

Coldwaltham Meadow Conservation Group

Matter 3: Position Statement on Core Policies SD1, SD2, and SD3

This position statement reflects our original representations 2438, 2440, 2441 and 2442.

Core Policy SD1: Sustainable Development

1. We do not consider that Core Policy SD1 makes appropriately justified and effective provision for the exceptions permitted by criterion 4 of the Policy. In this respect, we consider that SD1 is not consistent with national policy.

2. From the outset, we pointed out in our representation on Core Policy SD1, (Comment ID 2440), that in accordance with NPPF 14 and 119:

- the presumption in favour of sustainable development does not apply where development requiring Appropriate Assessment under the Birds and Habitats Directive is being considered, planned or determined;
- policies relating to sites protected under these directives, or within a National Park, indicate development should be restricted.

3. This is not clearly expressed in the Core Policies section of the Local Plan. SD1 conveys the impression that the National Park's *"duty to seek to foster the economic and social well-being of local communities within the National Park"* has equal weighting with the Park's Purposes, and that, in exceptional circumstances, it can outweigh them. This is not sound with respect to designated sites, which means the Local Plan is not coherent with National Planning Policy.

4. Further lack of clarity is expressed in paragraph 4.4, where it appears that only two, not three, guiding principles are stated, for the second and third principles as stated are essentially the same.

5. The lack of coherence between SD1 and National Planning Policy is illustrated in our representation 2440, which looks at SD1 as an overarching framework for evaluating Policy SD64 in the light of its close proximity to the Arun Valley SAC/SPA/Ramsar site, its location in an area of High Landscape Sensitivity and its role as a functioning link as a Supporting Habitat for the Barbastelle bats of The Mens SAC. By virtue of its potential for significant negative adverse effects on these designated sites, Policy SD64 should be regarded as a major development. As such, we also made detailed comments in our representation 2442 about the lack of IROPI justifications for this Policy.

6. We have also demonstrated in our representations 2439, 2442 and 2456, that the lack of IROPI justifications for Policy SD64 centre around the fact that Coldwaltham is not a sustainable location for a major development.

7. With respect to Core Policy SD1, we have also shown, in our representation on the Sustainability Appraisal of the Local Plan (2438), that SDNPA acknowledges Policy SD64 will have the potential for an impact rating of *"significant effects"* on the Sustainability Themes of

Landscape and Biodiversity. We also demonstrate that Policy SD64 will have an impact rating of *“likely adverse effects”* for Cultural Heritage, Health & Wellbeing, Sustainable Transport and Accessibility, with *“uncertain effects”* on Local Economy and Vitality of Communities. Indeed, Policy SD64 is considered to have at best a *“marginal effect in helping the retention of existing facilities and businesses.”* (source: *Assessment of Site Allocations against Major Development Considerations, September 2017 update.*)

8. In terms of social well-being, another element of Sustainable Development, there is currently a lack of social cohesion within the village, arising from a history of incremental isolated estate development sited along the eastern side of the A29. Policy SD64 will be yet another estate of 30 houses, which will make social cohesion even more difficult as the ribbon of development is extended further away from the village’s original centre and closer to Watersfield, just one field’s width away.

9. We have demonstrated that Policy SD1 is not coherent with National Planning Policy. It should be redrafted to make the Local Plan sound. We also consider that Policy SD64 is not coherent with Core Policy SD1 or with National Planning Policy. We do not consider that Policy SD64 can be modified to make it sound; it should therefore be withdrawn to make the Local Plan sound.

SD2 Ecosystem Services (ES)

10. Despite the stated purpose of this policy *“to embed a holistic approach to managing our natural resources sustainably for the future”* (SD2, 4.15), the Local Plan has not integrated this approach to sustainable development. Some allocation policies, including Policy SD64, have no ES icons attached, which would appear to indicate that these sites do not contribute any ES. Presumably ES icons were omitted from these sites to foster the perception that development would not result in a loss of natural capital.

