



SUSSEX ORNITHOLOGICAL SOCIETY

Registered charity 256936

www.sos.org.uk

14 March 2019

Mr Chris Banks,
Programme Officer,
c/o Banks Solutions,
64 Lavinia Way,
East Preston,
West Sussex BN16 1EF

Email: bankssolutionsuk@gmail.com

Dear Mr Banks,

SOS Additional Information re Issues and Matters, Lewes Local Plan, Part 2
Matter 6: Policy E1

The Sussex Ornithological Society (SOS) is the county bird club. We promote the recording, study, conservation and enjoyment of birds in Sussex. We have 2000 members and a database of over 4 million bird records in Sussex. We publish the annual *Sussex Bird Report* and in 2014 wrote *The Birds of Sussex*, a 614 page avifauna which was published by the British Trust for Ornithology and was judged the best BB/BTO Best Local Bird Atlas 2007-17. More information about us can be found on our website www.sos.org.uk

Our main concern with the Lewes Local Plan relates to matter 6, Policy E1, and we would like, via this letter, to update the Inspector on the importance of the Tide Mills LWS for wildlife, and to address the issues and matters that have been raised with regard to Policy E1.

We would also like to be able to speak at the Public Examination about the matters we comment on below.

The wildlife importance of the Tide Mills LWS

Tide Mills LWS has one of the finest vegetated shingle beaches in East Sussex, and it is also one of the most important birding sites in the whole of Sussex that is not part of an SPA or RAMSAR site.

My understanding from fellow conservationists, is that it is also recognised as supporting a diversity of notable plant, bee, beetle, moth, butterfly, bush-cricket, mollusc, amphibian, reptile and mammal species. For these reasons I believe that Tide Mills is one of the finest Local Wildlife Sites in Sussex.

SOS has updated the bird list for Tide Mills, and a new list is attached, which is confined to those species only recorded during the last 10 years. It excludes those species that were almost certainly recorded out at sea from the Tide Mills shoreline, rather than being on shore and using the LWS itself, as well as species that were obviously recorded as flying over the site rather than using the site. This updated list of species, derived from 10753 records, is attached as Appendix 1.

It can be seen from this list that

- 152 species have been recorded as using the whole Tide Mills LWS, including the Ouse Estuary Project.
- 113 species have been recorded as using the Ouse Estuary Project alone
- 135 species have been recorded using TQ4500 and TQ4600, ie. the southern part of the Tide Mills LWS that lies primarily south of the railway line. Of these the majority of records have grid references TQ4500 – the western half of the LWS south of the railway line. For birds, this is the richer half of that part of the LWS that lies south of the railway line. It is also the part of the LWS where it is proposed that Employment Site E1 be sited.

That so many species of bird have been recorded in just the last 10 years using the Tide Mills site makes it one of the most important sites for birds in Sussex that is not within an SPA or RAMSAR site.

[As a point of reference there are 403 species on the all-time Sussex Bird List, including fly-bys and fly overs. For comparison the number of species ever recorded at Tide Mills, including fly-bys at sea (such as Gannet, auks, terns, skuas, shearwaters, etc), and flyovers (such as Honey Buzzard, etc), is 201 plus one subspecies. i.e. Half the species ever recorded in Sussex have been recorded on (or from) Tide Mills].

Matters and Issues

Against this background about the outstanding quality and importance of the Tide Mills Local Wildlife Site for wildlife, including birds, we would comment on the following specific matters and issues as follows:

6.1 Is the policy framework in the Plan for employment land provision, which includes policies E1, for land at East Quay, Newhaven justified and realistic to meet the plan area's economic needs during the plan period?

The Local Plan lays out in some considerable detail how much employment space is needed and we have no basis for assuming that the calculations are wrong. The Plan also goes to some length, in paragraphs 3.2 and 3.3, to forcibly conclude that there is no need to allocate additional sites for employment purposes:

3.2. The Local Plan Part 1 demonstrates that there is sufficient land in quantitative terms to meet the employment floorspace requirement of 74,000 sq.m. within the district in the period to 2031. This identified supply will allow the employment needs of the district to be met on existing employment sites and premises (including

unimplemented site allocations) with a modest allowance for market choice to allow for the changing needs of business and the possibility of a greater than expected level of local economic growth.

