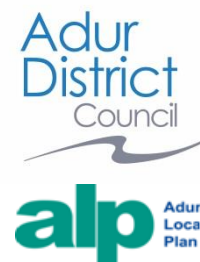


Proposed Submission Adur Local Plan 2014



Representation Form

Return Address:

planning.policy@adur-worthing.gov.uk


Or:

Planning Policy Team, Adur and Worthing Councils, Town Hall, Chapel Road,
Worthing, BN11 1BR

Or hand in at:

- Adur Civic Centre, Ham Road, Shoreham-by-Sea, BN43 6PR or
- Portland House, 44 Richmond Road, Worthing, BN11 1HS

Please return to Adur District Council by 5pm on 1st December 2014
Late representations will not be considered.

 **Use of your information** Respondent details and representations will be forwarded to the Secretary of State for consideration when the Adur Local Plan is submitted for examination. All documents will be held by Adur District Council and representations will be published including on the internet e.g. www.adur-worthing.gov.uk. Personal contact details (address, email and phone number) will be removed from published copies of representations. Your information will be handled in accordance with Data Protection Act 1998.

Contact details will be added to the Adur Planning Policy consultees database to keep you informed on the progress of the Adur Local Plan and other related documents.

Please tick if you do **not** want to be informed.

This form has two parts:

- Part A - Respondent Details. You only need to fill this in once.
- Part B - Your representation(s). Please fill in a separate sheet for each representation you make.

It is recommended that you read the Guidance Notes provided for an explanation of terms used in this form.

Part A – Personal Information
You only need to complete this section once

Personal Details

First name	<input type="text" value="Timothy (Tim)"/>		
Last name	<input type="text" value="Holter"/>		
Organisation (where applicable)	<input type="text" value="Shoreham & District Ornithological Society"/>		
Address line 1	<input type="text" value="██████████"/>		
Address line 2	<input type="text" value="██████████"/>		
Address line 3	<input type="text" value="██████████"/>		
Post Code	<input type="text" value="██████"/>	Telephone	<input type="text" value="██████████"/>
Email address	<input type="text" value="████████████████████"/>		

Agent's Details (if applicable)

First name	<input type="text"/>		
Last name	<input type="text"/>		
Organisation	<input type="text"/>		
Job Title	<input type="text"/>		
Address line 1	<input type="text"/>		
Address line 2	<input type="text"/>		
Address line 3	<input type="text"/>		
Post Code	<input type="text"/>	Telephone	<input type="text"/>
Email address	<input type="text"/>		

Part B – Representation

Please use separate sheets for each representation

1. Which part of the Adur Local Plan does this representation relate to?

Policy No.	<input type="text" value="2"/>	Paragraph No.	<input type="text" value="2.5"/>
Map	<input type="text" value="1"/>	Other section (please specify)	<input type="text"/>

2. Do you consider the Adur Local Plan to be: (tick as appropriate)

- 2.1 Legally Compliant Yes No
- 2.2 Sound Yes No

Please read the Guidance Note for guidance on legal compliance and soundness.

If you have ticked no to 2.1, please continue to Q4.

If you have ticked no to 2.2, please continue to Q3.

If you have ticked yes to 2.1 and 2.2 please go to Q7.

3. Do you consider the Adur Local Plan to be unsound because it is not: (tick as appropriate)

- 3.1 Positively Prepared
- 3.2 Justified
- 3.3 Effective
- 3.4 Consistent with National Policy

4. If you consider the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

Unsound.

Policy 2

Map 1: site allocations

Shoreham airfield – Area 3

The Ricardos industrial site and its adjacent staff car park and also all the existing airfield buildings along the south side lie outside the principle BUAB boundary. As a result they have been excluded from delineation on map 1 'Site Allocations'. This gives a **misleading impression** of the expanse and unimpeded continuity of the green gap and fails to show that the gap is already seriously fragmented. In reality the open, unbroken expanse of the Green Gap is far smaller than this map would lead you to believe!

