

Statement of Common Ground between Natural England and the South Downs National Park Authority in regard to the South Downs Local Plan

November 2018

1. Introduction

- 1.1 This Statement of Common Ground (SCG) is a jointly agreed statement between Natural England (NE) and the South Downs National Park Authority (SDNPA). Natural England made representations on the South Downs Local Plan Pre-Submission consultation held in 2017. This SCG sets out the position and understanding with respect to key matters raised by Natural England to the Pre-Submission South Downs Local Plan consultation, and identifies where there is agreement and disagreement between both parties.
- 1.2 The purpose of this SCG is to demonstrate clearly and concisely how matters raised in the representation made by NE have been positively explored and, where applicable, resolved. Further detail about engagement and joint working between the SDNPA and NE is given in the South Downs National Park Duty to Cooperate Statement¹.
- 1.3 The main issues set out in NE's representation are set out in Appendix I to this SCG as follows:
- Summarises NE's comments on the Pre-Submission Local Plan;
 - Provides SDNPA's response to the comments made;
 - Proposed changes to the Local Plan made to address NE's comments; and
 - Response from NE on proposed changes.
- 1.4 The representation on the Pre-Submission Local Plan by NE is set out in full in Appendix 2 and the proposed changes to Policy 92: Stedham Sawmills forms appendix 3.

2. Context

- 2.1 Section 62 of the Environment Act 1995 requires all relevant authorities, including Natural England, to have regard to the purposes of national parks. These are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of the area;
 - To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

The SDNPA also has a duty when carrying out the purposes to seek to foster the economic and social well-being of the local communities within the National Park.

¹ South Downs National Park Duty to Cooperate Statement, 2018

- 2.2 The South Downs Partnership is the key mechanism through which partnership working with stakeholders takes place to deliver National Park purposes. It is made up of representatives from different sectors, all with an important stake in the future of the South Downs National Park. This includes representatives from Natural England, the Environment Agency, the National Trust, Land Owners Association, farmers' representative, heritage groups, Association of Parish Council, and water authorities. The Partnership has led to the development and implementation of the South Downs Partnership Management Plan (2013) which has informed and shaped the South Downs Local Plan (SDLP).
- 2.3 The SDNPA is preparing its first Local Plan – the South Downs Local Plan (SDLP). This is a landscape-led plan, with ecosystem services (the goods and services we get from the natural environment) at its heart. The SDLP will provide a comprehensive development plan document to cover the whole of the National Park, and includes a policy to address all types of development, with the exception of minerals and waste.
- 2.4 As a National Park Authority and Local Planning Authority, plan-making and the determination of planning applications by the SDNPA is subject to the National Planning Policy Framework (NPPF). This states that Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless specific policies in the NPPF indicate development should be restricted. An example of such restrictions given in footnote 9 on page 4 of NPPF is policies relating to the development of sites within a National Park. Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads. The DEFRA Vision & Circular on English National Parks and Broads is referenced in the NPPF and provides guidance to national park authorities how to meet their purposes and duty.
- 2.5 As a formal consultee, NE has provided comments on the Local Plan as it emerges and has also provided comments on the Habitats Regulations Assessment. The main interests and responsibilities of NE in relation to the SDLP and its evidence base are:
- Protection of Statutorily protected sites.
 - Protection of the Special Qualities of the South Downs National Park.
 - Protection of biodiversity including ancient woodland and priority habitats, clear consideration of the mitigation hierarchy in NPPF.
 - Measures for the consideration of Protected species
 - Incorporation of Green Infrastructure and Natural Capital into the Plan
- 2.6 As set out in NE's comments on the Local Plan, NE is generally supportive of the Local Plan as whole, fully supporting role of Ecosystems Services, Natural Capital and Green Infrastructure that are embedded at the heart of the Local Plan.



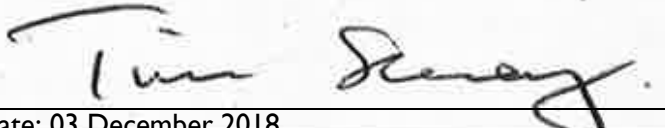
Signed on behalf of Natural England

Rebecca Pearson

Date: 03 December 2018

Position: Lead Advisor

Signed on behalf of the South Downs National Park Authority

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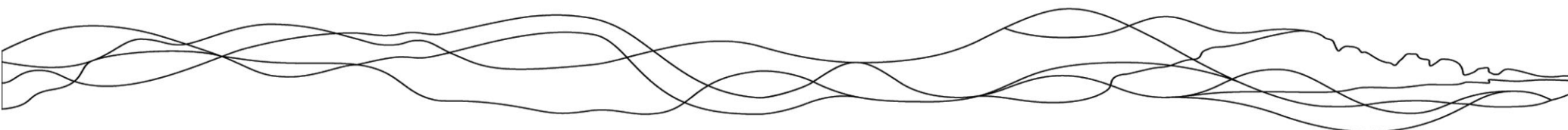
Date: 03 December 2018

Position: Director - Planning

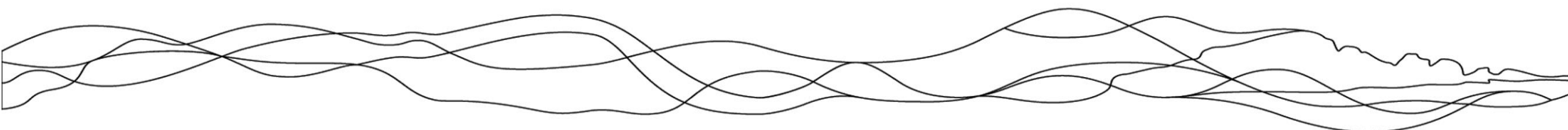
Appendix I: Key matters raised in the NE representation and responses

Summary of NE issues raised in relation to consultation on Pre-submission SDLP	SDNPA comments	SDNPA Actions	NE response
<p><u>SD9: Biodiversity and Geodiversity</u></p> <ol style="list-style-type: none"> Concern regarding loss of some introductory text from the Preferred Options Local Plan which has resulted in some confusion and there are some areas which require clarification and alterations. Concern regarding removal of table present in the Preferred Options Local Plan setting out the designated sites in the National Park Criteria I: 	<ol style="list-style-type: none"> It was necessary to reduce the amount of text in the introductory section. At 5.67 it is agreed that amendments to improve clarity would be helpful – wording used from the Preferred Options paragraph 5.113. Please see proposed action. It was necessary to reduce the amount of text in the introductory section. Rather than be deleted entirely, the table has usefully been incorporated into the Biodiversity Background Paper. <ol style="list-style-type: none"> The GI Framework is currently being progressed but it is at too early a stage to refer to in policy. The SDNPA is pleased to be working with NE in the on-going development of the GI Framework. Agreed. Please see proposed action. <ol style="list-style-type: none"> Agreed. Agreed. Wording omitted in error. 	<p><i>These modifications are under MM2 in the Main Modification Schedule</i></p> <ol style="list-style-type: none"> Proposed modification as follows: <ul style="list-style-type: none"> 5.67 'Development can also have a positive impact on biodiversity and geological features. Important geological features can be lost through burial, damage, and scrub encroachment. The impact on and conservation of geological features, landforms and processes is a crucial consideration when planning for minerals extraction, coastal defences and reengineering of river catchments. 5.67a Development can have a positive impact on biodiversity and geological features. For example, <u>Bby supporting positive management of geomorphological features, and also by restoring an interconnected network...</u> <ol style="list-style-type: none"> New criteria added to part I of the policy. Proposed modification as follows: <ul style="list-style-type: none"> <u>'Comply with the mitigation hierarchy as set out in national policy.'</u> Proposed modification as follows: <ol style="list-style-type: none"> <u>'Internally Protected Sites'</u> 	NE Supports amendments

