MATTER 3: HOUSING (WCS1, WCS2 WCS5)

Main Issue – Whether the overall level of housing provision and its distribution are justified and appropriate.

Summary of Response – The proposed level of housing is not in accordance with the South East Plan (SEP) and it is not based on clear evidence. The proposed strategy will not provide sufficient housing to meet market or affordable housing need. It is submitted that the proposed housing strategy is not based on robust evidence and did not consider reasonable alternatives. It is, therefore, 'unsound', as defined by Planning Policy Statement 12.

A) Does the overall scale and distribution of housing provision accord with the requirements of the South East Plan (SEP) having regard to the 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?

1.1 No. The proposed Core Strategy (CS) is not in general conformity with the South East Plan (SEP). It does not address identified housing need and there is insufficient evidence to determine whether the reduced rate of housing proposed is necessary due to environmental and infrastructural constraints. The scale and distribution of housing proposed in the CS fails to accord with that outlined in the SEP, without reasoned justification.

1.2 It is evident that the SEP seeks to direct most of the proposed development to South Wealden (including Polegate), as part of its spatial strategy for the Sussex Coast Sub Region, specifically through policy SCT5. The policy further requires that "most of the development should be focussed on existing towns...where necessary, by new land allocations as sustainable extensions to existing towns". Policy SCT7 ii requires the focus for delivering economic and social regeneration to be on the Eastbourne – Hailsham area to optimise the employment and housing in sustainable and strategically accessible locations along the A22. It is not apparent that the CS or the evidence base adequately assesses the provision or distribution of housing based on this strategy, which represents a reasonable alternative to the spatial strategy presented.

1.3 The SEP fully considered the infrastructure and environmental constraints within the District and the impact of the allocation of 7,000 additional dwellings over the plan period at a rate of 350 dwellings per annum for the sub region, under policy SCT5. This is evidenced in Footnote 3 to the policy, which acknowledges the potential for the capacity of the Hailsham Waste Water Treatment Works to constrain development and indicates that it will be necessary to consider the appropriate phasing of development.

1.4 Paragraph 3.10 of the Core Strategy states that housing need is "in excess of that which could be accommodated or delivered within Wealdon". The Core Strategy underestimates the capacity of local infrastructure and overestimates the environmental impacts of development.

1.5 It is submitted that the Council has not presented clear evidence that it is not possible to overcome infrastructure or environmental constraints during the plan period, including through:

- mitigatory or compensatory measures;

- alternative distribution scenarios;
- effective implementation of its own policies;

to accommodate the level of development to meet the identified needs (16,800) of the District or the reduced level of development identified in the SEP.

1.6 The council has stated that "Wealden district is a particularly rural area with 4% of Wealden district being classified as developed (2001 data) with considerable land available ... particularly on the fringes of our towns"[1]. Given the large quantity of land available, it is submitted that it should be possible to provide the required level of housing in Wealden District, without negatively impacting on the environment.

1.7 Although the Core Strategy considers the environmental and infrastructural issues addressed in the South East Plan, it has done so in an unbalanced manner. This unbalanced approach does not adequately consider the overwhelming need to provide additional housing. In addition, it does not adequately account for improving standards in relation to certain issues, such as reduced vehicle emissions and water conservation and the various mitigation measures that can address potential environmental impacts.

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?

1.8 No. At present there is insufficient evidence or justification to support a different level of housing provision through the Core Strategy (CS), than that contained within the South East Plan (SEP).

1.9 The SEP remains the only adopted development plan document providing the source for the future housing requirement within the district and carries full statutory weight until such time as it is abolished. The plan has been subject to full statutory consultation, examination and SA/SEA. The policies of the SEP are sound.

1.10 While the Council purports to have provided a sound CS, founded on a robust and credible evidence base and which has been subject to SA/SEA, it is submitted through representations to the CS and submissions to this inquiry that this is evidently not the case.

1.11 There is clear evidence to support an increased housing provision in the Core Strategy in:

- paragraph 3.10 of the Core Strategy (16,800 additional households by 2030);
- table 3 of Background Paper 2: Managing the Delivery of Housing (16,900 additional households by 2030);
- Policy H1, table H1b of the SEP (11,000 dwellings by 2026 at 550 units per annum);
- Policy H2, viii the need to address any backlog of unmet housing needs within the housing market areas they relate to, in the first 10 years of the plan;
- Policy STC5 of the SEP (7,000 dwellings by 2026 at 350 units per annum in the part of Wealden falling within the Sussex Coast Sub Region).

