Date: 27 September 2022
Our ref: 401475
Your ref: WD/2022/1637/MEA

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BY EMAIL ONLY

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Dear Claire Turner

WD/2022/1637/MEA HYBRID PLANNING APPLICATION COMPRISING: OUTLINE APPLICATION FOR THE ERECTION OF UP TO 424 NO. RESIDENTIAL DWELLINGS

Thank you for your consultation on the above dated 14th of July which was received by Natural England on the same date.

We have reviewed the application's proposal for Suitable Alternative Natural Greenspace (SANG) using our professional judgement and in line with our internal guidance which has been used to inform suitable SANGs elsewhere (including Guidelines for Creation of Suitable Alternative Natural Greenspace (SANG) - August 2021). While there are some positive features of the SANG, including its overall size and diversity of habitats, there are some significant concerns that we advise need to be addressed and supported by evidence before the proposed SANG could be considered as acceptable mitigation for recreational pressure on Ashdown Forest Special Protection Area (in line with the established strategic solution), in relation to its function as a SANG and its potential negative impacts on valuable ecological features present on site:

Ancient woodland

- While it can *sometimes* be acceptable for Ancient Woodland to be used as part of a SANG (e.g. where this is sensitively managed and ecological surveys don't pose any particular concerns), this SANG does appear to rely on a significant amount of ancient woodland that surrounds much of the site with the circular footpath cutting through it at multiple points. This will need careful consideration to ensure that increased visitors will not adversely affect this irreplaceable habitat.
- The application evidence suggests that part of the circular route includes informal paths that are already used (Plan 5719/SMP3). However, it is unclear how extensively these are used and whether increased visitors would cause significant negative impacts on the site, so this needs to be investigated further.
- EDP Plan 6170 D016 Rev. D shows that the proposed circular route includes new pathways that would encourage visitors to venture further into the ancient woodland that have not been identified as current informal pathways in Plan 5719/SMP3

Nature Conservation Value
The survey evidence suggests that in addition to the ancient woodland, there are valuable habitats and species present on site including priority habitat and protected species. The following extract from our SANG guidance therefore applies here and should be followed:

> "*The identification of SANG should seek to avoid sites of high nature conservation value which are likely to be damaged by increased visitor numbers. Such damage may arise, for example, from increased disturbance, erosion, input of nutrients from dog faeces, and increased incidence of fires. Where sites of high nature conservation value are considered as SANG, the impact on their nature conservation value should be assessed and considered alongside relevant policy in the development plan. These sites may require an ecological discount of their proposed SANG area*"

Therefore, we advise that there has not been a sufficiently detailed assessment of the impacts that the SANG designation could have on the ecological interests of the site, and further regard for this is needed before a decision regarding the suitability of the SANG can be made.

Circular route
It is difficult to assess the suitability of the circular route without visiting the site as it is important to gauge the feel of the site and natural routes that visitors are likely to be drawn to due to aspects such as topography. However, while the drawings suggest the length is acceptable, it does look contrived in some places which may not reflect real-life desire lines and visitor movement. For instance, where paths straddle the SANG boundary in the open-space areas to the South East within the SANG boundary, there is a risk that visitors will cut across the middle. This might be helped by introducing more focal points.

While unsurfaced footpaths are preferred for their semi-natural feel, consideration needs to be made to ensure that they are usable throughout the whole year, particularly through woodland areas as relying on management inspection may not always be sufficient depending on the seasonal changes in the level of water present throughout the site. This is particularly relevant for routes that cross or are near to water-courses/ponds, which may require boardwalks.

Community orchard
While the principle of connecting multiple green spaces together as part of a broader network is welcome, the inclusion of the orchard within the SANG proposals needs to ensure that it is designed in a way that complements the semi-natural features that promote a 'wild' feel required for delivering an effective SANG. For example through non-linear planting and by combining with interspersed wildflower meadows.

Other comments
The application is proposing to discount capacity of 10% on the grounds of existing, informal public access but it is not clear what the justification is for this figure.

