



Environmental  
Law Foundation

access to environmental justice for all

On behalf of Love Our Ouse



### **Response to the LDC Draft Local Plan – “Towards the Spatial Strategy and Policies Directions’**

First to say we commend these aims and respond warmly to the aim of putting the environment front and central to your environmental aims in planning decision making.

We have extracted the questions and responded to the questions posed under the LDC Consultation. We have added wording where we think it is justified and where Council Policy in the draft plan is supportive.

#### **At page 22 Vision for Lewes District’s plan area**

In the first green column, third paragraph we would suggest the addition of the “**Biodiversity Crisis**” which with climate change represents a present and significant threat to life on earth.

*The Local Plan will contribute to mitigating and adapting to the greatest challenge(s) of our lifetime – Climate Change **and the Biodiversity Crisis***

#### **At page 23 we think this should include Biodiversity, Green and Blue Spaces –**

*We want new development to enhance and deliver **meaningful** biodiversity net gains rather than detrimentally impact on our **terrestrial and water** environmental assets including designated **local and national sites**, landscape character, **restore the good ecological health of our rivers**, water quality and biodiversity. Supporting opportunities to increase and improve the ecological quality of open space and multi-functional green infrastructure, the **ecological restoration of our rivers**, retention of existing trees and the planting of more trees. Good development links to and upgrades existing green spaces, improves access for new and existing residents as well as delivering green spaces closer to where people live in our towns and villages **leading to** improved air quality. Working in partnership with other agencies, we also want to guard against the risk of flooding and coastal erosion and improve the water quality and **restore the ecological health** of our rivers; by ensuring that new*

development is appropriately located and retains and enhances flood defences through river restoration works.

### **Page 25 the Key Facts about our plan area**

**Environment** – can we suggest “**three Council motions on river health, including on rights of rivers.**

### **Vision and Aims**

#### **Aims for the Natural Environment (Page 80).**

- 1) **Vision and aims • What are your views on the proposed vision and aims?**
- 2) **Is there an alternative vision or aims (or parts of) that we should be considering?**

We would suggest the following additional words in bold in the opening paragraph:-

*We want to put the **restoration of nature and the** environment at the heart of all new development to enhance and deliver **meaningful** biodiversity net gains rather than detrimentally impact on our environmental assets including designated **nature sites (local and national)**, landscape character, biodiversity and water **ecology and** quality.*

We think that the inclusion of the word “restoration” meets with the Government’s intention for BNG - *BNG is an approach to development. It makes sure that habitats for wildlife are left in a **measurably better state** than they were before the development.* And the word meaningful is used by the Council later in this document.

We would include both national and locally designed nature sites here. ELF sees a lot of targeting of Local Nature Reserves for housing development whilst local and national policy does not support this. We also note this accords with the Council’s own preferred policy objective.

In addition we would suggest the following paragraph

***This Council is the first in England to pass a District Council motion to consider within 2 years, endorsing a River Charter for the Ouse.***

We would justify this paragraph’s inclusion as the passing of the Ouse Charter Motion is something to be celebrated and is laudable.

### **“Climate Theme (page 28)**

- ***Are there any further policies you would like to see included to respond to Climate Change? Why do you think they should be included?***
  - a. **Development Strategy [responding to climate change]**
    - Page 40 – under the section Objectives, LDC states that their development strategy will recognise ‘*our environmental constraints*’ and that the preferred policy direction ‘*will seek to protect and enhance nature...*’. They go on to state that influences on their emerging spatial strategy will include: ‘*Achieving a high-quality environment – balancing the protection of our natural landscapes, heritage, and watercourses with meeting our social and development needs.*’
    - Page 42 – stated that LDC wants to ‘*set out locations where our area’s habitat networks can be restored and where new green and blue spaces*

*can be created to help improve the health and wellbeing of our communities as well as our natural environment. This may mean that sites are identified for the provision of this infrastructure or that the green/blue infrastructure is delivered as part of a wider development site'.*

We would suggest that the issues listed for the influences on development strategy could include the addition of **'sustainable management of water usage by newly developed properties'**.

**b. Climate Change (page 59)**

- The principles of climate change mitigation include:  
*Ensure that new development is as energy efficient and low carbon as possible.'*

We would suggest that **the sustainable use of water supplies** could also be added to this list.

*'Improve infrastructure to support sustainable development and help existing residents to reduce emissions and **the reduction of water waste** could be added to this sentence.*

- Page 68 – Policy CC6 (Coastal Change) –

*Coastal protection engineering works can affect species and habitats, **rivers and estuaries** or beaches and paths. The impact of these **must** be considered. Replace the word **should** with **must**.*

While not directly related to rivers, we would like to see an approach taken under this policy due to synergies and parallels with approaches for development that includes sections of the river Ouse as it meets the sea.

