

Programme Officer
Mr Chris Banks,
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Dear Mr Banks

Newhaven Town Council Comments - Inspectors Matters, Issues and Questions Discussion Paper

Thank you for notification of the above paper and forthcoming hearings timetabling. Newhaven Town Council wishes to respond to questions prompted as discussion points and these are intended to be read alongside the Town Council original representation made on Local Plan Part 2, during the consultation period.

Matter 1 – Scope of this part of the Plan.

1.2 (v) Newhaven Neighbourhood Plan (NNP) has been submitted to Lewes District Council and the South Downs National Park Authority under Regulation 16 and the 6 week period of consultation expires on Thursday 21st March 2019.

The designation of the Neighbourhood Plan area was made on 8th July 2013. Following an objection by Newhaven Port and Properties (NPP), the District Council refused the initial application for the whole of the parish to be designated as a neighbourhood area but designated a smaller neighbourhood area excluding the area owned by the port including an area of beach and vegetated shingle, as shown at Plan 1. A clearer plan can be viewed on the document at www.newhaventowncouncil.gov.uk/planning/newhaven-neighbourhood-plan-2/ Port areas included peripheral land in NPP ownership and not integral to the running of the port.

Newhaven Neighbourhood Plan has enabled local people to play a part in how Newhaven will change and evolve in the future by setting out their vision for the town and how it can best develop. This has been especially important as local people often comment that over the years Newhaven has been forgotten and often had development forced upon it, to its detriment. Development that has come is of the kind that no other place would want (such as the incinerator and heavy industry) which in effect protects other areas from such unwelcome development. Policy E1 does not accord with the Neighbourhood Plan development vision for Newhaven.

Plan 1 - Newhaven Neighbourhood Plan boundary, bounded in red.

General Plan 1 - Neighbourhood Plan Area



There are however 'gems' that go towards balancing out this poor image and these are referred to in the Neighbourhood Plan and include elements in the Eastside area such as, the South Downs National Park, Tide Mills and Ouse Valley Nature Reserve. In terms of biodiversity protection policies ES3 and NE1 give protection to landscape assets, biodiversity, priority habitats and locally designated sites. The Neighbourhood Plan has been

produced by the community, who value the heritage and landscape assets of Eastside. These assets form part of the community's identity, not only for the associated history that forms part of Newhaven's 'story' but also for the biodiversity and recreational value that the area enjoys.

Policy ES3 of the NNP relates to Nature Conservation at Eastside:

Policy ES3 – Nature Conservation

The natural environment of Eastside, including landscape assets, biodiversity, priority habitats and species and locally designated sites, will be conserved and enhanced by ensuring that new development will not harm nature conservation interests. In particular, the Ouse Estuary Nature Reserve identified at Proposal Plan 7 is to be protected from development and public access retained and enhanced where possible. New development within this area will need to consider the potential ecological impacts and will need to secure appropriate mitigation, compensation and enhancement.

