

Report to: Lead Cabinet Member for Transport and Environment

Date of meeting: 17 September 2018

By: Director of Communities, Economy and Transport

Title: Wealden Local Plan Proposed Submission Consultation

Purpose: To agree the principles set out in this report as the basis for the County Council representations on the Wealden Local Plan

RECOMMENDATIONS:

- (1) Agree the views on the Local Plan summarised in paragraph 2.1 below, and set out more fully in the Appendix as the basis for representations on the Wealden Local Plan Proposed Submission; and**
 - (2) Authorise the Director of Communities, Economy and Transport to elaborate upon and add to these views as necessary for submission to Wealden District Council.**
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1. Background Information

1.1. Wealden District Council (WDC) has published the Proposed Submission Wealden Local Plan (WLP), under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, so that representations can be made prior to its submission to the Secretary of State for examination. All representations received by the 8 October will be considered alongside the submitted document when it is examined by an independent Planning Inspector.

1.2 The current Wealden Core Strategy Local Plan was adopted in February 2013 covering the period between 2006 and 2027 and allocates 9,440 dwellings (450 per annum) over the Plan period. Levels of housing growth in this Plan were constrained by the need for additional Wastewater Treatment Works capacity in the Hailsham area. Policy WCS1 therefore required the Core Strategy to be reviewed in 2015 to ensure an adequate supply of development land and for it to include an assessment of future levels of need and demand for housing. The Proposed Submission WLP incorporates the Core Strategy review and includes strategic and local policies and also site allocations. When the Plan is adopted it will supersede the 2013 Core Strategy and the 1998 Local Plan.

1.3 A key focus for the WLP is the level and distribution of housing growth to be planned for. Earlier iterations of the plan put forward proposed housing targets of 19,950 dwellings between 2013 and 2037, and subsequently 11,456 dwellings between 2013 and 2028. One of the key factors that has influenced the WLP, and in particular the quantum and location of planned housing growth, is the evidence gathered by WDC in relation to the Plan's impact upon the Ashdown Forest Special Area of Conservation (SAC).

1.4 WDC has prepared evidence to assess the level of development which can be allowed without damage to the SAC. Using this evidence, WDC has now investigated and is proposing a range of mitigation measures for the SAC, which will allow development to proceed up to the level of the objectively assessed housing need in Wealden District of 950 per annum, which equates to a total figure of 14,228 dwellings over the plan period of 2013 to 2028. A draft of an Interim Air Quality Mitigation Strategy has been shared with the County Council and other neighbouring and nearby planning authorities and we will respond separately to this given that WDC are looking to implement this imminently.

1.5 County Council officers have had substantial input and influence on the WLP through its development, particularly providing advice on the transport and education requirements to support the growth options, and on a range of policies within the Proposed Submission Plan covering our services and interests.

1.6 However, the decision by WDC to increase the overall figure from 11,456 to 14,228 dwellings was made at a very late stage and as a consequence County Council officers have not had the

opportunity to undertake the modelling and forecasting work in order to further consider the impact on County Council infrastructure requirements before the WLP and the supporting Infrastructure Delivery Plan (IDP) were published on 13 August. This work is currently being undertaken and the update to infrastructure requirements will need to form a key part of the County Council's representations.

2 Proposed Representations on the WLP

2.1 The Proposed Submission WLP has been published to allow representations to be made; these are confined to issues of 'soundness' and legal compliance. It is proposed that the County Council representations should be submitted based on the following issues which are focused on the key areas of County Council interest and are further elaborated on in the Appendix:

