



The countryside charity  
Sussex

**CPRE Sussex**  
Brownings Farm  
Blackboys  
East Sussex TN22 5HG  
Telephone 01825 890975  
info@cpresussex.org.uk  
www.cpresussex.org.uk

Attn.: Case Officer: Mr D Easton

Arun District Council: Planning

[planning@arun.gov.uk](mailto:planning@arun.gov.uk)

Dear Mr Easton,

14 March 2024

CPRE Sussex representation objecting to:

**AL/11/24/OUT**

**Land East of Westergate, Westergate**

**Hybrid application consisting of: 1) Outline permission for all matters reserved (except access) for up to 400 No dwellings and associated works and 2) Full planning permission for alterations to site access off Westergate Street and through Pine Close and east-west link road including a bridge over the Lidsey Rife. This application also lies within the parish of Barnham, falls within Strategic Site SD5, CIL Zone 1 (Zero Rated), affects the setting of listed buildings, affects the character and appearance of the Eastergate Church Lane Conservation Area, affects public rights of way. This application is the subject of an Environmental Statement**

Our reasons for objecting are explained below.

## **Affordable Homes**

**1. 'We reserve the right to agree and appropriate level and mix of affordable homes during the determination period, subject to viability'** (the applicant's Planning Statement (including Statement of Community Involvement and Affordable Housing Statement), February 2024, page 28).

**2. We are concerned that the proposed scheme will deliver less than the minimum of 30% affordable housing required by Policy AH SP2 – Affordable Housing.**

2.1 This policy stipulates that 'for developments of 11 units or more a minimum of 30% affordable housing will be required, with an affordable mix of

75% rent and 25% intermediate housing. Affordable housing should be visually indistinguishable from market housing with large groups of single tenure dwellings or property types avoided' (30% of 400 homes = 120 affordable homes).

2.2 However, notwithstanding Policy AH SP2, the applicant's Planning Statement (February 2024), the scheme might deliver less than 15% affordable homes; page 5, states:

- 'Viability: A 15% affordable housing contribution was agreed in principle, subject to a further viability update included in the planning application to reflect current and accurate market values and any final version of the revised IDP' (15% of 400 homes = 60 affordable homes).

And at page 28:

- 'A viability assessment is submitted as part of this application to support the delivery of affordable homes, in accordance with Policy AH SP2. We reserve the right to agree an appropriate level and mix of affordable homes during the determination period, subject to viability'.

**3. Note that the application's Planning Statement (February 2024) advises at page 4 that**

'A recent appeal decision APP/C3810/W/22/3309365 on Land West of Yapton Lane, Walberton allowed 48 homes in a strategic gap on 2.46has of Grade 1 Best and Most Versatile (BMV) Agricultural Land and laid bare the situation ADC finds itself in. The Inspector noted; "[Arun District] Council is facing a serious and persistent housing crisis" "There is a significant need for affordable housing within the District, with over 1,000 households currently on the Council's housing register, having risen from 900 in 2018",

but omits to mention that of the 48 homes permitted, up to 14 (30%) would be affordable.

**4. It would be unconscionable if the proposed scheme AL/11/24/OUT were to deliver less than the 30% (minimum) stipulated by Policy AH SP2.**

### **Biodiversity Net Gain (BNG)**

**5. Has the applicant factored the requirement to meet biodiversity net gain into site selection and design?**

5.1 Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government 'Guidance Natural Environment: Explains key issues in implementing policy to protect and enhance the natural

environment, including local requirements' (Last updated 14 February 2024), states under the heading 'How can biodiversity and geodiversity be taken into account in preparing a planning application?' stipulates:

'Applicants are encouraged to consider the requirement to meet the biodiversity net gain early in the development process and factor it into site selection and design'.

5.2 In respect of AL/11/24/OUT, has the applicant factored the requirement to meet biodiversity net gain into site selection and design?

**6. Will the applicant provide 10% BNG on all habitats within the redline boundary of AL/11/24/OUT, whether or not they are impacted?**

6.1. 'Unless exempt, developers in England are required to provide 10% BNG on all habitats within the redline boundary of their development, whether or not they are impacted' (Guidance Understanding biodiversity net gain: Guidance on what BNG is and how it affects land managers, developers and local planning authorities, updated 22 Feb 2024). Underlining is mine.

**7. Where is the applicant's Biodiversity Net Gain report? The report should be included in the application bundle.**

7.1 The applicant's Ecological Impact Assessment (August 2023) states that 'In line with the upcoming requirements of delivery of a 10% gain as per the Environment Act (2021), a BNG assessment of the scheme has been undertaken. The outcome of this has identified the likely requirement of some additional land in order to deliver a 10% gain and this being actively looked at to ensure compliance (NB a stand-alone BNG report is being provided to support the scheme)'.

7.2 That was the position August 2023, and the application was submitted February 2024 without a BNG report. Where is the report? The report should be included in the application bundle.

## **Hedgerows**

**8. Hedgerows are listed as a habitat of Principal Importance for biodiversity conservation under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.**

**9. Natural England: Definition of Favourable Conservation Status Project** states that:

- 'Hedgerows support numerous Section 41 species alongside other species of conservation concern' and 'As an example of their high importance for biodiversity, over 21 Section 41 bird species are associated with hedgerows and for 13 of these, hedgerows are a primary habitat. Similarly, as many as 16 out of the 19 birds used by Government to assess the state of farmland wildlife are associated with hedgerows, with 10 using them as a primary habitat'.
- 'A single hedgerow can support high numbers of species of fungi, plants and animals. Overmature/senescent trees and deadwood in hedges may provide valuable fungal and lichen habitats',
- '2,070 species of animals, plants and fungi' were recorded in 'a single hedgerow in Devon over a two-year period. These included 17% of the total British list for each of *Diptera*, *Lepidoptera* and *Trichoptera*. Observation and published articles strongly suggested that the great majority of the 2,070 species recorded were benefiting from resources provided by the hedges, for food, breeding, finding mates or safe movement through the landscape'.