11. This is corroborated in the SDNPA Summary of Issues and Responses, p.259, where in response to the summarised comment (from our representation 2441) that *“The allocation [Policy SD64] is contrary to policy SD2: Ecosystem Services as it does not include ecosystem service symbols, it cannot provide more, better and more joined up natural habitats and it cannot improve the national park’s resilience to and mitigation of climate change”*, the reply is given *“The specific policy criteria relating to ecosystem services were not set for this policy as the analysis done using Ecoserv maps did not identify multiple ecosystem services in the locality for which policy requirements were required”*.

12. This could represent an ignorance of the ecological importance of the meadow, which demonstrates the superficiality of the Local Plan’s ES approach. However, this appears unlikely, given the species richness of the meadow and its juxtaposition to the most important designated site in the National Park. The Development Brief for Policy SD64 indicates that the site contributes multiple ES. This lack of coherence is misleading and renders the Local Plan unsound. All sites contribute ES to some extent and the site for Policy SD64 contributes more than most.

SD3 Major Development

13. Because National Planning Policy does not define major development, SDNPA have sought legal opinion on what is essentially a subjective judgement “...made in the light of all the circumstances of the application and the context of the application site” (SD3, point 1, SDNP LP). Details of these opinions feature in the reference documents cited as footnote 26 at the bottom of p.46 of the Local Plan, referred to here as the “Maurici opinions”. Another key reference document is “Assessments of Site Allocations against Major Development Considerations – Technical Report (Envision, 2015 and update, 2017), cited in 4.24 and as footnote 27 on p.48 of the Local Plan.

14. These documents established a consensus of opinion that served as a justified and objective basis for an objective identification of proposals considered to comprise major development. However, all references to the Envision Technical Report referred to above have been removed from the updated Local Plan:

- MM1 Para Policy ref 4.24 p.48
- MM22 para ref 9.7, p.219
- “Major Development Test” referred to on Sites and Settlements, 9.6 on p.219 of the Local Plan
- Minor Edits para ref 9.48 p.239 “update and response to HRA” deletion of “The proposed allocation site is considered to compromise major development and as such proposals should address core policy SD3”

15. This has presumably been done in an attempt to restore coherence with the statement in SD3 point 2 of the Local Plan that “Planning permission will be refused for major developments in the National Park except in exceptional circumstances, and where it can be demonstrated they are in the public interest”, for Policy SD64, which was assessed in the Envision Technical reports, was considered to be a major development and was referred to as such in the September 2017 version of the Local Plan.

16. These deletions may be attributed to the “update and response to HRA” justification cited above, for the updated HRA proposes a variety of ineffective proposals that are supposed to screen out the impact pathway of recreational disturbance generated by Policy SD64 upon the designated site (cited in our representations 2439, 2447 and 2456 and in our Position Statement on Matter 2.) This is corroborated by the statement in the SDNPA Summary of Issues, p.378:

“The policy says that development proposals should provide suitable mitigation of the impact on the closely sited designated site”. and in the SDNPA Summary of Issues and Responses, p. 256, that

“The Authority does not consider that this allocation [SD64] constitutes major development as defined by national policy or Policy SD3 of this local Plan as it does not have the potential to have serious adverse impact on the natural beauty, wildlife or cultural heritage, of or recreational opportunities provided by, the National Park. “

This, as referred to in our representation 2439 and Policy Statement for Matter 2, is an unjustified reliance upon proposals that cannot possibly be effective in providing suitable mitigation of the impacts of recreational pressure upon the “closely sited designated site”. The only effective and deliverable approach to avoiding negative effects on the meadow and the adjacent designated sites would be to withdraw Policy SD64 from the Local Plan because it cannot be modified to make it sound.

17. The deletion of the text referred to in Minor Edits para 9.48, p.239 (referred to in paragraph 14 above) is an outrageous dereliction of the First Purpose of the National Park. According to the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations), SDNPA has a duty to give SACs SPAs and Ramsar sites the strongest possible protection against damaging development. As outlined in the text for Core Policy SD3, the Maurici Opinions, and both Envision reports, definitions of major development centre around the potential for allocations to have a serious adverse impact. By denying that Policy SD64 is a major development, SDNPA is denying this potential for serious adverse effects, which means they do not have to provide IROPI justifications, and neither do subsequent developers, which is of course why SDNPA has done this. This throws into question whether part 2 of Policy SD3 makes appropriate exceptions for permitting major development in the National Park and whether part 3 of the policy sets appropriate requirements and constraints for the control of major development within the National Park.