- We will provide updates to County Council infrastructure requirements (particularly schools and transport) to support the latest growth levels. We will seek any necessary changes to WLP policies to reflect these requirements. The representation will also state that WDC will need to continue to liaise with the County Council on updates required to the Infrastructure Delivery Plan before it is submitted to the Planning Inspectorate with the WLP. This will ensure that the impacts on, and need for County Council infrastructure to support proposed growth are fully considered during the Plan's examination.
- The representation will emphasise the huge challenge of securing the necessary supporting infrastructure funding. The County Council is committed to exploring all opportunities, working with WDC and other key partners, to secure this funding including through the Accelerating Wealden Delivery bid to the Housing Infrastructure Fund for education provision in Hailsham and a package of transport improvements in the Eastbourne/South Wealden to support the growth in the area. However, there remains great uncertainty over securing this and other funding which will enable the delivery of necessary infrastructure.
- Development contributions will be important in helping to fund critical infrastructure including transport and education provision. It is proposed that the County Council will make a strong case to urge WDC to review their approach to the Community Infrastructure Levy and Section 106/278 agreements to enable the County Council to secure the timely provision of infrastructure and ensuring that the proposed housing growth in the WLP is delivered in a timely manner. Without such a review there could be an increased need for the County Council to cover the cost of critical infrastructure at a time of severe and well-documented budget pressures.
- Certain WLP policies go a long way to ensure that development does not come forward without the necessary infrastructure and are to be supported. However, clarity on specific site policy criteria including that it may be necessary to use appropriate planning conditions to prevent dwellings being occupied until specific improvements are in place will further strengthen these.
- To mitigate the impact of development on Special Areas of Conservation, including the Ashdown Forest, WDC is proposing a range of measures through a low emission strategy and will introduce a mitigation tariff. Many of the measures involve or could have an impact on the highway network. Therefore, it is critical that the County Council is fully engaged in this process as a key partner and that any measures taken forward do not place any unreasonable burden on the County Council. Our comments on the mitigation measures and Strategy will be articulated in the County Council's representation. In commenting upon this aspect of the plan and the Air Quality Mitigation Strategy, it will be made clear that the County Council has not scrutinised the evidence that WDC has prepared to support their approach to the Habitats Regulations. Therefore, the County Council is neither endorsing, or disagreeing with the evidence prepared and policy approach taken. Instead, we would wish to be assured that the Planning Inspector, who eventually conducts the Examination into the WDC Local Plan, is satisfied that a proportionate approach has been taken to satisfying the Habitats Regulations, particularly when the cost of mitigating the plans impact on the SAC's is going to reduce the potential development contributions that could be secured for critical infrastructure, such as schools and transport improvements.

- In some instances, detailed comments will be provided on particular policies, including proposed allocations. This will include raising any concerns over any particular policies and to suggest minor modifications to policy wording in order to ensure that matters of interest to the County Council are clearly articulated and addressed in the policies and/or their supporting text.

3 Conclusion and Reasons for Recommendations

3.1 The County Council needs to agree the basis for representations being submitted on the WLP Proposed Submission. The levels of growth that is planned will require substantial County Council infrastructure. The County Council as a key stakeholder has been fully engaged with WDC throughout the development of the Plan and officers have significantly influenced its development. However to protect County Council interests and to ensure the timely delivery of infrastructure to support the proposed development it is recommended that the points outlined in 2.1 and elaborated in the Appendix are agreed as the basis for representations.

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LOCAL MEMBERS

Councillors: Bennett, Bentley, Bowdler, Dowling, Dowling, Fox, Galley, Shing, Shing, Standley, Stogdon, Tidy and Whetstone.

BACKGROUND DOCUMENTS

Wealden Local Plan Proposed Submission August 2018

Infrastructure Delivery Plan

Wealden Local Plan Transport Study

APPENDIX

1. Overview of the Plan Process

1.1 The Proposed Submission is the final version of the Wealden Local Plan (WLP) which has been prepared by Wealden District Council (WDC) and which it intends to submit for Public Examination. The document is the result of a significant amount of research, assessment and consultation. An Issues, Options and Recommendation document was published for consultation in October 2015. County Council officer comments were submitted in response to the consultation.

1.2 The WLP sets out the spatial strategy and policy framework for Wealden District from 2013 to 2028. It covers the areas of Wealden District excluding the area of the District which is within the South Downs National Park.

1.3 The WLP has been through several iterations during the plan making process. A draft Proposed Submission document was reported to WDC Full Council in March 2017. The strategic direction of the WLP was supported however it was agreed that due to key evidence documents not being available that the Plan could not be approved for publishing for examination representations at that stage. The evidence documents have now been completed and the WLP was approved by WDC Full Council on 18 July 2018.