<p>i. Requests that criteria 1 is linked to the GI Framework where possible</p> <p>ii. Requests reference is made to the NPPF mitigation hierarchy</p> <p>4. Criteria 2:</p> <p>i. Advises the terms <i>International Sites</i> and <i>National sites</i> could be amended to <i>Internationally protected sites</i> and <i>Nationally protected Sites</i></p> <p>ii. Objects to 2b on grounds that phrase 'at this site' is omitted</p> <p>iii. Objects to 2e on the grounds that different designations are not clearly</p>	<p>iii. Noted. Criteria for protected species is proposed to be added to part 1 of the policy and part 2e is simplified for clarity.</p> <p>5. Agreed. Further wording proposed.</p>	<p>'<u>Nationally Protected Sites</u>' '<u>Locally Protected Sites</u>'</p> <p>ii. 'b)ii...and which cannot be either avoided or adequately mitigated will be refused, unless the benefits of the development, <u>at this site</u> clearly outweigh...'</p> <p>iii. Addition of the following new criteria to part 1 of the policy: '<u>Identify and incorporate opportunities to protect and support recovery of identified rare, notable and priority species</u>' and</p> <p>2e is proposed to be modified as follows:</p> <p>'Outside of designated sites <i>(including Biodiversity Opportunity Areas (BOA) and habitats listed in the Biodiversity 2020, protected species and priority species, and habitats list):</i></p> <p>Development proposals should identify and incorporate opportunities to conserve, restore and recreate priority habitats and ecological networks, must have particular regard to their effects on species and habitats which have been designated in law as requiring protection or priority. Development proposals that affect those interests will be assessed strictly in accordance with legal requirements and will as a minimum be required to avoid adverse impacts or, if unavoidable, adequately mitigate those adverse impacts. Development proposals should not prejudice the aims of BOA and should take opportunities to contribute and deliver on their aims and objectives of the BOA where possible.'</p> <p>5. The following new paragraphs are proposed to be</p>	
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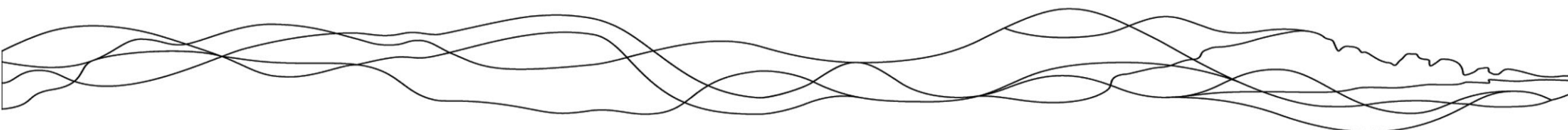


<p>differentiated. Further clarification on terms used is needed, namely, that Protected Species are afforded national and international statutory protection which is not clarified here. Reference should be made to the Biosphere. Brownfield land should be included. Priority habitats and species should be differentiated from protected species.</p> <p>5. In the supporting text, priority and protected species require further clarification.</p>		<p>added:</p> <p><u>'Protected and Priority Species</u></p> <p><u>Some species have special protection under international and national legislation (such as the Wildlife and Countryside Act 1981 (as amended)) and the The Conservation of Habitats and Species Regulations 2017 and are protected by law. Legally protected species which are prominent in the National Park and which could be affected by new developments include but are not restricted to all wild birds, all native species of bat, great crested newt and badger and, in rivers, water vole, brown trout, river lamprey and European eel. Where there is a reasonable likelihood that a protected species may be present and affected by a proposal, comprehensive surveys will need to be undertaken to provide the evidence needed to allow a determination to be made and licenses to be sought where necessary.</u></p> <p><u>Action is required for the protection of UK Biodiversity Action Plan priority species in the Biodiversity 2020 Strategy and are identified under Section 41 of the Natural Environment & Rural Communities (NERC) Act as species of principle importance for the purpose of conserving biodiversity in England. The Sussex Biodiversity Records Centre and Hampshire Biodiversity Information Centre also hold information for rare, scarce and notable species in the National Park.'</u></p>	
<u>SD10: International Sites</u>	I. Agreed. The development of the Natural England Sussex Bat Protocol	<i>These modifications are under MM3 in the Main Modification Schedule</i>	Agree

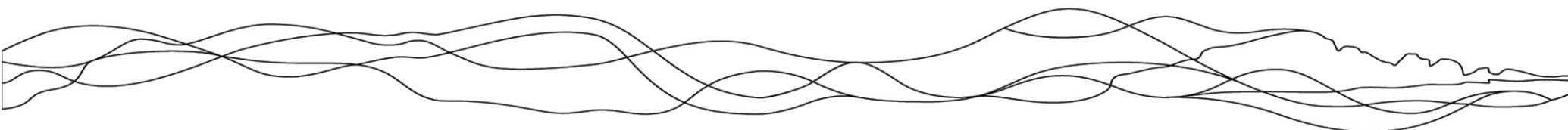


<ol style="list-style-type: none"> 1. Reference to the Natural England Bat Protocol 2. Links should be made with the GI Framework 3. Include reference to the additional designations afforded to the Arun Valley SPA, SAC and Ramsar. 4. Explanatory text to this section doesn't refer to all the sites included in this policy 	<p>is well advanced. The zones used in the protocol are proposed to be incorporated into the policy.</p> <ol style="list-style-type: none"> 2. The GI Framework is insufficiently advanced to include in the policy. The SDNPA is pleased to be working with NE in the on-going development of the GI Framework. 3. The measures in the policy arising from the HRA relate specifically to designation of the Arun Valley as a SPA and not SAC or Ramsar. 4. The explanatory text provided additional context information where necessary. It was considered that only some, and not all, of the sites required further explanatory text. 	<ol style="list-style-type: none"> 1. Proposed modification as follows: <u>'The Mens SAC, and Ebernoe Common SAC and Singleton & Cocking Tunnels SAC</u> 1. Development proposals on greenfield sites and sites that support or are in close proximity to suitable commuting and foraging habitat (including mature vegetative linear features such as woodlands, hedgerows riverine and wetland habitats) within <u>the following ranges 9km of the Mens SAC or 7km of the Ebernoe Common SAC</u>, as shown on the Policies Map, should have due regard to the possibility that barbastelle and Bechstein Bats will be utilising the site. Such proposals will be required to incorporate necessary surveys and ensure that key features (foraging habitat and commuting routes) are retained, in addition to a suitable buffer to safeguard against disturbance². <ul style="list-style-type: none"> a) <u>6.5km: Key conservation area – all impacts to bats must be considered given that habitats within this zone are considered critical for sustaining the populations of bats within the SACs</u> b) <u>12km: Wider conservation area – significant</u> 	
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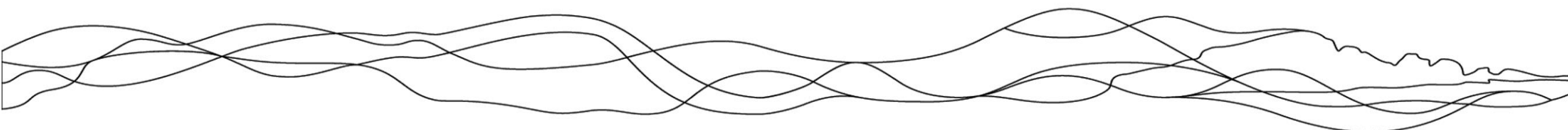
² The scale of the buffer will need to be determined on a case-by-case basis, informed by bat activity survey work and would take account of the species involved and their sensitivity to disturbance / artificial lighting and the natural screening provided by existing surrounding vegetation. It would need to be devised in consultation with the SDNPA (in addition to Natural England, as required).



