



Sussex
Wildlife Trust

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Lewes District Council Issues and Options Consultation – July 2021

Overarching comments

Sussex Wildlife Trust (SWT) is keen to highlight to Lewes District Council (LDC) that relevant and up-to-date evidence is needed at the core of the Local Plan review and as such LDC need to assess whether the existing environmental evidence base is suitable. During the time of this consultation a revised National Planning Policy Framework (NPPF) (2021) has been released and this has demonstrated a clear shift, with even greater recognition of the importance of plan making in protecting and enhancing the environment and mitigating climate change (sections 8 and 11a). LDC should be clear from the outset what evidence is required and must ensure that this evidence informs decisions on the content of the plan and is not retrofitted once growth options and site allocations have been set.

We would expect LDC's evidence base to include:

- Up to date Green Infrastructure Strategy that identifies assets and potential for enhancements to connectivity and function
- Nature Capital and Ecosystem Services Assessment
- Preliminary Ecological Appraisal of potential strategic sites
- A detailed Sustainability Appraisal that allows clear conclusions on growth options
- Consideration of the district's ecological networks

LDC corporate plan (2020-2024) makes a clear statement that one of the council's key areas of focus is to have the greenest local plan. SWT suggests that in order to do that, the environmental evidence is key to ensure that LDC can make informed decisions about the most sustainable options for development.

Given the timeline for the local plan, we expect LDC to consider the emerging requirements of the Environment Bill and particularly the likely components of Local Nature Recovery Strategies/the national Nature Recovery Network (NRN). In particular, we expect LDC to include strong spatial policies on the areas of the district that should be the priority for nature's recovery. We remind LDC that regardless of when the Environment Bill is enacted, there is already a current requirement in paragraph 179 of the NPPF (2021) for plans to identify, map and **safeguard** wider ecological networks, including areas identified by national and local partnerships for habitat management, enhancement, restoration or creation. Further to this, there is a requirement for plans to promote the conservation, restoration and enhancement of priority habitats and ecological networks and then in paragraph 174 to establish coherent ecological networks.

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Climate Adaptation Measures:

1.6 Having read the information above, should the new Local Plan set out more specific requirements for tree planting in new development?

Habitat enhancements should be considered in terms of their appropriateness to each individual site and its location in the wider biodiversity network. We are pleased to see that the LDC Biodiversity Strategy recognises the position of 'right tree in the right place' and we have confidence that the council will ensure that there is cohesion between the Biodiversity Strategy and the Local Plan. In that realm, it is important that LDC look at the types of trees, suitability of location over the longer term, to avoid maintenance/infrastructure conflicts and ensure resilience to climate change. There is also the approach of natural regeneration and working with natural processes. We encourage the council to consider the potential of this approach in line with their desire to consider natural processes through the district's Biodiversity Strategy. If the council progress options going forward for trees planting we encourage them to identify mechanisms to reduce the use of single use plastics such as tree guards.

We also highlight new paragraph 131 in the 2021 NPPF and the requirement the LPAs work to ensure 'the right tree in the right place'. We also support the requirement for planning policies and decision to ensure that new streets are tree-lined and that trees are incorporated into developments.

1.7 Should the new Local Plan allocate land for tree planting and/or woodland expansion?

The Local Plan should take a strategic approach to all habitat creation across the district over the life time of the plan and beyond. A call for sites for nature may identify sites that are suitable for tree planting, but it is vital that the council do not get drawn into the path of think that all sites should deliver tree planting. Delivery of other value habitats must be considered and time must be spent ensuring that a sound evidence is in place to enable informed decisions. As mention above the role of natural processes should be considered.

We are aware that the Sussex LNP have been undertaking woodland opportunity mapping in Lewes and this could be an important piece of work to look at in relation to habitat potential. Again we remind the council of the requirement in the NPPF for plans to promote the conservation, restoration and enhancement of all priority habitats, not just woodland.

1.8 Should the new Local Plan identify critical corridors, perhaps based upon water courses, for potential planting of trees and/or other types of rewilding such as heritage grassland, which would enable storage of water, carbon storage and improved wildlife movement and biodiversity resilience?

As mention in our overview comments, identify a strategic network for biodiversity in the setting of the emerging Nature Recovery Network concept will be vital for a Local Plan in order to truly demonstrate a positive future for biodiversity that sits in line with sections 174 and 175 of the NPPF 2021. Therefore we would support the council in identifying the networks for nature in the plan area and beyond.

