

## Coldwaltham Meadow Conservation Group

### Matter 8: Biodiversity

A Position Statement based on our original representations to the Local Plan:

- Habitat Regulations Statement (Comment ID No. 2439)
- Sustainability Appraisal (2438)
- Strategic Policy SD9: Biodiversity & Geodiversity (2456)
- Core Policy SD2: Ecosystem Services (2441)
- Strategic Policy SD10: International Sites (2447)

#### **The role of Agri-environment schemes in conserving and enhancing biodiversity across the National Park**

1. One of the “*key comments and observations*” (SDNPA Biodiversity Background Paper) of the “*State of the National Park 2012*” report is that farmland is a key wildlife habitat. 54% of the National Park is farmland covered by “*agri-environment schemes*” and public spending on these schemes between 2005 and 2010 was over £10 million (RFI 4078, NE, 8.1.2018).

#### **Policy Clash in favour of development**

2. In recognition of the strategic role that traditional mixed farming has in underpinning the landscape character, biodiversity and ecosystem services of the National Park (2.4, *SDNP Partnership Management Plan*), Farming Policies have been set by the National Park to support land managers to access and maintain agri-environment schemes, which may include support for conservation grazing on semi-natural habitats, and to increase understanding of farming and of farmers as the “*custodians of many of the special qualities of the National Park*” (SDNPA PMP, 2.5 Farming Policies 11, 12 and 15). The setting of Allocation Policies by the National Park on land that has been in receipt of agri-environment funding conflicts with these policies, and the First Purpose of the National Park.

3. There is no legal requirement for land managers to keep their land in agri-environment schemes, and we should not be surprised that land managers will seek to capitalise on the potential development value of their land by withdrawing from these schemes. It is inappropriate however, for the National Park to encourage land managers to do this by knowingly allocating land for housing (Policy SD64) that has been in receipt of HLS funding for the past ten years. To do this is in conflict with the First Purpose of the National Park.

#### **The role of BOAs in conserving and enhancing biodiversity across the NP**

4. The SDNPA Biodiversity Background Paper refers to Biodiversity Opportunity Areas (BOAs), which are supposed to represent a targeted landscape-scale approach to conserving biodiversity through the maintenance and creation of BAP priority habitats. 46% of the National Park is covered by these, and BOA maps for Hampshire and Sussex will be “*considered*” by the National Park Authority (Policy SD9, 5.8) when determining planning applications.

5. However, there appears to be no mechanism for assessing whether BOAs are successful in conserving or enhancing biodiversity across nearly half of the National Park. The fact that

the National Park proposes housing allocations within BOAs (e.g. Policy SD64) indicates that the level of protection for *“a coherent and resilient ecological network”* e.g., *“buffer zones, wildlife corridors and smaller but still wildlife-rich sites”* (Biodiversity 2020, Defra, & Making Spaces for Nature, Defra) afforded by these non-designated areas is poor. It also indicates that the SDNPA is prepared to dismiss this proactive approach to conserving and enhancing biodiversity across the National Park in favour of development. This undermines the delivery of Policy SD9 as set out in 5.70 of the Local Plan; it cannot be considered a positive strategy to ensure the conservation and enhancement of biodiversity across the National Park because Allocation Policies in the Local Plan are not consistent with the guidelines set out in SD9.

### **Assessing landscape-scale approaches to conserving and enhancing biodiversity**

6. Although *“Biodiversity is a core part of the purposes, and special qualities of the National Park”* (2.1, Biodiversity Background Paper, SDLP, April 2018), and the SDNPA asserts that *“A landscape-scale approach is needed to conserve, restore and reconnect habitats across the National Park”* (SDNP LP, 5.66) the National Park Authority has no effective mechanism for assessing whether biodiversity is in fact ‘conserved and enhanced’ across the National Park.

