

## Response Note

|                 |                                                      |                   |               |
|-----------------|------------------------------------------------------|-------------------|---------------|
| <b>Project:</b> | Lower Horsebridge Appeal<br>(APP/C1435/W/23/3335625) | <b>Date:</b>      | 18 April 2024 |
| <b>Subject:</b> | Response to WDC's HRA<br>information                 | <b>Reference:</b> | 231703C       |

### Introduction

1. This note provides the Appellant's views on information provided by Wealden District Council (WDC) to the Planning Inspector relating to Habitats Regulations Assessment (HRA). It follows receipt of a document under cover of an email from [REDACTED] [REDACTED] of WDC to [REDACTED] [REDACTED] of the Planning Inspectorate (PINs) on the afternoon of 15 April. The document was provided in response to a letter request of PINs dated 27 March requesting substantive information in relation to proposed development and effects on the Pevensey Levels SAC.
2. It is understood that the information that has been provided by the Council is in the form of a standard template WDC uses for 'Stage 1 screening'. It indicates that Appropriate Assessment should be undertaken in relation to the following identified likely significant effects:
  - In-combination effects of air quality from vehicle emissions on the Pevensey Levels SAC, and
  - In-combination effects of air quality from vehicle emissions in relation to the Lewes Downs SAC.
3. WDC subsequently advised (in a follow up email on the morning of 18 April) that the Council has "never made any objections or representations" regarding HRA and that the information provided "was not made in response or objection to the applicant's [sic] Shadow HRA".
4. The Appellant makes initial comments as follows in respect of the WDC document and related matters, in bullet form, below.

### Pevensey Levels SAC

- The Joint Nature Conservation Committee (JNCC) citation for the Pevensey Levels SAC does not reference a threat in relation to air quality from vehicle emissions.
- WDC's HRA (January 2024) undertaken for the Regulation 18 Local Plan consultation does not identify the Pevensey Levels SAC as being

susceptible to air quality emissions from vehicles and as such did not identify any potential for likely significant in-combination effects.

- The Appellant's shadow HRA does not identify likely significant in-combination air quality effects on the Pevensey Levels SAC.
- The HRAs/ecology reports reviewed as part of the in-combination context in the Appellant's shadow HRA did not identify a potential adverse effect on the integrity of Pevensey Levels SAC in respect to consideration of any alone or in-combination effects.
- The consultation responses to PINs from Natural England in relation to this planning appeal (see attached emails dated 10 April and 17 April) do not identify any potential likely significant in-combination air quality effects on the Pevensey Levels SAC and conclude that the proposal "*would not impact the integrity*" of the site.

#### **Lewes Downs SAC**

- The JNCC citation for the Lewes Downs SAC does identify a potential threat to the site from changes in air quality related to vehicle emissions.
- WDC's HRA (January 2024) undertaken for the Regulation 18 Local Plan consultation does identify that in-combination likely significant effects cannot be screened out (in respect to the Local Plan). The appropriate assessment then goes on to consider the implications of the total development proposed by the draft plan, considering acid deposition, ammonia, nitrogen oxides and overall nitrogen. It concludes at paragraph 6.39 "*Overall, it is concluded that the WLP will not result in adverse effects on the integrity of the Lewes Downs SAC regarding atmospheric pollution, either alone or in-combination with other plans or projects.*"
- The Appellant's shadow HRA does not specifically consider Lewes Downs SAC as the distance to the site (approximately 15km) meant that it falls outside of the identified zone of influence. Given the intervening distance and the conclusion of the WDC Regulation 18 HRA, the Appellant considers that excluding Lewes Downs SAC from the assessment is reasonable, and that if it had been included, any changes in air quality from in-combination emissions would not result in a potential adverse effect on the integrity of the Lewes Downs SAC.
- The HRAs/ecology reports reviewed as part of the in-combination context in the Appellant's shadow HRA did not identify a potential adverse effect on the integrity of Lewes Downs SAC in respect to consideration of any alone or in-combination effects.
- The consultation responses to PINs from Natural England (see attached emails dated 10 April and 17 April) does not identify any concern regarding likely significant in-combination air quality effects in respect to Lewes Downs SAC.

