

Dear Mr Banks

The following statements are made on behalf of Sussex Wildlife Trust (Rep SDWLP-57) in relation to the Worthing Local Plan Examination in Public (Nov 21).

This statement contains written responses to Matters 1, 2, 5 & 11. Although we will be present for Matter 2 (Issue 3) we have not produced further written representations and will rely on our Regulation 19 response.

It is Sussex Wildlife Trust's intention to be present at the Examination in Public for all the matters highlighted above as indicated in the draft programme.

Yours sincerely

Laura Brook
Conservation Officer
Sussex Wildlife Trust

Matter 1: Legal Compliance and General Matters

Issue 3: General Matters

Monitoring

Q10. *To be effective, should the WLP incorporate the Monitoring Framework, as currently set out in Topic Paper 3 [CD/H/18]?*

Sussex Wildlife Trust believe that the Monitoring Framework suggested should more clearly stipulate that it will monitor the percentage of biodiversity net gain each site delivers. This would be in line with section 179(b) of the National Planning Policy Framework (NPPF) 2021. This would also help to identify the effectiveness of the policies within the plan to deliver the 10-20% biodiversity net gain as indicated in the Biodiversity Policy DM18.

Matter 2 – Broad Spatial Strategy and Strategic Policies

Issue 1: Whether the spatial strategy of the WLP has been positively prepared, is justified, effective and will enable the delivery of sustainable development in accordance with national policy?

Q19. Is the WLP effective in the provision of infrastructure and local services to meet future development needs, in particular, those relating to education, transport, health and green infrastructure?

Although we note that the supporting text and policy for green infrastructure (GI) states that the council will produce a Green Infrastructure Strategy we're unclear if this will translate into a commitment of a SPD.

Sussex Wildlife Trust (SWT) are concerned that the WLP as it stands fails to clearly highlight the opportunities to deliver GI on many of its urban brownfield sites. Whilst we recognise the importance of minimising repetition within Local Plans and policies, we do believe it is important for clarity that the overarching requirements are clearly expressed for the allocations, whilst detail of what that means can be clarified in the DM policies. We made a number of recommendations under our Regulation 19 submission that we feel should be included to ensure that a clear requirement to deliver GI on the allocations was acknowledged.

Issue 2: Whether Policies SP1, SP2 and SP3 are justified, positively prepared, effective and consistent with national policy?

Q 22. Is Policy SP2 justified, effective and consistent with national policy? What is the justification for suggested modifications M2 and M3 and are they necessary for soundness?

Sussex Wildlife Trust (SWT) proposed modifications **M2** and **M3** via our Regulation 19 response.

M2 is proposed in the supporting text and is in line with the National Planning Policy Guidance Paragraph: 005 Reference ID: 6-005-20140306 in which it states that;

The impact of climate change needs to be taken into account in a realistic way. In doing so, local planning authorities will want to consider:

- *identifying no or low cost responses to climate risks that also deliver other benefits, such as green infrastructure that improves adaptation, biodiversity and amenity*

M3 is proposed within the policy wording and is in line with para 179(a) of the National Planning Policy Framework 2021. We also make reference to National Planning Policy Guidance Paragraph: 010 Reference ID: 8-010-20190721 which indicates that:

Planning authorities and neighbourhood planning bodies can work collaboratively with other partners, including [Local Nature Partnerships](#), to develop and deliver a strategic approach to protecting and improving the natural environment based on local priorities and evidence. Equally, they need to consider the opportunities that individual development proposals may provide to conserve and enhance biodiversity and geodiversity, and contribute to habitat connectivity in the wider area (including as part of the Nature Recovery Network).

In this context, it is useful to consider:

- *the latest government policies that are relevant, including the commitments in the [25 Year Environment Plan](#);*
- *areas identified by national or local partnerships with potential for habitat enhancement or restoration, including those necessary to help biodiversity adapt to climate change or which could assist with the habitat shifts and species migrations arising from climate change;*

Further to this Paragraph: 011 Reference ID: 8-011-20190721 states that;

Relevant evidence in identifying and mapping local ecological networks can include:

- *areas identified by national or local partnerships with potential for habitat enhancement or restoration, including those necessary to help biodiversity adapt to climate change or which could assist with the habitat shifts and species migrations arising from climate change;*

Therefore considering the information stated, SWT believe the modifications suggested are required in order to be sound and to ensure that the timeframe in which this plan sits is progressive, relevant and has a fit for purpose policy.