3.3. Consequently, there is no requirement in quantitative terms to allocate additional sites for employment purposes in the Local Plan Part 2.

The only basis on which Employment site E1 is being put forward appears to be that it is an unimplemented part of the 2003 LDLP, when it was included so that the land could be used to support parking for an expanded Ferry service. With the withdrawal of Policy NH20 in the 2003 plan, the need for this land for vehicle parking for an expanded cross Channel ferry service has disappeared. No other reason for continuing to allocate E1 for employment has been put forward.

6.2 Regarding policy E1, for land at East Quay, Newhaven:

(ii) Given this background, (a) what is the evidence to support the need for the proposed employment development (such as a business plan and any employment land need studies) (b) if there is a need for more employment land, which other sites were considered? (c) is the policy supported by the SA and HRA?

6.2. (ii) (a): - given the comments in 3.2 and 3.3 of the Local Plan (that there is no requirement for additional employment sites), and given the partial destruction of the LWS that would result from E1 going ahead, we would expect to have seen the most detailed and compelling justification being put forward to support the need for E1. Instead there is no justification whatsoever of why it is needed.

An argument that might have been put forward was that this site is needed for port related employment.

Whilst site E1 is being put forward as an employment site – there is no indication that it is being put forward as a specific port related employment site. Indeed it is sufficiently far away from the quayside that it is difficult to envisage what ship dependant employment activity could be sited there, particularly given the recent approval of the huge Brett Aggregates plant which will lie between the quayside and site E1, thus blocking E1's direct access to the quayside.

So there is no evidence supporting the need for this employment development.

6.2 (ii) (b) which other sites were considered?

As Employment site E1 appears to be being put forward as a general employment site, and because it will destroy part of an important wildlife site, we would have expected to have seen a compelling analysis demonstrating why E1 has to be sited within this important LWS. Instead we can find no reasons being put forward as to why this particular site is being proposed for employment development. And as there is already sufficient employment space in the Plan it appears that no alternative sites have been considered.

Moreover, with such a noisy and dusty aggregates plant going to be built down wind and next door, it is hard to envisage that E1 would be a particularly pleasant place to work, and it is probable that a lot of prospective employers would be deterred from the site by having an aggregates plant next door to it. We would certainly expect that this would limit the appeal of site E1 to prospective employers.

This makes it all the more surprising that E1 is being put forward as a site for general employment – it looks a particularly unattractive and unsuitable site for any kind of development.

6.2 (ii) (c): Is the Policy supported by the SA and HRA?

The Sustainability Appraisal for E1 gives assessments against 5 of the 18 Sustainability Objectives

Objective 3: To increase travel choice and accessibility. Rated “likely positive effect”. It is not clear to us how site E1 will affect travel choice or accessibility at all. We would re-rate this “No likely effect”

Objective 7: To improve the efficiency in land use through the reuse of PDL and existing buildings and minimising the loss of valuable greenfield land. This is rated “likely negative effect”. Given the wildlife importance of the LWS area that will be lost we feel this should be re-rated “Likely severe negative effect”

Objective 8: To conserve and enhance the biodiversity of the Plan area. This is rated “?Likely negative effect”. We believe that the question mark should be deleted and that this should be re-rated “Likely severe negative effect”.

Objective 9: To protect, enhance and make accessible the Plan Area’s historic countryside and historic environment. This is rated “?Likely negative effect”. We can not see how building a factory on this site so near to the historic Tide Mills and WW1 seaplane standing sites can have anything other than a “likely negative effect”, so we would remove the question mark.

Objective 16: To promote the economic growth of the Plan area by encouraging vitality and regenerating and strengthening the economies of the coastal towns. This is rated “likely positive effect” – but not “likely significant positive effect”. Our judgement is that this very much depends on what type of employment goes to the E1 area. If it is a noisy and dusty industrial plant such as the Brett Aggregates plant planned for next door, and which provides minimum jobs like the Brett Aggregates plant, then it is likely to have “significant negative effect” and further blight Newhaven.