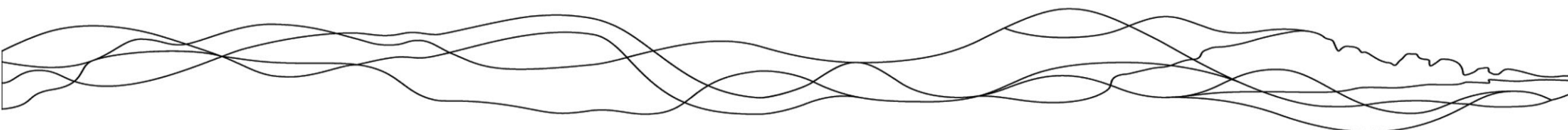
		<p><u>impacts or severance to flightlines to be considered.</u></p> <p>Singleton and Cocking SAC</p> <p>2. Proposed use or development of the tunnels comprising the Singleton and Cocking Tunnels SAC will be required to demonstrate that there is no adverse effect on the <u>conservation interest</u> features, including hibernation habitat for Barbastelle and Bechsteins Bats, or on the integrity of the site. Suitable commuting and foraging habitat for the site that lies within or in close proximity to any proposed development needs to be retained, in addition to a suitable buffer to safeguard against disturbance. This will ensure no loss or severance of existing commuting and foraging routes occurs either from direct land take or disturbances from lighting, noise and vibrations both during construction and operational phase of any development.</p>	
<p><u>SD11: Trees, Woodlands and Hedgerows</u></p> <p>1. Include reference to SD11 International Sites which is important for the protection of trees, woodlands and hedgerows.</p>	<p>1. Agree. This is proposed to be added to the end of para. 5.96.</p> <p>2. Agree, new paragraph proposed.</p> <p>3. Agree, wording amendment proposed.</p>	<p><i>These modifications are under MM4 in the Main Modification Schedule</i></p> <p>1. Proposed modification as follows:</p> <p>‘5.96... and <u>SD10: International Protected Sites. A technical advice note will be produced by the National Park Authority to provide further guidance to applications on technical matters related to the protection of existing trees and planting of new trees.</u>’</p> <p>2. Proposed new paragraph as follows:</p>	<p>1. Agree</p> <p>2. NPPF updates states that development <i>should be refused unless there are wholly exceptional reasons</i> (footnote 58) <i>and a suitable compensation strategy exists</i>”. New paragraph wording should be amended as follows:</p>



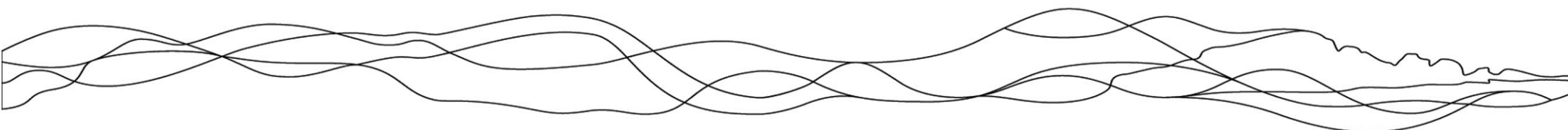
<p>2. Include a separate paragraph for ancient woodland</p> <p>3. In part 2 of the policy, NE advise full Ecological Survey in preference to Arboricultural Impact Assessment.</p>		<p><u>‘Ancient Woodland and Veteran Trees</u></p> <p><u>Ancient woodland and veteran trees are irreplaceable habitats – please see Policy SD9. Development is expected to, in the first instance, avoid any negative effects on ancient woodland or veteran trees. To mitigate negative impacts, a buffer zone of a minimum of 15 metres, consisting of semi-natural habitat should be employed between the development and the ancient woodland or tree. Compensation measures will only be considered as a last resort. Further detailed guidance for applicants on ancient woodland and veteran trees is found in the Forest Commission and Natural England joint Standing Advice.’</u></p> <p>3. Proposed wording modification as follows:</p> <p>‘Development proposals that affect trees, hedgerows and woodland must demonstrate that they have been informed by a full site survey, including an <u>Ecological Survey</u>, Arboricultural Impact Assessment, Arboricultural Method Statement and associated Tree Protection Plan, and include a management plan.’</p>	<p>‘...Development is expected to, in the first instance, avoid any negative effects on ancient woodland and veteran trees <u>unless there are wholly exceptional reasons and a suitable compensation strategy exists ...</u>’</p> <p>SDNPA Response: SDNPA agrees with the proposed change.</p> <p>3. Agree</p>
<p><u>SD20: Walking, Cycling and Equestrian Routes</u></p> <p>Concern regarding the Chichester to Midhurst (Centurion Way) route: Concern regarding: Impacts of</p>	<p>The purpose of policy SD20 is to safeguard the Chichester to Midhurst railway for potential future development as a non-motorised travel route.</p> <p>Should a proposal for this route come in, the application would need to comply with the legal requirements for protected bat species and other policies in the Local Plan: most notably SD9</p>	<p>No change proposed.</p>	<p>A clear reference to our concern about the inclusion of West Dean Tunnels needs be included. We note that a project-level HRA will be conducted. Any functional links between Singleton and Cocking SAC and West Dean Tunnels needs</p>



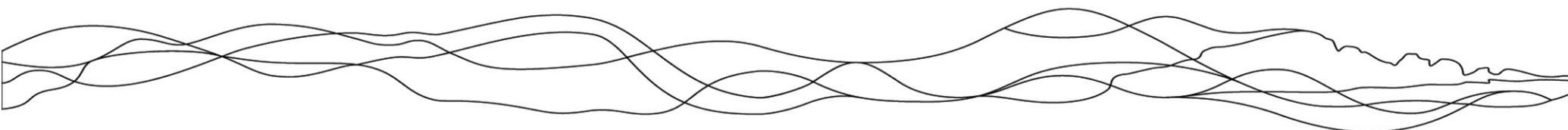
<p>disturbance via encouraging recreational activity in the vicinity of the SAC and the West Dean Tunnels section of the route due to the presence of significant assemblage of hibernating bats. Suggest that this section on the route is avoided.</p>	<p>which requires proposals to incorporate opportunities for protection of rare, notable and priority species (as amended in the Main Modification schedule) and SD10 which sets requirements for development within 6.5 and 12km of Singleton and Cocking Tunnels SAC. An application for this route would be subject to HRA Screening and, likely Project-Level Appropriate Assessment.</p> <p>The SDNPA is working closely with Natural England with regard to planning applications for this route. NE have advised that further evidence is needed with regard to West Dean Tunnels and whether they can be used and the SDNPA is currently working on gathering this evidence. The SDNPA considers that including wording that explicitly states that West Dean Tunnels will be avoided is premature before the evidence is gathered and reviewed. The SDNPA will continue to work with NE on this matter.</p>		<p>to be established. Links between The Mens and Ebernoe and West Dean need to be included. The tunnel contains an exceptionally important assemblage of hibernating bats. Although not formally designated the importance of this site is backed up with strong evidence. NE advised that this section should be avoided as mitigation/compensation may not be achievable and the scheme itself is unlikely to be licensable. We advise that the SoCC acknowledges our particular concern here</p>
<p><u>SD23: Sustainable Tourism</u></p> <p>Policy does not include the explicit protection of biodiversity from tourist activity and advise that in order</p>	<p>Para 6.56 of the supporting text to this policy recognises that tourism has potential to have an impact and addresses this point. In addition, the Local Plan should be read as a whole as a combination of policies can work together to address certain matters. Policies SD9 Biodiversity and Geodiversity, and SD11 International</p>	<p>No change proposed.</p>	<p>Agree</p>



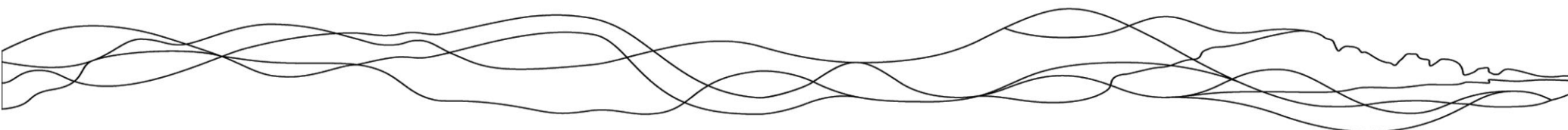
to be sustainable this would be a key aspect.	Sites set out requirements relating to biodiversity.		
<u>SD39: Agriculture and Forestry</u> Advise reference to ancient woodland is made here as the habitat is irreplaceable.	All the policies in the Local Plan should be read together. Policy SD9: Biodiversity and Geodiversity includes specific requirements and guidance related to ancient woodland (criteria 2(d) and paragraph 5.80 of the Pre-Submission Local Plan).	No change proposed.	Agree
<u>SD41: Conversion of Redundant Agricultural or Forestry Buildings</u> The policy does not include the need for surveys for the impact of any protection species e.g. bats in conversion proposals. The presence of legally protection species is a material consideration.	Agree that reference could usefully be made in the supporting text to highlight the issue in this instance.	<i>This modification is under MM16 in the Main Modification Schedule</i> Proposed new paragraph as follows: <u>'Biodiversity</u> <u>Given their location, low intensity of human use and other characteristics, redundant agricultural or forestry buildings have special potential to support protected species (in particular, bats and barn owls). Any proposed conversion must therefore be accompanied by a protected species survey. '</u>	Agree
<u>SD45: Green Infrastructure</u> Note the reference to the GI Framework has been removed.	The GI Framework is insufficiently advanced to include in the policy. The SDNPA considers the policy sets out the key principles of GI requirements in the South Downs National Park. The SDNPA is pleased to be working with	No change proposed.	NE fully supports the emerging GI Framework and welcomes involvement with SDNPA to implement this innovate approach.