Matter 5 – Site Allocations

Issue: Whether the proposed site allocations are justified taking into account the reasonable alternatives, positively prepared in meeting the area’s development needs, effective in terms of deliverability over the plan period and consistent with national policy in enabling sustainable development?

General Site Matters

The following questions are relevant to all sites. However, there is no need for the Council or respondents to address each ‘general’ question if not considered necessary or relevant. However, if the Council wishes to address these matters raised more generally then that would be helpful. The questions below will however provide an indication of the types of issues likely to be discussed in the site-specific hearings.

Q89 *Is there any substantive evidence to suggest the site should not be allocated based on one or more of the following factors?:*

- *biodiversity, in particular but not restricted to protected habitats and species;*
- *green infrastructure or agricultural land;*
- *landscape quality and character;*
- *heritage assets;*
- *strategic and local infrastructure including transport;*
- *the efficient operation of the transport network and/or highway safety.*
- *contamination, air and water quality, noise pollution, odours, land stability, groundwater and flood risk;*
- *open space, recreational facilities and public rights of way;*
- *viability and delivery.*

Biodiversity

Sussex Wildlife Trust remains concerned that greenfield site **A13 (Titnore Woods)** has progressed from an omission site in the Regulation 18 to an allocation in the Regulation 19 and subsequent submission version of the plan. This comment is made in the context of biodiversity impacts and the information presented in the Regulation 18 plan. This presented the omission site with justifications as why the site is not suitable for development, this included the following points;

It is not been demonstrated that residential development would not result in the loss or deterioration of ancient woodland (an irreplaceable habitat) or have a negative impact on the Local Wildlife Site

(In response to a proposed housing layout (126 dwellings) put forward by the land owner, the Council's Landscape consultant concluded that 'the scheme proposed would compromise the integrity of the internal woodland and hedgerow, and potentially reduce the screening potential of the roadside hedgerows. Any proposals should respect current Natural England standing advice with regard to ancient woodland. A less intensive land use than proposed may provide a more acceptable solution to the development of the site)

Sussex Wildlife Trust supported this conclusion and the site position as an omission site not suitable for development. We are therefore unclear why the site has progressed to a position of an allocated site when there will be direct land take of the Local Wildlife Site. This direct land take is acknowledged in the development requirements point (a). This sits in direct conflict with paragraph 179 of the National Planning Policy Framework (2021) and National Planning Policy Guidance Paragraph: 013 Reference ID: 8-013-20190721.

The concerns relating to the Local Wildlife Site are amplified when the cumulative impact of allocations A2, A6 and A13 are looked at together.

Please see our Regulation 19 submission and submission under Matter 5 question 193 for more detail.

We also wish to highlight our concerns relating to Allocation **A15 upper Brighton Road** this allocation is a greenfield site which has a winterbourne chalk stream which is a priority habitat and irreplaceable in nature. While the bullet points of the policy do state that the waterbodies will be enhanced. We are concerned that the wider impact of development and diffuse pollution will be detrimental to the habitat and those that it supports further downstream. The 15th October 2021 saw the publication of the national strategy for chalk streams by the CaBA [Chalk Stream Restoration Group](#) it is calling for chalk streams in England to be given enhanced environmental status.

***Q90** In relation to the above, do the site-specific policies contain effective safeguards or mitigation measures necessary to achieve an acceptable form of development? Are the site specific policies effective?*

We recognise that the council have incorporated wording to address some of the issues, however it remains that allocation A13 has wording in the development requirements (a) that highlights the loss of Local Wildlife Site to facilitate the development.

In general the effectiveness of the policy requirements for the above sites is difficult to judge in the realms of an indicative capacity and the arguments of viability on site allocations that invariably result in environmental requirements being lost in the delivery of the development. We highlight that the high number of requirements relating to the environment on these sites gives a small indication of their value and the potential for harm.

