

Sussex Wildlife Trust

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Transport and Environment
East Sussex County Council
C4 Waste and Minerals Policy (AP)
FREEPOST (LW43)
Lewes
East Sussex
BN7 1BR

22 January 2010

Dear Sir / Madam

The following comments are made on behalf of Sussex Wildlife Trust and relate to the Waste and Minerals Core Strategy, Preferred Strategy.

Q1 S2 Context

The South East Plan requires self sufficiency with respect to waste disposal on a regional scale, whilst having regard to Community Strategies. In order to meet one of the tests of soundness, the strategy should be based on robust and credible evidence and with this in mind, Sussex Wildlife Trust suggests that there are other plans, strategies and guidance that should inform decision making, particularly when identifying sites.

Planning Policy Statement 9 (PPS9) requires net biodiversity gains via enhancements delivered through the planning system and now places greater emphasis on the protection of sites without statutory designation. In particular, there is a presumption against developments that would impact on ancient woodland (including ancient wet woodland) and aged or veteran trees found outside ancient woodlands.

In relation to PPS9, the associated circular states:

'In PPS9, the Government has indicated that local authorities should take steps to further the conservation of habitats and species of principal importance through their planning function (see PPS9 Para 11 and 14). The lists of the habitat types and species subject to this duty were published by DEFRA in 2000 and comprise the list of species and habitats identified as priorities under the UK Biodiversity Action Plan'. (now listed as Section 41 of the NERC Act - see below).

The following section is taken from Natural England's website and relates to the Natural Environment and Rural Communities (NERC) Act (2006).

<http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/duty.aspx>

Section 40 of the Act requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Taking Care of Sussex

President: David Streeter MBE
Chairman: Patrick Berry
Chief Executive: Tony Whitbread

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This duty extends to all public bodies, the biodiversity duty of section 74 of the Countryside and Rights of Way (CROW) Act 2000, which placed a duty on Government and Ministers.

The aim of the biodiversity duty is to raise the profile of biodiversity in England and Wales, so that the conservation of biodiversity becomes properly embedded in all relevant policies and decisions made by public authorities.

The Duty applies to a wide range of organisations including local authorities – unitary, county, district, metropolitan, and community, parish and town councils,

In recognition of the key role local authorities play with regard to conserving and enhancing biodiversity, Defra has produced specific guidance aimed at the needs and requirements of local authorities
[http://www.naturalengland.org.uk/Images/dutyguidancelocal_tcm6-9234.pdf]

Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England.
[http://www.naturalengland.org.uk/Images/S41_List_Explanatory_Note_tcm6-8159.doc]

This list is guides decision-makers such as public bodies, in implementing their duty under section 40 of the NERC Act, to have regard to the conservation of biodiversity in England, when carrying out their normal functions.

Fifty-six habitats of principal importance are included on the S41 list. These are all the habitats in England that have been identified as requiring action in the UK Biodiversity Action Plan (UK BAP).
[http://www.naturalengland.org.uk/Images/Section_41_NERC_Act_Habitats_tcm6-8155.doc]

There are 943 species of principal importance included on the S41 list. These are the species found in England which have been identified as requiring action under the UK BAP.
[[http://www.naturalengland.org.uk/Images/Section_41_NERC_Act_Species\(Nov_2008\)_tcm6-8156.doc](http://www.naturalengland.org.uk/Images/Section_41_NERC_Act_Species(Nov_2008)_tcm6-8156.doc)]

The Sussex Biodiversity Action Plan (BAP) translates the UK BAP to a local level and can be found at www.biodiversitysussex.org.

Wealden District Council recently produced the Wealden Ancient Woodland Inventory. This and progress on other district based revisions of the East Sussex Ancient Woodland Inventory is available from the Sussex Biodiversity Record Centre (www.sxbrc.org.uk).