7. As indicated in the *“State of the National Park 2012”*, and the Partnership Management Plan (PMP), the SDNPA relies upon other agencies and partners for biodiversity data collection within the National Park. Although biodiversity Outcomes and landscape-scale partnerships for conserving and enhancing biodiversity across the National Park have been identified in the PMP, with Key partners designated for delivery, the National Park does not hold or update its own biodiversity database. Neither does it monitor the quality of delivery of mechanisms designed to conserve and enhance biodiversity across the National Park.

8. There is no reference to the collection of qualitative data in the State of the Park 2012 report, although various agencies and organisations are identified as Key Partners in the Delivery Framework of the Partnership Management Plan. Natural England is identified as the Key Partner responsible for data collection about the area of land managed through agri-environment schemes.

9. However, we have discovered, via Freedom of Information requests to Natural England, that *“I can confirm Natural England carry out aftercare visits and/or phone conversations to assess the progress and quality of land in agri-environment schemes. This information is not held in a database so we are unable to provide any summary reports.”* (RFI 3995, NE, 1.9.2017). We also learnt that *“Natural England are not able to visit every field in an agri-environment scheme.”* (RFI 4018, NE, 5.12.2017) and on enquiring about a particular meadow (Policy SD64) that had been in receipt of funding for ten years under the *“HLS; Target habitat grassland”* scheme we learnt *“There has been no quality monitoring visits undertaken on the field in question since the scheme was set up. There is one record of an after care phone call on 27<sup>th</sup> January 2016 on Natural England’s Customer Holding Information Portal (CHIP).”* (RFI 3995, NE, 1.9.2017). This calls into question the claim that *“There is extensive data on farmland habitats (extent, condition and management activities) for farmland under agri-environment agreements”* (State of the National Park 2012). The statement is not justified; there is no objective means of assessing whether biodiversity has been conserved or enhanced by these schemes on 57% of the National Park.

### **The Ecosystem Services Approach**

10. The EcoServ GIS-based mapping tool may have been developed to provide supporting evidence for the Local Plan's Allocation sites, but the application of it has proved problematical. According to EcoServ mapping, the Allocation Policy SD64 does not deliver any ecosystem services. This is clearly a mistake, for the Development Brief for the same site indicates that virtually the full suite of Ecosystem Services is provided by the Policy SD64. The biodiversity value of the site is corroborated by Natural England: *"Natural England have raised concerns with the National Park Authority regarding this allocation primarily with respect to the quality of the allocation site itself, the need to re-evaluate the clear biodiversity value of the site and the various ecosystems services that it provides. It is for the National Park to evaluate this allocation to ensure it is compatible with the various policies within the emerging local plan."* (RFI 3995, 1.9.2017)

### **Developer Assessments**

11. NPPF requires planning policy to minimise the impacts of development upon biodiversity and promotes the *"preservation, restoration and re-creation of priority habitats, ecological networks and the recovery of priority species populations, linked to national and local targets"* (SDNPA Biodiversity Background Paper, 3.12). In the absence of baseline biodiversity data held by the National Park for allocation sites, the responsibility for this is passed onto developers by the NPA. The requirement that developers *"must ensure that sufficient and up to date information is provided regarding the wildlife sites or species"* (SD9, 5.72), is not an adequate substitute. Data gathered by developers that shows no loss in biodiversity, or even so-called 'net biodiversity gain' is open to question; such assessments are unlikely to suggest that development shouldn't proceed. In any event, reliance on developer assessment means that a third party will be required to assess the veracity of the data so gathered. It is *"current policy that the planning system should provide biodiversity net gains where possible"* (25 Year Environment Plan, Defra 2018) and in order to determine delivery of this, SDNPA should have undertaken appropriate biodiversity assessments (including site visits) of all Allocation Policy Sites prior to their inclusion in the Local Plan. A regulation 18 consultation about all of these sites could then provide a means of confirming these assessments.