Site A6 – Fulbeck Avenue

Q109. Has full consideration been given to the impact of development on the Local Wildlife site?

Sussex Wildlife Trust (SWT) does not support the development of a greenfield site which could have significant impacts on the Titnore and Goring Woods Local Wildlife Site (LWS). As highlighted in our Regulation 19 response we are concerned that cumulative impacts on the ancient woodland with A2 and A13 do not appear to have been addressed.

SWT understands that the land currently has permission and sits next to another area that has been developed. Our records show that the site does have priority habitat of deciduous woodland upon it and it is clearly functionally linked with the adjacent LWS. As stated in our Regulation 19 response we would encourage the council to consider a masterplan for the potential sites in this area, so that if the sites progress the cumulative impact on the LWS are avoided.

We highlight that Paragraph: 013 Reference ID: 8-013-20190721 of the National Planning Policy guidance asks: How can plan-making bodies identify and safeguard Local Wildlife Sites and Local Geological Sites? The guidance included states that *National planning policy expects plans to identify and map these sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks.*

As stated previously we are unclear to the weight the site requirement section holds. While we acknowledge amendments to the policy have been made, we are concerned that bullet point G, could be far more appropriate in acknowledging the cumulative impacts of the three allocations (A2, A6 & A13) on the LWS. We do not feel that the bullet point currently provides sufficient clarity on what information would be required to ensure impacts are avoided on the LWS. Therefore we suggest that this allocation is not consistent with national policy; paragraph 174 of the National Planning Policy Framework (2019) as per our regulation 19 submission and now section 179(a) of the National Planning Policy Framework (2021).

Site A13 – Titnore Lane

Q 127. Will the provisions set out in the development requirements be effective in ensuring development would not have an unacceptable impact on Ancient Woodland, the Local Wildlife Site and the setting of the South Downs National Park?

Sussex Wildlife Trust does not support the development of this greenfield site. We do not believe the provision set out in the development requirements, will be sufficient to stop unacceptable impact on the Ancient Woodland and the Local Wildlife Site. This site was previously identified as an omission site by Worthing Borough Council and in our Regulation 18 response we supported Worthing Borough Council's position that the site was unacceptable for development due to:

It is not been demonstrated that residential development would not result in the loss or deterioration of ancient woodland (an irreplaceable habitat) or have a negative impact on the Local Wildlife Site

(In response to a proposed housing layout (126 dwellings) put forward by the land owner, the Council's Landscape consultant concluded that 'the scheme proposed would compromise the integrity of the internal woodland and hedgerow, and potentially reduce the screening potential of the roadside hedgerows. Any proposals should respect current Natural England standing advice with regard to ancient woodland. A less intensive land use than proposed may provide a more acceptable solution to the development of the site)

Following our Regulation 18 comments we were asked to submit further comments in relation to the omission site following further submissions from the developer which highlighted the potential layout. SWT maintain our position that we do not believe the site is suitable for development despite the reduce quantum proposed. We were therefore concerned to see the omission site progress to an allocation in the submission version of the WLP.

The allocation's development requirements highlight dissecting the LWS as set out in bullet point (a) for the purposes of internal access between the two parcels of land. This is direct loss of the LWS and is in direct conflict with the policy requirement of safeguarding LWS as set out in paragraph 179 of the National Planning Policy Framework (2021).

Although the development requirement will no doubt try to justify this, as it relates to a pylon line, this area should not be dismissed as not of value within the function and complex of the LWS, as these could well be functioning as an open glade. Further to this the specific land take of the access road must not be considered as the confines of the impacts on the LWS.

Planning Policy Guidance Paragraph: 013 Reference ID: 8-013-20190721 is clear that '*Locally designated 'Local Wildlife Sites' and 'Local Geological Sites' are areas of substantive nature conservation value and make an important contribution to ecological networks and nature's recovery*'. In addition it sets out that '*National planning policy expects plans to identify and map these sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks*'.