If Ricardos' sites are delineated, coupled with the proposed development area '3' it would be seen that the north east corner of the gap will be almost entirely isolated from the rest of the green gap except for the river passing between and further away from the rest of the gap than it is now.

(Continue on a separate sheet if necessary)

5. Please explain in the box below what change(s) you consider necessary to make the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording of any policy or supporting text. Please be as precise as possible).

To delineate the existing airfield buildings, Ricardos industrial site and staff car park using the brown colour in accordance with the map key.

This will prevent misinterpretation of the extent of the green gap that remains after the proposed developments and other recent 'nibbling' at the edges of the green gap which are gradually eroding its size, openness and unimpeded expanse.

6. If your representation concerns soundness or legal compliance and is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick as appropriate)

No, I wish to communicate through written representations

Yes, I wish to speak to the Inspector at the hearing sessions

Please note: The Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the hearing part of the examination.

7. If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.

8. Please tick if you do not wish to be informed of the following:

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When the recommendations from the Examination have been Published

When the Local Plan has been adopted

What happens next?

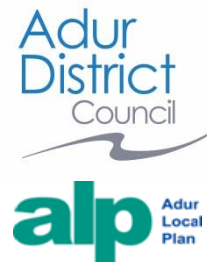
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Once this has happened, the Inspector will commence the examination and give notice of the start of the hearing sessions.

Interested parties will be informed of the start date of the hearing sessions and the matters to be considered.

Thank you for making representations.

Proposed Submission Adur Local Plan 2014



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You only need to complete this section once

Personal Details

First name	Timothy (Tim)	
Last name	Holter	
Organisation (where applicable)	Shoreham & District Ornithological Society	
Address line 1	[REDACTED]	
Address line 2	[REDACTED]	
Address line 3	[REDACTED]	
Post Code	[REDACTED]	Telephone [REDACTED]
Email address	[REDACTED]	

Agent's Details (if applicable)

First name		
Last name		
Organisation		
Job Title		
Address line 1		
Address line 2		
Address line 3		
Post Code		Telephone
Email address		

Part B – Representation

Please use separate sheets for each representation

1. Which part of the Adur Local Plan does this representation relate to?

Policy No.	<input type="text" value="7"/>	Paragraph No.	<input type="text" value="2.76, 2.84, 2.85"/>
Map	<input type="text" value="4"/>	Other section (please specify)	<input type="text" value="Ecological Reports
and maps therein"/>

2. Do you consider the Adur Local Plan to be: (tick as appropriate)

- 2.1 Legally Compliant Yes No
- 2.2 Sound Yes No

Please read the Guidance Note for guidance on legal compliance and soundness.

If you have ticked no to 2.1, please continue to Q4.

If you have ticked no to 2.2, please continue to Q3.

If you have ticked yes to 2.1 and 2.2 please go to Q7.

3. Do you consider the Adur Local Plan to be unsound because it is not: (tick as appropriate)

- 3.1 Positively Prepared
- 3.2 Justified
- 3.3 Effective
- 3.4 Consistent with National Policy

4. If you consider the Adur Local Plan to be unsound or not legally compliant, please explain why in the box below:

Area 3 (*Map 1: site allocations map P 24 of Part Two*)

15,000 sq. mtrs. Allocated to 'employment space' in the north eastern corner of Shoreham Airport.

Unsound selection of site for development.

With over-wintering Regionally (Sussex) important numbers of BAP red-listed Lapwings roosting/loafing/foraging activities concentrated in this least busy and least disturbed riverine corner of the airfield, ornithologically this is the worst possible place for a development proposal of any location that could have been selected around or near the airfield.

Ecology within the airfield that could be damaged is sparse apart from the airfield's riverine ornithological value in which respect the worst possible decision has been made in selecting Area 3 for development.

