



Sussex
Wildlife Trust

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Dear Mr Banks

The attached position statements are made on behalf of the Sussex Wildlife Trust and the Hampshire and Isle of Wight Wildlife Trust in relation to the South Downs National Park Local Plan.

The following comments are made in relation to the issues raised by the Inspector and the schedule of main modifications. Comments from our previous consultation responses still stand.

This statement contains responses to Matters 8 and 11

Yours sincerely

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Chairman: Carole Nicholson Chief Executive: Tor Lawrence

R307 - Sussex and Hampshire & Isle of Wight Wildlife Trusts Matter 8 – Biodiversity

Policy SD9 Biodiversity and Geodiversity – MM2

As stated in our Regulation 19 response (ID2070), the Wildlife Trusts' strongly support the positioning of the biodiversity policies within the local plan and the landscape-led approach taken by the SDNPA in its production. However we did have some concerns over the detailed wording of the policy and its consistency with national policy. Having viewed the Main Modifications (SDNPA.3) published by SDNPA, the Trusts' are pleased to see some of the suggestions from our Regulation 19 response have been incorporated.

During the first week of the Examination in Public, the Wildlife Trusts put forward a proposed modification to Objective 3 of the Local Plan asking for a specific requirement to deliver net gains to biodiversity through its lifetime. The SDNPA expressed during the process that they did not feel there was a direct need for the objective to refer to net gains as it was the aim of policy within the plan to do this. We respect the SDNPA desire to produce a concise plan which avoids undue repetition or duplication. However, at this time we are concerned that neither Objective 3 nor policy SD9 as modified expressly require a net gain in biodiversity without any caveats.

The first purpose of the National Park includes conserving and enhancing wildlife, which is echoed in paragraph 109 of the 2012NPPF.

The 2018NPPF goes further in paragraph 170 stating that '*planning policies and decisions should ... [provide] net gains for biodiversity*'. Whilst we acknowledge that, as per Annex 1 of the revised NPPF, the soundness of the plan should be assessed against the content of the previous 2012NPPF, paragraph 213 of the 2018NPPF states that due weight should be given to policies according to their degree of consistency with the new Framework. It therefore seems appropriate to indicate where we are concerned that the plan is not in conformity with the 2018NPPF.

We therefore propose a modification to the policy to remove the term '*opportunities for*' from 1. a¹) so that it offers more certainty for the delivery of net gains.

The Trusts' would also like to see policy SD9 deliver a greater recognition of the importance of species level protection as per paragraphs 117 of the 2012NPPF and 174b of the 2018NPPF. We therefore propose that the policy is strengthened in line with our proposed modifications below.

During the examination we heard of the importance the SDNPA gives to up to date information informing the evidence base for the SHLAA. The use of up to date information on the environment is an approach we support and reflects section 165 of the 2012NPPF. Therefore we were disappointed that our proposed modification to policy SD9 - that proposed that prior to determination decisions are informed by up to date ecological information - was not incorporated in the policy wording.

We do recognised that text in section 5.72 references the importance of up to date information prior to determination, however in our experience, supporting text does not carry the same weight as policy wording in planning decisions and is instead more often used to explain the reasoning of the policy wording.

In light of our above comments, we seek the following modifications to the existing modifications proposed by the SDNPA (MM2) to ensure the policy is consistent with national policy and deliverable:

*'1. Development proposals will be permitted where they conserve and enhance biodiversity and geodiversity, giving particular regard to ecological networks and areas with high potential for priority habitat restoration or creation.,-and should: **Prior to determination, up to date ecological information should be provided which demonstrates that development proposals:***

- a) *Retain, protect and enhance features of biodiversity and geological interest (including supporting habitat and commuting routes through the site and taking due account of any use by migratory species) and ensure appropriate and long-term management of those features.*
- a¹) *Identify and incorporate ~~opportunities for~~ net gains **for** in biodiversity.*
- b) *Contribute to the restoration and enhancement of existing habitats, the creation of wildlife habitats and the creation of linkages between sites to create and enhance local and regional ecological networks.*
- b¹) *~~Identify and incorporate opportunities to~~ Protect and support recovery of ~~identified~~ rare, notable and priority species.*
- c) *Seek to eradicate or control any invasive non-native species present on site; and...'*

Strategic Policy SD10 International Sites - MM3

In our regulation 19 response (ID2071), the Trusts' highlighted that a modification to part 5 of policy SD10 is required to ensure that it is legally compliant with the Habitat Regulations. We do not believe it is legally compliant to promote strategic measures to mitigate the negative impact on a Natura 2000 site, the measures must be to avoid any impacts which are likely to have a significant adverse effect.