**c. "Natural Environment Theme (page 28)**

- *Are there any further policies you would like to see included to protect and enhance our natural environment? Why do you think they should they be included?*
- *Do you think the policy direction for Green and Blue infrastructure is the right one? If not, please identify how it can be changed and why?*
- *Do you think the policy direction for Biodiversity is the right approach? If not please identify how it can be changed and why?*
- *Should the Local Plan consider preparing an urban greening policy which requires a minimum level of greening on a development site?"*

**Green Blue Infrastructure.**

There is much to be commended about this approach of the Blue Green Infrastructure. However given there is to be a Green Infrastructure Study, and this is G/B there should also be a similar study for the Blue Infrastructure in the Lewes District. The Council has shown itself to be much interested in the water environment including through the Council's Rights of the Ouse/ Charter motion and previous two motions on sewage.

Furthermore whilst there is detail on green infrastructure there is little detail on what the blue infrastructure might consist of through the policy. We have added some elements of additional blue infrastructure for detail.

Second paragraph of Objectives (page 72)

- A Green and Blue Infrastructure network can include street trees, green roofs/walls, parks, private gardens, allotments, **rainwater harvesting**, sustainable drainage systems, through to wildlife areas, woodlands, **ponds** and wetlands, and natural flood management functioning at local and landscape scale. Linear GBI includes roadside verges, green bridges, field margins, rights of way, access routes, and canals and rivers.

“Preferred Policy Direction (page 72)”

- The Local Plan will identify the existing GBI network and areas where there is potential for the enhancement or restoration of existing GBI and opportunities for the provision of new green space **and the restoration and enhancement of blue assets**.
- On page 71, the river is expressly mentioned as being as a vital part of the ecosystem, and it goes on to state that *‘In addition to protecting and restoring nature, for nature, the natural environment contributes to enhancing the quality of life for residents, workers and visitors and helps to promote healthy living and social inclusion’*. This is good policy and is commended.
- Page 72 (Policy NE1) – LDC includes canals and rivers as examples of ‘liner GBI’ and we suggest that you read through this policy to see if there is scope to enhance reference of river rights.
- Page 75 (Policy NE3) – we would suggest a reference to the river, and the catchment areas associated with the river as being an integral part of the landscape for the purposes of this policy. We also know that new development will have an impact on the River. Ham Lane Sewage Works upon which new development in the Lewes area relies, is one of the worst performing sewage works in the SW catchment area.
  - Objectives – first paragraph add the following words – *“The settlement boundaries were considered taking into account, among other things, important gaps between individual towns and villages and important environmental considerations such as the need to conserve designated areas of national landscape **including the river Ouse, and the catchment areas associated with the river as being an integral part of the landscape for the purposes of this policy, ecological, geological, or historic importance.**”*
  - Preferred Policy Direction - first paragraph to add the following words - *“The policy will maintain and where possible enhance the natural, locally distinctive landscape qualities and characteristics of the district, including **its rivers and watercourses**”*
  - *New development will have an impact on the landscape and **the river Ouse and its catchment**; the new Local Plan will steer developments where harm can be minimised and policies will set out how development should conserve and enhance the natural beauty and*

*high quality character of the District. The policy must ensure that development in the district does not adversely affect the setting of the South Downs National Park (SDNP).*

- **Page 77 (Policy NE4) - Preferred Policy Direction.** The policy will require development proposals to '*avoid significant adverse impacts on health and the quality of life for residents and quality of the environment from pollutants such as air, soil, noise, **water** and light (the dark night sky) or other pollutants now or in the future*'.

Second paragraph - "*... Development (residential and commercial) that may potentially contribute to, or adversely affect soil quality, **water quality**, air quality, or contribute to noise or light pollution will only be permitted where it can be demonstrated that the development will not have an adverse impact on the use of other land, the health and quality of life of residents, or on the environment **including rivers and watercourses***"

This list should include reference to rivers and water quality. This is in line with the Council's own draft policy.

**Policy Specific for noise pollution** - second column - first paragraph we suggest that wildlife is included given the impacts noise can have

*In turn, noise generating development will only be permitted where it can be demonstrated that nearby noise sensitive uses, including existing or planned uses, will not be exposed to noise impacts that would adversely affect the amenity of existing or future users/occupiers and **including non-human species**.*

#### d. **Infrastructure and Community Facilities**

- Page 127 (Policy IC2) – to consider the extent to which this policy should make more explicit reference to delivery of capacity not being to the detriment of the natural river ecosystem. At the moment the document refers to '*no significant adverse environmental impacts*'. We would suggest the following wording.