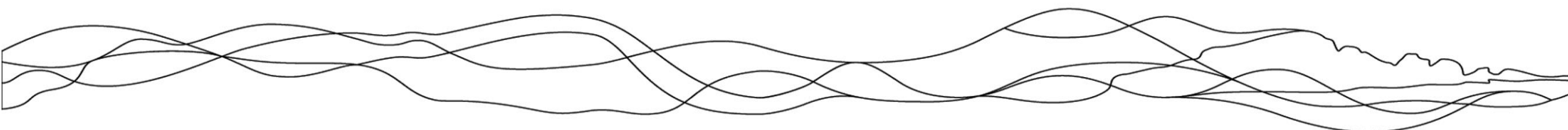
	NE in the on-going development of the GI Framework.		
<u>Best and most versatile agricultural soils</u> The Plan does not appear to include policy protection for the best and most versatile agricultural land and soils.	It is agreed by the Authority that the Policy SD2 should protect the most versatile agricultural land and soils. Therefore criterion (g) has been amended on page 1 of the Post-Submission Schedule of Changes.	Proposed modification as follows to Policy SD2: (g) conserve and enhance soils, <u>use soils sustainably, and protect the best and most versatile agricultural land;</u>	NE Agrees with modification
<u>SD64: Land south of London Road, Coldwaltham</u> 1. Policy should include criteria to require connection to main sewerage. 2. Policy should be amended to reflect that the development should be SuDS-led to protect the adjacent site from hydrological impacts. 3. Evidence is needed on the existing biodiversity value	1. Agreed. See change proposed. 2. Additional clarification on this matter is agreed. See change proposed. 3. Agree that further information/guidance would be of benefit. Additional supporting text and criteria are proposed (see next column), a development brief has been prepared (and is available here https://www.southdowns.gov.uk/wp-content/uploads/2018/11/SDNP-A-Development-Brief-Land-South-of-London-Road-Coldwaltham.pdf) which provides clear guidance that the housing is to be located contiguous to the current built	1. Proposed new criteria (MM30) in part 2 of SD64 as follows: ' <u>k1) Foul drainage to connect to the mains system at the nearest point of capacity</u> ' 2. Proposed new criteria (MM30) in part 2 of SD64 as follows: ' <u>k2) Provide suitable on-site surface water drainage that protected that adjacent nature conservation designations from adverse hydrological impacts is designed to incorporate existing biodiversity</u> ' 3. Proposed modification (MM77) as follows: New supporting text paragraph following 9.48: ' <u>The site itself is of biodiversity value and any development proposal will need to be demonstrably guided by the existing nature conservation interest of the site, which will be informed by appropriate survey. It will be necessary to</u>	1. NE supports amendment 2. NE advise that Development is SuDS-Led. Wording should be amended as follows: ' <u>Provide suitable on-site surface water drainage that Sustainable urban Drainage Systems protected that to protect adjacent nature conservation designations from adverse hydrological impacts is designed to incorporate existing biodiversity</u> ' SDNPA Response:



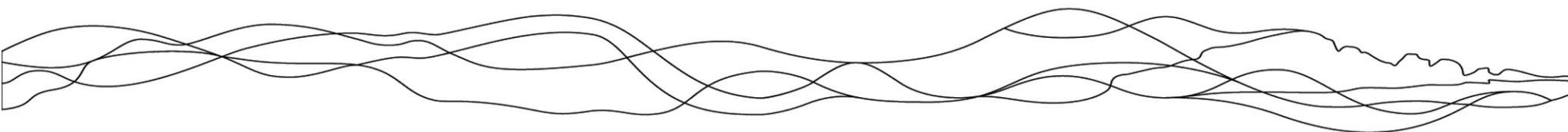
<p>of the site and the remainder of the site should be left undeveloped (and not wholly for recreational use) to maximise opportunities to maintain and enhance biodiversity.</p> <p>4. Advise that an increase in dwellings on this site will cause an increase in recreational pressure within the adjacent SPA/Ramsar/SSSI.</p>	<p>form and not on the southern part of the site. The SDNPA has worked with the landowners Barlavington Estate and the Sussex Wildlife Trust to produce an Outline Meadow Management Plan (OMMP) (https://www.southdowns.gov.uk/wp-content/uploads/2018/11/Signed-Coldwaltham-Meadow-Management-plan-and-Annex-1.pdf) which has been informed by Preliminary Ecological Appraisal of the site (https://www.southdowns.gov.uk/wp-content/uploads/2018/08/SS-09-Final-Preliminary-Ecological-Appraisal-for-Land-South-of-London-Road-Coldwaltham.pdf). The OMMP has been agreed by all parties and a fuller Meadow Management Plan will be required to accompany a planning application in order to address the policy requirements.</p> <p>4. The HRA has explored this matter and from this work a number of possible mitigation solutions that could be appropriate are added to paragraph 9.48. Part 2, criteria (a) of the policy requires that the</p>	<p><u>design the development to maximize existing habitats and species and retain a large proportion of undeveloped land for the purpose of retaining and enhancing biodiversity. It is of key importance therefore that the development itself and the residual open space are designed around the existing biodiversity value and not to provide amenity grassland except for that area adjacent to the south west boundary of the new homes. This must be carefully designed in order to provide a net gain in biodiversity at the local level</u>.</p> <p>Modification to para 5.53: '...The form of the open space should be informed by local community engagement <u>and biodiversity evidence</u>...'</p> <p>New criteria to part 2 of the policy as follows: 'b') <u>Development must be demonstrably biodiversity-led and guided by the existing biodiversity value of the site. It will be necessary to design the development to maximize existing habitats and species and retain a large proportion of undeveloped land for the purposes of retaining and enhancing biodiversity</u>'.</p> <p>Modification (MM29) to criteria c in part 2 of the policy as follows: 'c) To provide the residual area of the allocation as accessible, landscaped open space with the primary purpose of <u>providing retaining and enhancing the existing biodiversity value of the site and to provide</u> an alternative to designated sites in the Arun Valley'.</p> <p>4. Proposed modification to paragraph 9.48 as follows: The proposed allocation site is considered to comprise</p>	<p>SDNPA agrees with the proposed change.</p> <p>3. NE Supports the amendment as the site has existing biodiversity value and developments need to be designed around this.</p> <p>4. Generally agree with the change however, In light of the Sweetman II judgement, it is advised that criteria 2 a is amended as follows: '... the Amberley Wild Brooks SSSI, <u>and no adverse effects on the integrity of The Mens Special Area of Conservation</u>...'</p> <p>SDNPA Response: SDNPA agrees with the proposed change.</p>
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	<p>proposals demonstrate no likely significant effect on these designated habitats. Paragraph 9.57 sets out the evidence which should inform development proposals, including a project-level HRA. It is through the project-level HRA that the appropriate mitigation, if required, will be identified. It is considered appropriate that this is addressed site specifically given the small increase in dwellings and smaller number of new dog owning households coming forward within the relevant proximity of the site.</p>	<p>major development and as such proposals should address Core Policy SD3. Development proposals should provide suitable mitigation of the impact of the development on the closely sited designated sites. <u>Possible solutions involve working with the site management to implement schemes including:</u></p> <ul style="list-style-type: none"> • <u>Provide signage requiring dogs on leads and giving information on the nature designations;</u> • <u>Funding for leaflets regarding recreational disturbance, to be delivered to new householders;</u> • <u>Funding for Take the Lead Campaign, dog ambassadors and the provision of dog bins;</u> • <u>Ten year monitoring programme of dog numbers visiting the SSSI and of any changes to subsequent management burden arising from an increase in dog numbers</u> 	
<p><u>SD92: Stedham Sawmill, Stedham</u></p> <p>Concerns regarding the proximity of the site to Iping Common SSSI which is a nationally protected heathland habitat which is also notified for its breeding birds which are vulnerable</p>	<p>Meeting with NE and subsequent specific advice from the Responsible Officer for Iping Common SSSI has informed the proposed modifications as set out in Appendix 3.</p>	<p>Proposed modifications to policy SD92 and its introductory text as set out in Appendix 3 (MM59 and MM76)</p>	<p>NE Agrees with the amendments</p>



