Matter 6/ Mr Houlton
The Clay Family
Mr and Mrs Colliver
Knight Developments

Matter 6: Uckfield Area Strategy (WCS2, WCS3, WCS4)

a) Have reasonable alternatives to the strategy been considered?

1. It is considered that reasonable alternatives to the Uckfield Strategic Development Area have not been considered for two fundamental reasons.

2. First, it is considered that reasonable alternatives have not been assessed in relation to North Wealden as a whole. This is because the principle of spatial development has not been adequately examined in the preparation of the Core Strategy taking into account the environmental considerations of North Wealden.

3. Second, development in Uckfield has not been appropriately assessed in relation to the Ashdown Forest SPA mitigation strategy, with particular reference to the provision of SANGS. It is not considered that the council have reasonably assessed other sites on the suitability of the provision of SANGS and the likelihood that these will come forward. For example, there has been no justification within the Core Strategy that a balanced approach has been analysed in relation to the distribution of housing. The methodology in selecting Uckfield as a strategic location for accommodating large scale development rather than Crowborough, given that they are both district centres within the proposed 7km buffer zone around the Ashdown Forest, is unclear and unjustified. Thus there has been a fundamental failure of the Strategy to consider development elsewhere.

<u>SANGS provision</u>

4. It is considered that the council has not justified its approach in allocating a substantial amount of development in Uckfield and has not considered reasonable alternatives for accommodating 4000 dwellings in North Wealden. Crowborough, for example, has been almost discounted for accommodating a substantial number of dwellings due to its close proximity to the Ashdown Forest. The two main effects on the Ashdown Forest SPA and SAC are nitrogen levels from increased traffic and visitor disturbance and urbanisation from visitors.

5. It is considered that SD1 has been proposed as a direct result of the availability SHLAA sites rather than detailed consideration of development constraints in the overall planning strategy for North Wealden to reach conclusions on appropriate locations for development. This appears to have been a result of Scenario C and the speed in which the Core Strategy was then developed with the focus on this previously untested option.

6. The traffic impact on the A26 as a result of the west Uckfield proposal is likely to attract far more car journeys to the Forest than development at Crowborough. The HRA states that as a result of the proposed development in the Core Strategy, the maximum increases in traffic would arise on the A26 connecting Uckfield and Crowborough and on the A22 connecting Uckfield and Forest Row (p.24). The traffic flow calculation process has been assessed on proposed housing and commitments alone and does not consider the impact of the increase in retail and employment floorspace in Uckfield and the impact this may bring to local roads. This is supported by the findings of a report by Stirling Maynard Transport Consultants reviewing the traffic forecasting approach undertaken as part of the assessment to atmospheric pollution (paragraph 3.2). This report is attached as **Appendix 1.**

7. The HRA states that SANGS must be strategically located. SANGS provision in relation to SD1 in Uckfield has been indicated to come forward in a broad location to the south of the site in the recently developed Sites Allocations DPD which is currently in consultation stages. The availability of this land, the phasing of development in relation to bringing forward the SANGS and the assessment of whether this is the most appropriate option in which to locate development has not been adequately assessed in the Core Strategy.

8. A planning application in Crowborough (WD/2011/2085/MAO) has recently been objected to by Natural England on the basis of SANGS provision. The consultation response is attached as **Appendix 2.** Although contributions towards SANGS were proposed and identified as suitable mitigation to relieve the impact on the Ashdown Forest, Natural England requires the SANGS to be identified, deliverable and secured. This confirms that it is not appropriate to exclude specific, deliverable SANGS provision within the Core Strategy DPD. The IDP states that the

provision of SANGS is critical before any residential development comes forward (p.94), further reiterating the need for a strategic approach.

9. Larger and more complex development proposals should be carefully considered in relation to the environmental protection of the Ashdown Forest and potential traffic impact. It is considered that Uckfield would benefit from incremental growth on edge of settlement locations and Crowborough would be more appropriate for accommodating larger scale proposals. Furthermore there are sites available in Crowborough which could incorporate SANGS provision alongside proposals for dwellings. This approach is considered to be more appropriate for the cohesive approach between meeting housing need and preserving the conservation interests of the Ashdown Forest.

b) Is there a clear audit trail showing how and why the preferred strategy was arrived at?