We therefore propose the following amendments to policy SD10 - bullet point 5, final sentence:

'In the absence of financial contribution to the delivery of strategic mitigation, an appropriate assessment may be required to demonstrate that any 'in combination, ~~negative effects~~ **impacts which are likely to have a significant adverse effect** can be avoided or can be satisfactorily mitigated through a developer provided package of measures.'

R307 - Sussex and Hampshire & Isle of Wight Wildlife Trusts Matter 10 – 11 – Combining Sites and Settlements: Coldwaltham

The Wildlife Trusts' are pleased to see that the SDNPA commissioned a Preliminary Ecological Appraisal (PEA) for the Land South of London Road, Coldwaltham (SS09) since the regulation 19 consultation. Whilst we are disappointed that this information was not available before the site was allocated, we appreciate the SDNPA's acknowledgement that a PEA is required to allow robust decision making.

The Inspector will see from our Statement of Common Ground with the SDNPA (SS09a) that the Trusts' are in agreement over the status of the allocation in terms of priority habitat. However, where we fundamentally disagree with the SDNPA is that the development is required in order to create a net gain to biodiversity or that the benefits of the development outweigh the harm.

Whilst management in the past i.e. application of lime and fertiliser, reduced the biodiversity value of the meadow, it has been in positive conservation management for at least 10 years through an Organic Stewardship scheme. This management has been stripping the meadow of nutrients and has allowed the lime to leach away through the sandy soils. As such, the trajectory of the meadow is one of positive conservation gain. It should still be considered a semi-improved meadow at this point in time, but it is the Trusts' expert opinion that the site will naturally move to a priority habitat type i.e. MG5 or U1/U4 with continued management.

Given that the landowner has invested public funds into maintaining the meadow and that the landowner has demonstrated a commitment to environmental gain elsewhere on their landholdings, the Trusts' believe it is reasonable to assume that the site will continue to be managed in a similar positive manner whether the development occurs or not.

It is acknowledged by the SDNPA that the meadow is of value in terms of the SDNP's special qualities and that this allocation is not put forward as an 'enhancing development', i.e. aimed to improve an area which is not considered to be contributing to the landscape, biodiversity or cultural heritage of the area. Therefore the purpose of this allocation is to contribute to economic and social wellbeing of the local community in terms of the SDNPA's duty. The appropriateness of this allocation therefore must depend on whether the allocation is needed and whether it is deliverable.

As stated in the Trusts' regulation 19 objection (ID2088) the aim of allocations such as this is to maximise the provision of affordable housing. Policy SD28 seeks 50% provision on sites of more than 10 dwellings, of which a minimum 75% will provide a rented affordable tenure. Further to this, policy SD27 requires that the affordable housing should include the following mix of units based on need across the SDNP:

- 35% - 1 bedroom dwellings (may be substituted with 2 bedroom affordable dwellings)
- 35% - 2 bedroom dwellings
- 35% - 3 bedroom dwellings
- 5% - 4 bedroom dwellings

However, the SDNPA's own Whole Plan and Affordable Housing Viability Report (Core 13) indicates that neither of these targets are likely to be achieved in this case:

Table 7.10.1 demonstrates that at the SDNPA's intended provision of 50% affordable housing (mix of 75% rented and 25% intermediate), none of the test typologies are viable (all are red in the Group 5 column). Table 7.10.2 shows that with 50% affordable housing, but a less desirable mix of 50% rented and 50% intermediate, only four of the 17 typologies tested are viable (types 4, 5, 8 and 9). The typologies' size and mix are shown in Table 5.1.1. The four viable types are all smaller in scale than planned at Coldwaltham and cannot provide the mix of housing types that is required by policy SD27. The typologies shown as viable provide a much higher

proportion of 3 and 4 bedroom properties then the SDNPA's evidence shows is needed within the SDNP. None of these types provide any 1 bed units which are also required.

