



Sussex
Wildlife Trust

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Mid Sussex District Council Local Plan Regulation 19 Consultation.

The Sussex Wildlife Trust (SWT) recognises the importance of a plan led system as opposed to a developer led process and supports Mid Sussex District Council's (MSDC's) desire to produce a cohesive Local Plan. Therefore, we hope that our comments to this Regulation 19 consultation are used constructively to make certain that this proposed submission plan properly plans to deliver an approach that protects and restores biodiversity to ensure a climate resilient landscape for a truly sustainable future.

Where we are proposing a change to policy or the supporting text, recommended additions are highlighted in **bold** and deletions are ~~struck through~~.

Chapter 8 Sustainability

DPS1 Climate Change

SWT is pleased to see the climate change policy has incorporated wording to reflect the emerging Local Nature Recovery Strategies, which is consistent with the Environment Act 2021.

DPS4: Flood Risk and Drainage

In our Regulation 18 consultation response, we expressed that SWT would like to see support for Natural Flood Management options within this policy to ensure consistency with section 167 of the National Planning Policy Framework (NPPF 2023). We suggested the following addition to the fourth paragraph under the sub heading of sustainable drainage:

*Surface water drainage should be sensitively designed and located, wherever possible, to promote the improvement of biodiversity, enhance landscape and create good quality spaces that improve public amenities. **Opportunities to incorporate Natural Flood Management and Nature Based Solutions into development will be supported.***

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Chapter 9 Natural Environment

DPN1: Biodiversity, Geodiversity and Nature Recovery

SWT remains supportive of this policy and its consistency with national policy NPPF 2023 & Environment Act 2021.

DPN2: Biodiversity Net Gain

SWT is encouraged to see that our amendments to the supporting text made in the Regulation 18 consultation have been incorporated.

In our Regulation 18 response we stated that the commitment to identifying and delivering 20% Biodiversity Net Gain (BNG) is strongly supported. The approach to identify 20% BNG for some sites has already been adopted in the Worthing Local Plan. SWT feels it would be beneficial for the policies DPSC1, DPSC2 & DPSC3 to reference this commitment to delivering a higher percentage in their policy requirements for clarity. SWT notes that the Regulation 19 submission has addressed this with the addition of policy DPSC GEN: Significant Site Requirements, which indicates under bullet point 12:

'Secure a minimum biodiversity net gain of 20% to be demonstrated through a Biodiversity Gain Plan which sets out how net gains for biodiversity will be achieved, secured and managed appropriately taking into account the Council's objectives and priorities for biodiversity net gain and nature recovery.'

SWT supports the steps to provide clarity on BNG requirements for these policies.

DPN3: Green Infrastructure

SWT supports the inclusion of the Green Infrastructure policy and the information provided in the supporting text. We feel that the identification of sites in the plan and within the policies map demonstrates a commitment to mapping green infrastructure as stipulated in paragraph 185 of the NPPF 2023.

DPN4: Trees, Woodland and Hedgerows

We're supportive of the inclusion of this policy. We note that MSDC has taken on board our comments in relation to referencing soils and their condition in the policy wording, this is consistent with section 180 of the NPPF 2023.

CHAPTER 15 SUSTAINABLE COMMUNITITES

SWT's Regulation 18 response highlighted our concern that the evidence base supporting these allocations was not sufficient to demonstrate consistency with the NPPF and the requirement to provide truly sustainable development. These concerns remain, given the lack of ecological information provided against which to assess the suitability of the proposed allocations.

As a minimum, preliminary ecological appraisals of the potential strategic allocations should be provided. However, we can see no consistent approach to this when considering the evidence base information available on the MSDC website.

We wish to highlight that the absence of ecological information for site allocations makes it difficult to determine if the proceeding plan is consistent with section 185 of the NPPF 2023. Please note an absence of comment does not mean an absence of threat or harm to the environment from the proposals.

DPSC1: Land to the West of Burgess Hill /North of Hurstpierpoint

This site contains designated ancient woodland, tributaries of the River Adur, hedgerows and several ponds. It also includes Malthouse Lane Notable Road Verge and very significantly some extremely rare mature and mixed aged Black Poplar that must be protected. There appears to be some traditional orchard priority habitat and the site sits in the Burgess Hill Green Crescent Biodiversity Opportunity Area. This means the site is likely to be a key area within emerging Local Nature Recovery Strategies and its potential to provide opportunities to recover nature. Aerial photos show large areas of grassland, possibly unimproved meadows, and more scrubby areas e.g. Pangdean Lane meadows and Malthouse Lane meadows. There are also significant species records for Barn Owl, Nightingale, bats and fish e.g. Eel and Brown Trout. The site looks to have a mosaic of habitats which cumulatively are likely to be quite valuable, especially compared to the arable fields to the west and the housing to the east. Ecological connectivity is clearly very important across this site. Detailed surveys are required to assess the quality of the habitats, particularly the grasslands. Given then that this is not provided we are unable to determine if this allocation is consistent with section 185 NPPF (2023) and hence suitable for allocation.