10. In common with much of the content of the Core Strategy the manner in which the strategy for Crowborough was arrived at is very unclear – to the extent that it can be said that the proposed approach to development in the town seems a result of passive extrapolation of trends and ad hoc decision making rather than the sort of positive planning for future change that should be expected of a proposed development plan.

11. Figure 2.1 in Background Paper 10 "Summary of the Evolution of the Core Strategy Spatial Distribution in Relation to S A" is a graphic summary of the period July 2009 to December 2010. It might be said in that respect to be an 'audit trail' of the Core Strategy process between those dates. It is not, however, by any means a complete description. The Spatial Distribution documents of July 2009 gave no more than a brief overview of six possible approaches to development distribution, although there was public consultation at that stage. Two 'Scenarios' were taken forward for assessment but there is no clear description of them in the background to the process, and in fact committee consideration of them did not provide any clear conclusions. Instead, a further scenario was brought forward.

12. Paragraph 8.40 of Background Paper 10 gives a brief summary of the apparent reasons for rejecting scenarios A and B but there is no evidence base which supports this or evidence that

these scenarios could have not been accommodated in the District. Although evidence of the infrastructure issues was identified, possibly restricting the adoption of Scenario A, there is no statistical data or other evidence (other than general unsubstantiated statements) that the council tested Scenario B, i.e. that additional growth should be accommodated in the north.

13. Instead, Scenario C (which forms the basis of the Core Strategy) was briefly described and agreed, and was subsequently published as the Submission Document, on which there had been no prior consultation.

14. Within the Sustainability Appraisal accompanying the Core Strategy, development in Uckfield is considered in relation to broad geographical locations. The north, east, southeast and south of the town were discounted and broad locations for development were selected in the centre and the west. Therefore there appears to have been a process involved in selecting the different options for the town. However it is not considered that the reasoning for the preferred strategy for Uckfield is robust and based on an appropriate evidence base, particularly in relation to assessing appropriate locations for development in North Wealden as a whole.

c) Have the infrastructure implications of the strategy clearly been identified and supported by the evidence base? Is it clear who is going to deliver the required infrastructure and by when?

15. The Infrastructure Delivery Schedule contained within Appendix A of the IDP outlines the scope of development which is to come forward and many of the infrastructure implications have been addressed in relation to Uckfield. It has been recognised in the Core Strategy (paragraph 6.6) that the most important infrastructure constraint of SD1 is the delivery of a traffic management scheme to ease congestion in the town centre. Thus, accommodating a further 1000 homes in addition to those already committed, with 12,650sqm of new employment floorspace, and 10.707sqm of retail floorspace will increase the pressure on the Uckfield road network.

16. The IDP identifies the Uckfield Town Centre Road scheme for delivery, however the location and timing of this is not yet confirmed (p.57). The risk of non-delivery is significant as current development is relying on the improvements. Similarly, the provision of SANGS is not provided

in any detail within the IDP which is a significant infrastructure implication if a cohesive approach is not adopted.

17. It is considered that the details of the infrastructure required as part of significant proposal at SD1 is not sufficient to accompany the Core Strategy thus the deliverability, timing and location of these improvements have not been adequately examined in the Core Strategy or its evidence base.

d) Is the strategy sufficiently flexible to respond to an unexpected change in circumstances?

18. It is not considered that the strategy is sufficiently flexible to respond to an unexpected change in circumstances. The proposal at SD1 is 80ha of land which was submitted as a single site in the SHLAA presumably within the same ownership. Should this site be met with any potential difficulties in relation to its existing constraints, deliverability of infrastructure or unexpected circumstances in the future, a significant number of dwellings would be at risk from non-deliverability which affects the soundness of the Core Strategy overall. It is considered that a more appropriate and flexible strategy would be to accommodate a larger number of smaller sites serving as sustainable extensions to the town in smaller appropriate locations, enhancing connectivity to the town centre.

e) Is there sufficiently clear guidance on retail floorspace provision in Uckfield?

19. ASP has no specific comment on retail floorspace provision in Uckfield.

f) Is SD1 justified and deliverable?

20. It is not considered that SD1 has been appropriately justified in the preparation of the Core Strategy. The methodology assessing locations for development from the Spatial Development Options (2009) to the three Scenarios proposed in the SA and the broad locations based on SHLAA sites is an unclear and simplistic approach to preparing a long term strategy for

Wealden. It is not considered that SD1 has been appropriately justified given its constraints, in comparison with other sites available in Uckfield.