1.12 It is submitted that the position regarding housing provision outlined in the CS is no different to that asserted by Pelham Holdings and considered by the inspector in the appeal

[1] Response to Inspector's concerns of the 7th September 2011

ref APP/C1435/A/10/2130580 (Paragraphs 73 through 96 [Appendix 2 of this Matter]), when considering the position in the District regarding "Housing Land Supply" and "SA/SEA".

1.13 There is no clear evidence to support the reduced figure in the Core Strategy. The disjunct between the need assessment (16,800) and the proposed provision (9,600) is not sufficiently evidenced or justified. The figure also fails to comply with policy in the SEP and there remains no PPS3 rationale for the figure proposed, either in the CS or documents supporting it.

1.14 The SA/SEA assumes meeting the 9,600 required by the policy meets the overall objectives of the plan. It does not consider or appraise the impacts of not providing sufficient housing to meet indentified needs within the District nor failing to meet the SEP requirement.

1.15 The Council has subsequently attempted to advance further evidence to support its assertions, regarding environmental and infrastructure limitations and the housing provision figure proposed in the CS. The council's letter to the programme officer, dated 2nd December 2011, attempts to explain the proposed figures in the Core Strategy. It is noted that this information was not part of the evidence base that supported the creation of the policy in the first instance. A number of assertions and explanations contained within the letter are also questionable, including quotations taken out of context (Appendix 1 provides a brief summary of initial issues identified with the letter). Nevertheless the letter still evidences a housing requirement in excess of the proposed provision of 9,600 outlined in the CS.

1.16 It is evident that, following the announcement of the abolition of the RSS in July 2010, the desired level of housing provision that was to be provided through the CS was revised on the basis of the average annualised historic levels of provision within the District extended over the plan period 2006-2030 (i.e. 400 units per annum over 24 years equates to 9,600 units).

1.17 Indeed the only evidence found that would appear to support the provision of 9,600 units over the CS period is contained at Paragraph 8.105 of Background Paper 1: Development of the Core Strategy (August 2011). This clearly states that housing delivery from 1988-2010 averaged at 400 dwellings per year. The document states that the phasing of housing delivery has been considered "against **this historic evidence** and ...the need for our large development areas to be assimilated into the community over an appropriate timescale, ensuring the market can deliver the homes and employment; and that infrastructure can be planned and provided for when necessary" (emphasis added). This position is carried forward into the CS at paragraph 5.13.

1.18 It is submitted that the proposed housing provision figure of 9,600 over the plan period appears to be solely related to historic house completion rates, rather than environmental capacity; affordable housing need; predicted household formation or any other consideration or constraint. It would appear supporting evidence has subsequently been amassed in order to attempt to support this lower level of housing provision.

1.19 The evidence supporting the submission CS does not suggest:

- that the Council's starting position was the identified level of housing need within the District;
- that it took account of the requirements of the SEP in terms of provision and distribution;
- that it considered the possibility of mitigating impacts;
- and that it then made an assessment of the ability of the District to provide for this need, taking account of locally identified constraints.

It would appear that the starting point was the desired number of houses.

1.20 Historic housing completion rates are not a clear indication of housing need or of environmental capacity. It is submitted that given the acute need for affordable housing in the district[2] and that the average house price is extremely high in Wealden[3], the delivery of 400 houses per year has failed significantly in addressing housing need in the past; is failing to meet an acute housing need at present and will continue to fail to meet the District's housing needs into the future to 2030.

1.21 This position is not only unsustainable and unsound in policy terms, but is untenable for those in housing need.

1.22 In summary, the council has not published clear, verifiable evidence of a reduced housing need in the District since the publication of the South East Plan. The evidence base and in particular the Eastbourne and South Wealden Housing Market Assessment supports the provision of the South East Plan requirement for housing.

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

1.23 At present, the level of housing provision in the Core Strategy is significantly less than the need for market and affordable housing in the District, both in terms of the identified requirement of the District, as well as the lower level apportioned to the District through the policies of the SEP.

1.24 Paragraph 3.10 of the Core Strategy clearly states that 16,800 households are expected to be formed over the plan period and goes on to state that this is "in excess of that which could be accommodated or delivered within Wealdon".

1.25 In addition, paragraph 5.17 of the Development of the Proposed Submission Core Strategy Background Paper states that "the Housing Needs Assessment estimates that the annual (net) need for affordable housing in Wealden is 812 homes per annum over a five year period, which equates to 4060 dwellings" and that the required level of affordable housing "is clearly not deliverable or practicable in the light of the capacity to accommodate growth, especially environmental and infrastructure constraints".