1.4 As well as responding to formal consultations, County Council officers have been involved in technical work to support the plan and have provided informal advice and comments on drafts of parts of the Proposed Submission document to ensure the WLP is aligned with County Council plans and work. Especially this has focused on our infrastructure and service areas as outlined in the sections below but officers have also provided advice on environmental issues.

1.5 At this stage in the plan's preparation the County Council needs to submit representations on issues of 'soundness' or legal compliance. To be 'sound' the WLP should be positively prepared, justified, effective and consistent with national policy. Representations are required by 8 October 2018.

1.6 WDC intends to submit the WLP by the end of the year with an Examination in Public expected to take place in spring 2019.

1.7 The WLP contains:

- Vision and Spatial Objectives;
- Strategic Growth Policies including: housing, the economy, infrastructure and the environment;
- Settlement Strategies and Site Allocations including the housing distribution amongst settlements and town centre development;
- Development Policies including housing, rural and countryside policies, the natural and historic environment, health and wellbeing.

2. Amount of Development and Distribution

2.1 The WLP proposes the delivery of 14,228 dwellings between 2013 and 2028; this is equivalent to approximately 950 additional dwellings per annum. This would meet the objectively assessed housing need for Wealden District, as calculated by WDC. The delivery of the total dwellings can be broken down as follows:

- 2,421 dwellings already completed in the plan period
- 5,279 dwellings with planning permission
- 4,012 dwellings allocated within the plan
- 2,516 dwellings through windfalls

2.2 This total is an increase of 2,772 dwellings on what was proposed in the WLP Proposed Submission, March 2017 document, which had a total of 11,456. Most of this increase is to be delivered through windfall development across the whole district. Windfall developments are where specific sites have not been identified however the WLP indicates the level of development which could be delivered within development boundaries and core areas. All sustainable settlements have been allocated

development boundaries; within these boundaries the principle of development is acceptable subject to other Plan Policies. Some smaller settlements have been given a Core Area where within and adjacent to these Core Areas limited, small scale development may be acceptable subject to other Plan Policies.

2.3 The focus of development remains in the South Wealden Growth area which encompasses the Parish of Hailsham and areas within the Parishes of Hellingly, Polegate, Willington and Jevington and Westham.

2.4 Land is allocated for the delivery of 22,500 net additional square metres of office, industrial and warehousing floorspace (B1, B2 and B8) in the A22 employment corridor site at Lower Dicker. Land is also allocated to deliver 4,350 square metres of retail floorspace, within Uckfield and Hailsham. In order to support the future development of smaller scale employment land in other locations across the District the WLP also includes a policy which identifies the amount of employment provision which will be supported up to the maximum capacity for each area.

2.5 County Council officers have provided advice on site options throughout the plan process, specific site policies generally have incorporated this advice which has included matters relating to landscape, ecology, archaeology and transport requirements.

3. Habitats Regulations Assessment

3.1 A key factor in determining growth levels and locations in the WLP has been the potential impact of growth on the Ashdown Forest Special Area of Conservation (SAC). WDC has undertaken significant work to monitor nitrogen deposition, other pollutants and the ecology of the designated site. Undertaking modelling of traffic flows, air quality and nitrogen deposition has been used to identify the consequential ecological impact of proposed development numbers and distribution. County Council officers have not contributed to, or provided a view on any part of this work.

3.2 The Habitats Regulations Assessment (HRA) undertaken by WDC has concluded that the impact from vehicle trips across the Ashdown Forest SAC is significant with high levels of nitrogen deposition recorded and consequent ecological damage. The evidence has indicated that further pollutants from growth identified from the Plan alone and in combination with other plans and projects will exacerbate this impact and as a result the conservation objectives of the SAC will not be met. WDC's HRA evidence has also identified an impact on the integrity of the protected areas of Lewes Downs SAC and the Pevensey Levels SAC and Ramsar Site.

3.3 The County Council is at an early stage in the HRA work for the Waste and Minerals Plan therefore officers do not currently have the evidence, knowledge or expertise to comment on the methodology used by WDC in its HRA or the conclusions reached. It is however recommended that a proportionate approach is adopted to ensure that the right balance is struck between protecting the key environmental assets in and around the district and meeting growth targets with the appropriate levels of infrastructure provision.