<p>to recreational impacts of dog walking and also cat predation.</p> <p>Also concerned with regard to hydrological impacts (water quality and quantity) which may indirectly impact the SSSI.</p>			
<p><u>SD88: Land at Ketchers Field, Selborne</u></p> <p>Error in the supporting text noted.</p>	<p>Agreed. Error corrected as proposed in the next column.</p>	<p>Proposed amendment to paragraph 9.192 as follows:</p> <p>'...The site is located 290 metres from the Wealden Heath <u>Hampshire Hangers</u> Special Protection Area <u>of Conservation and within 5km of the Wealden Heaths Phase II Special Protection Area</u> and as such development proposals should, if required, provide suitable mitigation.'</p>	<p>Agree.</p>



Appendix 2

Natural England Representation on the Pre-Submission South Downs Local Plan

Date: 05 December 2017
Our ref: 226897



Customer Services
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BY EMAIL ONLY

Dear Sir/Madam

Planning consultation: South Downs National Park Authority Pre-Submission Consultation

Thank you for your consultation on the above dated 10 October 2017 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We have the following comments to make regarding the South Downs National Park Authority's Pre-Submission Local Plan..

Overview

Natural England welcomes the Vision and Objectives of the Local Plan. We have, and continue to, fully support the National Park Authority's innovation in putting Ecosystems Services at the heart of the Local Plan, both as a Core Policy and as a clear thread running through the Plan. We further welcome that Natural Capital and Green infrastructure are embedded in the Plan. These are key components in the provision of, resilient ecosystems on a landscape-scale throughout the Local Plan period. We fully support this initiative.

We fully support the National Park's Green Infrastructure Framework and are disappointed to note that this key component of the Plan has currently been removed from the Green Infrastructure Policy. We have a number of comments and concerns to make regarding various policies and allocated sites and value the opportunity to continue to work with the National Park as the Plan progresses towards adoption.

Core Policy

We welcome the inclusion of Sustainable Development and Ecosystems Services as Core Policies within the plan. This section clearly highlights the value of Ecosystems Services and the need to provide for them at the heart of Planning and decision making within the South Downs National Park.

Landscape

We welcome this section and have no comments to make.

SD9:Biodiversity and geodiversity

We are concerned to note that the background information for this policy has been amended. The

amendments have unfortunately confused some aspects and there are areas in which clarification and alterations are required. We note that a large amount of information has been removed since previous iterations of the plan. We would be happy to help revise this section which now includes a number of errors with regard to biodiversity, and the underpinning legislation which protects it. The amendments include the following recommendations:

Introduction

It is unclear how the following section relates to positive outcomes for biodiversity and geological features:

5.67 Development can also have a positive impact on biodiversity and geological features. The impact on and conservation of geological features, landforms and processes is a crucial consideration when planning for coastal defences and re-engineering of river catchments.

Coastal defence developments can have deleterious impact on geological and geomorphological features which rely on the continuation of natural processes. The previous text, correctly cited the following in relation to geodiversity:

5.113 Important geological features can be lost through burial or damage by coastal defence schemes, landfill and other development. Features can also be lost through scrub encroachment. The conservation of geological features and landforms is a crucial consideration for mineral extraction and quarrying. The impact on geomorphological features or processes needs to be considered when planning for coastal defences and re-engineering of river catchments. Removal of fossil or mineral specimens through irresponsible or unregulated collecting is also an issue for some designated sites.

The above provided examples of the impact that development can have on geology and geomorphology. The latest version appears to have misinterpreted this.

Previous versions of the plan contained a table with the various designated and non-designated sites with information pertaining to the designated sites which was a useful reference. This appears to have been removed.

Policy wording SD9: Biodiversity and geodiversity

Part 1

We welcome Part 1 of the policy which requires development to adhere to a number of key obligations, which are outlined in parts a-d. We strongly support this direction which applies to all developments and not only those affecting statutorily or locally designated sites. This provides for the identification and protection of biodiversity and geodiversity per se throughout the park. We further welcome the requirement to secure long-term management of habitats.

Recommendations:

We would encourage your authority to link this to the G.I Framework where possible as this provides an excellent resource of evidence and information regarding habitat connectivity mapping and areas where GI is lacking for example. If well designed development is a valuable tool to capture opportunities to provide a joined-up landscape to benefit people and wildlife.

We advise that the mitigation hierarchy as required by NPPF is referenced here as this is also an overarching requirement for development affecting biodiversity.

Part 2 Recommendations

We advise the terms *International Sites* and *National sites* could be amended to *Internationally protected sites* and *Nationally protected Sites*.

We are very concerned that the section pertaining to Nationally Protected Sites appears to have been weakened.

The original policy cited the following:

(ii) National Sites: Sites of Special Scientific Interest (SSSI), National Nature Reserves and Marine Conservation Zone.

Development Proposals considered likely to have an adverse effect on national sites will be required to assess the impact by means of an Ecological Impact Assessment.

Development Proposals that will result in any adverse effect on the integrity of any national site which cannot be either avoided or adequately mitigated will be refused, unless exceptional circumstances are clearly demonstrated.

The current wording is intended to echo that of the NPPF for nationally protected sites but has omitted the phrase *at this site* and therefore omits a key test in the NPPF which requires *alternatives* to be included when assessing applications affecting nationally designated sites. This has weakened the policy and we advise that the following is amended:

Paragraph 118 of the NPPF states:

*Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, **at this site**, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest.*

Irreplaceable habitats

We advise that irreplaceable habitats be placed above local sites in the hierarchy of designations to reflect their importance and complexity. The previous iteration of this policy placed irreplaceable habitats above local sites and this has since been altered. Once lost these habitats are by their very nature, irreplaceable. The NPPF reflects this and has recently been revised to give greater weight to the protection of ancient woodland.

e) Outside of designated sites

Although an important component of the policy, this section is currently unclear as it references a number of different sites and strategic areas of biodiversity importance in one paragraph. These are not clearly differentiated. Furthermore the supporting text for this element of the policy does not clearly link to this section at present as it references biodiversity assets which are not designated or legally protected, however the policy wording itself includes protected species. It may be useful to clarify or list these separately within the policy?:

Recommendations:

- We advise that further clarification on *habitats listed in the Biodiversity 2020* is required;
- We fully support the need to recognise and enhance BOAs through the opportunities that arise through land use planning. . We note that BOAs have also been referenced in part 1c of the Policy;
- Protected Species are afforded national and international statutory protection and this is not clarified here (see below sections for additional information);
- Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006 and should be differentiated from protected species;

- We advise that brownfield land should be included here for the potential environmental value that exists on these sites, often found in urban areas and former industrial land;
- Opportunities to enhance the Biosphere should also be referenced as this is within the National Park;

Explanatory Text

We advise that a number of amendments are required to this section which include the following:

International designations

5.78 cites Arun Valley SPA .This site is also an Special Area of Conservation (SAC) and Ramsar Site and should be referenced as such.

National Designations

This section does not include the *Wildlife and Countryside Act 1981 (as amended)* which should be referenced here. We are pleased to note that the supporting texts states the need to assess alternatives for any applications which may affect nationally designated sites. This must also be reflected in the policy wording as advised above.

Protected and priority species

This section only references protected species which are afforded statutory protection under the *Wildlife and Countryside Act 1981 (as amended)*. The explanatory text does not include Priority Species. Furthermore the text cites that these species are nationally protected .This is not correct. There are a number of protected species which are also afforded international protection under the *Habitats Directive*. A license from Natural England would be required for developments which affect them. These include all species of bat, great crested newts and the dormouse for example.

Priority species are separate. These include species listed under S41 of the NERC ACT 2006. This includes priority habitats and species and should be clearly referenced separately to protected species. We advise that a separate paragraph entitled Priority habits and species is included. NPPF Para 117 which states the following:

promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;

Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available in the Defra publication 'Guidance for Local Authorities on Implementing the Biodiversity Duty' This should also be referenced.

We strongly support the landscape-scale approach to biodiversity in this section and the aim to reconnect habitat across the National Park. This is a key factor in providing resilient landscapes into the future which Natural England strongly advocates.