1.26 It is clearly acknowledged in the Core Strategy, that it cannot meet the need for either market or affordable housing arising within the District. The outcome of this is that those

[2] Background Paper 2: Managing the delivery of housing (August 2011) paragraph 6.13
[3] Background Paper 2: Managing the delivery of housing (August 2011) paragraph 6.4

in housing need will have to wait between 35 years and indefinitely for the accommodation they require.

1.27 Paragraph 5.17 of the Development of the Proposed Submission Core Strategy Background Paper, claims that acute need for affordable housing in the district can be addressed by improving the employment opportunities, skill levels and wages of those in need of housing, rather than constructing dwellings. The council does provide any evidence to suggest that the planning authority can implement such measures and does not predict the proportion of housing need that can be addressed in this way.

1.28 In addition, in Appendix B of the council's letter to the Inspector (dated 2nd December 2011), the council also indicates that affordable housing need can be partially addressed by adapting homes, improving accommodation through grants, providing advice and mediation, remodelling existing social housing, bringing empty properties back into use and other such measures. No prediction of the proportion of affordable housing need that can be addressed by such measures is provided to back up this assertion. As stated in paragraph 5.3 of Background Paper 2, "the main means of achieving affordable housing delivery is by means of the construction of market housing and the requirement to deliver a significant proportion of new homes built in the form of affordable housing".

1.29 The provision of affordable housing is linked to the development of market housing. As stated in policy WCS 8 of the Core Strategy, 35% of dwellings on developments of more than 5 houses or on sites of 0.2ha will be provided as affordable housing. There is no evidence to suggest that the proposed housing figure of 9600 is justifiable or adequate. Even assuming that the council can reduce the need for affordable housing through alternative measures and that it can reduce this need by 50%, the council will still be short of over 6000 affordable housing units by the end of the plan period[4].

1.30 It is clear that the council cannot meet the need for affordable housing and that the need for affordable housing has not been translated into housing requirement.

1.31 In summary, there is no clear relationship between the predicted level of household formation, the predicted affordable housing requirements and the proposed housing figures in the Core Strategy. As a consequence, the strategy is not justified.

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?

AND

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?

[4] 9600*35% = 3360 affordable housing provision. 812*.5*24 = 9744 - 50% of affordable housing need over the plan period. Shortfall 9744 – 3360 = 6384

1.32 No. Assuming the reference to settlement types is those as proposed within the CS, there appears to be no direct correlation between the proposed distribution of housing for each of the settlement types and the evidence base provided in support of the CS. The distribution fails to accord with national or regional policy.

1.33 Notwithstanding the issues with regards the settlement types addressed through Matter 2, there appears to be no identifiable assessment which details how the level of housing provision proposed for each of the Towns/Settlements in WCS2 has been arrived at.

1.34 It is evident that the SEP seeks to direct most development to South Wealden (including Polegate), as part of its spatial strategy for the Sussex Coast Sub Region, specifically through policy SCT5. The policy further requires that "most of the development should be focussed on existing towns...where necessary, by new land allocations as sustainable extensions to existing towns..." Policy SCT7 ii requires the focus for delivering economic and social regeneration to be on the Eastbourne – Hailsham area to optimise the employment and housing in sustainable and strategically accessible locations along the A22. It is not apparent that the CS or the evidence base has adequately assessed provision or distribution based on this strategy, which represents a reasonable alternative to the spatial strategy presented.

1.35 The SEP fully considered the infrastructure and environmental constraints within the District and the impact of the allocation of 7,000 additional dwellings over the plan period at a rate of 350 dwellings per annum for the sub region, under policy SCT5. This is evidenced in Footnote 3 to the policy, which acknowledges the potential for the capacity of the Hailsham Waste Water Treatment Works to constrain development and the requirement, therefore, to consider appropriate phasing of development.

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?

1.36 No. As the CS fails to provide for a sufficient level of housing to meet the overall housing requirements of the District either in absolute terms or as reflected through the policies of the SEP, it is evident that it will not assist in providing a continuous supply of deliverable sites so that the housing requirements of the next 5 years can be delivered. There will evidently be an undersupply.

1.37 This was evidenced by the inspector in the appeal ref APP/C1435/A/10/2130580, which determined the District at that time had a shortfall in its overall 5 year housing land supply and a significant shortfall in its housing land supply in the Sussex Coast Sub region, based on the requirements of the policies of the SEP (Inspector's report paragraphs 372 to 375).