## **Conclusion**

5. It is the Appellant's view that appropriate assessment is not required because there is no likelihood of adverse significant effects from potential changes in air quality from in-combination emissions on the integrity of either the Pevensey Levels SAC or Lewes Downs SAC.
6. Evidence to support the Appellant's view is provided in the HRA work undertaken by WDC in relation the Regulation 18 local plan consultation, other appropriate assessments undertaken in support of recently consented planning applications in the wider Hailsham area, and no concerns raised by Natural England with respect to the appeal proposal and internationally designated sites.

**Subject:** FW: 471136 APP/C1435/W/23/3335625 Land South of the A271 and East of the A22 - NE Response  
**Date:** Wednesday, 10 April 2024 at 08:54:10 British Summer Time  
**From:** [REDACTED]  
**To:** [REDACTED]  
**CC:** Planning.Appeals@wealden.gov.uk  
**Attachments:** image005.png, image004.png, image003.png, image002.png, image001.png, Picture (Device Independent Bitmap) 1.jpg

Dear both

Please see below from Natural England.

If you have any comments on this, please submit them no later 17 April.

Kind regards

[REDACTED]



The Planning  
Inspectorate

[REDACTED]

Inquiries and Major Casework Team  
The Planning Inspectorate



@PINSgov



The Planning Inspectorate



[planninginspectorate.gov.uk](https://planninginspectorate.gov.uk)

Ensuring **fairness, openness and impartiality** across all our services

---

**From:** [REDACTED]  
**Sent:** Wednesday, April 10, 2024 8:39 AM  
**To:** [REDACTED]  
**Subject:** 471136 APP/C1435/W/23/3335625 Land South of the A271 and East of the A22 - NE Response

You don't often get email from [REDACTED]. [Learn why this is important](#)

Our ref: 471136

Your ref: APP/C1435/W/23/3335625

Dear [REDACTED],

**Appeal Consultation:** Development of up to 124 residential dwellings, associated infrastructure (including a new access junction onto the A271) & open space.

**Location:** Land south of the A271 and east of the A22, Lower Horsebridge, Hailsham BN27 4DN.

Thank you for your consultation on the above dated 27 March 2023 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Our answers to your specific questions are provided below:

1. Does Natural England consider that the proposed development would impact upon the integrity of the European Site and its qualifying features? Please specify reasons for your decision.

It is our opinion that the proposed development would not impact the integrity of Pevensey Levels Special Area of Conservation (SAC). Our reasoning for this is that the proposed development is located over 2.5km away from the designated site and is intercepted by the existing settlement of Hailsham, with no apparent hydrological connection. In addition, the development does not flag under the Impact Risk Zones shown on MAGIC maps.

2. Is there a mitigation strategy to remedy the impacts on recreation derived from the proposed development sufficient to avoid an adverse impact to the integrity of this European Sites and relevant features? If you are not content, then please specify your reasons and provide details of any additional measures you consider are necessary.

We do not consider that a mitigation strategy is required, given that an impact on the integrity of the sites is not expected.

3. The proposed measures identified within the mitigation strategy could be secured by way of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). Can Natural England confirm if it is content that this adequately secures the deliverability of the measures.

The conclusions provided in the submitted Ecological Impact Assessment (paragraph 8.1) state that no impacts on statutory designated sites are expected and, therefore, no mitigation is required. Consequently, there is no requirement to secure mitigation measures within this permission and we have no comment to make.

4. Any other relevant matters that you wish to make.

We have no other comments to make on this appeal.

If you have any further questions in relation to the advice given, please get in contact.