We also wish to reference our previous submission to question 109 and our concerns in relation to cumulative impacts on the Titnore and Gorrington Woods LWS complex from allocations A2 and A6

Matter 11 – Natural Environment, Green Infrastructure and Open Space

Issue: Are the policies relating to the natural environment, green infrastructure and open space provision justified, positively prepared, effective and consistent with national policy?

Biodiversity (Policy DM18)

Q193. Are the biodiversity net gain requirements set out in criterion h. justified? How will the Council 'encourage' developers to deliver 20% plus net gain on sites other than previously developed land? Is it clear how whether this is achievable will be assessed and what evidence will be required to be submitted?

Planning policy guidance (Paragraph: 022 Reference ID: 8-022-20190721) encourages net gains for biodiversity to be sought through planning policies and decisions. SWT believe that a target of 'minimum of 10% Biodiversity Net Gain' should be included in the policy to align with the forthcoming requirements of the Environment Bill. Sussex Wildlife Trust support recommended modification **M36** from Natural England which proposes to strongly encourage a 20%+ net gain on previously developed site. We highlight that Litchfield District have successfully adopted a SPD with a BNG target of 20%¹. The Surrey LNP have also evidenced and recommended the delivery of 20% biodiversity net gain for the planning sector².

By ensuring the 'minimum' wording is coupled with the 10% within the policy would also mean that there would be no conflict if 20% is evidenced to be achievable on all sites and therefore delivered at a later date via an SPD. Ensuring that developers have clarity in terms of minimum percentage required is essential to ensure that they can plan adequately for biodiversity at the earliest stages.

In terms of evidence required, the Biodiversity Policy (DM18) is clear in bullet point (a) that up to date information is required. Developers and their teams that submit applications will be very aware of the Defra Biodiversity Net Gain Metric. Therefore there should be no confusion on the information that is needed to support an application. However for clarity and to ensure that developers provide information to the council in a consistent manner for both validation and determination, the council could consider providing a check list/advice note for developers on the format that they require.

¹ Lichfield District Biodiversity & Development Supplementary Planning Document 2016

² https://surreynaturepartnership.files.wordpress.com/2020/11/recommendation-for-20-bng-in-surrey_snp-november2020_final.pdf

***Q194.** What is the justification for suggested modifications M35 and M36 and are they necessary for soundness?*

Sussex Wildlife Trust (SWT) proposed **M35** for reasons of soundness and clarity for developers due to the emerging nature of the topic of Biodiversity Net Gain.

Planning policy guidance is clear between the distinction of the mitigation hierarchy and net gain (Paragraph: 019 Reference ID:8-019-20190721 and Paragraph: 020 Reference ID:8-020-2019072). However it also provides guidance under section Paragraph: 024 Reference ID: 8-024-20190721 Biodiversity Net Gain does not override existing requirements, SWT recognise that Biodiversity Net Gain is an emerging area. SWT's Regulation 19 response proposed this amendment for clarity to ensure that the policy is sound in relation to the two distinct requirements as referenced in Para 179 & 180 of the National Planning Policy Framework.

Sussex Wildlife Trust support **M36** for the reasons stated in our answer question 193

Green Infrastructure (Policy DM19)

***Q195.** Does Policy DM19 defer important policy matters relating to Green Infrastructure to as the yet unpublished Green Infrastructure Strategy? Having regard to Regulations 5 and 6 of the Town and Country Planning (Local Planning) (England) Regulations 2012 should these matters be included in the Local Plan?*

Sussex Wildlife Trust would agree that the completion of the Green Infrastructure Strategy would have enabled the submission WLP to deliver more targeted Green Infrastructure action within certain policies of the WLP. Our Regulation 19 response stipulated the missed opportunities to incorporate more GI referencing within more urban allocations within the Centre of Worthing for example. However we also recognise the response from Worthing Borough Council to the inspectors initial questions that highlights the work they are doing in this field to further the Green Infrastructure Strategy and would expect that this collaborative working sits in line with the PPG Paragraph: 007 Reference ID: 8-007-20190721 and the emerging revised Green Infrastructure Standards from Natural England.