21. Many of the reasons the other locations were discounted included connectivity to the town centre, reliance on the car and traffic impacts (SA, p.94) Therefore the west of the town was concluded as the most appropriate location in terms of connectivity and employment opportunities to match the aims of the town. However the SA also identified that *'mitigation in the form of landscape buffering and in eliminating odour issues may be required.' (p.94).*

22. In addition, the SHLAA appraisal for the development for Uckfield indicated a number of potential problems with the site despite the overall assessment of the site deeming it suitable for development. The assessment notes that approximately two thirds of the site is considered unsuitable for housing due to the harmful impact on the landscape, flooding issues, noise from the A22 and the sewage treatment works, traffic impacts and connectivity to the town centre. These issues have been somewhat referred to in the Core Strategy however the proposal to solve these problems has not been adequately addressed. Furthermore the connectivity of the site is still considered a problem, and the preference of such a large scale proposal has not been adequately addressed in terms of connectivity and impact on the town.

23. The landscape at the west of Uckfield is extremely prominent; highly visible from the A26 serving traffic to and from Eastbourne, Lewes and further afield. The town of Uckfield is nestled in the centre of natural land contours. The proposal for 1000 dwellings, with associated employment, community and leisure floorspace, is considered to be substantial overdevelopment of the town in an inappropriate location with a harmful impact on the landscape. Furthermore, the traffic impact on the A26 in this location has not been compared to any other potential large scale development sites in North Wealden.

24. SD1 depends wholly on the provision of SANGS as has been confirmed by Natural England, the IDP and the Core Strategy DPD itself, however specific provision, location, availability and timing of SANGS in Uckfield has not been adequately assessed and compared to other locations in North Wealden such as Crowborough. With no specific provision for the timing of important road infrastructure and SANGS, it is not considered that SD1 is currently deliverable.

25. It is not considered that SD1 has been adequately justified on the basis of testing alternative solutions and the most appropriate way to accommodate housing in North Wealden with consideration to the Ashdown Forest SPA.

g) Have reasonable alternatives to SD1 been considered – omission sites?

26. Given the environmental and landscape constraints as a result of SD1, it is considered that there are other sites identified in the SHLAA which are reasonably available for appropriate phasing of development within the Core Strategy. Other available and suitable sites (such as SHLAA ref: 157/1410) could bring planned, sustainable growth to the edge of the settlement of Uckfield in appropriate locations, enhancing small scale growth in locations which are accessible to the town centre and do not compromise the aims of the Uckfield town masterplanning process.

Conclusion

27. The manner in which development in Uckfield has been justified within the Core Strategy documentation is not considered to be sufficiently sound. Other sites should have been considered in North Wealden such as north of Crowborough, which would be more appropriate in respect of the conservation interests of the Ashdown Forest and which have the ability to incorporate SANGS within the development proposal, thus meeting housing demand, mitigating the impact of the Forest and providing benefits to the town. There is no clear reason why sites such as these have been rejected from the development of the Core Strategy and Uckfield considered more appropriate to bring large scale development forward. As such, the Strategy is unsound.

28. Thus the strategy for Uckfield is not based on a robust and credible evidence base and it has not been appropriately justified. The strategy is not effective as it is currently inflexible and undeliverable. In order to assess soundness in further detail, it is considered that the Core Strategy should return to the analysis of the initial eight options proposed in the Strategic Development Options, and Scenarios A and B based on current circumstances.

29. There should be a clear methodology to assess locations for development and a more robust analysis of SHLAA sites if they are to come forward as part of the long term planning strategy for the district. All options should be considered in relation to infrastructure and environmental constraints and the evidence base should make clear which options are suitable or unsuitable, rather than testing an option (Scenario C) which has already been chosen but may in itself, already be unsound. Furthermore the council should reconsider SD1 in relation to its deliverability and seek to test alternatives within North Wealden as a whole. The potential for a providing incremental growth on edge of settlement locations should also be assessed as an alternative for development in Uckfield given the relative constraints of SD1 regarding the Ashdown Forest, traffic problems and connectivity to the town centre.