Research which ought to have supported this claim is either flawed or has not been conducted as recommended by Shiels Flynn the ecological consultants.

Shiels Flynn's Ecological Report conducted in Summer 2012 expresses the likelihood of this riverine grassland having over-wintering habitat of importance to birds and particularly red-listed Lapwings. They also refer to the 'supporting role' function of the habitat in relation to the Adur Estuary SSSI.

The Ecological Report recommends further research regarding wintering birds and the SSSI relationship. A further clue in this respect is in an RSPB letter of 31st October 2012.

As a result of not pursuing further relevant and accurate research, despite the good intentions in respect of ecology expressed in the 'vision' sections of the plan, the damaging ornithological implications of this development choice have not been revealed and therefore not taken into consideration. After further research/surveys the Ecological Reports submitted would require amendment in several places. Most particularly this affects the site recommendations made within the Ecological Report which, as a consequence, may not recommend Area 3 as a possibility for development. Also this would render the Local Plan Policy 7: paragraphs 2.76 and 2.84 below incorrect.

Please see comment below concerning incorrect evidence supplied by the Sussex Biodiversity Records Centre which possibly influenced the decision to not obtain further surveys.

Besides the RSPB letter, resort to information available from the British Trust for Ornithology would have revealed the wetland birds issue. BTO's records are estuary wide or based on one kilometre squares so it would be necessary to drill down to a local information level for the precise impact on the airfield and the 15,000 sq.mtrs. area concerned. This could be provided by the BTO monthly

WeBS count volunteer which is me since early 2013 and Jim Glover, an RSPB official, for the preceding 25 years who has offered to confirm in writing. (I did make a representation in the previous rounds)

Inclusion of Shiels Flynn's Ecological Reports within the plan without amendment to include over-wintering usage of Area 3; its relationship to the SSSI and presence of Regional (Sussex) important numbers of red-listed Lapwings in winter presents a misleading/inaccurate picture of the ecological/ornithological impact rendering the Local Plan **very unsound**.

Alternative and less damaging 'employment floor space' areas are possible elsewhere around or near the airfield.(see section 5)

The Plan paragraphs etc. concerned and our comments follow and then summarising comment:

Policy 7:

General:

Para 2.85: Existing section 52 agreement.....restricting development. This will be amended.....

What is the value to the local community and environment of an agreement if the council can amend it to suit themselves or government requirements!

Amendment means development in areas previously protected that are sensitive to the impact on the Green Gap, landscape, historic character, visual impairment **and on ecology**.

para 2.76: There is potential for (the proposed development) without significant impact (on various sensitive characteristics)....

This paragraph omits biodiversity/natural environment but this is included under 'Key issues to be addressed':

Para 2.84: ...next to SSSI and 'MAY' provide a supporting role in terms of wintering/wading birds. It is essential that any development....does not impact on the SSSI ...and opportunities taken to improve the SSSI....and biodiversity within the airport itself.....

May is incorrect and both paragraphs would need alteration once recommended surveys are conducted. RSPB letter of 31 October 2012 confirms the winter presence of Lapwing.

The airfield, particularly the east side adjacent to the river, and principally the least disturbed north east corner, the subject of this representation, are important winter and high tide roosting, loafing and foraging areas for wetland birds. This natural riverine grassland habitat which is not included in any nature designations is next to Adur Estuary SSSI and has a supporting role relationship with it. Any development along the east side of the airfield will interfere with the supporting role relationship by placing obstacles between the two areas. I.e. placing obstacles in the wildlife corridor.

The specific importance of the north east corner for wintering wetland birds is not

revealed by evidence submitted within the plan and is, therefore, a **flaw** making the plan **unsound**.

Policy 7: Summary

Mitigation measures will be required. Opportunities for ecological enhancement should be sought....

Buffering and green roofing will apply to other locations but will not help with the Area 3 ornithological issue. I do not think that green roofs would be used by wetland birds that would normally use riverine arable/grassland and grazing meadows/grazing marsh.

