Representations of Judith Ashton Associates on behalf of Wates Developments Limited

WDC Core Strategy – EIP
Day 2 – Wednesday 18th January 2012
Matter 3 Housing (WCS1, WCS2, WCS5) - Whether the overall level of housing provision and its distribution are justified and appropriate.

a) Does the overall scale and distribution of housing provision accord with the requirements 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?

A.1 As per our reps on the CSSD (April 2011), not only are we concerned that WDC are looking to promote a lower level of housing growth than that advocated in the SEP, but that the housing distribution strategy differs from that set out in the SEP.

The scale of housing proposed in WDC's CS

A.2 Our reps on the CSSD provide a detailed critique of our position on the amount and the distribution of new housing proposed in the district over the plan period. Our position, put simply, is that the level of housing proposed in the district (11,000 dwellings (2006 -2026)) had been rigorously tested through the SEP and the reasons for the increase in the level of housing proposed in the final version of the SEP clearly set out by the Panel and Secretary of State, and that the SEP housing requirement was not in any event a maximum. We concluded that the CS was not legally compliant in only looking to accommodate 9600 dwellings over the period 2006-2030 (the equivalent of just 8189 between 2006 and 2026) as it was inconsistent with regional policy.

A.3 Since making our reps, the inspector has issued a summary of his main concerns for discussion at the exploratory meeting (X1a), WDC have responded to this (X4), and the inspector has issued a letter setting out further queries since the exploratory meeting (Y1), WDC have responded by letter dated 2nd December (Y10), officers have reported the Draft Strategic Sites DPD to cabinet and members have agreed to go out to consultation on this document in January 2012. There have also been a number of ministerial statements such as 'Planning for Growth', 'Positive Planning: a Focus on Driving Sustainable Development' and the publication of the draft NPPF. Given the above we would like to make the following comments on the scale of housing proposed by WDC in their CS.

A.4 At the exploratory meeting and in their accompanying response to the inspectors concerns as set out in his letter of the 7th Sept, WDC suggested that the CS is in general conformity with the SEP as it seeks to weigh the housing need and demand against the other environmental requirements of the SEP.

A.5 Whilst noting the DC position we feel it is somewhat perverse as the SEP itself makes it clear in numerous places that the level of housing promoted in the plan has been weighed in the balance against other criteria – such as environmental protection and infrastructure capacity – Para 7.4, policy H2,

policy SCT1 (v) and Para 17.3 of the SEP, and paragraphs 7.71, 17.45, 17.53 and 26.40 of the panels report refer.

A.6 Having regard to the above we believe that the SEP does take into account the environmental and infrastructure implications of the level of housing development proposed within the region and that there is no justifiable reason for WDC to adopt a different approach. We thus remain of the view that the level for growth proposed in the CS is unjustified, that the CS is not legally compliant in as much as the overall level of housing proposed is over 25% less than that advocated in the SEP.

The Distribution of housing proposed in the CS

A.7 Our reps on the CSSD highlighted the inconsistency between the distribution of housing proposed in the SEP and that advocated in the CS i.e. the SEP proposes 7000 dwellings in the Sussex Coast and 4000 in the rest of the district and the CS proposes the equivalent of 4382 in the Sussex Coast and 3807 in the rest of the district to 2026. Thus the provision within the Sussex Coast is over 35% less than proposed in the SEP. Our reps also highlighted the fact that the CS fails to take on board the reason for the spatial strategy proposed in the SEP i.e. the economic regeneration of the Sussex Coast, and that WDC have, in their SA of the CSSD failed to assess the implications of the spatial strategy they are advocating on the economic regeneration of the Sussex Coast. Our conclusion being that the council's failure to undertake this work means the CS is not soundly based.

A.8 At the exploratory meeting and in their accompanying response to the inspectors concerns as set out in his letter of the 7th Sept, WDC appear to suggest that the environmental and infrastructure implications of the scale of development proposed in the SEP have been crystallised by subsequent events and that it is no longer possible to plan for the scale and distribution of growth envisaged by the SEP given the environmental implications of doing so on the Pevensey Levels/ the capacity issues at the Hailsham and Eastbourne WWTW.

A.9 It is clear from the panels report on the SEP EIP that the panel were aware of these issues when making their recommendations - paragraphs 17.36 and 26.43 both refer to the capacity issues at the WWTW. It is also clear that the SEP itself has had regard to this matter – footnote 3 of SCT5 recognises the limitations at the Hailsham WWTW, and Para 17.14 (i) recognises the implications of development in terms of the Hailsham WWTW and the habitat regulations.