Policy NE1 from Natural Environment and Biodiversity section

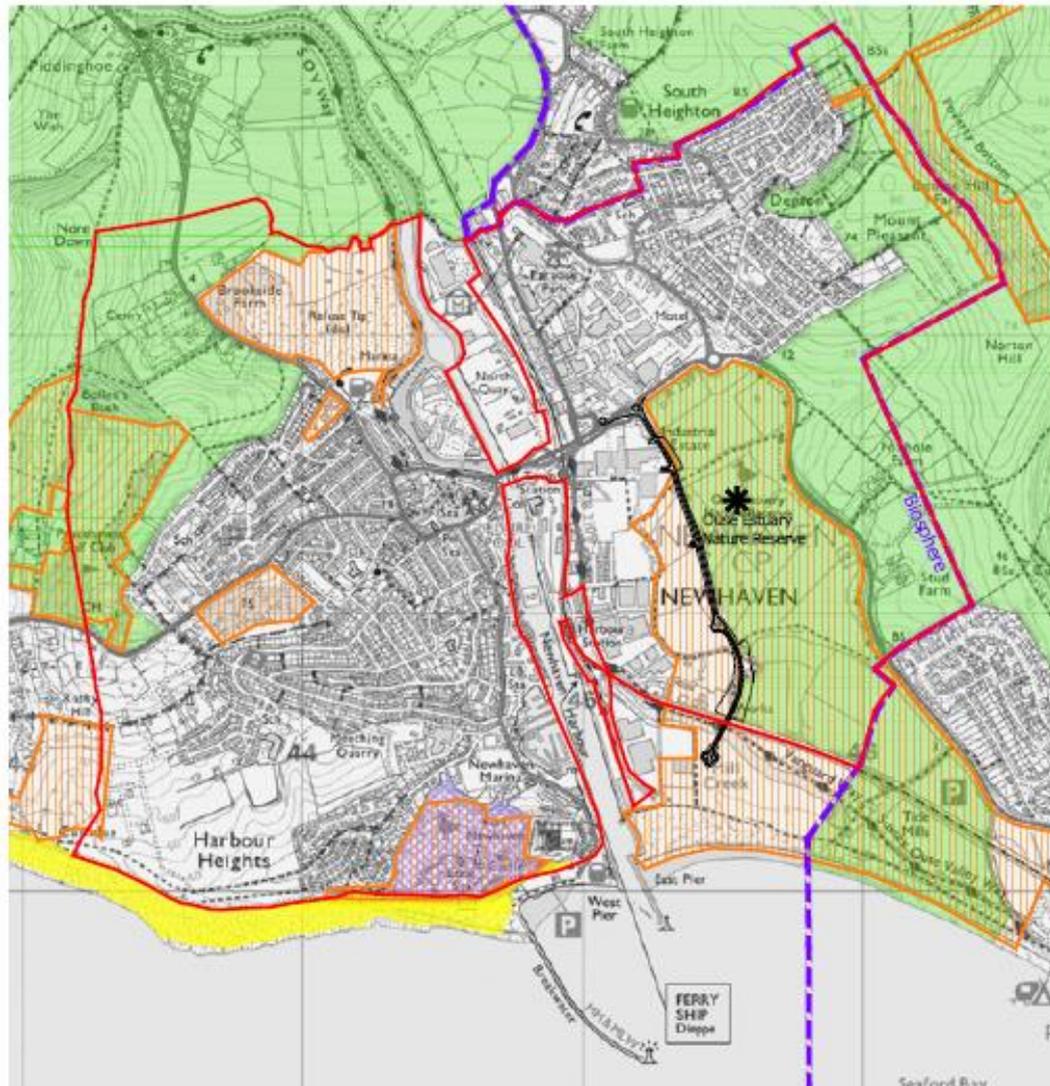
Policy NE1 – Biodiversity protection and enhancement

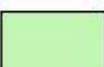
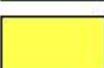
1. New development will seek to protect existing biodiversity assets from any negative impacts including areas of priority in the Biodiversity Action Plan, notably: coastal and floodplain grazing marsh, lowland calcareous grassland, maritime cliff and slope, coastal vegetated shingle, deciduous woodland, coastal saltmarsh and mudflats, as well as statutory and non-statutory designations as identified on the biodiversity asset map at Proposal Plan 10 from any negative impacts.
2. Proposals that are likely to have a negative impact on biodiversity and habitats and species of principal importance should demonstrate how appropriate mitigation measures will be provided to rebalance any loss. New development should avoid causing harm to the special qualities and setting of the National Park.
3. Proposals should also include actions that seek to enhance the ecological value of development sites by:
 - a) the inclusion of enhanced or new biodiversity habitats, new green corridors, trees and hedges to allow the connectivity, passage and refuge of wildlife and the migration and transit of flora and fauna.
 - b) planting species appropriate to the seaside and urban location and avoiding non-invasive species.
 - c) the use of green (biodiverse) roofs should be promoted. Given Newhaven's inclusion in the Biosphere, chalk grassland roofs are recommended.
 - d) where appropriate by including ponds and wetland areas suitable for nature conservation and biodiversity enhancement, possibly as part of Sustainable Urban Drainage Systems.