Air Quality Mitigation

3.4 WDC has investigated and is proposing a range of mitigation measures which will allow development to proceed up to the level proposed in the Plan but not beyond.

3.5 Development which would result in the net increase in traffic movements across roads in, or adjacent to Ashdown Forest SAC or Lewes Downs SAC will be required to contribute towards a package of mitigation measures. So far, WDC has only published a paper setting out a number of options for such mitigation measures. These options include many which involves or would have an impact on the highway. It is therefore critical that the County Council is fully engaged in this process and that any mitigation measures pursued, which impact upon the County Council's interests, are done so with our support.

4. County Council Infrastructure Requirements to Support Development

Overall Impact

4.1 The level of development proposed will have a significant impact on County Council infrastructure and services particularly transport and education provision. County Council officers have been advising WDC throughout the production of the WLP on the impact and additional infrastructure measures and interventions which would be required to support proposed levels of development. During the plan making process WDC has altered the level of planned growth and it has therefore been necessary for

County Council officers to review forecasts, modelling work and strategies to provide advice on infrastructure impacts and requirements. Throughout this process the two councils have had regular dialogue and engagement, both at an officer and member level on key infrastructure issues and requirements. This has included regular officer and member 'Infrastructure Provision and Delivery Road Map' meetings.

4.2 County Council officers have provided advice and comments on WLP infrastructure policies and have had significant input into the Infrastructure Delivery Plan (IDP) which outlines the infrastructure required to support the Plan's proposed growth. This has covered all areas of County Council infrastructure and services: libraries, waste and minerals, local flood risk management, telecommunications, transport and education. This advice and input is reflected in the latest version of the IDP which was published with the WLP on 13 August 2018.

4.3 Despite the above, WDC made the decision to increase the overall housing figure from 11,456 to 14,228 dwellings at a very late stage and as a consequence County Council officers have not had the opportunity to consider the impact of this increase and comment comprehensively on the implications and the revisions necessary to both the WLP and the IDP. The main service areas which may be affected by these changes, and will need to have their infrastructure needs reviewed, are transport and education provision, albeit other areas may also be required to provide updates to the IDP.

4.4 Our representations will need to include an update on County Council infrastructure requirements to support the latest development levels in the WLP including any necessary changes to the Plan's policies. It will also need to be stated that WDC will need to liaise with the County Council on updates required to the IDP before it is submitted with the WLP. This will ensure that the impact to County Council infrastructure and additional requirements to support the WLP are fully considered during the Plan's examination.

Education

4.5 County Council officers have undertaken various rounds of education forecasting throughout the development of the WLP. This has led to changes in the overall strategy for school places and County Council officers have provided WDC with advice on infrastructure requirements accordingly including land for potential new schools. The last advice provided was based on development levels in the WLP Proposed Submission, March 2017 and is reflected in the Education Commissioning Plan 2017-2021 and the IDP published in August 2018.

4.6 The current position is that additional primary school places and additional secondary school places are required in Hailsham and Polegate/Willingdon. Land for a new primary school is allocated within Hailsham North 1A for a 2 form entry primary school and early years education provision. A mixed use development including the land for a new school has been granted planning permission. Land is also allocated in the WLP for education provision in South Hailsham.

4.7 Further education forecasting is being undertaken to take into account the latest increase in the housing figures. A verbal update on this work will be provided at the Lead Member meeting. Any changes in the current position on education requirements identified through this work will need to be included in our representations and incorporated into the updates to the IDP before submission.

4.8 Policy SWGA 5 of the WLP acknowledges that education provision is required to support development across the whole South Wealden Growth area and therefore sites for education provision should be able to be released ahead of development where considered necessary by the County Council. This will help with the timely delivery of education infrastructure and should be strongly supported.

Transport

4.9 In order to test the impact on the road network of the proposed development in the South Wealden Growth Area, the focus of development in the WLP, the County Council and WDC jointly commissioned the Wealden Local Plan Transport Study (WLTS) 2017. The study was completed in 2017 and was published on WDC's website in January 2018 along with a summary and FAQs. The study was based on proposed development levels and locations consistent with those in the 14 March 2017 WLP.