A key omission of employment policy E1 is to state what kind of employment would be acceptable. In the 2003 LRLP the people of Newhaven understood that the Economic Zone was being put in place to attract “green” light industries onto the Brett Aggregates Site – instead they are getting a massive, noisy, dusty aggregates plant that will create a mere 51 jobs, but which will blight the town and threatens to damage (perhaps significantly) the LWS. As the same landowner owns the E1 site and the Brett Aggregates site there can be no confidence that any development on E1 would not be of a similar nature. Were it to be similar that would be a disaster for Tide Mills and for the people of Newhaven, as well, of course, for the wildlife in the LWS.

If Policy E1 were to go ahead the Local Plan should spell out conditions as to what type of employment the site can be used for, and in a way that means that subsequent planning applications must meet these conditions. These conditions should ensure that only light industry or office employment can go onto this site, and that there should be absolutely no risk of noise, light, dust or other pollution being created by the employment activity on E1. For this reason no processing of raw materials should be permitted on this site and no connections to the quayside, such as conveyors, should be permitted. In other words conditions

should be specified within the Local Plan that ensure that Objective 8 has “no likely effect” and that Objective 16 has a “strongly positive effect”.

These conditions should tie both Lewes DC and East Sussex County Council to ensuring that they are fulfilled when considering any planning applications for Site E1. (It was ESCC who approved the Brett Aggregates planning application despite the objections of Lewes DC, Newhaven TC and numerous others, including SOS).

No HRA has been carried out. Given the importance of the LWS and the direct impact that E1 would have on it, it would be very desirable to carry out an HRA.

6.2 (iv) What are the arguments which tip the sustainable balance in favour of employment development rather than keeping the site undeveloped to protect its wildlife and recreation, leisure potential, tourism/visitor attraction and its potential harmful impact on the setting of the National Park?

We cannot find any arguments being presented which attempt to answer this question in any proper detail, and we certainly do not feel that the Sustainability Appraisal correctly scores the arguments - as discussed in 6.2. (ii) (c) above. We also note that included in Policy DM24 is the statement

.....**Development which would result in damage or loss to a site of biodiversity or geological value of regional or local importance including Local Nature Reserves (LNR), Wildlife Trust Reserves, Local Wildlife Sites, irreplaceable habitats, and habitats and species of principal importance for biodiversity, will only be permitted where the benefits of the development clearly outweigh the damage to the conservation interest of the site and any loss can be mitigated to achieve a net gain in biodiversity and/or geodiversity.**

Again, we can find no evidence in the Local Plan Part 2 that any attempt has been made to demonstrate that E1 has any benefits that would outweigh the damage to the conservation interest of the site. No net gain for biodiversity is being put forward, and clearly, as matters stand in the Local Plan, Part 2, there could be a (considerable) net loss of biodiversity - which appears to be contrary to Policy DM24.

Moreover, as noted in the opening part of this letter, Tide Mills is no ordinary LWS; it is one of the most important LWS's for wildlife in the county. Therefore, we contend that a higher than usual threshold of the benefits of development over the undoubted destruction of a particularly important part of the LWS needs to be demonstrated.

We also note that absolutely no mitigation for the destruction of part of the LWS is being proposed, in clear breach of Policy DM24.

6.2 (b) if there is a need for more employment land, which other sites were considered?

The Local Plan, Part 2, presents no evidence that any other sites have been considered, but then as it also says no additional employment sites are needed at all this is perhaps not surprising.

Moreover, no case is made as to why a general employment site, which is not dependant on port activities, should be sited on an important Local Wildlife Site.

If, contrary to what the Local Plan, Part 2 says, more employment space is actually needed there must be alternative sites locally which could be built upon – any site that is not in an LWS would likely cause much less damage to wildlife.

For all the above reasons Policy EI should be deleted from the Lewes Local Plan, Part 2.

Yours sincerely,

Richard Cowser
SOS Conservation Officer

(Plus Attachment – Appendix 1)