District, sustainability of Crowborough and the queries I raise over the European sites and waste water treatment issues suggest that more housing should be targeted towards the north.

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e) Have reasonable alternatives to the distribution and location of housing development been considered? Has it been demonstrated that there are no reasonable options that would avoid the infrastructure and environmental constraints identified in the Core Strategy?

The Core Strategy Spatial Development Options was published in July 2009 and in the Foreword, the portfolio holder bemoaned the fact that the Secretary of State imposed, via the SEP, a requirement for 11,000 new homes. He said: *"we had originally agreed to a proposal to find land for an additional 8,000 houses in the period 2006 to 2026 but only on the proviso that the infrastructure (roads, water, Sewerage, schools and medical facilities for example) to support this growth was in place before development took place. However, in finalising the South East Plan, the Secretary of State has decided that Wealden must accommodate 11,000 new homes up to 2026 without any guarantees that the necessary infrastructure will be built first."*

It is clear that at this stage of the Plan process there was a reluctance to provide SEP targets albeit the options for growth were based upon the provision of 11,000 new homes. In the Forward to this document the Council acknowledge that "*the settlement pattern for a smaller number of houses such as 8,000 may not be dissimilar to the pattern for 11,000 on which this consultation is based."* Consequently, when the new Government outlined its proposals to revoke RSS, Wealden DC chose to fall back from the 11,000 home requirement and consider the 8,000 dwelling alternative. This was done on the basis of the infrastructure constraints and the perception that RSS was no longer relevant. It was not undertaken on the basis of environmental constraints.

Generally, therefore, this early phase in the consultation process did consider most reasonable alternatives, albeit I disagree with the view that the Council has chosen the most appropriate alternative to avoid the infrastructure and environmental constraints.

I have previously remarked on the general housing distribution strategy at Matter 3d) and consider that more housing should be targeted towards the north of the District to complement the housing market evidence of demand and need in this area.

More specifically I have looked at the key issues which were noted in the forward to the 2009 Options report which concerned the Council. I have previously noted that St Johns Water Treatment Works (WTW) and Redgate Mill WTW, which serve Crowborough and the Uckfield WTW benefit from spare capacity. I therefore conclude that there would be no reason not to increase housing land supply requirements for foul water capacity reasons where options exist to provide temporary infrastructure to alleviate pressure or pooled contributions to secure upgrades. It is also the case that water companies are being asked to recycle waste, become more efficient, manage demand and reduce leakages. There is every. These settlements are both

well served by the A26 and to a lesser extent by the A267. Neither road has been identified with capacity issues as far as we are aware and if there were issues these would be minor and could be solved with traffic management initiatives. Both settlements benefit from mainline railway services. Neither settlement has educational constraints of such magnitude that new development could not be accepted. In fact contributions for education are now a well established principle and such contributions can be used to extend schools. I shall first focus on Crowborough as this settlement has a number of environmental constraints which, in my view, have not been considered properly and which indicate to me that alternative reasonable housing sites should be considered.

Three development areas are identified on Figure 9 of the SCS around Crowborough. I have reviewed the evidence base and find there to be sound reasons why the contingency site north of the A26 has not been properly considered as a reasonable alternative and should be elevated to a full housing allocation to meet SEP housing targets. My reasons are: The Landscape Character Assessment and Development Option Evaluation Study February 2009 – Volume 1 explains at 3.1.3 that most of the area around Crowborough is high quality countryside much of which is designated as AONB. However, this paragraph notes that some landscape around the fringe of Crowborough has degraded. The text advises that enhancement and development can occur in these areas (Figure 2 for Crowborough, in Volume 2 identifies north of the A26 as a potential development area).

The implication is that whilst some countryside is beautiful and rightly included within the AONB this is not the case for all AONB land. The acknowledgement that the north A26 land is a contingency urban extension (only to come forward where two alternative sites do not) suggests that this urban fringe location has poor landscape quality in the context of AONB and could be released for development. This being the case, there appears no reason why it cannot be released in order to increase housing land supply towards meeting SEP policy. Paragraph 3.2.8 of the Landscape Study suggests that the area north of the A26 is actually poorer in landscape terms than areas to the south and so would be preferred as an area for development. For these reasons it is unclear why the area to the north is only a contingency if in landscape and highways terms it is acceptable. I attach at my Appendix 3 a specific landscape character assessment of this area to illustrate and reinforce the point that this particular area is a reasonable alternative for an urban extension.