*The policy will also support infrastructure proposals designed to increase water supply and wastewater treatment capacity subject to there being no significant adverse environmental impacts **to the detriment of the natural river ecosystem**.*

- Page 138 (Policy IC8) – at the top of page 139, the document highlights transport related emissions as one of the largest contributing sources to climate change, and also impact on air quality. We would like the Council to highlight that water run-off from the road network can have a major impact on local natural environments, particularly where that run-off enters the rivers. We suggest the following additions:-

Transport related emissions are one of the largest contributing source to climate change, as well as having an impact on the quality of the environment. **Water run-off from the road network has a major impact**

**on local natural environments, particularly where that run-off enters rivers and chalk streams.**

This policy will seek to ensure that development does not lead to unacceptable transport impacts **which includes the polluting effects of road run off into waterways.**

e. **Landscape and the Built Environment**

*Are there any further policies you would like to see included to guide Design, Landscape and the Built Environment? Why do you think they should they be included?*

Again as a general point, it is important that rivers are seen as an integral part of the landscape, and influence landscape character (Policy D3). We would suggest that in addition to Preferred Policy Direction list another is added:-

- Page 151 - Policy D3 - Preferred Policy Direction - first bullet point - **"of each character area including its rivers and watercourses"**

Council might consider a standalone Preferred Policy Direction such as

***Protect and enhance the River Ouse and its setting as an integral part of the landscape in the plan area***

f. **Water**

"Water Theme (page 129)

- *Are there any further policies you would like to see included to respond to water resources and water management? Why do you think they should they be included?*
- *Should the water quality policy specify standards for development for intensive livestock production?*
- *Should the new local plan continue with the existing policy approach set out in Policy DM18: Recreation and Rivers or go further and consider specific locations for recreational uses, and other, or more specific areas/water bodies."*

For LOO this is a significant and highly relevant section, we acknowledge and commend the fact that LDC have taken the step to introduce an entirely new plan theme on water. However it is largely based around flood management and we would suggest that the policy is widened to include more on the restoration of the water environment, as the Council has in previous policy here.

We would suggest a second paragraph for the Aims:-

***The rivers and the wider water environment form a vital part of the ecosystem. In addition to protecting and restoring our rivers and waterways, for nature, the water environment contributes to enhancing the quality of life for residents, workers and visitors and helps to promote healthy living and social inclusion.***

- Page 156 – in respect of the suggested hierarchy of drainage options, there is no reference to effect of pollutants – ELF may have greater knowledge through the technical studies to offer views on this.

*It is important that new development is safe and resilient to flooding **and water pollution** and does not increase flooding **or pollution** elsewhere. Therefore, opportunities to reduce flood risk **and pollution** through natural flood management and the use of Sustainable Drainage Systems (SuDs) will be required.*

*Natural flood management involves techniques that aim to work with natural hydrological and landscape features, and characteristics to manage the sources and pathways of flood waters and **improve the water quality where pollutants enter watercourses**. Techniques include the restoration, enhancement and alteration of natural features, characteristics, **including natural processes that capture and disperse pollution** but exclude traditional flood defence engineering that works against or disrupts these natural processes.*

### **Objectives**

Page 158 – Policy W2 we would suggest the following words for inclusion and the removal of the word “impacts” – we think that must be a mistake:-

*The quality of the water environment in terms of groundwater, surface water and the sea, is of major importance for the ecosystem and biodiversity, **for protecting and restoring nature, for nature**. It helps to provide good quality drinking water, is an amenity for recreation for sports, and **is vital (impacts) for wildlife and the environment**.*

Second paragraph- ". The policy will require all development proposals to avoid adverse impacts, mitigate any adverse impact, and where possible contribute to the improvement of the quality of the water environment **and biodiversity of our rivers"**

- Page 159 – we would also suggest further wording to the following paragraph to emphasise the interest in the water environment being demonstrated by LDC as follows:-

Water quality is of great concern of the council. On 3 March 2023 a council motion was passed to ask Southern Water for responses on sewage discharges and on 23 May 2023 a motion was passed to protect our local rivers and sea by taking into account the cumulative impact of sewage discharge. **On the 20<sup>th</sup> February 2023 a council motion was passed that recognised the growing global movement of the rights of rivers and gave itself a two year timescale, working “towards the production of a ‘Declaration on the Rights of the River Ouse’ by relevant stakeholders for possible endorsement by the Council”.**

- **P 162 Monitoring and Delivery**

It is stated in the second paragraph “We will work positively and proactively with local communities, parish councils, businesses, key stakeholders, landowners, developers and the wider public to ensure that the Local Plan is successfully delivered. Working effectively across the

council and with partners will be essential to support new development through securing the co-ordinated and timely delivery of social and physical infrastructure improvements, including green **and blue** infrastructure. This will ensure that growth that is being planned for and delivered will be 'good growth.'

As the Council has introduced policy on the Green Blue Infrastructure it should include a reference to blue infrastructure here.