



Sussex
Wildlife Trust

By email only

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Attn: Mr Jeremy Patterson
East Sussex County Council

Contact: Jess Price

Direct Dial: [REDACTED]

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Date: 20 December 17

Dear Mr Jeremy Patterson

Planning Application No: LW/799/CM(EIA)

Proposal: The construction and use of plant, namely aggregate processing plant, aggregate bagging plant, concrete batching plant, concrete block-making plant and buildings, ancillary offices and stores for processing and utilising aggregates landed at Newhaven Port and distribution of the products by road and rail together with access to the public highway and the extension of an existing rail siding.

Location: Fisher's Wharf, Newhaven Port, Newhaven

The Sussex Wildlife Trust **objects** to the above proposal.

Impacts from multiple developments

The majority of the proposed development sits within Tide Mills Local Wildlife Site (LWS). We understand that the principle of development has been agreed by Lewes District Council through saved policy NH20 and planning permission LW/15/0034, however this does not lessen our concern that a significant portion of a LWS, along with the priority habitat it contains, is being destroyed. LWS's make up a fundamental part of the county's ecological network and should be conserved and enhanced as per policy WMP27 of the East Sussex Waste and Minerals Plan.

The Trust is particularly concerned that the mitigation and compensation required for application LW/15/0034 to proceed has not yet been agreed. We note that documents have been submitted under application reference LW/17/0935/CD in order to discharge the conditions relating to ecology, however these state that further discussion is needed in relation to compensation for the loss of vegetated shingle. Condition 18 of the decision notice states that there should be no long-term net loss to habitat extent and species diversity, we are currently unclear how this will be achieved. Planning permission LW/15/0034 should not be allowed to proceed without this clarity and it is therefore not appropriate to permit this proposal, given its reliance on the previous permission (which has not yet been implemented).

Woods Mill, Henfield, West Sussex, BN5 9SD

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Chairman: Carole Nicholson Chief Executive: Dr. Tony Whitbread

The citation for Tide Mills LWS states that '*the shingle beach exhibits a good variety of shingle flora and is the best example of this habitat in Lewes District*'. The Planning Statement is clear that the further phases of this proposal are reliant on the development of the Port Access Road and it is clearly dependent on permission LW/15/0034. **Given the level of development proposed for this area and the interdependent nature of the various applications, the developments should be looked at holistically with a robust assessment of cumulative impacts.** It is not acceptable to leave the assessment of impacts to later developments as suggested in the Planning Statement.

Objection to proposal

We do not support development that compromises resources that have been designated for their biodiversity value, such as Local Wildlife Sites. We note that paragraph 3.53 of the planning statement is incorrect when it states that only 0.6 ha of the LWS will be developed, the area affected is much bigger.

The applicant's business plan is dependent on the approval of the port access road; we therefore encourage more holistic consideration of development in this area. The measures needed to ensure the long term integrity of the designated site should not be agreed in such a piecemeal way. We remind ESCC that section 187 of the National Planning Policy Framework states that *Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.*

The Trust notes that the strategic objectives of the Newhaven Port Master Plan include investing in infrastructure to establish a clean technology and renewable energy business cluster. We do not see how the development of such an energy intensive industry at the port conforms with this vision.

Quality of information

The Trust does not believe that the information contained within the Ecological Impact Assessment (EclA) is sufficient to make an informed decision, particularly in relation to reptiles. There is no information on how many reptiles were found, when or where, or what constitutes a small population. The survey does not appear to follow best practice with a short bedding down period and some visits occurring on consecutive days or in unsuitable weather conditions. It is therefore difficult to assess whether this is an accurate assessment of the reptile population at the site.

The Sussex Wildlife Trust would like to remind the council that all reptiles are protected under the Wildlife and Countryside Act 1981 and as such, the extent of the population should be assessed before a planning decision is made.

Although the EclA notes that common lizards are present along the rail sidings there is no discussion of how they will be impacted by the development or what mitigation may be necessary. The mitigation listed in the EclA seems only to relate to the southern undeveloped area of the site and relies on what is being implemented by permission LW/15/0034. Given the interdependency of a number of applications, there should be better evaluation of how reptiles utilise the area so that issues relating to habitat connectivity can be properly addressed.

The Trust also does not feel that there has been sufficient consideration of noise and air quality issues upon the LWS and its designated features. We also note that potential impacts on the special qualities of the South Downs National Park do not appear to have been adequately considered.

Net gains

It appears that the applicant has made no effort to incorporate biodiversity gains into the proposal with no consideration of how vegetated shingle could be retained. Whilst we support the principle of a green roof, no effort has been made to ensure that this feature will complement the surrounding shingle habitat.

Additionally no soft landscaping has been proposed. This is contrary to policy WMP27 which states that opportunities for increasing biodiversity and habitat creation should be maximised.

We ask East Sussex County Council to address the concerns Sussex Wildlife Trust have raised before the application is determined. However if the council is minded to approve the application we would like to see conditions that require:

- No development until application LW/15/0034 has been implemented, including full compensation for the destruction of priority habitat
- The use of up-to-date ecological information at all phases of the development
- A programme of biodiversity gains for the site, in particular shingle habitat

Yours sincerely

Jess Price
Conservation Officer