A.10 In addition to the above, we note that the CSI&O (2007) makes it clear at Para 1.11 that the plan will meet the minimum requirements set out at a regional level in the SEP. It is also clear that whilst WDC recognised that the final housing requirement of the SEP could well be higher than that advocated at the time (Para 1.22 refers), the DC were not opposing the spatial distribution proposed by the SEP at that time - 4600 in the Sussex coast and 3400 in the rest of the district.

A.11 Likewise we note that whilst the CS - Consultation Paper on Spatial Development Options (July 2009) only sought to promote the level of growth proposed in the SEP (7000 units to the Sussex Coast and 4000 to the rest of the district), and that of the 6 options tested, only one, option 2 was in

conformity with the SEP spatial distribution strategy, when listing the advantages and disadvantages of this option no mention was made of the capacity of the Eastbourne/ Hailsham WWTW or the impact of development on the Pevensey levels SPA.

A.12 It appears to us that it was only after the government's announcement on the proposed revocation of the RSS that WDC looked to review the scale and distribution of development proposed in the borough and reduce it in line with their preferred approach. We would ask the inspector to refer to the cabinet reports of July and Oct 2010 in this regard.

A.13 In the context of the above, we note that whilst WDC are looking to these issues to significantly reduce the scale of development proposed in the Sussex Coast Sub Region, Eastbourne BC have in their CSSD (Sept 2011) resolved to adopt a scale of growth that reflects the requirements of the SEP. Clearly EBC do not feel constrained by any capacity issues at Eastbourne or Hailsham WWTW or feel that the environmental implications of development will be so adversely detrimental to the Pevensey Levels

A.11 Policy SP1 makes it clear that the sub regions identified in the SEP, such as the Sussex Coast, will be the focus for growth and regeneration. Para 4.2 makes it clear that these sub regions were identified because they showed strong economic potential or particular regeneration needs. Development within these areas is meant to help support the economic competitiveness of the SE region as a whole whilst spreading the benefits of prosperity more evenly across the region. By actively ignoring the needs of the Sussex Coast Sub Region (the inspector shoud note the CS makes no reference to the sub region anywhere), and moving away from the strategy advocated in the SEP WDC are in our opinion prejudicing the economic prosperity of the area and the government's commitment towards planning for growth.

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?

B.1 Whilst we believe that the HNA and HMA both indicate that WDC should have assessed and potentially adopted a higher level of growth given the housing needs and demands in the area, we note this is a matter for discussion under item c. We also feel consideration should be given to the implications of 'Planning for Growth', 'Positive Planning: a Focus on Driving Sustainable Development' and the draft NPPF. All three of these documents look to LPA's to plan positively for growth, to facilitate housing, and to maintain a flexible and responsive supply of land for key sectors, including housing.

B.2 Furthermore the Draft NPPF looks to 'increase significantly the delivery of new homes' (Para 107 refer).

B.3 The 'direction of travel' of national guidance, as set out in the draft NPPF is clearly one of flexibility in housing delivery and the need to look to accommodate more than is required. In order to ensure they do not need to commence a CS review immediately upon adoption WDC should be looking to ensure their CS provides for the flexibility envisaged by the draft NPPF now.

B.4 In their response to the inspector's further queries WDC in their letter of 2nd December indicate that population projections suggest that the scale of growth proposed in the SEP is no longer justified given more recent population projections provided by ONS and ESCC. However we note that the panel in their report on the SEP make an interesting observation in Para 17.48 – when addressing some objectors calls for the level of growth in the Sussex Coast sub Region to be increased over and above that proposed by the panel, the panel indicate that 'local demographics are not a strong argument for increasing the housing levels in the Sussex Coast'. The fact is housing figures promoted in the SEP for the Sussex Coast Sub Region took into account net immigration and looked to redress the imbalance between jobs and housing in the area so as to help the economic regeneration of the area and facilitate a more sustainable pattern of growth. At Para 17.47 the panel recognise that more housing brings with it a wider mix of skills, and contributes towards entrepreneurship. Relying on demographics to promote an alternative level of housing provision ignores this fundamental objective of the SEP.