Supporting evidence:

Landscape & Ecology Study

**Landscape & Ecological Surveys of Key Sites within the Adur District
Main Report (Sheils Flynn Nov 2012)**

4. Ecological Assessment

4.2 Priorities for conservation (Page 18/19)

*4th paragraph: Depending upon the significance of anticipated environmental effects....it may be necessary to seek... screening....**Environmental Impact Assessment....further surveys***

Pre-dating the Ecological report and included in the plan documents is an 'Adur Habitat Regulations Assessment(HRA) Sept 2011'. Also an addendum of September 2014.

These reports dismisses any need for **screening** in respect of sites with European designation: Ramsar, Special Areas of Conservation, Special Protection Areas. Such areas in Sussex are too far away to be affected by the local proposals.

What is needed and suggested in the Ecological Report are surveys concerning local impact as the Airfield is next to an SSSI. Not found therefore **unsound**

5. Indicative Development Principles (page 52)

5.1 Potential Allocation Sites

Shoreham Airport

Ecological Issues

*....the site is adjacent to....SSSI (nationally important....)...and **MAY** provide a supporting role in terms of wintering/wading birds. **MAY is incorrect.***

Figure 16d – map on page 55

See 2.84 above

The ecological green arrowed network links and comments are made without knowledge of the link with the airfield. Therefore inclusion without alteration is **unsound**

Development principles (page 56 last two bullet points)

The only parts of the site where development could be accommodated....

Of the areas suggested by Shiels Flynn subject to visual mitigation measures. Area 3 is the least attractive site as it is closely visible from Mill Hill (in the National Park) and riverbank public rights of way. Had further recommended

ornithological research been conducted, in view of the importance of this corner to birds and green roof mitigation unlikely to be helpful, it is possible that Shields Flynn would not have included this area for recommendation when other areas are possible locally. **This uncertainty renders the plan unsound.** Area 3 needs to be withdrawn for the ornithological reasons stated. **Inclusion unsound.**

Other alternative sites are mapped (see section 5 below)

Shoreham Airport Preliminary Ecological Appraisal Sheils Flynn (Sept 2012)

Records of Protected and BAP Species (page 14)

3.8 SxBRC ...supplied records...within 2 km...

I have not seen the 2012 record provided but it may be just as misleading as a list in appendix 3 prepared in Nov 2013: 'Sussex Notable Bird List'. This appears to cover the whole of Sussex rather than the area of concern. Many of the listed birds may not usually be found around the lower Adur and do not nest there. However, regarding the bird of greatest concern in my representation due to the numbers present, **Lapwing**, the supplied record is entirely unhelpful and incorrect for our area. Firstly, I am not aware of breeding Lapwings in the immediate area. Secondly, and more importantly, this report does not record their winter presence in Adur. Whatever purpose these reports served is therefore **unsound and publication of the latter is questionable.**

Birds:

3.11, 3.12 & 3.13 lists birds reported. Please note that Gulls tend not to be reported as they are commonplace in this coastal location. However, throughout the year there can be large flocks loafing on the airfield, particularly in adverse weather and the **concentration is in the quiet north east corner.**

3.14:however, gull and wader species MAY potentially use the large area of grassland... for foraging, loafing and roosting during periods of high tide in the Adur estuary. 'May' is incorrect rendering reliance on this paragraph **unsound.** **Lapwing** present during the winter half of the year can be found on the airfield at high tide and may be present at other tidal heights.

Table 3 (page 19)

Breeding birdsGrassland MAY provide a supporting role...over-wintering species...in particular Lapwing.