With regard to marine aggregate extraction, we would like to see an acknowledgement of the devastating effects this can have on marine ecosystems, particularly in light of the recent Marine and Coastal Access Act (2009). Being a coastal county, we are only too aware of the effects of land based activities on the marine environment and would like to see a move away from the 'out of sight, out of mind' attitude to this.

Q2 S3 - Characteristics of East Sussex and Brighton and Hove

Sussex Wildlife Trust is concerned that sites of local importance to biodiversity and the functionality of the landscape in terms of biodiversity and ecosystem services have not been considered when identifying sites for waste disposal. It should be remembered that sites designated as nationally important represent examples of important habitats, rather than the national complement of important habitats and species.

Sites of Nature Conservation Importance (SNCIs) are designated through the local planning system and are of importance to National Indicator 197 as well as to local communities and biodiversity.

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There are also many sites that are managed for nature conservation, including land owned by organisations such as Sussex Wildlife Trust, RSPB, Woodland Trust, National Trust and others. We include a map showing information we hold regarding land ownership.

Information is also available regarding farmland managed under stewardship from Natural England.

The Sussex Biodiversity Partnership is leading on the identification and development of Biodiversity Opportunity Areas (BOAs), which represent the targeted landscape-scale approach to conserving biodiversity in Sussex and incorporate Biodiversity Action Plan (BAP) targets.
[<http://www.biodiversitysussex.org/landscapes/>]

Landscape-scale conservation involves identifying opportunities to expand, link and buffer key sites, and increasing the quality of the entire countryside for wildlife. This approach is vital to ensure our species can adapt to the challenge of climate change.

BOAs have been identified throughout the South East and are the regional priority areas of opportunity for restoration and creation of BAP habitats. They are a spatial representation of the BAP targets and are areas of opportunity, not constraint.

The BOAs are the property of the South East England Biodiversity Forum.
[<http://strategy.sebiodiversity.org.uk/>]

It is important to recognise the functionality and connectivity of sites within the landscape if we are to see habitats and species able to adapt to the effects of a changing climate (NI 188).

Q3 S4 Spatial Vision

Sussex Wildlife Trust would like to see a sustainable future, which we believe should include a reduction in the use and transportation of minerals and a reduction in the production of waste alongside more sustainable solutions for its management.

Q4 S5 Spatial Objectives

Sussex Wildlife Trust supports the move to drive the management of waste up the 'waste hierarchy' whilst reducing the amount of waste produced. However, we believe that if this is to happen, this document needs to be clear about measures that will be implemented and the timeframe within which we will see progress. This will require a monitoring strategy to ensure success.

Currently the greatest threat to biodiversity on a global scale is climate change and it is important that this strategy contributes to the ability of the local environment to adapt to the effects of a changing climate, alongside measures to mitigate its impacts.

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Q5 Policy CS1a Waste Minimisation

Sussex Wildlife Trust would like to see a stronger policy on waste minimisation beyond "initiatives to reduce waste generation will be encouraged".

We are not clear on how preferred option W1h will be implemented or what reduction in waste is predicted.

Q6 Policy CS1b Minimising waste during construction and demolition

The management of waste during construction and demolition can result in a reduction in the use of new materials in construction and can therefore contribute to mitigating climate change. We would like to see strong planning policies enforced to support this.

Q7 Policy CS2 The need for additional waste recovery and land disposal capacity

Sussex Wildlife Trust questions the sustainability of this approach and would like to see emphasis placed on waste minimisation and recovery to reduce the need for additional capacity. Whilst we can see that the preferred option is to allow for some flexibility, planning for medium waste growth does not instil confidence in Spatial Objective 1 or the Spatial Vision.

Q8 Policy CS3 Meeting the need for new waste management capacity in line with the waste hierarchy

The development of any facilities and infrastructure should be based on local evidence and careful site by site analysis.

Q9 Policy CS4 Distribution and scale of strategic waste recovery facilities

Sussex Wildlife Trust would like to see 'valued environments' include nature reserves, sites of nature conservation importance (SNCl)s and BAP habitats and species.