1.38 The Core Strategy simply seeks to assist in providing a continuous supply of deliverable sites so that the proposed housing provision of 9,600 units over the plan period can be delivered at an average rate of 400 units per annum over the next five years. This figure simply reflects the average level of historic provision over the 21 year period between 1988 and 2010. It is apparent that the District feels this level of housing is achievable, as it will be largely delivered at the early stages of the plan period, by existing commitments.

1.39 The Core Strategy should identify specific housing provision for the Sussex Coast Sub Area and a separate five year supply, in order to demonstrate compliance with the SEP and to ensure sufficient sites come forward in the sub region.

1.40 The Core Strategy should instead identify a specific level of housing provision for the Sussex Coast Sub Area and appropriate annual delivery rate within the sub region. The sub region should be the subject of a separate five year requirement on this basis, in order to demonstrate compliance with the SEP. Sufficient sites should then be identified to meet this need. There is no evidence in the Core Strategy that this can be achieved, either for the lower provision proposed or to meet the requirements of the SEP or the actual need of the district.

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

1.41 No. Again, as the CS fails to provide for a sufficient level of housing to meet the overall housing requirements of the District either in absolute terms or as reflected through the policies of the SEP, it is evident that it will not result in providing an adequate supply of developable sites in the plan period beyond 5 years. Again there will evidently be an undersupply.

1.42 In addition, there is insufficient evidence provided regarding the proposed housing trajectory, other than the facts associated with the historic delivery of 400 units over the period 1988 to 2010. It is also not clear how the details regarding the proposed phasing of the sites contained within Figure 5 of the CS have been subsequently arrived at.

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Appendix 2: Appeal ref APP/C1435/A/10/2130580 Paragraphs 73 through 96

Appendix 1: Summary of initial issues identified in relation to the letter of 2nd December 2011 from Wealden District Council to the Inspector

1.1 It is considered that paragraph 1.9 of the letter quotes the Eastbourne and South Wealden Housing Market Assessment (HMA) out of context. This paragraph of the letter infers that the HMA supports a reduced housing figure on the basis of reduced future job creation. Paragraph 1.30 of the HMA actually states "On balance...it is essential that the level of housing proposed in the draft South East Plan is delivered, particularly in the context of the evidence on affordability and housing need". It should be noted that the required housing target at that time was 11,800 net additional dwellings (paragraph 1.14).

1.2 It is noted that there is a discrepancy between the Office of National Statistics projections, the East Sussex County Council projections and the Wealden District extrapolations detailed in paragraph 1.15 of the letter. The council does not offer an explanation as to the reasons for the discrepancy other than to note that the locally derived figures are likely to be more robust. It would be beneficial for the council to provide a detailed explanation of the varying criteria used to extract these figures, in order to ensure that the data is comparable.

1.3 In paragraph 1.18, the Council explains that a mid-point between the figures produced by the county council and the figures produced by the district council is used to produce the housing requirements in the core strategy, on the basis that this provides a reasonable reflection of demand. Given that the council has not properly explained the reason for the discrepancy between the various figures, it is suggested that providing a mid-point between two inadequately evidenced figures is not the basis for a justifiable strategy.

1.4 In paragraph 1.33 of the council's letter to the programme officer, dated 2nd December 2011, the council infers that it is not necessary to meet the requirements for housing in the north and in particular, the demands of those wishing to live in rural locations in the north of the district. It is noted that the council does not provide any evidence to suggest what proportion of housing demand in the north of the district comprises of those wishing to live in secluded rural locations or what impact this has on the overall housing figures.

APPENDIX 2: APPEAL REF APP/C1435/A/10/2130580 PARAGRAPHS 73 THROUGH 96

Housing Land Supply.

PPS3 Paragraph 71

73. Regardless of the PW1 allocation, the Council cannot demonstrate a 5 year land supply and must therefore treat the application 'favourably'. That the site is countryside in the adopted WLP is no bar to permission. Instead, the acceptability of the scheme is to be judged against the criteria in PPS3 paragraph 69.

74. The revised Housing SoCG tables 3 and 4 (CD76) summarise the position against the development plan requirement.

75. For the whole of the District, the RSS, including the housing delivery backlog of 833 units since 2006, gives a 5 year requirement of 3,583. However the Appellant identifies a supply of 2,445 deliverable units (only 3.42 years' supply). Even using the Council's optimistic supply figure of 3,005 units, there is a shortfall [(3,005/3,583) x 5 = 4.19 years' supply].