Identifying critical corridors, which include water courses, will be a strong starting point, but ensuring that sufficient buffers (minimum of 30 meters) and the supporting habitats for those water courses are incorporated into the corridors will be vital. The council will need to consider the most suitable approaches for potential tree cover, as some areas maybe suitable for natural regeneration, whereas other areas may benefit from specific planting. It is essential LDC is clear that a lot of the adjacent land to the watercourse may not be appropriate for 'woodland creation' due to existing habitat value of the species rich floodplain grassland, which we believe the consultation question is meaning with its reference to heritage grassland.

We also ask LDC to be aware of the added benefits of the creation of a riparian corridor in aiding in improvement in water quality through reducing diffuse pollution and sediment entering watercourses.

1.9 Should the new Local Plan introduce a policy supporting food growing? Should the Local Plan require all major housing developments to provide food growing space?

SWT would support the inclusion of food growing spaces within communities and new developments. This will be vitally important to developments where open private spaces is not part of the dwelling. A local approach to food growing would also make it easier for people to access the site and engaging with this activity. Access to healthier food, allotments and community orchards are specifically mentioned in paragraphs 92 and 131 of the 2021 NPPF.

1.10 Should the new Local Plan support the Council's Climate Change and Sustainability Strategy more stringent (100l) target for water consumption in new buildings or go further?

The South East already faces increasing demand on water supply and is classified as area with serious water stress. Given the water stressed status of the area and the impact this is having on the environment, we would strongly encourage the council to put in place stringent measures to reduce water consumption. SWT would support the more stringent policy move of 100l per day in new builds if it is deemed feasible that it is possible to reduce consumption further then this should be strongly considered. LDC should also include policies to reduce water consumption within employment allocations and commercial space wherever possible.

Flooding and Coastal Change

1.14 Should a Coastal Change Management Area(s) be defined where the SMP has already identified physical changes to the shoreline?

SWT are keen to understand what the Coastal Change Management Area (CCMA) approach would mean for the biodiversity within a CCMA and the wider Lewes District. Clarity is required as we know LDC have made a commitment to the biodiversity within the coastal areas in the district's Biodiversity Strategy which states 'We will recognise the significance of coastal areas in the Local Plan as part of wider habitat connectivity'.

It is SWT's understanding that Coastal Change Management Areas (CCMA) are only defined in regions where shoreline change is expected to be significant over the next 100 years, in accordance with the Shoreline Management Plans (SMPs), whilst taking into consideration climate change. SWT acknowledge this is set out in Topic Paper 1 Tackling Climate Change (7.57-7.61) and this highlights how a CCMA could define the nature/type of development which would be appropriate in the short/medium/long term in at risk areas. It could also consider provision for the relocation of development from risk areas inland which could help retain the benefit of existing development, infrastructure and land uses.

It is also our understanding that CCMA are primarily identified in areas where the Shoreline Management Plan (SMP) does not have a policy of Hold The Line (HLT) or Advance The Line (ATL). It is our understanding that the LDC coastline is within the Beachy Head to Selsey Bill SMP and this has different policy units which includes unit 7 Newhaven to Peacehaven which states no active intervention whereas unit 4 Seaford is hold the line within the SMP. SWT are keen to understanding the CCMA approach, especially when considered alongside the proposed growth option, which includes intensification of development within coastal towns.

SWT envisage that by adopting a CCMA this will ensure that LDC are able to bring greater awareness and action to address issues of sustainable planning in line with climate change and coastal processes. In order to understand the approach in more detail we would be keen to understand if the designation of a CCMA is a defined boundary or if it is fluid and adaptable.

1.15 Are there any other issues that should be considered?

During the time of this consultation the NPPF has been revised and section now 170 states:

In coastal areas, planning policies and decisions should take account of the UK Marine Policy Statement and marine plans. Integrated Coastal Zone Management should be pursued across local authority and land/sea boundaries, to ensure effective alignment of the terrestrial and marine planning regimes.

SWT are keen to know how LDC will be formulating policies to take into account the requirements of the amended NPPF 2021.

In addition to the CCMA, It will be vital that from the outset of the local plan revision that the long term data relating to climate change and sea level rise are considered and incorporated into the thinking and delivery of the Local Plan. LDC need to clearly demonstrate the commitments to the future of the district and ensure they are acting on the difficult issues surrounding climate change that need to be addressed.

SWT also want to ask LDC how areas such as Tide Mills will be considered in the revision of the plan considering the pressure that was placed on this area following allocations at Newhaven Port in the current plan. We remind LDC of the requirement in paragraph 179 of the NPPF (2021) for plans to identify, map and **safeguard** components of wider ecological networks, including locally designated sites of importance to biodiversity. As a Local Wildlife Site, the entirety of Tide Mills should be safeguarded.