(Natural England: Definition of Favourable Conservation Status Project, J.T.Staley, R.Wolton, L.Norton).

**10 a) The Applicant's Environmental Statement Volume 1 Main Technical Assessment** states that:

- 'The site comprises 19ha of grassland, arable, woodland, scrub and hedgerows', and 'the landscape condition within the site is generally high with a well defined and intact network of hedgerows, tree lines and good specimen trees' (paragraphs 6.6.5.1 and 7.2.2)'.  
 - The development 'will predominantly involve the loss of cropland, grassland and bramble scrub. Some of the woodland and hedgerows are to be retained under proposals, although some of the central hedgerows will be removed to make room for the central residential parcels' (paragraph 7.2.6).

**10 b) The applicant's Environmental Statement Appendix 6 Landscapes and Visual Impact Assessment** states that

- 'Within the site itself the landscape condition would be adversely affected through the removal of existing trees and sections of hedgerow' (paragraph 6.25).

**10.1 Total length of hedgerows within the site's boundaries is not stated, and neither is the total length of hedgerows to be removed declared.** This information should be included in the application.

**11. The importance of the site's hedgerows for biodiversity within and beyond the 19.35ha site's boundaries, and how the development could/would impact on the biodiversity of retained hedgerows and dependent species, including Section 41 listed species, is not considered in the application in detail. It should be considered.**

This omission is cause for concern because:

- 'While few species are wholly dependent on the hedgerow for all the resources needed to complete their life cycles, nevertheless loss of local hedgerows, or changes in hedgerow management leading to declines in hedgerow quality, would be likely to result in significant population declines for many species'.
- 'The quality of hedgerows, defined through a series of structural and functional attributes, strongly determines how well hedgerows support biodiversity across a broad range of taxa. Hedgerow height and width, the provision of flowers (pollen and nectar resources for pollinators) and berries (for overwintering wildlife), the presence of mature trees, and the density and structural diversity of the hedgerow network are all examples of quality attributes which affect how well hedgerows can support wildlife' (Natural England: Definition of Favourable Conservation Status Project, J.T.Staley, R.Wolton, L.Norton).

## **Birds**

**12. The applicant's Ecological Impact Assessment, paragraph 4.8.3, states that a 'total of 32 bird species were recorded during the Breeding Bird Survey, within or beyond the site boundaries, completed: 16/03/2023,14/04/2023,11/05/2023 and 14/06/2018' (presumably 14/06/2023, not 2018?), with 'Each survey visit taking between 96-120 minutes' (paragraph 3.3.7).**

**13. Where is the 'Appended Bird Results Map' referred to in paragraph 4.8.3?**

**14. 'Some wild birds are listed as rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006). You must have regard for the conservation of Section 41 species as part of your planning decision' (Natural England 'Guidance Wild birds: advice for making planning decisions', published 14 January 2022).**

**15. Natural England 'Guidance Wild birds: advice for making planning decisions' (published 14 January 2022) states that their standing advice for**

**protected species, including wild birds, is a material planning consideration for local planning authorities, and that:**

- 'Some wild birds are listed as rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006). You must have regard for the conservation of Section 41 species as part of your planning decision'.
- A local planning authority 'should ask for a survey if the proposal site is likely to affect: breeding birds, wintering birds, barn owls and other birds listed in Schedule 1 of the Wildlife and Countryside Act, birds listed in Section 41 of the Natural Environment and Rural Communities Act 2006, red and amber list birds of conservation concern'.
- 'Some wild birds are listed as rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006). You must have regard for the conservation of Section 41 species as part of your planning decision'.

15.1 Some Section 41 species were noted by the breeding bird surveys conducted on-site in 2023, March, April, May and June: Dunnock, House Sparrow, Song Thrush and Starling.

**16. Natural England and Defra 'Guidance Protected Species and Development: advice for local planning authorities' (last updated 25 Oct 2023)** in respect of birds stipulates in respect of birds under the heading When to Survey: Birds (Breeding): March to August; Birds (Winter behaviour): October to March; Birds (Migration): March to May, August to November.

16.1 The Breeding Birds' survey expedited for the applicant was undertaken during March, April, May and June (one day in each month), but not July to February (paragraph 12 above refers).

**17. Contrary to the Natural England and Defra Guidance bird surveys were not undertaken at the site during July, August, September, October, November, January and February.**

17.1 Consequently contrary to Natural England 'Guidance Wild birds: advice for making planning decisions', how the application could/would affect birds July to February and therefore wintering birds, including red and amber listed bird species of Conservation Concern, as well as rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006) cannot be considered by the council's decision takers.

**18. To enable the Council to have regard for the conservation of Section 41 species as part of their planning decision, a full on-site bird survey, including wintering birds, is required.**

**19. What will the cumulative impacts from other development proposals within the area be on Section 41 bird species, and red and amber listed birds of Conservation Concern? This should be considered.**

**Please be advised** that many of the documents in the application bundle appear to be black and white scans of original documents variously illustrated with in-colour plans, diagrams, graphics and annotations, which haven't reproduced well in black and white, with consequent loss of essential definition and clarity.

They should be replaced with colour scans.

CPRE Sussex asks that the application be refused for the reasons explained above, paragraphs 1 to 19.

Yours faithfully,

Dr R F Smith, DPhil, BA (Hons) FRGS

Trustee CPRE Sussex

Copy to:

Chair CPRE Sussex