Strategic Policy SD10: International Sites

We strongly support the approach taken within this policy to provide bespoke consideration for International wildlife sites. We strongly support the inclusion of a policy to consider the impacts of new development on the flight lines and foraging habitat of barbastelle and Bechsteins bats. This is applicable to Ebernoe Common SAC, The Mens SAC and Singleton and Cocking Railway Tunnels SAC.

The Mens SAC and Ebernoe Common SAC

We welcome the landscape-scale approach to the protection of the Mens SAC and Ebernoe Common SAC through the Local Plan. The listed features within these sites include barbastelle and Bechsteins bats which are highly mobile. In order for populations of these species to remain viable, a network of key flight lines and foraging areas (Functionally-Linked Habitat) is required throughout the landscape.

Barbastelles in particular are known to travel 15km from their roosts. This policy provides a strategic approach to the protection of key flight lines and foraging habitat for bats along with a suitable buffer to protect this habitat during construction and operation. Natural England fully supports this and we advise that the inclusion of this strategic policy should be regarded as best practice for achieving robust policy protection of sites containing mobile features.

To this end and in conjunction with this policy Natural England is currently writing a Bat Protocol to provide bespoke advice for all planning applications for which this policy applies. We advise that reference to this protocol is made within this policy and that once completed it is appropriately linked. This is also applicable to Singleton and Cocking Railway Tunnels SAC.

We further advise that such an exemplar initiative will have additional benefits to wildlife on a landscape-scale via the prevention of habitat fragmentation. Again clear links could be made to the G.I Framework which has clear links to this policy.

Singleton and Cocking SAC

We fully support this policy and reiterate that the Bat Protocol will include this SAC. We note that the HRA highlighted the lack of available evidence pertaining to the flight lines and foraging areas around these sites that the South Downs National Park should provide this evidence over time. We would strongly support this.

Arun Valley SPA, SAC and Ramsar Sites

We advise that the policy includes the additional designations which are afforded to the Arun Valley as above.

Wealden Heaths Phase II SPA

Natural England will work with you and provide advice on this policy and seek to ensure that it remains up to date and reflects the current position. We are meeting early in the New Year and will provide you with a formal position regarding this policy in light of this meeting.

Explanatory Text

The explanatory text does not appear to include all the sites included in this policy and this section also refers to policy SD9, for example 5.88 references SD19; *Biodiversity and Geodiversity* and this should be SD9.

SD11: Trees Woodlands and Hedgerows:

We strongly support the inclusion of the above policy for bespoke protection of trees, woodland and hedgerows. As cited in the supporting text the South downs is the most wooded National Park in England and Wales and the inclusion of this policy should reflect the status of this resource within the National park.

These habitats are not only rich in biodiversity in their own right but also act as key stepping stones and networks of natural habitats throughout the landscape. For example the provision interlinking habitats play an important role in enabling genetic exchange between populations within habitats throughout the landscape. They also aid in the consideration of climate change through the provision of migratory pathways through a more resilient landscape.

Recommendations:

We note that the importance of these habitats for Ecosystems Services and Green Infrastructure has been recognised in the supporting text, and that clear links to Policy SD9 and SD45 have been clearly referenced to this end.

We would also advise that links to *SD10: International Sites* is highlighted. SD11 which provides for the protection of trees woodlands and hedgerows into the landscape is also applicable for the protection of foraging areas and flight lines for the barbastelle and Bechsteins bats. The Bat protocol also strongly pertains to this policy.

Natural England would advise including a separate paragraph for ancient woodland as it currently has been included with other woodland and habitats here. Due to its irreplaceable nature ancient woodland merits specific consideration which is not included in this policy. We note however that this is included in the irreplaceable habitats section of Policy SD9: Biodiversity and Geodiversity but advise paragraph 4 could be used to highlight the particular importance of ancient woodland.

NPPF Paragraph 118 states that:

planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

2. Includes provision for surveys of habitats affected by development. We would advise that this includes a full Ecological Survey to include protected species in preference to an Arboricultural Impact Assessment, as surveys will need to include appropriate information on the ecological impact of these developments.

5. This section states that loss of or damage will require replacement or compensation. For clarity damage/ loss is compensation as the Impact has not been avoided or reduced.

This Policy can contribute towards the following NPPF Policy:
Para 117 States the following:

Local Planning Authorities should

identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation

Water Resources

The region suffers from high water stress which is a situation that is likely to be exacerbated by climate change. There is thus a need to work to reduce pressures on the freshwater environment. As water companies cover large areas, and transfer water considerable distances, we advise that a large scale strategic approach to managing water demand would be more effective than looking at developments on a case by case basis.

We support policies promoting good practice such as Sustainable Urban Drainage (SuDs) and promotion of Level 3 (or better) water efficiency from code for sustainable homes in new developments. The issue of the infrastructure, in particular for sewerage merits a strategic approach. We advise that the EA and water companies are consulted regarding capacity of infrastructure.

Discharge, abstraction and de-watering need to be considered for their potentially significant impact on designated sites. The aquifer underlying the South Downs National Park supports a number of important chalk rivers and winterbourne streams that are subject to abstraction and discharge pressures including the River Test SSSI and the River Itchen SAC. Planning policies must take account of the impact on the vulnerable water courses within the Downs catchments but also of the impacts of development on groundwater.

SD17 Protection of the Water Environment

We strongly support this policy.

Strategic Policy SD20: Walking Cycling and Equestrian Routes

Although we support this Policy which identifies and protects the potential for non-motorised travel routes throughout the park, we are very concerned about the potential for the Chichester to Midhurst (Centurian Way) to have considerable impacts on biodiversity. Our concerns regard the Singleton and Cocking Tunnels SAC and the West Dean Tunnels section.

Singleton and Cocking Tunnels SAC

These tunnels are an internationally protected SAC. This is due to the variety of bat species which hibernate in the tunnels. We would oppose any inclusion of these tunnels within this route. We note that 6.19 states that the *Development of a recreational transport route within the Singleton and Cocking Tunnels SAC will not be permitted*. Please see our comments relating to the HRA on this matter.

We strongly support the omission of this section of the route but advise that the avoidance of the tunnels will not avoid the additional significant risk of disturbance of and damage to this site. We therefore strongly advise that this section provides additional clarification of the risk here as follows:

We note that specific protection has been made for the SAC but remain concerned that by facilitating and promoting recreational access in the vicinity of the tunnel this sensitive SAC is exposed to a significant risk of disturbance and damage this must be demonstrably avoided. We note that a project-level HRA captures this but would advise that it is also clarified in the Policy and that appropriate wording is formed to capture this. We advocate that a precautionary approach should be adopted as required by the Habitats Regulations and we would be happy to advise further on this matter.

West Dean Tunnels

Although not formally designated these tunnels contain a significant number of hibernating bats including Annex 1 species.

We are concerned that the route includes provision for a cycle route through this tunnel and **would advise that an alternative route is secured**. We further advise that the quality of this site has been well documented and due to the known species diversity that exists we advise that the level of compensation that would be required proceed with this section would be considerable and may not be achievable. Again we advise that Natural England continues to be involved in any discussion regarding this route.

We note the inclusion of 6.17 which states:

In instances where the line passes in or close to designated wildlife sites or where a survey reveals protected species, regard must be had to relevant policies in the development plan particularly policy SD9: Biodiversity and Geodiversity. A diversionary route may prove to be more appropriate

We advise that this applies to the West Dean section of the route.

Strategic Policy SD23: Sustainable Tourism

This policy does not explicitly include the protection of biodiversity from tourist activity. We advise that in order to be sustainable this would be a key aspect. The degradation of biodiversity through inappropriate tourist activity would effectively produce delirious impacts for wildlife and people into the future. This needs to form a key consideration for sustainable tourism.

Development Management Policy SD39: Agriculture and Forestry

We advise that reference to ancient woodland is made here as this habitat is irreplaceable and requires particular consideration in any development proposal. The impact of damage to woodland habitats is not mentioned in the policy and we advise that it is amended to include this. Please see comments pertaining to SD11.

SD41: Conversion of Redundant Agricultural or Forestry Buildings

This policy does not include the need to include surveys for the impact of any protected species (for example bats and barn owls) in conversion proposals. The presence of a legally protected species is a material consideration when considering such applications and should they be affected by a conversion proposal a license would be required for Natural England. We would refer you to our standing advice on this matter.