(Applicants are reminded to consult the biodiversity checklist on the Lewes District Council website before submitting a planning application for new development. Applicants will be encouraged to submit an Ecological Impact Assessment with their application.)

This policy makes special reference to coastal and floodplain grazing marsh, lowland calcareous grassland, coastal saltmarsh, mudflats, statutory and non-statutory designations as identified on proposals Plan 10 of the NNP. The proposed Port access road is identified in black on the plan.

Proposal Plan 10 - Environmental Designations



Key			
	Newhaven Neighbourhood Plan boundary		Sites of Nature Conservation Importance (SNCIs)
	South Downs National Park		Local Nature Reserves (LNRs)
	Sites of Special Scientific Interest (SSSIs)		Brighton & Lewes Downs Biosphere

Both policies formed part of the NNP Regulation 14 Consultation carried out in summer 2017. Whilst it is appreciated that the Neighbourhood Plan Policies relate to the area of land within the Designated Neighbourhood Area only, biodiversity and landscape assets do not align with arbitrary boundaries.

The area impacted by LPP2 at Policy E1 Land at Eastquay forms part of the context of NNP Policies ES3 and NE1 and will have a material impact on the beach and vegetated shingle protected by the Neighbourhood Plan. These elements that form important environmental assets for the community. LPP2 Policy E1 therefore is out of step with the made and emerging policies in NNP.

Matter 2 - Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA)

Regarding paragraph 2.1, in terms of LPP2 Policy E1 this site was assessed late in LPP2 production, as a policy vacuum was noticed for this site following consultation in 2017 of the Plan. This land therefore was an 'add on' to the plans process and was not considered iteratively when developing an economic strategy for the District or Newhaven.

In terms of the SA at Table 67 Option C on page 150 the site scores positively for the creation of jobs and access but scores negatively on land efficiency, biodiversity and the environment. Therefore, there is an overall negative impact. It is also argued that the SA should also note negative impacts on air quality, flooding and tourism as all these will be impacted upon with the development of the site for industrial use. Overall the SA presents the development of E1 as unsustainable, contrary to the NPPF. We therefore believe that policy E1 should be removed or the site area reduced to limit its sustainability impacts on the environment.

Regarding paragraph 2.3 Newhaven Town Council welcomes the alterations to Policy E1 by the minor modifications document which would require greater mitigation in the event that this site be developed. These requirements do not however address the fundamental problem that this site extends beyond the defensible boundary of the proposed Port Access Road onto the vegetated shingle and intruding further onto the sweep of the bay that the photograph below shows, where the South Downs National Park meets the sea.



There is no mitigation that could compensate for the loss of such an important natural resource other than that Policy E1 is contracted and the land east of the proposed port access road be amalgamated into the nature reserve to the east.

Matter 6 – Are the policies to manage and promote the Local Economy and Employment Areas and Allocations sound?

In respect of paragraphs 6.2 (ii), (iv) & (v) the provision of planned employment was influenced by the Employment and Economic Land Assessment which pre-dated the Enterprise Zone (EZ) designation. The residual requirements were nil for the district although qualitative needs were recognised. The EZ continues to attract higher value jobs and new sites within the development framework, more than meeting the employment needs of the District and town of Newhaven. Therefore, there is no evidence to support policy E1. It is a spurious policy neither justified or positively prepared, which undermines the integrity of the environment of Tide Mills impacting on its biodiversity, recreational/tourism value and setting of the SDNP.

The enduring tension between development and environmental sustainability could be ameliorated, by reducing the extent of the proposed employment land to find a sustainable and 'appropriate' balance.

Thanking you again for the opportunity to make further comments in preparation of the examination hearings,

Kind regards,

A handwritten signature in black ink, appearing to read 'S.M. Morris'.

For Newhaven Town Council