I have previously raised concerns that that the urban extension referenced SD10 can be satisfactorily accessed from the surrounding highway network. I am familiar with the roads in this area and have sought expert advice from a local highway consultants. For the SCS to be found sound the strategy needs to be able to be implemented and the advice we have received at my Appendix 2 reveals that questions remain over whether SD10 can be delivered. In fact the lack of any credible highways evidence provided in the evidence base for SD10 suggests that it cannot be considered as a suitable housing location. Whether or not this is accepted, it remains the case that a

reasonable alternative in the form of the contingency site north of the A26 exists and it should be elevated to a formal urban extension either to meet additional housing numbers or to ensure housing delivery given the doubts over SD10.

I have commented on the environmental issues that are claimed by Wealden DC to constrain housing growth and these are not repeated here (see Matter 3/A).

f) Does the Core Strategy assist in providing a continuous supply of deliverable sites so that the housing requirements of the next 5 years can be delivered?

The 5 year supply has to be defined by reference to a housing land supply requirement and the evidence at this Examination is that the Council has underestimated the housing land it requires and that neither the environmental nor infrastructure constraints are sufficient to justify that approach. The simple answer to the question is no. At paragraph 5.13 of the SCS the Council explains that historically the District has achieved 400 dwellings per annum and base their strategy on this continuing. Given that the Council is focusing on past trends rather than evidence of household and population growth, I find this strategy at odds with PPS3 and the SEP. On that basis there is no 5 year continuous supply. Notwithstanding this general comment, if it were accepted that a lower level of housing land supply were justified the following concerns are also relevant.

Paragraph 58 of PPS3 sets the context for considering sites with planning permission and how they feed into the calculation of how much land is required. Paragraph 3.8 of the SCS relies on 100% of the 3,558 dwellings with extant permission coming forward. It is widely accepted that planning permissions in themselves are no guarantee that sites will come forward and it is highly unusual for a local authority not to undertake some degree of refinement of this gross figure in order to identify a likely delivery total from sites with planning permission. I therefore have doubts that the peak in the first 5 year trajectory will be achieved and the effect will be to roll forward this shortfall into subsequent years and perhaps into the next plan period. I therefore do not accept that there is a continuous supply and would recommend that the housing growth areas identified in the SCS are phased earlier than anticipated.

Secondly, the Annual Monitoring Report reveals the following:

2006-07 = 230 dwellings
2007-08 = 415 dwellings
2008-09 = 349 dwellings
2009-10 = 337 dwellings
2010-11 = 410 (projected dwellings)

Total = 1,741 dwellings or an average of 348 dwellings per annum.

As a consequence the average over the recent past is less than the predicted 400 dwellings per annum the Council feels is achievable. Furthermore, I note at Annex 2 of the 2009-10 Annual Monitoring report that if windfall developments are stripped away the average completions for the period 2000 to 2010 is just 267 dwellings per annum. Clearly the Council is reliant on a significant allowance for windfalls in the first 10 years of supply without

justifying this against genuine local circumstances (paragraph 59 of PPS3 and paragraph 109 of the NPPF refers). Given the doubts I cast over the European site concerns and infrastructure concerns, I do not consider that windfalls should be included as there is suitable land for housing. The Council already notes in its SCS that limited amounts of brownfield sites are available and so questions must be raised about the long term ability of the District to deliver windfalls at past rates.

I also have concerns that the trajectory does not fully take on board the draft NPPF. As the trajectory demonstrates there has been a delivery of 1,741 dwellings up to 2010/11 which is 348 per annum average. This is a shortfall of 1,009 dwellings based on the SEP average of 550 dwellings per annum. The 5 year period to 2011/12 to 2015/16 appears to try and deal with this shortfall but does not then add in the NPPF guidance that 20% housing, as a minimum, should be front loaded. The direction of travel of emerging National Planning Policy is clear and should be built into the Core Strategy. This means advancing the phasing of some sites.