Given the above, further information and evidence is needed to determine whether these concerns can be addressed in line with our advice before we can support the SANG proposal. Once this has been supplied and if it demonstrates that concerns most likely can be overcome, we would need to carry out a site visit to confirm if the SANG proposals are suitable. We appreciate that there have been several requests for us to carry out site visits under our non-statutory Discretionary Advice Service that we have been unfortunately unable to attend due to capacity issues.

We also note that there are significant concerns, including ecological and landscape impacts, that have been previously considered via Public Inquiry for applications at this site

that led to their refusal. This includes the ancient woodland already referred to, woodland habitats (which contain ancient woodland indicators according to the applicant's ecological assessments), priority habitat, local landscape value, protected species, and connectivity as part of wider ecological networks which could make it well placed to consider as part of driving landscape-scale nature recovery. We also note that WDC's SHELLA previously identified this site as not being appropriate for development:

> *'This is an area of attractive rural landscape on the fringes of Uckfield, containing much ancient woodland. Development of the site would entail considerable adverse landscape impact and would compromise its nature conservation integrity and biodiversity interests. In addition, development of the site is unacceptable on transport sustainability grounds and because of its relative inaccessibility from the town centre. The site was also subject to an appeal which was dismissed by the Secretary of State in 2008 due to specific site constraints.'*

It is appreciated that the application in question has been scaled down and changed compared to the one that was considered at Public Inquiry and should be assessed in its own right. Nevertheless, significant concerns still remain due to the site's current and potential landscape and ecological value, both in its own right and more widely as part of the surrounding area.

We advise that your Authority needs to carefully consider these features and their impacts from development in line with our standing advice, in place of bespoke comments from Natural England, to inform your decision making (see Annex 1).

For any queries relating to the specific advice in this letter please contact me at [redacted]

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

[redacted]

Sussex and Kent Area Team

Annex 1: Standing Advice for Protected Species, Trees and Woodland, and Designated Landscapes

Protected Species
Natural England has published Standing Advice on Protected Species for local planning authorities. This is provided in place of an individual response to a planning application in most cases and should be taken into account by LPAs in planning decision making. We will only provide bespoke advice on species issues relating to designated nature conservation sites or in exceptional circumstances.

A protected species mitigation licence may be required from Natural England or Defra to allow activities that would otherwise be illegal. This is additional to the requirements for planning permission. Further information:

Wildlife licences: when you need to apply - GOV.UK (www.gov.uk)

Trees and woodland at risk from development
The Forestry Commission provides advice and guidance on trees at risk from development. See further information here. Planning applications affecting trees and woodland - GOV.UK (www.gov.uk).

Natural England and the Forestry Commission have published joint Standing Advice on Ancient Woodland, Ancient and Veteran Trees**.** This is provided in place of an individual response to a planning application in most cases and should be taken into account by LPAs in planning decision making. Natural England will only provide advice where ancient woodland is designated as a SSSI or in exceptional circumstances.

Hedgerows at risk from development
Natural England will only provide advice on hedgerow removal where it takes place on a Site of Special Scientific Interest (SSSI). Natural England has produced guidance on hedges and the law: https://www.gov.uk/guidance/countryside-hedgerows-regulation-and-management.

Designated landscapes (Areas of Outstanding Natural Beauty and National Parks)
Natural England s specific responsibilities relating to designated landscapes (see here for further information https://www.gov.uk/guidance/areas-of-outstanding-natural-beauty-aonbs-designation-and-management and https://www.gov.uk/government/publications/national-parks-natural-englands-role). We focus our planning advice on development plans, nationally significant infrastructure projects and development requiring environmental impact assessment. We respond to other development proposals that might affect these areas using standard letters. We advise planning authorities to seek advice from AONB and National Park teams who may be able to provide locally specific information.

About Areas of Outstanding Natural Beauty (AONB's) (landscapesforlife.org.uk)
National Parks England: National Parks England