SD45: Green Infrastructure

As afore-mentioned, Natural England is disappointed to note that reference to the Green Infrastructure Framework has been removed from the Local Plan. Natural England has, and continues to, strongly support the aims and objectives of this innovative and forward-thinking Framework. To this end we advise that the Local Plan ensures that reference to this key document is included and that provision to embed the Framework, once secured, into the Local Plan is provided.

The Framework area stretches beyond the Park boundaries, into the neighbouring LPAs and therefore provides an exemplar opportunity to secure a joined-up, landscape-scale approach to G.I. from a robust evidence-base. It has multiple benefits for people and wildlife which are enhanced via the provision of a cross-boundary approach. Investing in the provision of a landscape-scale G.I. network which crosses LPA boundaries is of key importance in the provision of resilient landscapes and Natural England would welcome the opportunity to help to achieve this.

Securing a comprehensive GI Network would also contribute towards NPPF Para 117 which states the following:

"Planning policies should:

plan for biodiversity at a landscape-scale across local authority boundaries;

We fully support the South Downs National Park's approach to embed G.I. and Ecosystems Services throughout the Plan and welcome National Park's recognition of the key importance of these habitats and the opportunities they provide for the benefit of wildlife and people.

NPPF Para 114 cites the need to

Set out a strategic approach to their Local Plans, planning positively for the creation, protection enhancement and management of networks of biodiversity and Green Infrastructure.

We advise that clear mutual aims and objectives exist here between this and the SD9 and SD10 and SD11.

Best and most versatile agricultural land and soils

The Plan does not appear to include policy protection of the Best and most versatile agricultural land and soils.

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply the requirements of the NPPF. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in Natural England's [Technical Information Note 049](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Site Allocations

SD64: Land south of London Road Coldwaltham Arun Banks Special Protection Area and Ramsar Site and Waltham Brooks SSSI-Indirect impacts

Natural England has previously expressed concerns regarding this allocation. I would also therefore refer you to our comments of 28 October 2015.

As you are aware the site lies directly adjacent to Waltham Brooks SSSI and is in very close proximity to Arun Banks SPA, SAC and Ramsar Site. Our key concerns are as follows:

Hydrological Impacts

Arun Banks is a wetland habitat and as such is highly vulnerable to any changes in the existing hydrological regime (water quality and quantity). In order to avoid deleterious impacts to this site Natural England advised that the National Park includes the following to accompany any site allocation in this location:

- Any development at this location must be connected to the mains sewerage as any other form of foul drainage could damage the SSSI and SPA/Ramsar site.

We are concerned that the Allocation Policy has not included this key requirement. We advise that it is ascertained that the existing sewerage network has the capacity to include this Allocation Site and that the Policy is amended to include this. In the absence of this, the Strategic Site is likely to be deemed unsound as the allocation has been included without a key requirement to protect the adjacent SPA, SAC Ramsar site and SSSI from pollution.

Furthermore paragraph 6.3.14 of the HRA states that:

provided new development can be accommodated within the existing consent headroom for the relevant wastewater treatment works it is considered that the existing initiatives being implemented to ensure compliance of existing WwTW dischargeswill not result in a likely significant effect on the Arun Valley SAC/SPA/Ramsar site.

The HRA clearly states that in order to conclude discount any LSE regarding hydrology with respect to Arun Banks SPA/SAC and Ramsar Site new developments would need to be connected to existing WwTW.

Furthermore, due to the risk of hydrological impacts via runoff we have advised that any development in this location must be SuDs-lead and be able to demonstrably avoid a change in the existing hydrological regime (water quality and quantity). Although the concept plan includes a SuDs feature we advise that this should be explicit in the Allocation Policy itself due to the requirement for any development to be SuDs-lead. An appropriate and well- designed SuDs system will be a mandatory requirement for any development plans for this site in order to demonstrate that it will protect the adjacent site from hydrological impacts and be fit for purpose. This will be a key requirement in order to demonstrate that your Authority has adequately considered the adjacent national and internationally protected wildlife sites. We advise that the policy is amended to reflect this.

We fully support section 2.a) of the Policy which requires any development to demonstrate NLSE

Biodiversity Impacts

This site has been in receipt of Organic HLS for over 10 years and in this time it appears to have established a floristic value which has hitherto been underestimated and is not reflected in this Allocation. Evidence has not yet been provided regarding the value of this site for biodiversity We have advised that this is investigated and are surprised to note that the site has not been recognised for the various ecosystems services that it provides.

We re-iterate our advice that in order to comply with the NPPF the *existing* value of the site must be ascertained in order to achieve the required level of assessment of this site and for mitigation/compensation for any impacts on biodiversity.

We note that the Allocation policy (c) states:

To provide the residual area of the allocation as accessible, landscaped open space with the primary purpose of providing an alternative to designated sites in the Arun Valley.

We advise that the remainder of the site left undeveloped should maximise opportunities to maintain biodiversity and seek all opportunities to enhance this. We advise that the use of the remainder of the site entirely for recreational use would risk having a deleterious impact on any opportunities to achieve these opportunities.

We further advise that the Sussex Wildlife Trust is consulted on this proposal for their views on any impacts on the adjacent SSSI. It is likely that an increase in dwellings at this site will cause an increase in recreational pressure within the adjacent SSSI which they manage.

We advise that the number of dwellings delivered at this site should be commensurate with the close proximity of the SSSI/SPA/Ramsar Site and with the existing value of the site for biodiversity

Compliance with the NPPF

The National Park will need to demonstrate how the allocations to be taken forward adhere to the mitigation hierarchy required by the NPPF:

Paragraph 118 states:

If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

Opportunities to secure a net gain for nature and local communities should be sought, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into any potential development proposal.

Furthermore, Natural England would refer you to your authority's duty to conserve and enhance biodiversity. S.41 of the Natural Environment and Rural Communities Act (2006). Section 40 of the Act states:

"every public authority must, in exercising its functions, have regardto the purpose of conserving biodiversity"
"Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat."

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006.

SD92: Sedham Sawmill, Stedham

Natural England has raised concerns regarding this allocation. This is due to the close proximity of Iping Common SSSI which is adjacent to the site and separated by the A272. Iping Common SSSI is a nationally protected heathland habitat which is also notified for breeding birds. It is of County importance for heathland bird species which include the Nightjar (listed under Annex I of the Birds Directive). This species is ground-nesting.

Ground nesting birds are particularly vulnerable to disturbance from recreational impacts via dog walking and cat predation. We advise that it is highly likely that the allocation will lead to an increase in recreational activity on the adjacent SSSI and that the SDNPA should provide evidence which clearly shows how this impact can be mitigated to ensure no significant impact on ground nesting birds.

We are concerned that it may not be possible to mitigate for the impact of providing 20 houses adjacent to the site. We advise that due to the fact the site is adjacent to the SSSI that a SANG-style approach will not be appropriate. The additional concern with dog walking is the fact that dog fouling can adversely affect the heathland's condition.

We further advise that consideration is also given to any Hydrological Impacts (water quality/quantity) which may indirectly affect the SSSI. The site is designated for dry and wet heath which is highly vulnerable to any change in hydrology.

In conclusion we advise that due to the risk of the Stedham allocation causing the above indirect impacts to the adjacent SSSI that your Authority will need to be mindful of the tests of soundness which the Inspector will use to judge this Local Plan. In case of the Stedham allocation we advise that clear evidence is required as to why alternative sites cannot be used. We would therefore advise against the allocation of this site however if alternative sites cannot be used and the allocation goes ahead then we advise that a clause is included to accompany this allocation to state that *development will not be permitted on this site unless it can demonstrate that it will not have a deleterious impact on the interest features of the adjacent SSSI.*

Allocation Policy SD88: Land at Ketchers Field, Selborne

The accompanying text to the policy states that the site is located 290 metres from the Wealden Heath Special Protection Area. Natural England would advise a check on this as we believe this should be referring to East Hampshire Hangers SAC and not Wealden Heaths SPA. East Hampshire Hangers SAC is the nearest European site to Ketchers field and Ketchers field falls within the 5km zone of Wealden Heaths Phase II SPA.

I hope the above is helpful and please do not hesitate to contact me should you wish to discuss this matter. Please send further correspondence, marked for my attention, to consultations@naturalengland.org.uk quoting our reference 226897.