The functioning of the landscape and its composite habitats and species is of great importance. The value of the landscape to people and wildlife goes beyond the view, particularly with respect to ecosystem services.

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Q10 Policy CS5a Sites for built facilities for recycling and recovery of MSW, C&I and temporary C&D facilities

It is important that decisions are evidence based and make use of up to date ecological data. Brownfield sites can be extremely valuable to biodiversity, in particular invertebrates and some protected species. A site by site assessment must be undertaken within this policy.

This is also true of greenfield sites adjoining or within development areas, which will be of value in terms of green infrastructure provision to both people and wildlife.

Q11 Policy CS5b Sites for open air composting and for permanent open air C&D recycling

It is important that the potential for negative impacts on the landscape and biodiversity are considered alongside those on workplaces and communities.

In particular, transport impacts of sites can impact negatively on surrounding areas.

Q12 Policy CS5c Design and operation of waste facilities to mitigate the greenhouse gas impacts of new waste development facilities

The location of facilities should also be considered, particularly with respect to transport impacts.

Q13 Policy CS6 The need for appropriate distribution of land disposal facilities for residual waste in suitable locations

In allocating sites, Sussex Wildlife Trust would like the following key principles to be taken into account. These guiding principles have been taken from Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9).

- Policies and decisions are based on up-to-date information.
Policies and decisions should use all available datasets e.g. designated sites, priority habitat data, protected species, and supported by surveys where there are gaps in the data. It should be made clear that whilst only areas of search have been identified at this stage, site specific decisions will be based on detailed, local information.
- Policies and decisions should seek to sustain and enhance biodiversity.
Real net gains for biodiversity should be achieved through policies and decisions. Examples of how the planning process can deliver this can be found in the good practice guide to PPS9. On and off site gains should contribute to the achievement of BAP objectives and the establishment / connectivity of ecological networks.

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- Policies should take a strategic approach to the conservation and enhancement of biodiversity. National, regional and local BAP objectives should be incorporated into policies and environmental assets should be assessed to inform how these can be enhanced. Working to the principles of ecological networks will help achieve a strategic approach.
- Proposals should be accommodated without causing harm to biodiversity and reasonable alternatives should be considered. Planning permission should only be granted where adequate mitigation and compensation measures can be put in place. This may not be possible on all sites, so should be considered during the process of allocation.

Sussex Wildlife Trust supports the avoidance of water resources and valued environments and the suggestion of a 500m distance from valued environments. We consider that 500m should be seen as a minimum distance to enable a suitable buffer to protect habitats and species of importance, including water bodies.

We take valued environments to include those listed in 12.10 and suggest that BAP habitats and species listed in Section 41 of the NERC Act, SNCIs and nature reserves should also be avoided. (See Q1, Context for further information on NERC, S41).

The true ecological impact on a site must be assessed within a functioning landscape and demonstrate a contribution to biodiversity gains, as required by PPS9. When assessing potential sites for development the local authority should be mindful of the connectivity of existing habitats in the area. Of particular importance are natural linear features such as river systems and hedgerows that can provide wildlife corridors, along with areas of ancient woodland and shaws and other semi-natural habitats that could provide 'stepping stone' sites for species movement.

The importance of the size of connected habitat cannot be underestimated in terms of the range and number of protected and BAP priority species that it would be able to support. The importance of this connectivity and species movement is now recognised in Government guidance and the South East Plan and is particularly important when planning for climate change.

PPS9 - Paragraph 12 states that: *'Local authorities should aim to maintain networks by avoiding or repairing the fragmentation and isolation of natural habitats through policies in plans. Such networks should be protected from development, and, where possible, strengthened by or integrated within it.'*

We are concerned that whilst ancient woodland has been identified as an environmental constraint to site selection (para 12.10) the areas of search include ancient woodland sites. This habitat is recognised as being irreplaceable and of great importance to biodiversity in PPS9. The authority will therefore need to show that the need for landraise in a specific location outweighs the loss, or damage to the integrity, of ancient woodland.