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APPENDIX 1

WEALDEN DISTRICT LOCAL DEVELOPMENT FRAMEWORK

ASSESSMENT OF THE CORE STRATEGY UNDER THE HABITAT REGULATIONS (AUGUST 2011)

REVIEW OF TRAFFIC FORECASTING APPROACH UNDERTAKEN AS PART OF THE ASSESSMENT OF ATMOSPHERIC POLLUTION

CLIENT: A S PLANNING LIMITED

December 2011

STIRLINGMAYNARD
Transportation Consultants

DOCUMENT SIGNATURE AND MODIFICATION SHEET

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Wealden District Local Development Framework
Assessment of the Core Strategy under the Habitat Regulations (August 2011)
Review of Traffic Forecasting Approach Undertaken As part of the Assessment to Atmospheric Pollution

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1.0 INTRODUCTION

A report has been produced to present the findings and recommendations of the Habitats Regulations Assessment (HRA) for the Wealden District Core Strategy. It was produced in August 2011 and is titled:

> "Wealden District (incorporating part of the South Downs National Park) Local Development Framework: Assessment of the Core Strategy under the Habitats Regulations."

The key areas are identified as:

> Ashdown Forest Special Area of Conservation (SAC)
> Ashdown Forest Special Protection Area
> Lewis Downs SAC
> Pevensey Levels possible SAC / Ramsar Site

Several significant areas were identified for investigation one of which was atmospheric pollution. In order to analyse the impact of the Core Strategy proposals on the Ashdown Forest and Lewis Downs SACs a significant traffic forecasting exercise was undertaken on the basis that the key atmospheric pollutant impacts are caused by nitrogen, and in turn the majority of emissions of nitrogen and nitrogen oxide from new developments are caused by vehicle emissions.

The purpose of the report is to review the traffic forecasting exercise as set out in Chapter 5 of the report and comment on the assumptions, calculations and conclusions reached.

2.0 OVERVIEW

The assessment is based on the guidance within the Design Manual for Roads and Bridges (DMRB, Highways Agency, 2007). Specific provision is made for sites designated pursuant to the Habitats Directive and although DMRB is aimed at new roads it does state that "where appropriate the advice may be applied to existing roads". The guidance sets out the criteria for an effected road as:

- Road alignment will change by 5 metres or more
- Daily traffic flows will change by 1000 AADT or more
- Heavy duty vehicle flows will change by 200 AADT or more
- Daily average speed will change by 10 km/h or more
- Peak hour speed will change by 20 km/hour or more

If a road is designated as effected then there must be designated sets within 200 metres for the impact not to be neutral and further work be required.

The road network in and around Ashdown Forest and the Lewis Downs are shown on the plan overleaf. The study was restricted to the roads which link the larger settlements together namely the A22, A275, A26, B2026 and B2188 at Ashdown Forrest and the A26 and B2192 at Lewis. Although the selection of the routes is somewhat arbitrary no issue is taken with the network selected.

The overall approach was as follows:

i) Establish existing flows on the network.
ii) Identify the relevant development areas in the core strategy.
iii) Calculate the number of trips generated by these developments.
iv) Assign this traffic to the appropriate roads within the network.
v) Establish whether any of the roads exceed the traffic criteria as set out in DRMB.