76. The RSS also provides a specific requirement for the 'South Wealden' area of 2,890 (with a shortfall since 2006 of 1,149 dwellings). Using the SoCG table 4 figures, the Appellant's supply of 1,205 gives only a 2.08 years supply. The Council's more optimistic supply of 1,657 equates to only 2.89 years supply [(1,657/2,870) x 5].

77. The Council sought to 'spread' rather than 'roll' the failure to deliver since 2006 (hence the different 'requirement' figures in row 'A' of both tables 3 and 4 of the SoCG). Their witness Mr Walker, however, accepted that it would not be appropriate to 'spread', if the effect of that were to deliver 20 years hence housing judged as being needed 5 or more years ago. He had not argued for 'spreading' when he appeared at the Uckfield inquiries in the same district (CD47).

78. In table 4 'South Wealden' it can be seen that even with spreading and even with the Council's optimistic supply figure, there remains only a 3.91 years' supply.

79. In the 'whole district' analysis in table 3, using the 'spread' argument, the Council is only able to squeak a 4.98 years' supply - on its own supply figures. Any misplaced optimism in the Council's supply analysis summarised at table 1 of the SoCG renders the Council unable to show a 5 years' supply, even using the 'spread' argument.

80. The Council's assumption that certain sites will come forward at a 50 dwelling per year rate is at odds with the current recessionary period and with the experience over the past two years. Others have site specific problems that render them unattractive and/or undeliverable in the current climate. If any of these points is made good, the supply drops away below 4.98 years. The only safe conclusion is that the Council cannot demonstrate a 5 year supply and PPS3 paragraph 71 is engaged.

81. Only the RSS is part of the development plan and carries full statutory weight. It remains subject to S38(6) of the Planning and Compulsory Purchase Act 2004 throughout the expected timescale of the determination of this appeal and until such time as it is abolished. The RSS is the only adopted Development Plan source for the housing requirement in the District and the only policy document which has been through the statutory process of formulation, consultation, examination and made the subject of a Sustainability Appraisal/Strategic Environmental assessment [SA/SEA]. The decision in the appeal must be made in accordance with the RSS, unless other material considerations can be said to outweigh it.

82. The Localism Bill is currently passing through Parliament. It is not known whether the current clause abolishing RSSs will survive, will survive unamended, or will survive unaccompanied by transitional provisions. Further, it is not known when the Act will pass into effect, or what challenges may arise to the lawfulness of the Act, or how long those challenges may take to be resolved. If the matter, as is likely, ends up before the European Court, the delays are considerable. The Government's expressed intention to revoke the RSS can only be accorded very limited weight.

83. The Council claims that its' 'preference' for the housing requirement set out in WSC1 of the emerging submission draft Core Strategy outweighs the RSS. But the advice in PPS1 Companion Guide as to the weight to be given to emerging policy is pertinent. The submission version draft CS only commenced consultation on its proposed housing figures on 14 February 2011 and has yet to be the subject of examination. Previous CS consultations used the RSS housing numbers (CD26 and 26a). The weight to the CS must be less than that to be accorded to the RSS.

84. Moreover, in a non-RSS world the Government's policy for assessing housing requirements is contained in Mr Quartermain's advice note issued on 6 July 2010. To paraphrase:

(a) Do LPAs still have to show a 5 year land supply? *Yes, although the numbers might change* (para. 13)

(b) Who will determine the numbers? *LPAs will* (para.10)

(c) Against what will LPAs determine numbers? *On reliable information and in line with PPS3* (para.11)

(d) How will they do it? *Through the LDF process, which has to be transparent and where the evidence will be tested and need to be defended through examination* (paragraphs 11 and 12)

(e) And in the meantime? *PPSs* (including, therefore, PPS1 and PPS3), remain in force (para.2)

85. If RSS revocation is successfully achieved, LPAs may then formulate their own assessments of housing requirement, but must do so on a sound evidential basis

and against the existing policy tests. Thus the body to undertake the exercise of arriving at housing numbers will change, but the task will not. This task is to be carried out by the LDF process. In accordance with PPS 1, weight to be attached to emerging housing numbers will only increase as the emerging policy passes through the successive phases of that process.

86. In addition to any 'process' point against the draft CS, therefore, is the substantive objection to its contents. The RSS requires Wealden District to provide 11,000 units 2006-2026 (550pa). That figure is lower than the trend based forecast of 14,000 households in the same period in the CLG Household Projections and is dependent on growth occurring elsewhere in the south east in excess of trend based forecasts, such as the RSS Growth Areas of Ashford and the Thames Gateway in Kent (APP/1/01). The draft CS policy WCS1 reduces provision in Wealden to 9,600 units between 2006 and 2030 – equivalent to only 8,000 units in the 2006-2026 period (400pa).