Areas at risk of flooding or having ecological connections to water bodies will also require very careful consideration with respect to biodiversity loss or damage and ecosystem services.

I have attached two maps produced using data from the Sussex Biodiversity Record Centre. We have mapped designated sites and land owned by organisations who are likely to manage land with conservation in mind. When overlaid with water bodies, flood risk areas, ancient woodland etc, the areas of search may be further reduced.

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Q14 Policy CS7 Wastewater treatment works capacity and sewage sludge treatment capacity

Any proposals should have a beneficial effect on the ecological status of the River Cuckmere in line with the Water Framework Directive.

The areas at risk of flooding will increase with climate change predictions so any infrastructure should avoid areas with potential to flood in order to reduce the risk of pollution events.

Any proposals should deliver biodiversity gains, including natural wetland systems to filter water before discharge into a river.

Potential for wetland restoration in Sussex has been assessed and mapped by Sarah McIntyre at RSPB and a detailed study of the Cuckmere has been undertaken for the Environment Agency.

Q15 Policy CS8 Managing hazardous waste

No comments

Q16 Policy CS9 Sustainable, efficient and hierarchical management and use of minerals in East Sussex and Brighton and Hove

Sussex Wildlife Trust supports use of secondary and recycled materials in preference to primary minerals.

Q17 Policy CS10a Safeguarding of minerals resources

No comments regarding safeguarding sites as long as future planning permission is granted in line with policy and guidance.

Q18 Policy 10b Safeguarding of wharf and rail facilities

Support the safeguarding of these facilities

Q19 Policy CS11a Contributing to local, regional and national aggregates provision

Sussex Wildlife Trust would like to see a holistic approach to aggregate extraction to protect biodiversity both on land and at sea. We support the use of recycled materials in preference to primary aggregates.

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Q20 Policy CS11b Meeting national requirements and regional development needs for clay

Sussex Wildlife Trust would like to see development levels set within environmental capacity. Individual sites should be assessed before extraction of clay to ensure sustainability and alternatives to the use of natural resources should be encouraged.

Q24 PCS14 Protection of designated areas and reducing the environmental impact of minerals development

Site selection should be along the same lines as outlined by Sussex Wildlife Trust in relation to land disposal.

Q25 Policy CS15 Support sustainable means of transporting minerals within and in and our of the plan area

Support sustainable transport solutions as part of an integrated transport network.

Q27 Plans

Sussex Wildlife Trust has concerns over the mapping. We attach two maps we have produced using data from Sussex Biodiversity Record Centre to show sites owned by conservation-minded organisations. This will not cover all land being managed in a wildlife friendly manner nor does it suggest that all of the identified land is being managed this way but it is far more informative that the solitary Sussex Wildlife Trust site identified on Plan 1, which incidentally is not one of our reserves.

We also include a layer showing designated sites, both national and local to identify examples of valuable sites for wildlife. It should be recognised that the designation process only identifies examples of habitats.

It is not clear what the buffer on Plan 4 means or why it has been put on some sites and not others. We have had a look at site designations, size and habitats and not been able to work it out.

More detailed maps of areas of search would have made it easier to comment.

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Q28 Is the strategy as a whole the right approach?

Sussex Wildlife Trust would like to see greater commitment to reducing waste and moving up the waste hierarchy with respect to its management. This will need more detail as to implementation and monitoring.

When identifying areas for land disposal and other infrastructure, we need more confidence of evidence based decisions, using local data.

The plan should be driven by sustainability in waste levels and management, minerals extraction and recycling and all associated transport and infrastructure.

Recognition of the importance of habitats and species in a landscape context is needed to ensure adaptation to climate change is achievable alongside mitigation measures. This is needed to comply with PPS9, the NERC Act and to deliver towards BAP targets.

We would like to be informed of any further developments related to this strategy.

Yours sincerely

Janyis Watson
Head of Conservation