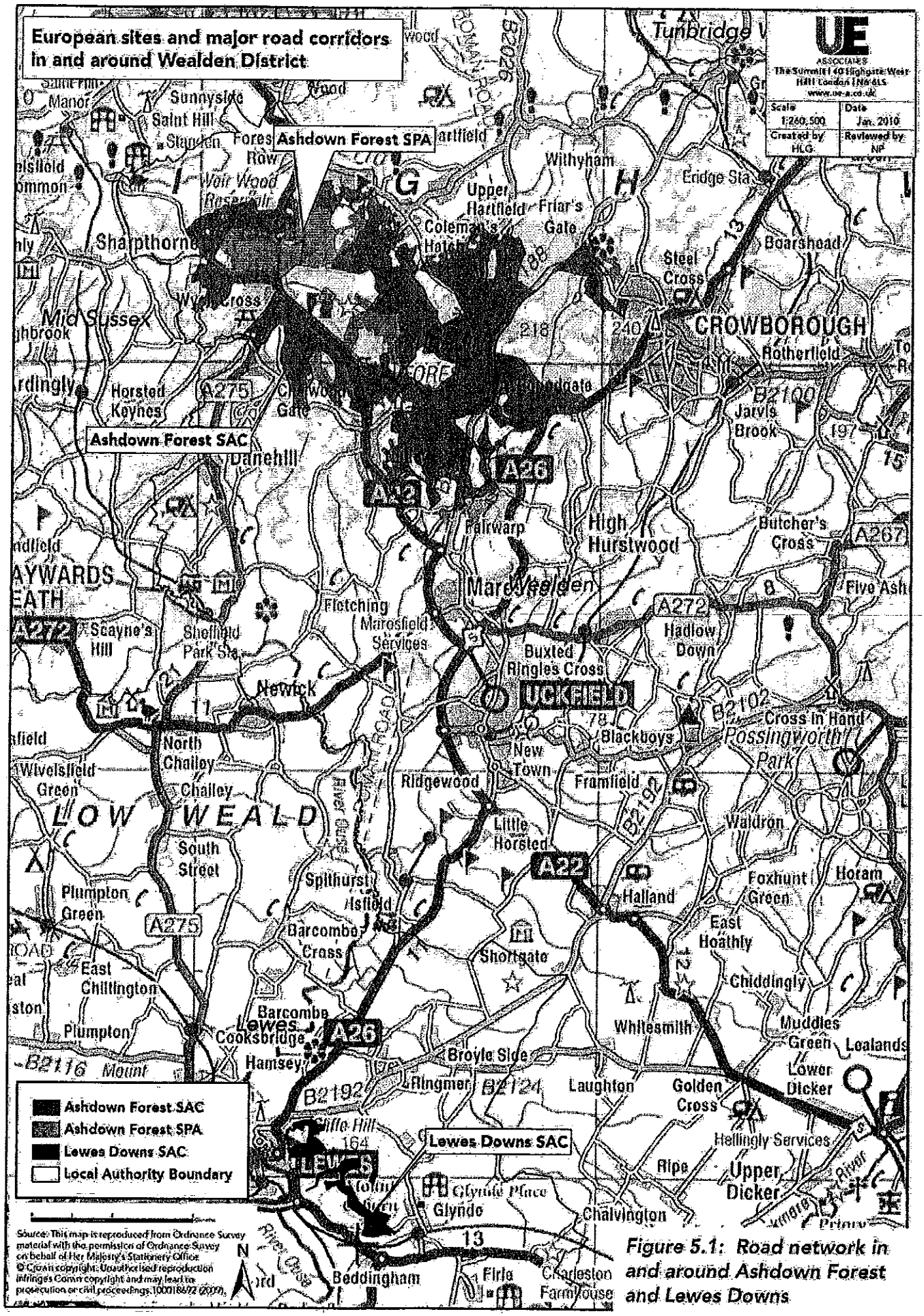


Figure 5.1: Road network in and around Ashdown Forest and Lewes Downs

Each area will be considered in detail in the next chapter.

3.0 COMMENT

3.1 Current AADT

Data from East Sussex County Council has been used to establish the 2009 AADT (average annual daily traffic) for the relevant links as set out in Appendix VI of the Habitat Report. There is no reason to doubt these flows but a map showing the location of each count would have been useful as some counts cover significant lengths of link. In general the level of flow is higher on the A roads as would be expected, and also higher on the B2192 out of Lewes showing the importance of this particular route.

3.2 Identify Relevant Development Areas

Settlements relevant to the SACs (in terms of traffic generation) were identified using journey to work census data, as it is postulated that not all developments will use the roads relevant to the analysis. The detail of the journey to work analysis is not included so it is difficult to comment. However the analysis decides that for the assessment of impact at Ashdown Forest the relevant settlements are Uckfield (plus Maresfield) and Crowborough. For impacts on the Lewis Downs the relevant settlements are Uckfield and Crowborough. (It is assumed that Uckfield again includes Maresfield as the housing numbers are included in the calculation.) The relevant number of allocations plus commitments are 657 for Crowborough and 1609 for Uckfield plus Maresfield.

