

Objectors' Further Statement
Rep No's – 006, 016, 017, 022, 030, 256, 322, 401

Matters 6 and 10.2 – Policy E1 Land at East Quay, Newhaven Port

This further statement is made on behalf of the organisations and individuals listed at the end of this document. All our previous evidence, both written and oral, still stands and should be referred to in addition to this statement.

The objectors do not believe the evidence provided by Lewes District Council (LDC) and Newhaven Port Properties (NPP) is compelling enough to 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.

E1 is not a key site in terms of the overall LDC plan for housing and employment and is not necessary to meet the target for new employment space within the Lewes LPP1. The evidence given at the hearing by both LDC and NPP suggested that rather than specifically fulfilling an employment need, area E1 would create additional business opportunities for NPP at significant expense of the environment. The fact that NPP are custodians of this part of Seaford Bay, should not by default, sanction the Ports expansion beyond what is reasonable. Areas of Tide Mills Local Wildlife Site (LWS) have already been lost and degraded due to development proposals, some of which have failed to come forward. Whilst this loss is very disappointing, it should be noted that all of these areas sit to the west of the Port Access Road (PAR).

Any further development in Tide Mills will result in losses to the LWS and public amenity, however the objectors agree that a pragmatic and fair approach would be to limit any further development to the west of the PAR. The PAR should form a clear physical and visual boundary between the port activities and the wider area as it does already north of the Railway and Creek. This is particularly important given the proximity of the National Park boundary. It should be noted that the South Downs AONB boundary lay north of the A259 whilst the National Park boundary now comes south, past the A259 into Tide Mills setting a different context to that during the adoption of the 2003 Local Plan.

Given the apparent lack of need and the surplus of other industrial sites nearby, there is no clear reason as to why any of the area to the east of the PAR should be developed. The objectors therefore argue that there is a sustainable case for reducing the extent of E1, to secure an appropriate balance between conserving the biodiversity of the site, its landscape character, the setting of the National Park and the recreation and employment use. It should also be noted that the planning permission for the PAR only goes as far as the roundabout to the south of the flyover, permission for the link roads to the port must still be applied for.

The objectors propose a Main Modification to the policy is made to both reduce the size of the allocation and include wording that clearly sets out the requirements of any planning application submitted for this area. The reduced area suggested during the Examination by LDC/NPP does not address the concerns raised, which relate to the area as a whole not just the lower southernmost section which contains vegetated shingle. Therefore this modification must:

- Confine the developable area to the west of the Port Access Road. This is the situation north of the railway line and creek where the existing section of PAR acts as a physical boundary between development land to the west and the SDNP to the east.
- Define a specific area to the east of the PAR to act as a buffer between any development and the wider area, protected in perpetuity. An indicative area on a map is not sufficient, the extent must be specified.
- Confirm that all the land to the east of the boundary of the developable area is protected from future development and is maintained as open space for both public amenity and nature conservation.

- Ensure that any development results in measurable net gains to biodiversity as per emerging policy DM24 and paragraph 170 of the NPPF (2019)¹. It is not acceptable to propose that further enhancements to the existing nature reserve could constitute mitigation or a net gain.
- Restrict the type of development permitted through a robust definition of ‘port related uses’ and recognition that any proposal must be suitable for the location given its sensitivities in terms of biodiversity, recreational value and the proximity to the South Downs National Park.
- Outline the constraints to development including the need for development to be limited in density and height and not industrial in terms of potential for air, noise and light pollution, flood risk and contamination

Without the inclusion of the criteria above, the objectors do not believe the E1 site west of the Port Access Road can be developed in a sustainable way as per the requirements of the NPPF.

Regrettably time constraints did not allow us to seek a SoCG with LDC

23rd April 2019

Sent on behalf of:

006 – Sussex Ornithological Society

016 – Seaford Town Council

017 – Newhaven Town Council

022 – Sussex Wildlife Trust

030/256 – Geoff King

322 – Community Action Newhaven

401 – Friends of Tide Mills

¹ Whilst the local plan will be assessed for soundness against the 2012 version of the NPPF, any planning application for this site will be assessed against the 2019 version which requires net gain.