Kind regards,



Natural England

Pronouns: She/Her - [Why have I put this?](#)

**Working Hours: Monday-Friday 08:00-18:00**

*Please be aware that I work flexible hours to accommodate my studies at university so will not always be contactable during this time.*

[www.gov.uk/naturalengland](http://www.gov.uk/naturalengland)



This message has been sent using TLS 1.2

This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Whilst this email and associated attachments will have been checked for known viruses whilst within the Natural England systems, we can accept no responsibility once it has left our systems. Communications on Natural England systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

[Please take a moment to review the Planning Inspectorate's Privacy Notice which can be accessed by clicking this link.](#)

*Please note that the contents of this email and any attachments are privileged and/or confidential and intended solely for the use of the intended recipient. If you are not the intended recipient of this email and its attachments, you must take no action based upon them, nor must you copy or show them to anyone. Please contact the sender if you believe you have received this email in error and then delete this email from your system.*

*Recipients should note that e-mail traffic on Planning Inspectorate systems is subject to monitoring, recording and auditing to secure the effective operation of the system and for other lawful purposes. The Planning Inspectorate has taken steps to keep this e-mail and any attachments free from viruses. It accepts no liability for any loss or damage caused as a result of any virus being passed on. It is the responsibility of the recipient to perform all necessary checks.*

*The statements expressed in this e-mail are personal and do not necessarily reflect the opinions or policies of the Inspectorate.*

DPC:76616c646f72

Environmental advice image with text saying please consider the environment before printing this email

**Subject:** FW: 471136 APP/C1435/W/23/3335625 Land South of the A271 and East of the A22 - NE Response  
**Date:** Thursday, 18 April 2024 at 08:17:12 British Summer Time  
**From:** [REDACTED]  
**To:** [REDACTED]  
**CC:** [REDACTED] Planning.Appeals@wealden.gov.uk  
**Attachments:** ~WRD0000.jpg, image006.png, image007.png, image008.png, image009.png, image010.png, image011.png, image012.jpg

Dear both

Please see response below from Natural England for your information only.

Kind regards

[REDACTED]



The Planning  
Inspectorate

[REDACTED]

Inquiries and Major Casework Team  
The Planning Inspectorate



@PINsgov



The Planning Inspectorate



[planninginspectorate.gov.uk](https://planninginspectorate.gov.uk)

Ensuring **fairness**, **openness** and **impartiality** across all our services

---

**From:** [REDACTED]  
**Sent:** Wednesday, April 17, 2024 4:32 PM  
**To:** [REDACTED]  
**Subject:** RE: 471136 APP/C1435/W/23/3335625 Land South of the A271 and East of the A22 - NE Response

You don't often get email from [REDACTED]

[Learn why this is important](#)

Dear [REDACTED]

Thank you for sending through the applicants HRA which I hadn't had sight of when our response was issued last week (our ref. 471136). Having had a look over the document it falls broadly in line with the conclusions made in our assessment of the appeal and we have no further comments to make.

Kind regards,

[REDACTED]

Natural England

Pronouns: She/Her - [Why have I put this?](#)

**Working Hours: Monday-Friday 08:00-18:00**

*Please be aware that I work flexible hours to accommodate my studies at university so will not*

*always be contactable during this time.*

[www.gov.uk/naturalengland](http://www.gov.uk/naturalengland)



---

**From:** [REDACTED]  
**Sent:** Thursday, April 11, 2024 8:02 AM  
**To:** [REDACTED]  
**Subject:** FW: 471136 APP/C1435/W/23/3335625 Land South of the A271 and East of the A22 - NE Response

Your ref: 471136

Dear [REDACTED]

Thank you for your response on this matter.

Please see below and attached from the appellant for your information. Please let me have your comments by 18 April.

Kind regards

[REDACTED]



The Planning  
Inspectorate

[REDACTED]  
Inquiries and Major Casework Team  
The Planning Inspectorate



[@PINSgov](https://twitter.com/PINSgov)



[The Planning Inspectorate](https://www.theplanninginspectorate.gov.uk)



[planninginspectorate.gov.uk](https://www.planninginspectorate.gov.uk)

Ensuring **fairness**, **openness** and **impartiality** across all our services

---

**From:** [REDACTED]  
**Sent:** Wednesday, April 10, 2024 5:17 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: 471136 APP/C1435/W/23/3335625 Land South of the A271 and East of the A22 - NE Response

Dear [REDACTED]

Many thanks for forwarding Natural England's email response to the Planning Inspectorates