B.5 It is clear from the comparison of the spatial distribution scenarios tested in table 8.2 of the August 2011 SA that a smaller level of growth than that advocated in the SEP would be less advantageous in economic terms. It also appears that WDC have not assessed the way in which the spatial distribution strategy they have looked to adopt impacts upon adjacent boroughs, in particular Eastbourne. This to us is surprising given the findings of the SHMA, which at Para 1.213 highlights the fact that Greenfield allocations in South Wealden will provide an opportunity to secure a wider choice of market housing - the majority of development in Eastbourne being infill development on previously developed land that provides for flatted rather than family housing; and the fact policy SCT1 of the SEP clearly indicates that ' local authorities and other agencies should, as a priority, pro actively pursue and promote the sustainable economic growth and regeneration of the Sussex coast'; and that bullet point v of policy STC1 advises:- '..achieve a better balance between the provision of housing and the capacity of both the local environment and economy to absorb this in a sustainable way whilst responding to, as far as possible, the needs of local people (including key workers) for decent homes at a price/ cost that they can afford…'

B.6 Give the duty to cooperate, the lack of any real assessment of the implications of the spatial strategy on EBC is a significant omission.

B.7 Having regard to the above and the clear direction that national government guidance is taking it is imperative that WDC's CS provides for flexibility. The CS, in looking to provide significantly less than the SEP requirement, is not legally compliant, and provides for no flexibility if one of the strategic sites is found to be undeliverable.

B.8 There is no reason why WDC could not have looked to promote/ test a higher level of housing provision than that proposed in the SEP. The SA of the CS (BP10 – August 2011) contains no assessment of a housing figure that exceeds the SEP requirement. Given the potential economic advantages of such a strategy, this matter should have been considered in the balance against the environmental and infrastructure issues the LPA have raised, and thought should have been given to the means by which higher levels of growth might have been able to unlock some of these issues – i.e. developer

funding for highway improvements/ contributions towards enhancing the capacity of the WWTW.

B.9 WDC adoption of the option 1 housing figure does not make for a **sound** housing delivery program. WDC has not **justified** the amount of housing they are looking to deliver over the plan period and their approach is potentially prejudicial to the economic recover of the Sussex Coast Sub Region and the provision of a balanced housing mix given the constraints that exist in the adjacent borough of Eastbourne.

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?

C.1 As set out in our reps on the CSSD, both the Eastbourne and South Wealden Housing Market Assessment 2007 (HMA) - paragraphs 5.03 and 5.04, and the Housing Needs Assessment 2010 (HNA) - paragraph 6.59 identify the scale of the housing need in the district. At 812 affordable houses a year the housing need is nearly twice the overall supply proposed in the CS.

C.2 Given the housing need identified in the HMA and HNA, and having regard to Para 33 of PPS3, and the fact the draft NPPF highlights the importance of the SHLAA and SHMA in identifying areas of housing need and how these will be met, WDC should have assessed higher levels of growth than that proposed in the CS and SEP. Higher levels of housing growth would help provide existing and future residents with the opportunity to live in a decent home, one of the key visions of the plan and a key sustainability objective of the SA.

C.3 As set out in our reps on the CSSD, WDC should give consideration to the accommodation of at least 13,200 dwellings over the period 2006 - 2030 (550 dwellings per annum) i.e. 67% of the annual need/demand identified in the HNA. Whilst 65% more than currently provided for in the CS this level of growth would enable the DC to actively address the acute affordable housing issue in the district, actively stimulate economic recovery and reflects the need for flexibility as set out in the draft NPPF.

C.4 In appendix B of their response to the inspectors concerns set out in his letter of the 31st October 2011, WDC suggest that the affordable need is not as great as 812 dwellings per annum if one deducts adaptations to existing houses, improvements through grants, under occupancy initiatives, affordable re lets, remodelling of existing facilities, the provision of new affordable housing etc. However if one reviews the flowchart of housing need as set out at page 70 of the HNA it is clear that that HNA has already taken such initiatives on board when assessing the housing need.

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?

D.1 The majority of development proposed in the CS is directed towards the main towns. The only real exception is that proposed at Stone Cross. The SA of the Background Papers (August 2011), in what it refers to as its appraisal of Background Paper 3 - the Rural Settlement Hierarchy (p34 – 45), clearly identifies the fact that Stone Cross is the highest scoring rural settlement in the settlement hierarchy for the southern part of the district. It also highlights many of the social, economic and environmental attributes of Stone Cross.

The 'Settlement of Stone Cross SA summary, incorporating the settlement hierarchy and housing development potential' on P44 is a useful summary of why Stone Cross is justifiable being looked to to accommodate some of the districts housing requirements.

