

Date: 10 November 2021
Our ref: 370366
Your ref: WD/2021/2198/MAO



Mrs C Turner
Planning Case Officer
Wealden District Council

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BY EMAIL ONLY

Dear Mrs C Turner,

Planning consultation: OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 290 DWELLINGS, ASSOCIATED LANDSCAPING, INFORMAL OPEN SPACE AND STRATEGIC SANG, WITH ACCESS FROM THE B2102.

Location: LAND AT BIRD IN EYE FARM, SOUTH OF BIRD IN EYE HILL, FRAMFIELD, TN22 5HA

Thank you for your consultation on the above dated 01 October 2021 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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Ashdown Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Details on how impacts to ancient woodland can be prevented. Including the use of boardwalks, and consideration of woodland management within the SANG Management Plan.
- Consideration of any potential likely significant effects upon Ashdown Forest SPA and SAC through a Habitats Regulations Assessment, and proceeding to the Appropriate Assessment stage to incorporate the proposed Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring Strategy (SAMMS) mitigation.

The proposed SANG and SAMMS measures to avoid and mitigate for recreational disturbance impacts may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information required:

Habitats Regulations Assessment

DESIGNATED SITES [EUROPEAN] – Recreational Disturbance

Since this application will result in a net increase in residential accommodation, impacts to the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) may result from increased recreational disturbance.

Your authority has measures in place to manage these potential impacts through the agreed Strategic Access Management and Monitoring Strategy (SAMMS) in line with Policy WCS12 of the Wealden District Adopted Core Strategy Local Plan (2013), which Natural England find ecological sound. These SAMM financial contributions should be secured and included within your Authority's Appropriate Assessment, as well as the proposed SANG mitigation.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of European sites. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make.

Proposed SANG

Natural England has reviewed the updated SANG design and now acknowledge that modifications to the design have now incorporated most of our suggestions that we made to the applicant in our Discretionary Advice Service (DAS) meeting on the 13th May 2021. We now acknowledge that the following negative design points have now rectified:

- The concern for achieving a suitable circular walking route of at least 2.5km has now been achieved. In total, a circular route of c.2.7km has now been proposed. This has been made possible by increasing the proposed area of the SANG, from 12ha to an area of 26.16ha.
- A pinch point along the walking route was identified as a constraint on the design. This has now been rectified by the addition of a footpath through the Ancient Woodland. This will prevent a bottleneck where the two paths would cross, and creates a more circular and varied walking route.
- Additional focal points in the form of scattered trees and pond have now been in the design of the open areas of the SANG. These additional features will act as focal points for the walking route, which will encourage people to use the full extent of the circular route.
- Concerns on potential impacts to ancient woodland have now been addressed by the inclusion of dog proof fencing, as well as fencing along the entire SANG boarder. These fences shall deter the public from entering and negatively impacting the ancient woodland.

However, further details are required to show that impacts to ancient woodland habitat can be prevented;

- We still recommend that boarded paths are installed through areas of woodland as this will ensure functionality of the paths during the wetter months.
- In our previous discussions, we also recommended that some management of the ancient woodland is provided within the management scheme. From reviewing the SANG Management Plan, it is not clear if this consideration has been included, we therefore advice that some management to ancient woodland is factored in to the final SANG management scheme.

Management and maintenance of the SANG by a reputable management company must be secured in perpetuity, for the lifetime of the developments. This is required under the Appropriate Assessment, to provide certainty that the SANG will remain in good functional condition, ensuring that it remains as suitable recreation disturbance mitigation for Ashdown Forest designated sites. We note that arrangements with The Land Trust for the management of the SANG in perpetuity are in progress, and that The Land Trust has signed the letter of intent (12th April 2021). The management of the SANG in perpetuity by The Land Trust should be secured by a s106 and included within your Authority's Appropriate Assessment.

Other advice

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

In addition, Natural England would advise on the following issues.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me at thomas.scott-heagerty@naturalengland.org.uk.

Please consult us again once the information requested above, has been provided.

Yours sincerely

Thomas Scott-Heagerty
Sussex and Kent Area Team

Annex A – Additional advice

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the [National Planning Policy Framework](#) (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.0](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.0](#) and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Biodiversity Metric 3.0](#) and is available as a beta test version.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 100 and 174 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures

should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).