18. The fact remains that Policy SD64 was considered to be a major development by the National Park, and it remains a major development by virtue of its potential impact upon designated sites, landscape, disproportionate allocation and the inadequate and ineffective solutions that have been suggested for their avoidance and mitigation (referred to in the updated HRA). Despite denials by the National Park, the adverse impact pathways arising from increased recreational pressure and wildlife disturbance generated by Policy SD64 have not been screened out and neither has the impact upon the landscape. This potential remains, and eradicating all traces of the Envision report from the updated Local Plan merely demonstrates that the Local Plan no longer refers to an objective identification of proposals considered to comprise major development.

Dubious solutions and an unjustified appraisal

19. In this context, it is disturbing to note that in addition to the ineffective proposed solutions referred to in 4.11.12 of the updated HRA, the National Park has cited the Preliminary Ecological Appraisal of the meadow, commissioned by SDNPA, as further justification for denying that Policy SD64 will have an impact on the adjacent designated site:

“The Phase 1 and 2 Ecological surveys demonstrate that, from an ecological perspective, this development would not impact on the nearby Waltham Brooks/Arun Valley site due to the nature of the site being very different i.e. dry meadow rather than wetland grazing marsh. The site is not suitable for waders and wildfowl, nor does it support any ditches.” (source: SDNPA Summary of Issues and Responses, p.257)

20. This assertion is unjustified, because the PEA did not consider the effects of increased recreation upon the meadow or the adjacent designated site. The basis for the assertion is irrelevant, for no-one claimed the meadow was a grazing marsh. In fact, patches of

vegetation within the meadow are very similar to the adjacent acid grassland of the SSSI. In this respect, SDNPA's claim that the meadow is very different from the SSSI is incorrect. In any event, a PEA of such poor quality, as this one is, is not an Appropriate Assessment of the potential adverse effects of development upon the most important designated wildlife site in the National Park, and any judgement, based upon this, must be unsound.

20.1 (We have been denied the opportunity by SDNPA to comment on the PEA as a flawed basis for justification. We have outlined our concerns and produced a position statement on the "PEA/NVC Survey of Land South of London Road, Coldwaltham, conducted by Wildlife Splash Ltd.", but do not know which Matter to refer it to. We wish to submit it and speak about it at the appropriate hearing session.)

Landscape impacts

21. We also detailed, in our representation 2442 to Core Policy SD3, how Policy SD64 would have a significant adverse effect on the landscape of the National Park, which is another indication that Policy SD64 is a major development, for landscape is contained within notions of natural beauty (*source: Maurici Opinions 2011 and 2014, as cited on p.46 of the Local Plan*). However, *"The Authority is aware of the likely adverse effect on the landscape, but think that on balance the benefits of the scheme outweigh this effect"* (*source: p.261 of SDNPA Summary of Issues and Responses*).

This statement lacks coherence with a Local Plan that is supposed to be landscape-led.

In the Public Interest

22. We do not consider that the following impacts, generated by Policy SD64, are in the public interest:

- damage to the Arun Valley SAC/SPA/Ramsar site
- the loss of supporting habitat for the Barbastelle bats of The Mens SAC
- the loss of rural character at the end of Coldwaltham Village
- the impact of Policy SD64 upon the landscape
- the impact of Policy SD64 on the Dark Sky of the National Park

23. We consider that it is in the public interest to maintain the settlement gap between Coldwaltham and Watersfield, provided by the meadow, and to keep our magnificent views across the Arun Valley. Alternative sites for development within the village have been offered by local landowners that are more suitable than Policy SD64.

24. In addition, the landowner of Policy SD64 has been in receipt of in excess of £10,000 of public funding for enhancing the meadow's biodiversity (*Source: response from Natural England to a FOI request via Steve Dale, BBC Radio South, 24.7.2017*). This is a prior public interest justification.