It is acknowledged in the report that some minor traffic movements may originate from Hailsham and Polegate. However it goes on to say that these would be difficult to quantify to any degree of certainty due to the alternative routing available to Lewes and beyond using the A27 and therefore the developments at Polegate and Hailsham have not been included in the assessment relating to the Lewis Downs SAC. This element of the approach is of concern. It is not

acceptable just to ignore an element of the analysis because it might be difficult and to suggest that, for example, no one from a settlement in Hailsham would use the B2192 or the A26 past the SAC is simplistic. At the very least some allowance should have been made.

Similarly no allowance appears to have been made for the sites in the Core Strategy for the rural villages. It is assumed some of these at least would use the routes in question.

Overall therefore it is felt that, by limiting the analysis just to settlements in Crowborough, Uckfield and Maresfield the analysis is likely to have been based on an underestimate of the number of households generating traffic onto the relevant road network.

A more fundamental concern is that nowhere in the analysis does there appear to be any allowance for traffic generated by the commercial development identified in the core strategy. Just as the housing generates trips to destinations outside the town of origin so commercial development attracts from outside areas and hence onto the road network in question. Although a small proportion of trips to commercial development will be attracted from the new housing settlements the majority will not and therefore a similar exercise to that undertaken from housing should have been undertaken for commercial development. For example within Policy WCS3 although no allocations are made for Crowborough a significant square metreage of gross floor area of both employment and retail is identified for Uckfield and this development would certainly generate traffic on the A22 and A26 thus potentially impacting on the SACs.

Overall therefore it is concluded that the housing settlements selected under represent the potential residential traffic generation and no allowance for commercial development seems to have been made at all.

3.3 Determine Average Weekday Person Total Trips per Household Using TRICS

Person trip rates per household are calculated using the TRICS database. The TRICS printouts are not included in any appendix so it is difficult to comment in detail on the selection of sites used within the database to derive the values used in the report. The relevant trip rates are 8.95 person trips per household (12 hour average annual weekday) for private residential developments and 6.78 person trips per household for private mixed developments. (Mixed developments have a higher proportion of flats.) The analysis uses an average of these two values of 7.87 and also states the average trip rate for vehicles is 4.51 trips per household. Finally it gives the growth factor for 12 to 24 houses as 1.16 (based on the National Travel Survey) which results in an average weekly person (AAWP) trip rate of 9.13 trips per household.

As stated the lack of printouts make detailed comment hard but initial investigation of the (admittedly limited) sites in TRICS in the South East would suggest a vehicle trip rate of 4.51 trips per household is fairly modest.

The analysis then goes through an arithmetic process to convert from annual average weekday person trips (AAWP) to finally arrive at the total "strategic" AADT from Crowborough and Uckfield (plus Maresfield) respectively. (Strategic in this case means traffic leaving the town as clearly trips purely within Crowborough for example will not use the identified study road network.) The process briefly is as follows:

Having calculated AAWP trip rates as 9.13 trips per household.

i) Determine AAWP commute person trips per household using Census journey to work data.

Resultant trip rate is 2.34 trips per household.

ii) Calculate AAWP non commute person trip rate.

9.13-2.34 = 6.79 trips per household.

iii) Convert from AAWP to AADP.

Commuting = 1.87 trips per household

Non commuting = 6.65 trips per household

(Note AAWP is only annual average weekday. AADP is based on the 7 days not 5.)

iv) Convert the above to allow only for trips to/from areas external to Uckfield and Crowborough respectively ("strategic").

Commuting = 1.085 trips per household.

Not commuting = 2.790 trips per household

Total 3.88 trips per household

v) Convert from person trip rate (AADP) to vehicle trip rate (AADT) using TRICS data.

AADT = 2.21 vehicles per household.

vi) Finally calculate the total number of strategic vehicle trips (AADT) that would arise from the assessment allocations plus commitments figure.