### **What is "Net Biodiversity Gain"?**

12. The concept of *"net biodiversity gain"*, is much in favour with planners and developers, but there is as yet no industry-wide consensus about the definition of this term, and there are no agreed metrics associated with it. An illustration of its use is provided by the Preliminary Ecological Appraisal of an allocation policy (Policy SD64). In this allocation, a 50% loss of a habitat (due to a combination of land take and change of use to public open space) is claimed by a consultant ecologist as a *"net biodiversity gain"*, because the other half of the site will be *"enhanced"* by a management regime that is effectively a continuation of its current management. (It has been under conservation management, specified by *"HLS: Target Grassland"* for the past ten years.) This is tantamount to stating that half a flower-rich meadow, if enhanced, will be compensation for the loss of the other half. This does not reflect the *"more, bigger, better and more joined"* principles proposed by the 'Making Spaces for Nature Review' and is not based on a sound understanding of biodiversity. It also fails to recognise the scarcity of this habitat (97% of the UK's flower-rich

meadows have disappeared from the UK since the 1930s (Source: Plantlife and SDNPA SA) and that the meadow serves as an important buffer along the western edge of the Arun Valley, protecting the most important designated sites in the National Park from threats of urbanisation and recreational pressure.

13. We have produced a Position Statement challenging the Preliminary Ecological Appraisal of Policy SD64 on the basis of its inappropriate survey methodology, inaccuracy of results and interpretation of data. The National Park has gone to a third party, the Sussex Wildlife Trust, for a Statement of Common Ground (SCG) about the allocation site. Although there is agreement between the National Park and the SWT regarding the current biodiversity value of the land, and that it has potential for biodiversity enhancement: *“a net biodiversity gain can be achieved on the allocated site through a number of proposed enhancements set out in the Preliminary Ecological Appraisal...”* (presumably this refers to the half of the meadow that will exclude the general public and not be developed), it is interesting to note that *“The SWT does not think the benefits of the site allocation outweigh the harm”* (SCG between SDNPA and SWT). So much for “net biodiversity gain”. If net biodiversity gain is to be a determining factor in assessing the viability of potential allocation sites in the National Park, then Policy SD9 should provide a measurable definition of it, otherwise the term will be regarded as ‘Greenwash’.

#### **Designated Sites**

14. Policy SD9 sets out as the legal requirement for protecting the integrity of designated sites within the National Park. These are referred to as *“Jewels in the crown”* (State of the National Park 2012), yet the Local Plan contains an allocation policy that threatens the integrity of the Arun Valley SAC/SPA/Ramsar Site and a functionally-linked habitat of The Mens SAC.

15. The Arun Valley is the only wildlife site in the national Park with all three SAC/SPA/Ramsar Site designations; it is arguably the most important wildlife site in the National Park. It should therefore have the *“strongest possible protection against development”* (LP SD9, 5.74). Both the RSPB and SWT have objected to the allocation policy, which would indicate to most of us that in terms of conserving and enhancing biodiversity, there is real cause for concern.

#### **Policy SD10**

16. There is no reference here to the wintering assemblages of wildfowl for which the Arun Valley SPA is designated.

#### **A cavalier approach to conserving biodiversity**

17. As outlined in our original representation to the HRA and the SA, and in our position statement on Matter 2, the National Park appears to have adopted a “What can we get away with?” approach to conserving and enhancing biodiversity, which is at odds with the purpose of Policy SD9, as stated in 5.70. This cavalier approach to biodiversity is illustrated by the fact that when the original Preferred Options SA indicated an allocation policy (HO015) had a “Likely Adverse Effect” on biodiversity (*Agenda Item 12, Appendix 3, Land at Brooklands Way*), due to its close proximity to the integrity of a designated site, the Policy was rightly withdrawn. Another allocation appeared nearly two years later, in the same

meadow but just 75 metres further away than the previous allocation from the SSSI boundary. This was done to justify a biodiversity impact rating for the new allocation policy (SD64) of 'uncertain effects', even though the quantum of houses had increased from 20 to 30 and the developable area had increased from 1 ha to c2 ha, with c2 ha of associated public open space. Rather than respecting the First Purpose of the National Park, the SDNPA chose to locate development as close as possible to the designated site as Natural England's Impact Risk Zones would allow. The reality is that, with respect to recreational disturbance on the neighbouring SSSI, locating houses 75 metres further away will make no significant difference to the impact on biodiversity, particularly when the size of the allocation has increased as indicated above. In any event, in accordance with the Precautionary Principle, any Allocation Policy in the Local Plan that has a biodiversity impact rating of 'uncertain effects' in a sustainability appraisal should be withdrawn; after all, there have been four other sites that have come forward as viable alternatives to SD64.

