



Sussex
Wildlife Trust

Mr C Banks
Banks Solutions
64 Lavinia Way
East Preston
West Sussex
BN16 1EF

Contact: Laura Brook
Direct Dial: 01273 497508
E-mail: swtconservation@sussexwt.org.uk
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Dear Mr Banks

The following statement is made on behalf of the Sussex Wildlife Trust in relation to the Independent Examination of the Shoreham Harbour Joint Area Action Plan.

The following comments are made in relation to the questions raised by the Inspector. Comments from our previous consultation responses still stand.

This statement contains responses to questions 43, 44 and 45 under Matter 6.

If necessary the Sussex Wildlife Trust wishes to participate in the hearing sessions for the Matters listed above.

Yours sincerely

Laura Brook
Conservation Officer

Woods Mill, Henfield, West Sussex, BN5 9SD
01273 492 630 | enquiries@sussexwt.org.uk | sussexwildlifetrust.org.uk

Chairman: Carole Nicholson Chief Executive: Tor Lawrence

Representor 10 - Sussex Wildlife Trust
Matter 6

Question 43. Would the councils' proposed modification MM7 enable the plan to make appropriate reference to compensatory actions, where adverse impacts on the biodiversity cannot be avoided or mitigated, including in relation to compensatory habitat? How are the Councils' seeking to resolve constraints in identifying appropriate compensatory habitat?

We support modification MM7 which proposes that compensatory habitat should be like for like, this recognises the importance of irreplaceable/priority habitats such as saltmarsh which is present in the Adur Estuary. It also recognises the importance of compensatory habitat for irreplaceable habitats as recognised under paragraph 118 of the National Planning Policy Framework (NPPF) (2012).

Following the adoption of the Shoreham JAAP future planning applications will be determined against the revised NPPF (2018). The revised NPPF (2018) now specifically lists Salt Marsh as an irreplaceable habitat. Therefore the council should ensure that the mitigation hierarchy is implemented as stated under paragraph 118 NPPF (2012).

At the current time, no evidence has been presented to say that there is no opportunity to deliver compensatory habitat, in relation to intertidal habitats. We are not aware of a strategy in place to identify constraints or opportunities for compensatory habitat delivery. Given that we have already seen a number of applications come forward for the Western Harbour Arm that have proposed losses in intertidal habitat, we feel it is imperative that a consistent and practical strategy is drawn up to address this to enable sustainable development.

We encourage the Shoreham JAAP partnership to ensure that they prioritise the production of a strategy to identify the opportunities for delivering compensatory habitat. The input of statutory consultees will be vital to guarantee a consistent approach to conditions and that mechanism for delivery can be identified and implemented. By pursuing this approach there will also be an identified route for aiding the fulfilment of The Western Harbour Arm Policy CA7 (17)

"Management agreements should be included as part of the planning application for sites of compensatory habitat to ensure the long term integrity for wildlife benefit."

Representor 10 - Sussex Wildlife Trust
Matter 6

Question 44 To be effective, having regard to the councils' proposed modifications MIN61 and MIN68, is it necessary for Policy CA4(2) to refer to the delivery of proposed enhancements to vegetated shingle and further habitat creation at Portslade and Southwick beaches, and for Policy SH7(4) to specify an approach for the assessment of the biodiversity impacts of development proposals?

Policy SH7 covers the entire plan area and therefore a range of habitat types and qualities, we see the need for the inclusion of MIN60 to ensure the policy highlights the need for up to date ecological information to inform planning applications, in line with the NPPF Paragraph 165

" Planning policies and decisions should be based on up-to-date information about the natural environment ..."

We do not see the need to be more prescriptive over the type of assessment required within policy SH7(4), unless this issues is raised by statutory consultees for the environment. The policy could however, benefit from offering clarity in a footnote by stating that ecological reports should be produced in line with the British Standards on Biodiversity BS42020, CIEEM technical guidance (and subsequent revisions) and protected species/habitat guidelines.

In relation to MIN68 we feel that in inclusion of the term **deliver** in policy CA4(2) in reference to vegetated shingle is appropriate and reflects the JAAP commitment to the natural environment.

Vegetated Shingle is a priority habitat as recognised in the NERC Act 2006 (section 41). Southwick and Portslade beaches sit on a coastline that is peppered with sites that are recognised for the internationally important habitat of vegetated shingle.

The area covered by policy CA4 sits within the area UNESCO designated as the Brighton and Lewes Downs Biosphere Reserve in 2014.

Further to this the Shoreham JAAP states in section 1.10.10

Shoreham Harbour Joint Area Action Plan will enable the delivery of a high quality, exemplar, mixed-use sustainable development and improved environmental quality. This includes:

- *a comprehensive flood defence solution*
- *development that reduces car ownership and promotes sustainable modes of transport*
- *Improved green infrastructure and access to open spaces*
- *Provision of enhanced public realm along the river frontage*
- *Policies in the emerging Adur Local Plan and Joint Area Action Plan that recognise the need to enhance green corridors and improve ecological connectivity.*

Objective 7 of the Shoreham JAAP also states

To add to the natural capital of the Shoreham Harbour Regeneration Area by delivering net gains to biodiversity and a multifunctional green infrastructure network.

Representor 10 - Sussex Wildlife Trust
Matter 6

Question 45. Policy SH8 (1) requires development proposals to provide high quality multifunctional public open space or green infrastructure on site. Would the delivery of this requirement for all development proposals be reasonable achieved?

We do believe that this is a deliverable requirement for all development proposals. What the policy proposes is high quality public open space or green infrastructure not the scale or amount delivered. What should be highlighted is the term high quality, the delivery can be achieved on a range of scales and therefore should not be considered onerous or prohibitive to development.

The National Planning Policy Guidance (NPPG) defines green infrastructure as:

Green infrastructure is a network of multifunctional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

Green infrastructure is not simply an alternative description for conventional open space. As a network it includes parks, open spaces, playing fields, woodlands, but also street trees, allotments and private gardens. It can also include streams, canals and other water bodies and features such as green roofs and walls.

(Paragraph: 027 Reference ID: 8-027-2160211)

As demonstrated in the government's own description, there are a range of elements and scales to green infrastructure, making it achievable for all developments to consider how their proposal can deliver towards the Shoreham JAAP green infrastructure/open space requirements.

Further to this the NPPG states

Green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water

(Paragraph: 028 Reference ID: 8-028-20160211)

Therefore we see the value of this policy requirement to aid sustainable development and support its' continued inclusion in the plan.