MAY is incorrect as above. **Unsound**

Table 4 (page 22)

Features of district importance: Improved grassland ... provides ...roosting etc...over-winter and during high tide periods for wading species associated with Adur Estuary SSSI, such as Lapwing..... Further surveys will also help to determine the degree of support ...to...SSSI.

footnote 9, draws upon the BTO monthly Wetland Birds Surveys (WeBS), provided by Paul James of Sussex Ornithological Society. This reveals the Lapwing population in the Adur Estuary reporting area is of Regional

(Sussex) importance. Without local consultation Paul James would be unable to confirm this applies to the airfield or Area 3 specifically.

Other waders and wetland birds besides Lapwing can also be found in the airfield roosts over-winter and during severe weather conditions.

Evaluation Summary (page 27)

*4.7: The site assumes its greatest ecological value by providing a secondary and supporting role to the adjacent Adur Estuary SSSI.....Lapwing..... **a further survey** will help determine the importance this supporting role has in terms of the integrity of Adur Estuary SSSI.*

Other evidence (i.e. not found within the plan documents):

RSPB responded to the first consultation. Their 31 October 2012 letter is attached. This confirms the winter presence of red-listed Lapwing. It also recommends reducing the original 30,000sq.mtrs proposal by half to a location in the south and *maintaining the (north end) grassland habitat that is currently of value to birds.*

West Sussex County Council information panel found locally

West Sussex County Council information panel on the Downslink long distance path east of The Old Toll Bridge and within 100 metres of the airfield's north eastern corner draws attention to the **over-wintering presence of Lapwings on the airfield** as a notable feature for the passer-by to observe.

Summary on behalf of Shoreham & District Ornithological Society

In the opinion of the Society, in the absence of specific ornithological surveys being conducted across the winter period (October to March) to confirm the probabilities alluded to by Sheils Flynn and confirmed by the RSPB letter coupled with a failure within the Local Plan to acknowledge or publish the existence of **regionally important numbers of Lapwing present**, let alone other waders and wetland birds, the plan as submitted is **unsound**.

The Sussex Biodiversity Records Centre record included is misleading and **should not be included** unless corrected.

It is **unsound** to include Shiels Flynn's reports without updating to show the correct ornithological status and reflect this in their choice of sites to recommend.

Further investigation would have revealed Area 3 to be the most valuable sector within the airfield for birds and must be saved from development and conserved in its riverine improved grassland state. It has an ornithological supporting role relationship with the adjacent river SSSI. It is the least disturbed part of the airfield and, as a result, the regular focus of roosting/foraging/loafing birds some of regional importance. This is not confirmed within the Local Plan. **Unsound.**

Perhaps it could be said there is plenty more airfield grassland left for the Lapwings and other species. The other areas are busy with airfield operations and would be even busier and even more prone to disturbance if the total open grassland area is reduced/concentrated beside the increased activity stemming from new development. If the remaining birds including the numerous starlings were forced to concentrate elsewhere than the north eastern corner this could result in **an aviation problem** of more regular occurrence than now.

Contrary to County Council highlighting the Lapwing presence It seems the local councils concerned with this site and plan may be casting a blind eye to the ornithological concerns.

5 Please explain in the box below what change(s) you consider necessary to make the Adur Local Plan legally compliant and sound having regard to the reason you identified above.

(You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested or revised wording of any policy or supporting text. Please be as precise as possible).

Soundness:

Conduct additional ecological surveys to include local consultation concerning the ornithological and SSSI related unacceptable development proposals for this North East corner of the airfield.

Publish an amended Ecological Report within the plan and reflect the findings within the main plan documents.

Withdraw the proposal for Area 3 from the Local Plan.

Locate new 'employment space' elsewhere on the edge of the built up area. Shiels Flynn's Ecological Report in figure 16f (page 58) maps two alternative locations for development considered as possibly acceptable in a visual context subject to mitigation by 'greening' methods:

- Land north of the airfield between Ricardos staff car park and the A27 which may appeal to Ricardos for expansion. Subject to a survey this is unlikely to impact upon wetland birds.
- Land in the south eastern corner next to existing airport buildings, a southern portion of the original 30,000sq.mtrs proposal (as RSPB letter). This is adjacent to the SSSI so not ideal but is next to the busiest part of the airport. This is the worst case alternative.