4.10 The study concluded that:

- the additional development with general background traffic growth would result in a degradation of highway operating conditions over time;
- identified highway network improvements will ease and in some cases even resolve issues however they cannot be expected to maintain the status quo;
- the package of highway improvements identified for the delivery of the Wealden Core Strategy are still required;
- delivery of Local Plan development is subject to the following necessary additional highway improvements;
 - A27 Station Road and Alfriston Road (Drusillas Roundabout): roundabout improvements;
 - A27 and The Street: junction improvements to improve minor approach operations;
 - A27 and Common Lane: junction improvements to improve minor approach operations;
 - A22, A267 and A271 Boship Roundabout: re-built and signalised roundabout;
 - A22 and A295 South Road: junction improvements; and
 - A22 Golden Jubilee Way and B2247 Dittons Road Roundabout: junction improvements in addition to the Core Strategy scheme.
- highway improvements would need to be combined with a 'step change' in the use of public transport, cycling and walking.

4.11 The study also highlighted that beyond the end of the plan period of 2028, the proposed A27 Comprehensive Offline Solution between Lewes (Beddingham) – Polegate (Cophall) and the grade-separation of Cophall Roundabout should also be considered. The conclusions and requirements from this study have been incorporated into the WLP policies and the supporting IDP.

4.12 In order to consider the impact of the higher growth figures in the latest Proposed Submission WLP a further Transport Study has been commissioned. Initial findings from this study show that additional growth will put increased pressure on the strategic corridors particularly the A22. This may require changes to junction schemes previously identified and to their timing and is likely to require more significant interventions. The 'step change' in the use of sustainable transport is also still a critical part of the wider strategy for mitigating the impact of growth. Whilst an A27 Comprehensive Offline Solution has been assessed as part of this study, further work will be undertaken to evaluate when this may be required.

4.13 Details on the conclusions from the study will be provided through a verbal update at the Lead Member meeting and any necessary changes to the WLP, which are recommended to include in our representations.

4.14 Further scheme and corridor studies also need to be undertaken to take forward the design of the package of junction improvements and to identify further transport infrastructure improvements at a more localised level to support and enable a 'step change' in use of public transport, cycling and walking. A study on Polegate Station is also being undertaken to assess the impact of the growth. The WLP reference these studies within the overall infrastructure policy and relevant site policies. Work on these studies and design work, which the County Council is leading on, has commenced and is programmed to be undertaken in 2018/19 and 2019/20. The results from these studies and further design work will need to be incorporated into future reviews of the IDP and will be used to inform the infrastructure requirements for future planning application decisions.

5. Infrastructure Funding and Delivery

Securing Funding

5.1 As outlined in Section 4 the level of development proposed over a relatively short period will require the funding and delivery of substantial amounts of County Council infrastructure, particularly transport and education provision.

5.2 County Council officers in liaison with WDC officers are exploring all opportunities to secure the necessary funding however at this stage there is uncertainty over how the magnitude of funding will be achieved, this in turn impacts on the overall uncertainty with delivering the necessary infrastructure to support growth. Though the WLP does acknowledge that the proposed development, particularly in the

South Wealden Growth area, will require significant investment in new infrastructure, the importance of levering in significant funding from a range of sources should be stressed in the representations.

External Funding

5.3 The success of the 'Accelerating Wealden Delivery' (AWD) Housing and Infrastructure Fund Forward Funding bid is likely to be critical in ensuring a significant element of the necessary infrastructure funding is secured. The County Council and WDC submitted an Expression of Interest (EOI) to the Housing Infrastructure Fund last year, and following the announcement it had been successful with its EOI earlier this year, both councils are now working with the Ministry of Housing, Communities and Local Government (MHCLG) and Homes England to develop a full business case for submission in March 2019. The bid is currently valued at £48m. It includes three key elements to unlock and accelerate housing growth in the Wealden area, these are:

- mitigation of nitrogen deposition in Ashdown Forest;
- delivering a new Primary school in Hailsham; and
- transport infrastructure improvements in the Eastbourne/South Wealden area.

5.4 Representations should acknowledge the huge challenge of securing the necessary infrastructure funding to support development. That the County Council is committed to exploring all opportunities to secure this funding, including the AWD bid, and to working with WDC and other partners such as Highways England to ensure sufficient funding is secured and appropriate forward planning is in place. However there remains great uncertainty that this funding will be secured to enable the delivery of the necessary infrastructure which development is dependent on.

