

Matter 5 – Protection and enhancement of environmental, landscape, biodiversity, open space, recreation and leisure and heritage assets

Question 5.2 - Policy DM14 Multi-Functional Green Infrastructure

As stated in our written representation (REP-022-001) and during our oral evidence given at the Examination Hearing on 4/4/19, the Sussex Wildlife Trust still has concerns about the ability of Policy DM14 to deliver a variety of multi-functional Green Infrastructure (GI) through development.

Paragraph 7.80 of the Lewes Local Plan Part 1 (LLPP1) provides a clear understanding of the different types of GI that could be delivered through development, however this has not been clearly translated into the supporting DM policy (DM14).

The Sussex Wildlife Trust supports the inclusion of a GI policy and feel confident that the Trust and Lewes District Council (LDC) want the same thing, namely for GI to be delivered through development. However, as currently worded, we do not believe that DM14 will achieve this. In particular, the Sussex Wildlife Trust is still unclear as to why LDC feels that the policy should deliver GI only through the specific function of outdoor playing space.

LDC's written representation on this matter (LDC/007) states in paragraph 2.7 that delivering GI within new developments will normally be sought through the Council's requirement for the provision of outdoor playing space and the design requirements in DM25 and DM27.

We note the point made by LDC during the Examination that outdoor playing spaces help tackle issues relating to childhood obesity. We do not dispute this statement, but do again emphasize the variety of GI options that could be delivered through development that offer wide and varied health and wellbeing benefits to a range of age groups. For example, community gardens and allotments offer opportunities for all ages to engage in physical activity.

It is also important to understand that GI could be delivered in more than one way in a development, for example through:

- Green walls on surfaces that face dwellings which have no outdoor space
- Bin or bike sheds with green roofs that can offer opportunities for pollinators, soak up water runoff and offer a chance to capture carbon
- Grass verges that are managed to promote biodiversity
- School grounds that incorporate an area of woodland for the school to deliver outdoor education
- Green cycleways
- Well-designed private gardens with hedges as boundaries to provide connectivity for struggling urban species.

All these options can provide health and wellbeing opportunities as well as wider environmental benefits to biodiversity that should be sought as per 118 of the 2012 NPPF.

The core of the Sussex Wildlife Trust's argument is that the type of GI delivered by a development should not be static and set in policy, instead the information provided as part of an application should inform LDC of the existing GI assets on that site, how the site sits in the wider GI network and what the developer **needs** to incorporate into the development to make its GI as vibrant and multifunctional as necessary to serve the District, that development and those that intend to reside/work there. This is in line with the strategic approach advocated by paragraph 114 of the 2012 NPPF.

The Sussex Wildlife Trust believes that the amendments to DM14 suggested in our representation (REP-022-001) are necessary to make the policy effective in ensuring planning proposals deliver GI as required by Core Policy 8 in the LLPP1. The current policy is too restrictive.

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Questions 5.3 & 5.5 – Allocation Policies and Policy DM24 Protection of Biodiversity and Geodiversity

During the discussion on biodiversity during the Examination Hearing on 4/4/19, there were two distinct issues which the Sussex Wildlife Trust wish to separate

- a) the suitability of the policy wording requiring an Ecological Impact Assessment found in all allocation policies, and
- b) the effectiveness of policy DM24 (protection of biodiversity and geodiversity) at delivering net gains to biodiversity as per paragraph 109 of the 2012 NPPF.

Allocation Policies

As stated during our oral evidence on 4/4/19, the Sussex Wildlife Trust supports the requirement found in all of the LLPP2 site allocation policies, for applications to include an Ecological Impact Assessment (EclA). However, as currently worded, the allocation policies state that an EclA is needed to mitigate potential adverse impacts on biodiversity. It is therefore not clear to applicants that National Policy (2012 NPPF, paragraph 118) requires a demonstration of how adverse impacts can be **avoided**. Where avoidance is not possible, this must be justified and appropriate mitigation suggested. Where residual harm remains, suitable compensation should be sought.

The lack of reference to avoidance means that those who are not familiar with the mitigation hierarchy might miss the importance of the first step – i.e. using up-to-date ecological information to inform a proposal and therefore avoid conflicts arising in the first place.

The Sussex Wildlife Trust appreciates LDC concern about policies being too long or wordy, however our comments are intended to be constructive to ensure that the policies are effective. We see applications where the first step in the mitigation hierarchy is not properly considered / demonstrated, either by the applicant or those dealing with the application. As a result the application is not processed as swiftly as it could be, with delays in the form of further information and changes in layout required by statutory consultees.

Therefore the Sussex Wildlife Trust continue to request the following amendment to all allocation policies requiring a EclA

‘...An ecological impact assessment is undertaken and appropriate measures identified and implemented accordingly to ~~mitigate~~ **avoid** potential adverse impacts on biodiversity. **Where adverse impacts are unavoidable, appropriate mitigation and compensation measures must be employed, commensurate to the importance, the legal protection or other status of the species or habitat.** Development allows for the protection of biodiversity and enhancement ~~where possible~~; and...’

If LDC remains concerned that our request is not concise enough, we would be happy to work with them on revised wording that ensures the policy makes clear the first step in the mitigation hierarchy, which is to avoid impacts.

Policy DM24 Protection of Biodiversity and Geodiversity

The second part of the discussion at the Examination Hearing (4/4/19) related to the specifics of Policy DM 24. The Sussex Wildlife Trust remains committed to seeking the modifications we set out in our Regulation 19 consultation and written Reps to the examination (REP-022-001), namely the insertion of:

‘All development proposals must provide adequate up-to-date information about the biodiversity which may be affected and any avoidance, mitigation and compensation measures required to ensure measurable net gains to biodiversity are delivered.’

We acknowledge the comments of LDC that the despite paragraph 165 of the 2012 NPPF giving a clear requirement for decisions to be informed by up to date environmental information, LDC sees this amendment as too onerous. However, the Sussex Wildlife Trust disagrees.

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The Sussex Wildlife Trust feels that LDC can use their discretion and experience to ensure the information required is proportionate to the scale of the application. We want to make clear that we are not suggesting that all applications include an EclA, but that there is some acknowledgement within the application documents that biodiversity has been considered.

We would be happy to work with LDC to identify the best mechanisms to use to ensure that this is achievable given the current capacity of their DM officers. This could take the form of a checklist which LDC could use alongside their existing access to desktop biodiversity data from the Sussex Biodiversity Record Centre.

As stated previously, the Sussex Wildlife Trust supports the requirement implemented by LDC in all LLPP2 site allocation policies, for applications to include environmental information in the form of an EclA. Given this fact, we question why LDC does not seek to adopt wording in DM24 to ensure that all other applications not covered by an allocation policy would also be subject to some level of environmental assessment, proportionate to the application.

If LDC is concerned that our amendment is not concise enough, we would be happy to work with them on revised wording that ensures the policy makes clear the importance of decisions being informed by up to date and relevant environmental information.

15th April 2019