During the examination hearing, the SDNPA suggested that the development of the Coldwaltham site could also contribute to the needs of the wider area, particularly given the proximity of the village of Pulborough. Notwithstanding that the SDNPA should be providing affordable housing for the communities within the SDNP (as per the duty), it should be noted that the Strategic Housing Market Assessment (TSF09) demonstrates that there is a very low level of net need within the Northern West Sussex HMA. In addition, the most recent Strategic Housing Market Assessment (Chilmark Consulting, 2014)¹ carried out by Horsham District Council shows that the greatest need within Horsham is for one and two bedroom properties (paragraph 4.84):

The greatest demand in the Northern West Sussex HMA is for one and two bedroom properties in each of the three local authority areas (46.5% and 42% respectively). The level of requirements for three and four bedroom properties is far lower, totalling circa 11% for the HMA as a whole.

It is therefore clear, that the development of the Coldwaltham site is not viable when taking account of what the local community needs in terms of the type and mix of affordable housing.

The Trusts' believe that the allocation is unviable when considering only the cost of developing appropriate dwellings, however it should be noted that there are further costs to the developer that should be considered; the proposed shop, associated vehicular parking and the retained open space. Given the questionable viability even for a conventional development, there must be a high risk that at the application stage the additional costs of these works could be used as a reason/excuse to further reduce affordable housing provision. Additionally, we have seen no evidence published by the SDNPA as to the likely market interest/viability of a shop in this location.

The SDNPA needs to be sure at this stage that the chief reason for such an allocation – providing affordable housing – is not subsequently undermined and that the biodiversity and landscape enhancements required to make this allocation acceptable, in terms of the 1st purpose are implemented and maintained. This points to any housing site in Coldwaltham needing to be a smaller, simpler proposal, and a better contained site without additional cost requirements.

A further hurdle is the question of major development. In the Trusts' regulation 19 objection (ID2088), we recognise that the SDNPA's report 'The Assessment of Site Allocations against Major Development Considerations' (September 2017) concludes that this allocation would likely be considered major development. Whilst we understand that the report has been withdrawn and therefore does not form part of the examination library, the Trusts' believe that the discussions within it are still relevant.

Regardless of whether the site is allocated for development in the Local Plan, any planning application that is submitted will still need to be considered against policy SD3. The SDNPA will need to ask whether there is the potential for serious adverse impact on the natural beauty, wildlife or cultural heritage of, or recreational opportunities provided by the, the National Park. In the September 2017 report, the SDNPA considered that there could be.

If this application were to be considered major development then the SDNPA would need to be even more certain that the proposal is in the public interest in terms of need. In terms of the two purposes, we do not consider the allocation to be in the public interest. The site is currently a flower rich meadow, that is being managed appropriately, using public funds until very recently, and is moving towards once again becoming priority habitat. As stated above, whilst there may be some need for affordable housing within the SDNPA, the issues of viability mean that the type of housing that may be able to be delivered on this site is not in the public interest as it does not satisfy local need.

¹ https://www.horsham.gov.uk/_data/assets/pdf_file/0008/14102/CD_H_04_NW-Sussex-SHMA-Affordable-Housing-Needs-Update-Final-Report-F071014.pdf

It is clear from our position statement and previous comments that the Trusts' object to this allocation as we do not believe it is effective (deliverable) or consistent with national policy. In line, with our comments on recreational disturbance to Waltham Brooks SSSI in our Regulation 19 response (ID2088), we remain concerned that the SDNPA have failed to present evidence to show that there will be no adverse impact on the nationally designated site. Indeed the issue of recreational disturbance is not discussed in the PEA (SS09).

Whilst we maintain our objection, if following the examination in public the allocation is retained within the plan, then we request that a main modification is proposed by the SDNPA that enshrine the access restrictions agreed to in the Outline Meadow Management Plan (SS09b) in policy as a minimum threshold.