Issue 2

2.1 Should we require a 20% biodiversity net gain in all major developments?

We encourage LDC to adopt a requirement for a 20% biodiversity net gain rather than the minimum of 10%. Several leaders in this policy area have already successfully adopted 20% minimum gain with a robust justification for doing so, including Lichfield District Council¹. The Surrey Local Nature Partnership has created a justification for the need for Surrey LPA's to adopt a 20% gain² and we expect the Sussex Local Nature Partnership to produce a similar justification which we encourage LDC to embrace.

We note that LDC has a Biodiversity Strategy in place that has a number of broad aims, one of those aims includes; *To ensure that all developments maximise the opportunities for well-considered gains in biodiversity.* We ask LDC to consider their approach to allocations that may start from a low baseline value for biodiversity. If redeveloping is occurring in locations identified as having low biodiversity value, then a 20% uplift may still not release the site's full potential for biodiversity. We ask the council to consider the potential level of this within the plan area and then see if it is valuable to also consider approaches such as the urban greening factor³.

SWT would like the policy option of 20% to be taken forward, however we ask the council to take steps to ensure that the policies will actually achieve a net gain when considering the volume of development LDC plans to deliver. LDC needs to ensure it has a strong evidence base that demonstrates that housing can be delivered whilst still achieving a Nature Recovery Network. The overarching plan aim should be to deliver a net gain in biodiversity and a growth in natural capital over the lifetime of the plan

¹ <https://www.lichfielddc.gov.uk/downloads/file/1112/supplementary-planning-document-biodiversity-and-development>

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

³ https://www.london.gov.uk/sites/default/files/urban_greening_factor_lpg_pre-consultation_draft.pdf

2.2 Should the new Local Plan seek to identify/allocate sites to provide off-site biodiversity net gain?

SWT are very supportive of a strategic approach to any offsite biodiversity net gain delivery, this strategic off site gain should benefit/deliver towards a recognise Nature Recovery Network/Strategic solution in order to maximise benefits for biodiversity. Within this process of identifying off site provision, we are keen to understand the level of detail this will entail in terms of information relating to degree of readiness and sliding scale of provision, depend on requirements. There also need to be consideration of how the council will identify suitable areas and how the sites will be assessed given the dynamic nature of biodiversity on a site against a changing policy framework.

SWT ask LDC to consider early on if their growth options will actually achieve a net gain in biodiversity when considering the volume of development LDC plans to deliver. LDC needs to ensure it has a strong evidence base that demonstrates that housing can be delivered whilst still improving biodiversity and contributing to nature's recovery. The overarching aim should be to deliver a net gain in biodiversity and a growth in natural capital over the lifetime of the plan.

2.3 How can the new Local Plan best achieve an effective policy for a Nature Recovery Network?

SWT recognise that this is an emerging area of policy and therefore we recognise the difficulties in ensuring a policy is future proofed. We would suggest that the current NPPF (2021) does allow for recognition of the importance of strategic ecological networks and delivery for biodiversity within paragraphs 174, 175 and 179. Therefore, whilst exact wording in line with the emerging Environment Bill may not be possible, Biodiversity Opportunity Areas (BOAs), locally, nationally and internationally protected sites, river corridors and protected habitats can be used as the fundamental base of the NRN. What is vital is that the concepts of a strategic approach, connectivity and function are relayed and expressed in policy wording. Providing an informative and clear support text to a policy will also help set the scene and give justification to the importance of a nature recovery network in the context of a local plan.

We would also encourage LDC to ensure that its emerging evidence for the Local Plan includes a document which identifies the strategic biodiversity network across the district. This evidence can and should then be used in the decision making processes to justify the suitability of the allocations in relation to their potential impacts on the strategic biodiversity network.

Accommodating and delivering growth

3.1 Are there any options that the Council has missed?

3.2 What is your preferred option, or combination of options?

In answer to both of the above questions (3.1& 3.2), SWT does not believe it can give an opinion on this without a sufficient and up to date environmental evidence base in order to assess the sustainability of options. SWT encourages LDC to prioritise the creation of robust environmental evidence which can help LDC make informed decisions on growth options, rather than retrofitting policy options. Any further consideration of growth options need to be illustrated by realistic figures to help demonstrate the different options. It is not clear what the different options would look like in the district or whether they are even feasible given the large environmental and infrastructure constraints.