### **SDNPA HRA**

18. This cavalier attitude towards conserving and enhancing biodiversity is also expressed in the HRA, which is so deeply flawed in its assessment of the impact pathways for an allocation policy (SD64) upon two designated sites, the Arun Valley SAC/SPA/Ramsar Site and The Mens SAC, that it is not sound:

- i. The HRA uses an outdated (2012), and inadequate visitor survey as a basis for the impact assessment of recreational pressure and misrepresents the results;
- ii. The HRA fails to consider that winter assemblages of wildfowl, for which the SPA is designated, commute between all parts of the designated site, and that disturbance to wintering wildfowl on Waltham Brooks SSSI impacts on birds that also use other parts of the SPA. It is thus misleading to refer (in HRA 4.11.7) to Amberley Wildbrooks as a "key part" of the SPA, for Waltham Brooks is a key part too.
- iii. The HRA applies an assessment of recreational pressure, made by Natural England, of one part of the Arun Valley SAC/SPA/Ramsar Site where visitor access is restricted, to other parts of the designated site, which allows visitor access. This misapplied assessment is then used to justify the assertion "*such a small number of dwellings will not result in a material change in recreational activity at the site*" (HRA p.30);
- iv. The HRA asserts that "*not all dog owning residents will necessarily walk their dogs in the SSSI*" in an attempt to downplay this recreational impact. The allocation policy will encourage new dog walkers to use the nearby designated site and the new footpath will attract additional existing walkers by providing a circular route from the neighbouring hamlet;
- v. Statistics have been "smoothed", e.g., rounding down the average number of dogs per household, and the quantum of housing from 30 to 28;
- vi. The HRA then suggests possible solutions (4.11.2) that have already been proven to be ineffective in dealing with existing levels of recreational pressure (leaflets & signage), or undeliverable ("Dog Ambassadors" cannot prevent dog walkers from using public footpaths, or legally enforce 'dogs on leads', cannot be present all the time and cannot change the behaviour of unaccompanied dogs). These solutions are considered to have screened out the impact of recreational

pressure upon the SAC/SPA/Ramsar Site, which is patently incorrect; there is no effective management solution that will screen out these effects.

- vii. A proposed 10-year “Management Burden” survey (HRA 4.11.2) is then suggested in order to assess the damage done. If found, compensation for the extra management costs will be paid. This is not mitigation, for the damage will have been done, and will continue after the houses have been built. No amount of payment would compensate for this.
- viii. The HRA fails to address the adverse impact of wildlife predation by cats;
- ix. Further attempts to downplay the proposed quantum of housing were made by erroneously claiming that it was a small increase in dwellings to be provided within 5km of the SAC and that the quantum of housing had been reduced from 45-50 dwellings;
- x. The HRA then claims that a 12% increase in the number of dwellings in Coldwaltham village is not significant when compared with the total number of dwellings within 5km of the SPA; most of these are outside of the National Park. Reference to the statutory 5 km Impact Risk Zone demonstrates the importance of SAC/SPA/Ramsar Sites. If any development within 5km is cause for concern, then allocating 65% c100m of the designated site is surely unacceptable.
- xi. The number of houses proposed (25-30) is consistently referred to as “small” in an attempt to downplay the significance of allocating housing in a greenfield site so close to the SAC/SPA/Ramsar Site;
- xii. The HRA repeatedly misquotes key reference documents concerning the foraging and commuting behaviour of Barbastelle bats, in an attempt to downplay the importance of losing c35% of functionally linked foraging habitat for the Barbastelle bats of The Mens SAC.

19. Such resolute determination to allocate development of a meadow situated next to an internationally designated site might be expected from developers, but it cannot be considered appropriate from a National Park Authority.

30.11.18