The policy requirements have not reflected the importance of potential impacts to the biodiversity highlighted in our commentary above.

We proposed the following amendment to bullet point 9 of the policy requirements:

9. Address Avoid any *direct or indirect* impacts associated with areas of Ancient Woodland and Veteran Trees (on and adjacent to the site) including Northend Copse, Jackson's Pit and Parson's Withes which will be excluded from development.

DPSC2: Land at Crabbet Park

The site is adjacent to Oaken Wood, Stony Plats & High Lines Local Wildlife Site (LWS) and within the High Weald AONB. Given its position overlapping the AONB boundary, we strongly recommend advice is sought from the High Weald AONB Unit and consideration is given to the High Weald Management Plan. As well as being adjacent to ancient woodland LWS, the site contains large sections of ancient woodland, watercourses and ponds. Aerial photography also appears to show open grassland with large standard trees and hedgerow. We are unable to advise on specific impacts without ecological surveys and further information on the proposal, and therefore we are unclear whether the allocation is consistent with section 185 of the NPPF 2023. However, the following should be considered:

- Impacts of disturbance of the LWS and Ancient Woodland arising from people and domestic pets
- Impacts of hydrology resulting from development given the Ghyll Woodland within the LWS
- Impacts of light and noise pollution
- The need for appropriate buffers to Ancient Woodland

The site is also adjacent to Worth Forest Biodiversity Opportunity Area, which is likely to be a key area within emerging Local Nature Recovery Strategies in terms of potential to recover nature. The watercourses, hedges and linear woodlands will feature as corridors and be important for connectivity. As a basic principle, these would need to be retained, significantly buffered and enhanced and this should be reflected in the policy requirements.

To ensure consistency with national policy (section 186c of the NPPF 2023) we propose as a minimum that bullet point 9 is amended to read:

*9. ~~Address~~ **Avoid** any **direct or indirect** impacts associated with ancient woodland (on and adjacent to the site) including Burleys Wood, Drivers Wood, Old Hollow Wood, Brewhouse Wood, Hotel Wood, Layhouse Wood, Compasses Wood and Horsepasture Wood which will be excluded from development.*

Further to this, an additional bullet point should be included to ensure that the importance of the site's apparent linear features is recognised. This is consistent with section 185 of the NPPF 2023. We propose an additional bullet point to read:

Retain and restore linear habitat features, including but not limited to watercourses, hedges and linear woodlands, which are functioning as corridors and are providing connectivity both on site and in the wider landscape.

Growth and vision for Sayers Common

We are pleased to see MSDC has considered our comments relating to how previously the cumulative impacts of a number of allocations were unclear from the way the allocations were depicted in the local plan document. However, we remain unclear how MSDC has considered cumulative impacts to biodiversity from the additional 2,393 dwellings for Sayers Common?

DPSC3: Land to the South of Reeds Lane, Sayers Common

The local plan evidence bases still appear to fail to provide any survey information relating to the ecological value of the proposed allocation site. Therefore, our comments made at Regulation 18 remain, as we are unclear how the allocation is consistent with section 185 of the NPPF 2023.

Desktop surveys at our availability do not identify priority habitats, but these layers are not comprehensive. There are species records on the site, for example Skylark and Barn Owl, which are significant. That said, SWT can say nothing about the biodiversity value of the area without site surveys and therefore cannot support the allocation. From aerial photography, the site appears to be open farm land. There appear to be drains and hedgerows running across the site, which will feature as corridors and be important for connectivity, particularly to the areas of ancient woodland in the vicinity. As a basic principle, these would need to be significantly buffered and enhanced. The site appears unsustainable in terms of transport and therefore carbon emissions. The impact on climate change of developing this site should be assessed.

Sustainable communities

We note that the following locations have been moved to sit alongside the significant allocation at Sayers Common and are referenced as sustainable communities:

- DPSC4: Land at Chesapeake and Meadow View, Reeds Lane
- DPSC5: Land at Coombe Farm, London Road
- DPSC6: Land to the west of Kings Business Centre, Reeds Lane
- DPSC7: Land at LVS Hassocks, London Road

We have been unable to look in detail at the evidence bases supporting these allocations but note that some of them are supported by ecological information. We ask MSDC why, when these evidence bases have been provided, they do not appear to be used to inform any policy requirements for these sites?

Chapter 16 Site Allocations

In our Regulation 18 response we made clear that we were concerned that the site allocations coming forward were not informed consistently by ecological survey information at a site level, or wider spatial context. We ask you to consider those points made in our Regulation 18 consultation response to see if the allocations meet the test of soundness to be consistent with chapter 15 of the NPPF (2023), in particular section 185.

It will be imperative that sites coming forward do not lead to the deterioration or direct loss of biodiversity, especially designated sites, irreplaceable habitats, priority habitats and priority species.

We hope that MSDC can use our comments constructively for the submission version of the local plan. It is imperative that the protection, enhancement and restoration of the environment is embedded across the plan policies and allocations. If you wish to discuss any of the points SWT has raised in our response, please feel free to get in touch.

Yours sincerely,
Laura Brook

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Sussex Wildlife Trust