In this context serious consideration should be given to increasing the housing land supply requirement in the District generally in order to meet a continuous 5 year housing land supply as defined by the evidence base/SEP. In order to do this in the context of the SCS it would be necessary to re-consider Policy WCS1, and WCS2, elevating the contingency site to full allocation, considering whether those sites/areas identified in the SCS for housing growth could sustain higher housing numbers and finally considering whether further new sites are required (albeit this last approach would require the Examination to be halted while new sites are found and a new round of consultation carried out).

g) Is the Core Strategy likely to result in an adequate supply of developable sites in the plan period beyond 5 years?

Paragraph 56 of PPS3 sets out the definition of developable land. Given the number of responses to the SHLAA and the identification of growth areas, it is likely that developable land can be identified beyond the 5 year period. However, will the supply be adequate. Whilst the general comments I have made about the inadequate level of the housing land supply when set against SEP, I do retain concerns that there has been no evidence submitted by Wealden DC that there is a reasonable prospect of site SD10 coming forward. Clearly if Highway concerns mean that this site cannot be developed then the SCS will fail.

Paragraph 53 of PPS3 advises that planning authorities devise strategies which enable a continuous delivery of housing land. This means defining a trajectory which seeks to provide an unbroken pattern of housing delivery which at the end of the plan period delivers the housing land supply requirement. It is also common practice that where there is an identified shortfall in housing delivery that this be included within the first 5 years of the supply in order to deal with the shortfall early i.e., take corrective management action early rather than delay things. The trajectory on page 30 of the SCS sets out actual delivery up to 2009-10 and then estimates delivery with a high peak in the first 5 years which then falls off in subsequent years. The supporting text bases this assessment on sites with planning permission and those which do not have planning permission but which are considered to be deliverable as per the advice in PPS3. I do not object to the general strategy of the trajectory but do object to the annualised requirement and how that trajectory can be delivered.

h) Is there an adequate strategy for bringing previously developed land into housing use? Should there be a local previously developed land trajectory? Is the Core Strategy sufficiently clear about an overall target for the proportion of new housing on previously developed land and should this be included in the policy?

Paragraph 5.7 suggests that the likely take up rate of previously developed land (PDL) in the period to 2010-30 will be 35% and I take this to mean that this is the target. For clarity it may be sufficient to amend paragraph 5.7 along these lines. Presumably the trajectory at Figure 4 on page 30 of the SCS reflects the strategy for 35% being on PDL. I do not consider that it needs to be revised or that a local trajectory is produced. At present the SCS, at its Local Spatial Implications section, identifies each settlement to identify and promote housing land delivery on PDL. My reading of the Core Strategy is that these sections do that, for example the Uckfield plan on page 38, Hailsham plan on page 42 and Crowborough strategy on page 49 all identify a zone for PDL redevelopment/regeneration. In view of the small contribution of PDL to the overall total I would not advocate a policy amendment which seeks to phase housing land delivery in favour of PDL first since this would potentially stall delivery over the plan period where the majority of land is expected to be on Greenfield sites.

APPENDIX 1 – CLG PROJECTIONS

Table 406: Household projections[1] by district[2,3]

Thousands

		1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2013	2018	2023	2026	2028	2033
	East Sussex	209	212	214	215	217	219	221	223	224	226	227	239	253	267	276	282	290
21UC	Eastbourne	40	40	41	41	41	42	43	43	44	44	44	47	51	54	56	58	61
21UD	Hastings	36	37	37	38	38	38	39	39	39	39	39	41	42	44	45	46	48
21UF	Lewes	38	39	39	40	40	41	41	41	41	42	42	44	47	49	51	52	55
21UG	Rother	38	38	38	38	39	39	39	39	40	40	40	43	45	48	50	52	54
21UH	Wealden	57	58	58	58	59	60	60	60	61	61	61	64	67	71	73	74	78