Crowborough 657 x 2.21 = 1452 AADT

Uckfield 1609 x 2.21 = 3555 AADT

Most of the above is accepted and so the calculations have not been set out in detail. However there is one particular area of concern. In v) above the strategic person trip rate (AADP) is converted to vehicle trip rate (AADT) based on a simple ratio derived from TRICS. Early in the process it was established the person trip

rate was 7.87 trips per household whilst the corresponding vehicle trip rate was 4.51. Thus the conversion factor is calculated as 0.57 and applied to the strategic AADP trip rate to derive the AADT trip rates. Hence the calculation at this stage 3.88 x 0.57 = 2.21 vehicle trips per household. However it is suggested the simple factoring process is flawed. The two trip rates used to calculate the factor are based on total trips per household (person and vehicle respectively). However by definition short distance person trips are more likely to be undertaken by the non car modes (walk, cycle etc) whilst longer distance trips are much more likely to be undertaken by car. However by calculating a simple average factor in this way implies a constant ratio between car and non car modes regardless of the length of trip. It is suggested that for short distance trips the ratio of AADP to AADT will be much lower than the average and for longer distance or strategic trips the ratio will be higher than the average. Therefore by calculating a simple average factor in this way and then applying it to the strategic person trip rates the process underestimates the number of strategic vehicle trips and the consequent AADT figures for Crowborough and Uckfield are too low.

Overall therefore because of the trip rates used and the method of factoring the strategic person trip rates the number of strategic vehicle trips generated by the relevant house allocation is underestimated.

3.4 Assignment

Strategic trips are distributed on the basis of Census journey to work information, and route choice is derived via Google Maps time and distance module. Routing options and assignments are set out in Appendix VII of the report.

It is not the intention here to reproduce and comment on each individual route choice, but some pertinent observations are relevant. Clearly this approach only allows one or two alternative routes to be considered whilst in practice traffic assignment tends to be more widespread. This means that for example no traffic at

all is assigned to the B2192 despite it being one of the busiest roads. Although choosing routes away from this road may be logical, in practice some traffic is likely to use this route for some origin/destination pairs. The "all or nothing" assignment approach is therefore somewhat simplistic.

Secondly it is noted that all trips to inner/central London and also to "elsewhere in the UK" (i.e beyond the immediate area but outside Greater London) are assumed to be by public transport. Again this is simplistic because some of these trips will be undertaken by car.

Overall therefore it is concluded that the simple assignment approach may underestimate the traffic assigned to the key roads in the study area.

3.5 Assignment Results and Conclusions

As a result of the above process table 5.2 in the report sets out the additional AADT assigned to the key links on the main roads. The increase ranges from 0 (Coleman's Hotel to Wych Cross) to 950 (Duddleswell Road to Crowborough). It therefore concludes there is "no effects on the ecological integrity of Ashdown Forest SAC and Lewis Downs SAC as a result of the Core Strategy.

Because of the limitations and omissions in this approach as outline in this report it is premature to reach this conclusion as the impact of the increase in traffic if these concerns are addressed is not known. The work would need to be revisited before the conclusion could be reached.

It should also be noted that at the start of the work reference to the DMRB guidance sets out five areas whereby impacts on the SACs could occur (reproduced in this report in section 2 and contained in the Habitats Report in Section 5.4). The analysis then concentrates solely on one item (increase in AADT) and makes no further reference to the other four. Although it is considered unlikely that any of

the other four will in practice have an impact nonetheless they should have been addressed.

4.0 CONCLUSIONS

Overall therefore the following conclusions are reached:

i) The approach to testing the impact of the Core Strategy on atmospheric pollution is based on the approach set out in the Design Manual for Roads and Bridges.

ii) The analysis is concentrated on Ashdown Forest and Lewis Down SACs.

iii) DMRB identifies five criteria to investigate.

iv) The analysis only follows one of these, namely increase in Average Annual Daily Flows (AADT).

v) A detailed traffic forecasting approach is set out in the Habitat report.

vi) With this approach the number of housing settlements appears to be under represented and there is **no** allowance for commercial floor space at all.

vii) The trip generation approach underestimates the number of strategic trips, possibly because the trip rates themselves may be low, but more importantly the way the AADP to AADT factor is calculated using a simple average.

viii) The assignment approach is a simple one which may underestimate traffic on the key road links.

ix) All trips to Central London and the "rest of the Country" are assumed to use public transport, whilst in practice some will use the car.

It is therefore concluded that the conclusion in the report that the Core Strategy has no impact due to air pollution is based on an approach which underestimates the likely amount of traffic on the key links and cannot at this stage be accepted with confidence.

