

Dear Ms Glancy

The following statement is made on behalf of the Sussex Wildlife Trust (SWT) – ID 748 - in relation to the Mid Sussex Site Allocations Development Plan Document (Site DPD). We note that some of these issues will only be addressed in writing, whilst others will be discussed at Examination. SWT is content with this position.

This statement contains responses to issues of soundness under Matters 2, 4, 6 and 7. For Matter 2 we will not be attending the hearing and will rely on written reps. We previously indicated that we wanted to appear under Matter 3, but this is no longer the case.

Yours sincerely

Jess Price
Conservation Officer

Matter 2 - Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA)

*2.1 Is the Plan **supported by the SA and HRA**?*

*2.2 What evidence is there that the SA has influenced the Plan and/or undertaken a full assessment of **realistic alternatives**?*

*2.3 Do any adverse effects identified in the SA **require significant mitigation**, and how does the Plan address these issues? Has appropriate account been taken of the recent *People Over Wind & Sweetman v. Coillte Teoranta (C-323/17)* Judgment in the ECJ (often referred to as the *Sweetman 2 Judgment*)?*

Unfortunately, the Sussex Wildlife Trust (SWT) is unable to attend the hearing for Matter 2, however we do not believe that the plan is supported by the SA or that the SA has significantly influenced the plan.

SWT accepts that spatial distribution is set out in the District Plan and has been subject to a SA and found sound. However, we are concerned that the SA does not indicate that the selection of sites are cumulatively

sustainable.

Planning Practice Guidance (ID: 11-001-20190722) states that the role of an SA is to assess the extent to which the emerging plan will help to achieve relevant environmental, economic and social objectives and that overall the objective should be to contribute to the achievement of sustainable development – as set out in paragraphs 7 – 9 of the NPPF. These paragraphs make it clear that the three overarching objectives of environmental, economic and social are independent and need to be pursued in mutually supportive ways.

Table 21 - Summary of Appraisals of the SA main report [SUS1] the majority of allocations have positive or significant positive impacts under the Social and Economic objectives (180 objectives scored as positive or significant positive out of 232 total (78%)). However, there are only 9 positive or significant positive impacts out of a total of 232 under the Environmental objectives – 4%. For the Environmental objectives a quarter score as negative or significant negative impacts (57 of 232), whilst the majority score as neutral/no impact (76 of 232) or uncertain/unknown (90 of 232).

SWT understand that whilst using a consistent methodology, SA's are generally subjective. However, in this case we do not see that such an imbalance in positive outcomes for Environmental objectives meets the definitions of sustainable as stated in the NPPF and PPG.

Matter 4 - Are the Plan's provisions for the protection and enhancement of its environmental, landscape, biodiversity and heritage assets justified and in accordance with national policy?

*4.1 Are the **environmental, landscape, biodiversity and heritage** policies justified, effective and in accordance with national policy? Are any additional environmental policies needed?*

SWT wish to answer the last part of this question – are any additional environmental policies needed.

SWT agree with the submission of CPRE Sussex (ID 689) that the Site DPD should include a strategic climate change mitigation and adaptation policy.

Paragraph 20 of the NPPF states that strategic policies should make sufficient provision for planning measures to address climate change mitigation and adaptation. Whilst paragraph 149 requires plans to take a proactive approach to mitigating and adapting to climate change in line with the objectives and provisions

of the Climate Change Act 2008. Further to this, the Climate Change Act now requires the UK to bring all greenhouse gas emissions to net zero by 2050.

Despite the requirements of the NPPF and an acknowledgement in the District Plan that adapting to climate change is a key strategic objective, neither the District Plan nor the Sites DPD contain a specific climate change policy. There is no overarching requirement for development to address climate change mitigation or adaptation. Instead there are a small number of references to climate change in a few District Plan policies and within proposed policy SA GEN, which SWT does not believe is sufficient or compliant with the NPPF.

A number of Sussex LPA's have included climate change policies in their emerging local plans. For example Policy SP2 in the Worthing Local Plan (at submission stage) and Policy OSP1 in the Hastings Local Plan (completed the Regulation 18 consultation). We have copied the policy wording below, so that the Inspector is aware of the type of policy SWT believes is required.

SP2 CLIMATE CHANGE

A comprehensive and integrated approach to addressing climate change will be taken, consisting of the following elements:

Carbon Reduction

- a) Development proposals are expected to reduce the amount of energy used in construction and operation of buildings and improve energy efficiency, including retrofitting existing properties, to contribute to achieving zero carbon emissions.*
- b) The Council will support and promote the creation of low carbon heating/ cooling networks and the delivery of renewable energy schemes.*
- c) Developments should prioritise active travel such as walking, cycling and public transport to reduce reliance on the private car and facilitate car free lifestyles.*
- d) Follow the waste hierarchy to minimise, reuse, and recycle waste during the construction phase and to encourage greater levels of recycling over the lifetime of the development.*

Maximising carbon sequestration

- e) Incorporate green infrastructure such as street trees and other vegetation into the public realm to support rainwater management through sustainable drainage, reduce exposure to air pollution, moderate surface and air temperature and increase biodiversity.*
- f) Achieve an overall net gain for biodiversity commensurate with the scale of the development, including a positive contribution to the habitat network through habitat protection, creation and enhancement.*
- g) Maintain the current level of tree canopy cover across the borough and seek opportunities to increase appropriate species of woodland cover.*