There must be other less ornithologically detrimental alternatives along the southern and western sides of the Green Gap bordering the existing built up area although those with other issues to support may object.

(Observation!: Any alternative outside the airfield boundary will probably not suit either Brighton & Hove and Worthing Councils who are freehold owners of the airfield or Adur Council as I believe they will both wish to be in a position to approve planning permission for the speculative property developer owner of leasehold title to the airfield. The development profit will fund repairs to the rapidly decaying grade two listed Art Deco terminal building which is an obligation under the terms of the lease acquired for a nominal sum and subject to a £1million default clause in respect of the repairs.

The councils appear to be in a strangle-hold over this issue as the problem could fall back on them upon default and insolvency.

Is this vested interest unjustifiably influencing these Councils' wish to create development opportunities within the airfield and contrary to the section 52 agreement?)

6 If your representation concerns soundness or legal compliance and is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick as appropriate)

No, I wish to communicate through written representations

Yes, I wish to speak to the Inspector at the hearing sessions

Please note: The Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the hearing part of the examination.

7. If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.

I am willing to attend a hearing if necessary.

8. Please tick if you do not wish to be informed of the following:

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Interested parties will be informed of the start date of the hearing sessions and the matters to be considered.

Thank you for making representations.



nature's voice

The Planning Policy Team
Room 219
Adur District Council
Ham Road
Shoreham by Sea
BN43 6PR

31 October 2012

Dear Sir/Madam

Draft Adur Local Plan

Thank you for consulting the RSPB on the draft Local Plan for Adur district.

The RSPB has the following comments to make on the policy for Shoreham Airport:

Page 61-63 – Paragraph 2.87-2.89 and Map 13 – Draft Policy 7: Shoreham Airport

The RSPB is concerned about the scale of the proposed development at Shoreham Airport and potential impacts on the Adur Estuary Site of Special Scientific Interest (SSSI). Whilst the RSPB recognises that Map 13 represents only an indicative allocation, we **object** to the redline area running the length of the airport's boundary with the river, and to it being so close to the river. Development in this area would result in this stretch of the river becoming enclosed by development on both sides, harming the currently open character of the area, and potentially reducing its value for birds.

Paragraph 2.85 refers to the Environment Agency's Tidal Walls project, which the RSPB has been involved with. The Tidal Walls project proposes realigning the river wall by a small amount to widen the strip of saltmarsh. This was required to compensate for predicted losses elsewhere in the estuary due to climate change and sea level rise. Therefore the scheme in this reach simply represents no net loss of habitat, rather than a habitat gain. More ambitious managed realignment in this area was rejected at the early stages of discussion due to constraints including the footpath and pill boxes, but not least because of the airport's aspirations for development. The RSPB is concerned that the indicative redline area precludes further managed realignment should this be necessary in the future, if sea level rises are greater than predicted.

Furthermore, the airport grassed area is currently used by birds, including breeding skylarks and feeding lapwings in the winter. Therefore, loss of this habitat will affect these species which are red-listed as they have suffered large declines.

The RSPB **recommends** amending the policy and indicative redline area on Map 13 to reduce the size of development and locate it to the south of the site. This would ensure the open character to the north of the

South East England
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1st Floor Pavilion View
19 New Road
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BN1 1UF

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Tel [REDACTED]
Fax [REDACTED]
www.rspb.org.uk



site is retained and enable managed realignment to go ahead in the future if necessary, whilst maintaining the grassland habitat that is currently of value to birds.

I hope these comments are helpful. If you require any further information, please get in touch ([REDACTED]).

Yours faithfully

[REDACTED]

Alison Giacomelli
Conservation Officer (Sussex & Surrey)