APPENDIX 2

Date: 4 November 2011
Our ref: 34510
Your ref: WD/2011/2085/MAO

Claire McIntyre
Development Control
Wealden District Council

Phoenix House
33 North Street
Lewes
East Sussex
BN7 2PH

By email only, no hard copy to follow

Dear Claire,

ASHDOWN FOREST SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI), SPECIAL PROTECTION AREA (SPA) AND SPECIAL AREA OF CONSERVATION (SAC)

Proposal: Proposed development of up to 74 dwellings, with Garages, Parking Spaces, Open Spaces And Means Of Access
Location: Land North Of Stone Cross Road, Alderbrook, Crowborough, TN6 3SQ

Thank you for your letter consulting Natural England on the above application. The application site is approximately 2km from habitats which form part of the Ashdown Forest Site of Special Scientific Interest (SSSI). This SSSI is part of the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA). This letter and annex comprises our statutory consultation response under provisions of Town and Country Planning (Development Management Procedure (England) Order 2010 and Section 28 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

Natural England objects to the above proposal on the following grounds:

- The information submitted with the application identifies that there will be a likely significant effect on Ashdown Forest SAC/SPA. We are pleased that the impacts have been fully evaluated and that contributions towards SANGS and access management has been identified as suitable mitigation. However, there is currently no strategic SANG available and access management measures on Ashdown Forest have not yet been identified and agreed.
- Until it can be demonstrated that the mitigation is deliverable and secured, we will need to maintain a holding objection to this application.

Under S28I of the Wildlife and Countryside Act 1981 (as amended) your authority must take Natural England's advice into account in deciding whether or not to grant permission for a proposal affecting a SSSI. If your authority resolves not to follow this advice then it must notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, it has taken our advice into account. You must then allow a further period of 21 days before the development can commence to allow us to consider any further action. For further details of these requirements, and a summary of the legislation protecting SSSI's and the duties that apply to planning authorities, please refer to Part II of Circular 06/2005[1].

European Protected Species (EPS)
The survey information provided by the applicants indicates that bats and dormice are utilising features that are to be affected by the proposed development. Natural England is satisfied that the avoidance and mitigation proposals set out in the application appear sufficient to mitigate any

potential impacts on these species. The proposals should therefore not be detrimental to the maintenance of the population of bats and dormice at a favourable conservation status in their natural range (as defined in Regulation 53 of the Conservation of Habitats and Species Regulations 2010)

Whilst we are satisfied that the favourable conservation status of these species is likely to be maintained, based upon the mitigation proposed, it is for the Planning Authority to conclude whether the carrying out of the development would be likely to offend Article 12(1) by, for example, causing disturbance to the species in question.

The issues raised in this correspondence represent Natural England's advice at the planning application stage and considers potential harm to populations of protected species from the proposed development. Bats and dormice are European protected species and as such a licence is required in order to carry out any works that involve certain activities such as capturing the animals or destroying their resting places. This licence is applied for after planning permission has been granted and is processed by Natural England's Wildlife Management & Licensing Team, rather than by the local Team (though the local Team will have an input at this stage). The later decision on a licence application is a more detailed assessment and may require additional survey information, population assessment and specific details relating to the effectiveness and workability of the mitigation proposals before works can proceed. This means that our comments on the application at a local level cannot provide a guarantee that a licence will be granted post planning permission, although it should indicate that in general the conservation issues are being handled effectively.

Other Protected Species
The information supplied in support of the application highlights the impacts resulting from this proposal upon other protected species that are protected by the Wildlife and Countryside Act (1981). Detailed advice on survey effort and mitigation requirements for these species can be found within our protected species standing advice available from http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/default.aspx. In accordance with our standing advice, we recommend that you consult the standing advice to establish whether sufficient survey effort has been undertaken to fully assess the impacts of this proposal along with the appropriateness of any necessary mitigation measures proposed in respect of these species.

Ancient Woodland
Natural England advises that the proposals as presented have the potential to adversely affect woodland classified on the ancient Woodland Inventory. Natural England refers you to our Standing Advice on ancient woodland
http://www.naturalengland.org.uk/regions/south_east/ourwork/standingadvice/default.aspx

We would be happy to comment further when the additional information regarding mitigation for recreational disturbance is submitted but in the meantime if you have any queries, please do not hesitate to contact Marian Ashdown at the above address, by telephone on 0300 060 4050 or by email to marian.ashdown@naturalengland.org.uk

Yours sincerely

Dominic Coath
Senior Adviser
Land Use Operations Team