D.2 It is clear from the CSI&O (July 2007) that Westham and Stone Cross were seen as villages with growth potential (Fig 13 p46), and that Stone Cross was being considered alongside Polegate and Willingdon as a main area of search (p86/ 92 and Figure 19). It is also clear that this strategy was carried forward in the CS Spatial Development Options July 2009, where in all but 1 option (option 6) the parish of Westham was seen to accommodate the highest level of growth of the rural parishes.

D.3 Having regard to the above and our comments on matter 8, Stone Cross is in our opinion a sustainable location for further development and the scale of development proposed within the CS is both appropriate and justified in terms of the aims and objectives of the CS i.e. to focus growth where it is most accessible and sustainable (Para 2.7); the aims and objectives of the SEP which promotes sustainable urban extensions on the edge of the existing urban areas (SCT1 (iii)); and national government guidance, both PPS3 (Para 38) and the draft NPPF/ Positive Planning: A Focus On Driving Sustainable Development.

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?

E.1 It is fair to say that the CSI&O 2007 (part 5) and the Spatial Development Options 2009 (part 3) provided for a variety of different development scenarios across the district, albeit the former was predicated upon the draft SEP figure of 8000 dwellings (split 4600 to the Sussex Coast and 3400 to the rest of the district) and the latter a maximum of 11000 dwellings, in line with the SEP (split 7000 to the Sussex Coast and 4000 to the rest of the district), both being developed within the then plan period i.e. to 2026.

E.2 The CSSD in promoting just 8000 dwellings for a plan period that runs to 2030 refines the distribution and location of housing to reflect the revised scale of development to be accommodated and the revised plan period. Whilst we do not necessarily agree with its conclusions, as we believe more development should be accommodated in the district as a whole, with the scale of development promoted within the Sussex Coast increased accordingly, and more development accommodated at Stone Cross; we do believe WDC has looked at various different options to accommodate the housing requirement and the strategy that has evolved has looked to avoid the infrastructure and environmental constraints as far as it can. In this context, as set out in our comments on matter 8 we believe the alleged infrastructure and environmental constraints associated with development within the Sussex Coast area can be addressed, as far as our clients interests are concerned within the bounds of their site.

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?

F.1 Having regard to table 11 of Background Paper 2: Managing the Delivery of Housing (August 2011) (BP2) it would appear that the number of units with planning permission in April 2010 was 3159 units. If all of these are deliverable, and having regard to what has been built since April 2006 (1331 units) it appears that the council do have a 5 year supply across the district as a whole. What BP2 does not do is look at the situation relative to the Sussex Coast and rest of the district.

F.2 Using the information WDC provided in their response to the inspector's concerns for the Exploratory Meeting it appears that the CS is looking to accommodate circa 5280 dwellings in the Sussex Coast (220 x 24). Using appendix 8 of BP2 it would appear that 1493 dwellings have been completed/ have extant PP in Hailsham and Polegate (the Sussex coast towns) and that 610 dwellings have been completed/ have PP in the southern parishes. Thus the total level of identified deliverable dwellings is 2103. This would suggest that there is only a continuous supply of deliverable sites to 2015 in the Sussex Coast – which is not a 5 year supply.

F.3 The above suggest that the district will need to phase the release of some of the Strategic Development sites in advance of 2015 – the planned start date for most sites according to table 13 of BP2.

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

G.1 Having regard to BP2 it appears that across the district as a whole the plan can deliver 9600 dwellings during the plan period assuming nothing goes wrong/ all the sites identified are deliverable. However BP2 does not split the district in terms of the Sussex Coast and rest of district.

G.2 Using the figures in appendix 8 of BP2, it appears that existing commitments/ PP in the Sussex Coast = 2031. Strategic allocations (SD2, 3, 4, 6 and 7) = 2650. WCS6 indicate that a further 190 units will be delivered within the southern parishes. Thus the total supply = 4871. This results in a residual requirement of 409 dwellings in the Sussex Coast.

G.3 Having regard to the above it is not clear that there is an adequate supply of developable sites in the plan period beyond 5 years. WDC either need to increase the level of provision within one of the SDA's, or look to provide a contingency as they have for the rest of the district (at Crowborough). Given the need for flexibility as set out in the draft NPPF, and the issues WDC have raised in terms of infrastructure provision in the Sussex Coast Sub Region we believe it is imperative that the CS either looks to increase the scale of development proposed at one on the SDA's in the Sussex coast or a contingency site is identified now to ensure the level of growth proposed is provided for.

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 a policy?

H.1 No Comment