

**ISSUE 11: GREEN INFRASTRUCTURE, BIODIVERSITY AND OPEN SPACE
(POLICIES 31-33)**

- 11.1 Are all the requirements of policy 31 (Green Infrastructure) reasonable, justified and in accordance with current national advice?**
- 11.1.1 Yes, all the requirements of Policy 31 (Green Infrastructure) are reasonable, justified and in accordance with current national advice. The policy seeks to deliver Vision V7 and V11, and objectives O6 and O7 of the Submission Adur Local Plan (CD07/1).
- 11.1.2 Policy 31 seeks to protect and enhance green infrastructure and improve access to it. It also sets out the requirement for new development to incorporate elements of green infrastructure into their overall design and/or enhance the quality of existing green infrastructure as appropriate. The policy goes on to state that the Council will work with relevant partners and developers to facilitate the creation of an integrated network of green infrastructure within and beyond Adur, and that the Council will produce a Green Infrastructure Strategy which major development will need to comply with.
- 11.1.3 The final paragraph of the policy states that the Council will support and encourage the planting of trees and that Tree Preservation Orders will be made where relevant. This is considered justified as trees are an integral part of the green infrastructure network and provide valuable ecosystem services as well as making an important visual contribution to the district.
- 11.1.4 The policy has been assessed by the Adur Whole Plan Viability and Community Infrastructure Levy Assessment 2016 (CD24/11). This identifies any costs arising from this policy as falling within construction allowances (strategic site policies have specific green infrastructure requirements factored into the appraisals); as a result no adverse viability effects have been identified arising from this policy.
- 11.1.5 This policy complies with para 114 of the National Planning Policy Framework (NPPF) (CD01/1) which states that planning authorities should plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. Such a policy is therefore reasonable, as it is deliverable, consistent with the NPPF and justified.
- 11.1.6 It is noted that Sussex Wildlife Trust, in their response to the Inspector (REP-025-001), expressed concern that the Council had removed their commitment to delivering a Green Infrastructure Supplementary Planning

Document within the policy wording. However, the Council is still committed to a Green Infrastructure SPD as stated in paragraph 4.95 of the Submission Adur Local Plan (CD07/01) and as confirmed in the Council's Local Development Scheme (CD07/20).

11.2 Are all the requirements of policy 32 (Biodiversity) reasonable, justified and in accordance with current national advice?

11.2.1 Yes, all the requirements of policy 32 (Biodiversity) are reasonable, justified and in accordance with current national advice. The policy seeks to deliver Vision V7 and V11, and objectives O6 and O7.

11.2.2 The first paragraph of Policy 32 states that new development should ensure the protection, conservation, and where possible, enhancement of biodiversity, including nationally and locally designated sites, Biodiversity Opportunity Areas (BOAs), marine habitats and other Biodiversity Action Plan (BAP) habitat areas, wildlife corridors, and protected and priority species. The policy also sets out the requirement for avoidance, mitigation and compensation of harm.

11.2.3 The second paragraph of the policy makes clear that development which would adversely affect a SSSI will not normally be permitted, except in exceptional circumstances where benefits clearly outweigh negative impacts. The third paragraph sets out a similar approach to local designations.

11.2.4 This policy complies with the following paragraphs of the NPPF:

- Paragraph 109 which states that 'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.'
- Paragraph 113 which states that 'distinctions should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'
- Paragraph 118 which states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- 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;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. 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.

11.3 Are all the requirements of policy 33 (Open Space, Recreation and Leisure) reasonable, justified and in accordance with current national advice?

- 11.3.1 Yes, all the requirements of Policy 33 (Open Space, Recreation and Leisure) are reasonable, justified and in accordance with current national advice. The policy seeks to deliver Vision V2, V4, V7 and V11; and objectives O2 and O6.
- 11.3.2 Following comments received from Sport England (Representation 1) on this policy through the consultation on the Proposed Submission Adur Local Plan 2014 (CD04/1), the Council worked collaboratively with Sport England to amend the policy to make it more robust and bring it in line with the NPPF.
- 11.3.3 The first paragraph of policy 33 requires major development for residential use to provide open space on site in accordance with the Council's adopted standards, and where it is not possible or necessary to provide open space on site, contributions will be required to provide or improve open space off-site. The Council's adopted open space standards have been informed by an up to date Open Space Study (KKP, 2014) (CD20/1 & CD20/2). Both the Council and KKP worked together with Sport England during the production of this open space assessment.
- 11.3.4 The policy also states that the loss of existing open space or sports and recreation buildings/facilities will be resisted unless a number of criteria can be met. These criteria reflect paragraph 73 of the NPPF.

- 11.3.5 The third paragraph of this policy allows for the development of open space for essential infrastructure in special circumstances where the benefit outweighs the loss, as requested by Southern Water in their comments on the Revised Draft Adur Local Plan 2013. However, alternative provision would still need to be made, in line with representations made by Sport England.
- 11.3.6 The final paragraph of the policy supports proposals for built sports facilities and formal sports provision and seeks financial contributions for such facilities from new development. It should be noted that this policy is complemented by Policy 6: Land at West Sompting which requires the West Sompting allocation to provide playing pitches to meet Adur's pitch needs (see the response to Issue 4 for more information).
- 11.3.7 The policy has been assessed by the Adur Whole Plan Viability and Community Infrastructure Levy Assessment 2016 (CD24/11) which has determined that any costs arising from this policy fall within construction cost allowances. As a result this policy is considered to be viable and deliverable.
- 11.3.8 Objections have been raised by the Home Builders Federation (Representation No. 71), stating that new open space provision cannot be justified while the Council is not able to meet its full Objectively Assessed Need (OAN) for housing. However, the Council considers that regardless of the shortfall in delivering the OAN requirement for housing within the Adur Local Plan area, there is still a need to promote healthy communities in line with chapter 8 of the NPPF, and the need for housing does not override the need for other requirements that create a sustainable, healthy community.