Yours sincerely

Rebecca Pearson
Lead Adviser
Sustainable Development

Appendix 3 – Proposed changes to policy and introductory text of SD92: Stedham Sawmill Stedham as of 08/11/2018

STEDHAM

9.175 The village of Stedham together with the smaller village of Iping are combined into a single parish approximately two miles west of Midhurst in West Sussex to the north of the A272. The parish is located in the Western Weald broad area of the National Park. The historic core of Stedham, a conservation area, is the northern portion of the village. The southern portion of Stedham is a larger area of modern housing. To the south of the A272 is Iping Common SSSI.

STEDHAM SAWMILL, STEDHAM

Site area:	1.3ha
Current use:	Commercial; undeveloped open space
Environmental Designation:	Iping Common SSSI (to south of site) Dark Skies: EI (a)
Heritage Designation:	Listed building adjacent to northern boundary of site

9.176 The proposed allocation site is considered to comprise major development and as such proposals should address Core Policy SD3. The allocation site is a large open area located between Stedham and the A272. The eastern portion of the site is previously developed land currently used as a joinery workshop and for commercial storage. The western portion of the site is currently open and undeveloped. The north, west and south of the site are mostly bounded by mature trees and vegetation which affords the site a degree of enclosure. To the east of the site are fields and outbuildings. The site has an existing vehicular access from A272. There are Public Rights of Way on the eastern boundary of the site and in the registered common land on the western boundary of the site.

9.177 The allocation site is located close to the Stedham Common and Iping Common Sites of Special Scientific Interest (SSSI) which is are south of the A272. Iping Common is a nationally protected heathland which is amongst other things important for Nightjar, a ground-nesting species. These birds are very vulnerable to being flushed out by dogs. The site is within the SSSI impact risk zone and aAs such development proposals must demonstrate that any impacts, including hydrological impacts, can be suitably mitigated. Possible solutions involve working with the site management to implement schemes including:

- i)** Signage requiring dogs on leads during bird nesting season and provides information on the SSSI;
- ii)** Funding for leaflets regarding recreational disturbance, to be delivered to new householders;
- iii)** Funding for Take the Lead Campaign, dog ambassadors and the provision of dog bins;
- iv)** Enhancements including upgrading surfaces of footpaths through Stedham and north

of the village to encourage dog walking away from the Common;

- v) Introduction of heathland species in the development site to be secured via long term management plans and working closely with the Wildlife Trusts to provide exemplar greenspace provision through the development;
- vi) Working with relevant organisations such as the Wildlife Trust and Natural England to maximise the potential for net-gain for biodiversity through the development.

9.219a The site is located within an area of particular ecological value including protected species. In addition, an ecological survey and mitigation plan of the site will also be required and the southern portion of the site will be kept free of development to serve a range of functions, including land for biodiversity enhancements, a transition from development to the Common and concentrating development to the north of the site thereby ensuring that Stedham remains a village focused on School Lane (in accordance with its historic character) and not joined to the A272 to ensure that development enhances opportunities for local ecology and protected species to flourish. Given the history of commercial use on the site, development proposals should be informed by a land contamination survey.

9.178 The allocation site is suitable for mixed-use development comprising business units and residential development. The western portion of the allocation site is suitable for Class B1 (Business) units and the eastern portion of the allocation site is suitable for a modest residential scheme of up to 20 dwellings. Given the enclosed nature of the site and the proposed co-location of commercial buildings there is scope for the design of the housing to be either contemporary or traditional. There is also scope to take an innovative approach to providing business units and homes that are integrated and support the key sectors of farming, forestry and tourism. This could include live – work units and small workshops that are compatible and can be integrated with residential uses. Development proposals should address the setting of the listed farmhouse closely sited to the north of the site.

9.179 Vehicular access to both portions of the allocation site should be from the existing access onto the A272 to the south of the site. Security gates must not be placed at the shared vehicular entrance so as to form a gated residential community.

9.180 A suitably designed and publicly accessible pedestrian and cycle route should be provided which links through the centre of that portion of the allocation site proposed for housing from the existing Public Right of Way to the north of the site to the southern site boundary. The re-routing and incorporation of the Public Right of Way on the eastern boundary into this new route would be supported in principle but is not considered a necessity for development to be permitted.



9.181 Development proposals should therefore be informed by the following evidence studies:

- Ecology Assessment including Protected Species Survey;
- Flood Risk Assessment and Surface Water Management Plan;
- Heritage Statement and archaeological assessment;
- Hydrogeological Survey;
- Land Contamination Survey;
- Landscape Visual Impact Assessment; and
- Lighting Assessment.

Allocation Policy SD92: Stedham Sawmill, Stedham



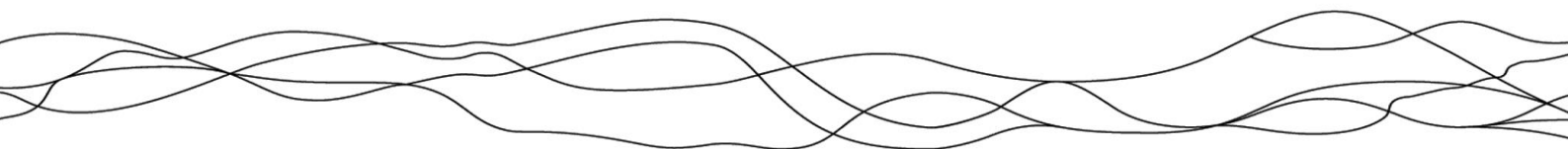
1. Land at Stedham Sawmill, Stedham is allocated for mixed-use development ~~for between of up to 16 and 20 residential dwellings (class C3 use), and approximately 1500m² employment buildings uses (class B1 b & c Business use) and approximately 0.35ha of land for biodiversity protection and enhancements, providing a maximum overall floorspace of 3,000m².~~ Planning permission will not be granted for any other uses. ~~The residential development shall be located in the eastern portion of the site and the employment development shall be located in the western portion of the site.~~
2. ~~Proposals which include security gates or other barriers which preclude the residential areas of the development from becoming fully accessible, inclusive and integrated to the local community will not be permitted.~~
3. 2. Detailed proposals that meet the following site specific development requirements will be permitted:
 - a) ~~To~~ It is demonstrated that there would be no significant adverse impact on the Stedham Common or Iping Common SSSI through development of the site ~~for residential and employment use;~~
 - b) ~~Not to~~ There is no harm to the amenity of the Public Right of Way on the ~~southern~~ eastern, and western and ~~northern~~ boundaries;
 - c) To provide a publicly accessible and attractive cycle and pedestrian route ~~through from the residential portion of the allocation site from site vehicular access to the Public Right of Way School Lane to the north of the site, and a direct pedestrian access to common land to the immediate west of the site (north of the A272);~~
 - d) ~~To provide for the amenity and privacy of its occupants and those of neighbouring properties;~~

- ~~a) To provide for acceptable levels of daylight and sunlight reaching new residential dwellings and associated private amenity spaces;~~
- d) Land to the south remains undeveloped and biodiversity enhancements are provided in order to provide a demonstrable gain in biodiversity and a transition from urban to rural development.
- e) The design of the housing and employment uses complement each other allowing them to be successfully integrated.
- f) The scheme is designed to look to the village to the north and opportunities to integrate with the existing community are maximised
- ~~f) g)~~ The existing vehicular access to the south is should be suitably improved for use by occupants of all buildings, in a way that conserves and enhances the rural look and feel of this part of the A272;
- ~~g) h)~~ To provide all necessary vehicular parking on-site to avoid additional on street parking; and
- ~~h)~~ Existing mature trees to be retained
- ~~h) i)~~ ensure run-off and drainage is managed to safeguard against any adverse impact on heathland to the south.


4. 3. In order for the development to have an overall positive impact on the ability of the natural environment to contribute to ecosystem services, development proposals must address the following:


- a) Maximise available space for tree planting or heathland habitat creation. Protect and enhance trees within the site where possible, and where trees are lost, provide at least the equivalent in new tree planting on site. Trees on the site boundary should be retained and new tree planting should be undertaken;
- b) Minimise hard surfaced areas on site; and
- c) New planting should be suitable for pollinating species.

Revised Map to show area for biodiversity enhancements:



Site Ref: SD92
Stedham Sawmill
Stedham

 SDNPA Submission Housing Allocation

 Biodiversity Enhancements (area to remain undeveloped) SD92