87. There is no PPS3 rationale for this in the draft CS or the documents supporting it. PPS3 paragraphs 9 and 10 set out the Government's objectives for housing. Paragraph 33 sets out the task to be undertaken in assessing housing requirements. In particular, this must be an evidence-based approach to establish need and demand taking account of economic needs, growth forecasts, the government's ambitions for affordability and the need to improve affordability and increase housing supply.

88. The LPA's draft 'Managing the Delivery of Housing Background Paper' (CD72) arrives at a general housing requirement, based on expected demographic changes (including continued in-migration) of 16,900 units in the period 2006-2030. It emphasises the acute housing need and the social and economic problems associated with inadequate supply of housing generally. It identifies separately the very significant affordable housing need of 812 units district-wide, year on year. It notes that at current rates, those in housing need will have to wait between 35 years and 'indefinitely' for the accommodation they require. Paragraphs 5.1 to 10.5 of CD72 make salutary reading.

89. That need is not translated into a housing requirement. The Background Paper merely states that the Council proposes 9,600 units 2006-2030. There is no assessment of how that figure is arrived at, how it relates to the 16,900 dwellings needed or how the overall 400 per year total housing provision relates to an 812 per year need for affordable housing given the CS aspiration that only 35% of dwellings would be affordable (35% of 400 = 140).

90. The proposed CS is no better. Paragraph 3.10 records the demographic need assessment of 16,800. Paragraph 3.11 records the proposed 9,600 provision. The disjunct is not commented upon.

91. It is not the lack of suitable sites which leads a 16,800 need to become a 9,600 provision. The SHLAA has a total estimated provision in excess of 22,000 units from sites it judges 'suitable'. The 9,600 is made up of the completions to date and the

allocations proposed of 4,685 (4,230 in WCS2 and 455 in the villages). The LPA has determined what it is willing to allocate, and then made that the figure they need to allocate. That is not a PPS3-compliant exercise.

92. Localism is about local decision-making and local responsibility. As Mr Quartermain has confirmed, PPS3 sets the task. In a regional context it might have been possible to 'jiggle' numbers around between authorities in a region or sub-region, explaining why the South East Plan requirement for Wealden could be only 11,000. Under localism, however, local authorities need to face up to their own responsibilities. Wealden's responsibility, on its own figures, is to find at least 16,800 units. Its SHLAA says that it can do so.

93. At the Inquiry, the Council's planning witness claimed that the limit to 9,600 units was derived from infrastructure constraints shown in the 'Development of the Proposed Submission Core Strategy Background Paper' (CD69). However the only issue with a quantified (purported) limit on dwelling numbers, or 'headroom' was waste water treatment capacity in South Wealden. This does not justify a district-wide failure. Moreover it is described in the Infrastructure Delivery Plan Background Paper (CD67) not as a limit or ceiling, but as an issue to be addressed. The time-scale of the draft CS is to 2030. The so-called 'headroom' limit is based on over-conservative assumptions and the proposed allocations are below the purported limit, allowing for more development. The headroom excuse is also inconsistent with the Council's earlier consultation on Spatial Development Options (CD26 and 26a), all of which assumed the 11,000 dwellings RSS figure.

94. With these grave objections to the contents of the proposed CS, the housing figures in WSC1 cannot rationally be given more weight than the Development Plan requirement set out in the RSS.

<u>Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA)</u>

95. The draft SA/SEA which accompanied the proposed CS does not appraise the document in respect of the dwelling numbers now proposed. Neither of the housing options in it were taken forward as the Council instead selected a lower figure for housing provision. This is equivalent to 8,000 units from 2006-2026 against the 11,000 RSS requirement. The SA/SEA conclusion that the objective to meet the RSS requirement has been met by Policy WCS1 is thus incorrect. Neither is housing need met by the proposal to provide 9,600 dwellings against a need of 16,800.

96. The failings of the proposed CS as to its legal requirements have led the Appellant to mount a High Court challenge of the decision to approve the draft. They will also lead the Appellant – if the moment ever arrives – to mount a sustained challenge to the figures through the LDF examination process (date or dates unfixed). It would accordingly be wrong to attribute any material weight to the housing figures in CS Policy WCS1 or to apply more weight to them than to the RSS.