As stated elsewhere in our response we are keen to understand how the CCMA and the growth option which includes intensification of development within coastal towns would work together.

Also at the time of writing our response we are aware that amendments to the NPPF 2021 have been made with paragraph 22 stating:

Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.

SWT are keen to understand what this would mean for the structure and duration of the plan given the growth options presented in the consultation.

As stated earlier in our consultation response, the Local Authority is required to identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks (section 179 of NPPF 2021). Given the varied growth options presented, which include diverse options such as; further outward expansion of Newhaven and Peacehaven and/or a new settlement within the Low Weald, the council needs to be producing and using evidence that allows LDC to spatially understand the potential impacts of the growth options on the ecological networks within Lewes District and the adjoining districts. This must happen from the earliest stages of plan production to ensure the district's natural capital can absorb the level of development proposed whilst being enhanced as required by paragraph 175 of the NPPF (2021). This work is fundamental to the spatial planning process and should not be retrofitted.

6.33 Should the new Local Plan introduce specific benchmark standards for the provision of other open spaces, in addition to the existing standards for outdoor playing space? If so, which types of open space should be addressed?

SWT are keen for LDC to expand on what it means by benchmark standards. Is it related to quantity or will it cover quality, multi-functionality etc? Setting standards for other open space could help the council plan at a more strategic scale for open space and thus ensure that there is sufficient space when balanced with the council's housing need. We note that the consultation says that 'The study recommends that the new Local Plan introduces additional standards for allotments, community gardens, amenity space and parks.' Whilst we would support LDC making better and clearer provision for all those open spaces, as suggested above we need to understand the parameters of the standards before we can comment on their suitability.

Sustainability Appraisal

Plans and Programme

- 1. Are there any plans, policies and programmes set out in Appendix 1 that have not been included, which are particularly relevant to the Sustainability Appraisal of the Local Plan? Are there any targets or implications omitted in Table 1?***

We note that page 21 – 31 sets out the plans and policies relevant to the sustainability appraisal. We are aware that SxLNP has recently carried out woodland potential mapping within the district of Lewes and this may be something that LDC wish to consider as relevant.

We're also aware that NE will be publishing new standards for Green Infrastructure

Baseline Data

- 2. Are there any sources of baseline data in Section 4 and Appendix 2, which have been omitted and should be considered as part of the SA and development of the Local Plan? Are the 'Trends without a Local Plan' appropriate?***

SWT focused our comments on the biodiversity section, during that we did not see a reference within the section that acknowledge the marine designations off the coastal stretches of the Plan area such as Beachy Head West Marine Conservation Zone and Seaford to Beachy Head SSSI

SWT suggest that the evidence base stated under biodiversity should be expanded in order to effectively answer the objectives set out in the SA. The additional evidence bases could include but are not limited too

- Annual Monitoring report from the Sussex Biodiversity Record Centre

Sustainability Issues

3. *Do any of the sustainability issues in Section 5 need to be added to or amended? If so, please state why.*

We would suggest that section 11 related to biodiversity needs to more clearly state that development will be required to deliver a net gain to biodiversity as set out in paragraph 174 of the NPPF (2021).

SWT therefore propose the following addition to the final paragraph (addition shown in **bold**):

Planning policies and decisions should contribute to and enhance the natural and local environment **and deliver a net gain to biodiversity**. Policies and plans should recognise and value the benefits of trees and woodland. Plans should also aim to protect and enhance the wider ecological networks and wildlife rich habitats as well as designated sites.

Sustainability Appraisal Framework

4. *Are the objectives and indicators set out in the SA Framework in Section 6 appropriate?*

SWT are pleased to see the SA objective for biodiversity (4) setting a clear questions around Biodiversity Net Gain and optimising opportunities for the Nature Recovery Network. This objective also includes Ashdown Forest, while we note that the question asks; *Does the approach impact on the Ashdown Forest?* We are less clear on how the indicators will answer that.

Sustainability Appraisal Method

5. *Is the proposed methodology in Section 6 suitable? Is the methodology clear and complete?*

We note the method set out by LDC and while we believe that the method is clear, the effectiveness of the SA method will be determined by the evidence that will inform those decision making processes.

6. *Do you have any other comments on the SA Scoping Report?*

SWT acknowledge section 7 of the SA Scoping Report highlight how the sustainability appraisal and the Local Plan are interlinked. As stated above the effectiveness of that relationship will be underpinned by the quality of the evidence use to formulate them.

SWT would be happy to meet with LDC to discuss any of the points we have made and better understand the progress of the local plan and in particular the environmental evidence base.

Yours sincerely,

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