Climate Change Adaptation and Mitigation

- h) Development must be designed to adapt and mitigate the impacts of climate change and reduce vulnerability, particularly in terms of overheating, flood risk and water supply.*
- i) Ensure buildings and infrastructure are designed to adapt to a changing climate, making efficient use of water, reducing impacts from natural hazards like flooding and heatwaves, while mitigating against and avoiding contributing to the urban heat island effect. This should include maximising opportunities for both natural heating and ventilation.*
- j) The Council will seek adaptation and mitigation measures which improve the resilience of communities, reduce inequality and bring a range of social benefits*

Overarching Strategic Policy 1 (OSP1): Tackling Climate Change

1. The Council will work with its partners to achieve our Carbon neutral ambitions and deliver sustainable

patterns of development that support climate change mitigation and adaptation. To support this over the life of the plan to 2039, the Council will:

- (A) Focus largest scale development in areas with existing or potential good public transport accessibility and good access to shops and services, minimising the need to travel by car*
- (B) Support and encourage investment in major renewable energy, including wind turbines, managing the local environmental impact through sensitive design and siting of this infrastructure*
- (C) Encourage a shift from reliance on car journeys by improving the walking and cycling environment across the borough and better integrating this with public transport to make this a more attractive transport option*
- (D) Expand the network of green infrastructure recognising its essential role in carbon storage as well as its health and wellbeing benefits*
- (E) Explore the use of land at Breadsell as a Carbon Mitigation Zone for projects that reduce carbon emissions where compatible with protection of important natural habitats.*

2. The Council will support measures that help mitigate and adapt to impacts of climate change at the level of individual sites, recognising the cumulative impact of development and will support:

- (A) New development and, where possible, adaptation of existing buildings that is designed to minimise energy consumption and where feasible, incorporates low carbon energy production*
- (B) Provision of electric vehicle infrastructure and, in locations with the highest public transport access, lower car parking provision and car clubs*
- (C) Incorporation of new green infrastructure as part of new development*
- (D) Measures that reduce or mitigate food risk including climate related projections for changes to this.*

3. Adapting to and mitigating the impacts of climate change is an overarching policy objective and as such key to policies throughout the rest of this draft Local Plan.

Matter 6 – Are the Transport, Infrastructure, Implementation and Monitoring provisions of the Plan sound?

*6.6 Is policy SA37 for the **Burgess Hill/Haywards Heath Multifunctional Network** both in principle and in relation to the preference of routes proposed for pedestrian and cycle routes, justified and effective? Although the policy is indicative, in view of the concerns expressed in some representations and the need for a measure of certainty, should the policy be linked to a realistic time frame for selection of preferred route(s) and final implementation of a preferred route(s)? What are the biodiversity impacts of pursuing the various options?*

SWT wishes to submit a response under the last part of this question – What are the biodiversity impacts of pursuing the various options.

Whilst SWT supports the creation of better walking and cycling infrastructure to help facilitate the urgently needed shift to sustainable travel modes, this should not be to the detriment to biodiversity. Looking through the evidence documents, it is not clear to SWT that any assessment of the biodiversity impacts of the various options has been undertaken or considered.

Under policy SA37 in Appendix 9 of the council's Statement of Consultation, the council state 'The

safeguarded areas shown in the map accompanying SA37 are indicative and a number of options are being investigated. The final route option is still to be determined; detailed designed work will be carried out to inform this. However the map clearly shows a number of specific routes rather than just a general area for safeguarding. SWT is concerned that the specificity of the safeguarded area may not allow significant harm to biodiversity to be avoided as encourage by the ‘mitigation hierarchy’ as set out in NPPF paragraph 175.

Potential direct impacts, via habitat loss, and indirect impacts such as increased lighting and recreational disturbance, should be considered at an early stage to assess whether the route is deliverable.

Matter 7 - Development Management, Uncertainties and Risks

7.3 Monitoring: *Are the monitoring arrangements soundly based? Should biodiversity net gain be monitored?*

SWT believes that biodiversity net gain should be monitored.

Appendix 2 of the SA main report shows the Sustainability Framework Baseline: Monitoring. The indicators listed under objective 8 (biodiversity) relate to designated sites, ancient woodland and advice from Natural England (which primarily relates to nationally and internationally designated sites). Whilst we do believe this monitoring is required, particularly in relation to the District Plan, these indicators are largely not relevant to the sites DPD as few of the allocations are predicted to directly impact on designated sites or ancient woodland.

SWT does not believe that monitoring the indicators listed in Appendix 2, objective 8 will actually tell the council anything about the impact the Site DPD is actually having on biodiversity in the district. In contrast, all of the site allocations in the DPD include a requirement to ensure there is a net gain to biodiversity and this is reaffirmed in policy SA GEN.

Therefore SWT believes that monitoring if net gain has been achieved on the sites allocated in the sites DPD is required to demonstrate that these policies have been successful in relation to biodiversity. This is also in line with the NPPF requirement for biodiversity net gain to be measurable (paragraphs 174 and 175).