Development Contributions

5.5 Development contributions will not be able to fund all the necessary infrastructure requirements, as acknowledged in the WLP; however they have the potential to provide an important part in the mix of funding sources required. Therefore it is important that all opportunities to secure the maximum levels of contributions without affecting overall development viability are not missed, and that the spending of monies is allocated to help fund critical infrastructure.

5.6 WDC introduced a Community Infrastructure Levy (CIL) in April 2016, which was based on Core Strategy development figures and site. Therefore the charging schedule and particularly the Regulation 123 list, which sets out the projects which could potentially be funded wholly or partly by CIL, are out of date and need reviewing. From a County Council perspective, the need for a review of the Regulation 123 list has been exacerbated by the current approach to CIL undermining our ability to secure proportionate off-site highway works, which would ordinarily be secured through a Section 278/106 agreement. As a key infrastructure provider it is essential that the County Council is part of the review into the overall approach to development contributions and can explore with WDC the full potential for securing and maximising development contributions both through CIL and S106 obligations.

5.7 WDC has not yet allocated any CIL monies. As there is a lack of funding for critical infrastructure it is important that WDC confirms that the spending of limited CIL monies will be prioritised on critical infrastructure and that this includes transport and education provision.

5.8 Representations should stress the importance of development contributions in helping to fund critical infrastructure including transport and education provision. The representations should also highlight the necessity for WDC to review the CIL Charging Schedule as soon as possible and the urgent need to revise the Regulation 123 list.

Timely Delivery

5.9 As the funding of necessary infrastructure is so uncertain there is concern that infrastructure will not be delivered in a timely manner to support development.

5.10 The WLP does include strong policies which will help with ensuring that infrastructure is delivered with development. Policy INF 1 – ‘Effective Provision of Infrastructure’ states that:

‘where development would create the need to provide additional or improved facilities, services and infrastructure to mitigate its impact, a programme of delivery must be agreed with the relevant infrastructure providers which will ensure that these improvements are provided at the time they are needed’

and Policy SWGA 8 – ‘Release of development’ states that:

‘The release of land for development is conditional upon there being capacity within the strategic transport network. Any development will need to show that the impact of the additional traffic created by new development, including cumulative impact, could be accommodated on the existing network or that strategic transport interventions will be delivered to the satisfaction of the relevant highway authorities’.

These policies go a long way to ensure that development does not come forward without the necessary infrastructure and are to be supported; however they could be further strengthened.

5.11 Clarity on specific Strategic Infrastructure Requirement site policy criteria will further help to ensure that the timing of development is linked with the delivery of dependent infrastructure. Specifically in certain circumstances occupation of developments should be prevented until necessary infrastructure has been provided. Representations should therefore recommend that policies indicate that it may be necessary to use ‘Grampian’ planning conditions to prevent unacceptable effects on the highway, such as preventing new dwellings from being occupied until specific transport infrastructure improvements are in place. Current transport evidence supports this approach however further work will be undertaken to clarify specifically where this needs to be applied.

6. Conclusion

6.1 County Council officers have been advising WDC throughout the development of the WLP. This has led to a Plan which has policies that generally protect County Council interests and ensures that particularly infrastructure requirements have been taken into account. However, the increase of the overall housing figure by WDC at a late stage has meant the implications were not considered by County Council officers before the WLP and IDP were published in August. Representations therefore need to include an update to infrastructure requirements and any changes necessary to the Plan.

6.2 There is also concern over the amount of funding which needs to be secured and therefore the uncertainty over the delivery of supporting infrastructure. The success of the AWD Housing Infrastructure Fund bid will be critical in achieving a significant element of the funding to deliver this supporting infrastructure.

6.3 Policies already provide some measures for ensuring that development does not come forward without the necessary infrastructure, however further changes are recommended to strengthen these. Development contributions also will play a key part in enabling infrastructure to be provided in a timely manner, the current CIL Charging Schedule is out of date therefore WDC needs to review this as soon as possible and urgently needs to revise the Regulation 123 list.