

Chapter 4

Natural Environment

Context

4.1 The high quality of Wealden's environment is one of its major assets. The District contains some of the finest countryside in England, rich in both wildlife and landscape diversity. The national importance of its landscape is reflected in the fact that almost two-thirds of the Plan area is covered by designated Areas of Outstanding Natural Beauty. The District's value for wildlife is recognised by 32 Sites of Special Scientific Interest, including the Ashdown Forest and Pevensey Levels, which have international status. It is vital to ensure that these valued environmental resources are protected and enhanced wherever possible, and that when development takes place it recognises and respects them.

4.2 At the same time, there is a growing awareness at all levels – locally, nationally and internationally – that environmental protection must embrace wider concerns about air, water and land quality and the consumption of non-renewable resources. We rely on a healthy, functioning environment to meet our basic needs and it is now recognised that development may have long-term implications for the global environment, as well as for its immediate physical surroundings.

4.3 The policies of this Chapter therefore seek to provide a framework within which natural assets and environmental resources of all kinds can be effectively protected and prudently managed through the control and implementation of development proposals. This approach is consistent with the principles set out in *A Better Quality of Life: A Strategy for Sustainable Development in the UK* (HMSO 1999), and a number of recently issued Planning Policy Guidance Notes. It also accords with the Structure Plan's strategy for achieving a more environmentally sustainable future and with a number of the issues raised by the local community during the preparation of the Community Strategy.

Strategy

4.4 The Plan's strategy for the natural environment is to ensure that new development conserves, sustains and where possible enhances the District's environmental assets and resources, including its distinctive and diverse landscape character. The key objectives are:

1) to ensure that development accords with the principles of sustainability, taking account of the need to minimise energy consumption, pollution and the use of finite resources;

2) to protect people from risks to their health and safety, or damage to their amenity;

3) to protect and, where possible, enhance the diversity and distinctive characteristics of the landscape, including wildlife species and habitats;

4) to conserve and manage trees and woodland ;

5) to protect the setting of settlements and prevent their coalescence.

4.5 The Plan's overall development strategy also accords with this sustainable approach. It aims to focus the majority of new development within or on the edge of existing towns, principally within the Low Weald, with some limited growth in certain larger villages, but continues to restrict the scale and type of development allowed elsewhere. Any change to this pattern of future development would not be considered appropriate as it would conflict with the need to promote energy efficiency and more sustainable transport choices.

Water Resources

4.6 The protection and enhancement of water quality in rivers and other water bodies is important in terms of sustaining the supply of water and the ecology and general amenity of the District. Wealden has an extensive and varied water environment, including:

- major chalk aquifers

- the Cuckmere, Medway, Ouse and Rother rivers, together with their tributaries
- the network of drainage channels and ditches of the Pevensey Levels
- lakes and ponds
- the English Channel, which forms six miles of Wealden's administrative boundary

4.7 The protection of groundwater is particularly important in Sussex, since the majority of the public water supply is abstracted from water-bearing strata or aquifers. The Environment Agency has produced groundwater source protection zone maps, which indicate where there are likely to be particular risks to the quality or quantity of groundwater. These maps are available for inspection at the Council Offices. Any new development will be expected to comply with the requirements of the Environment Agency in order to ensure that it does not pose a risk or result in damage to groundwater supplies or other water resources.

4.8 It is important that adequate foul sewerage and foul sewage treatment capacity is available, or can be made available, to serve new development in order to ensure that the ultimate discharges do not present a risk to water quality. Where new development leads to an increase in the rate and volume of surface water run-off, there may also be a risk of pollution and ecological damage, as well as flooding. The use of sustainable drainage systems, e.g. water retention ponds, grass swales and porous surfaces, can help to mitigate such concerns and will be promoted where appropriate. Foul and surface water drainage requirements are more fully addressed in the Community Services Chapter.

Policy NE1

Development will not be permitted if it would cause an unacceptable risk to:

- (1) the quality of groundwater, surface water or coastal water; or**
- (2) the potential yield of groundwater or surface water resources.**

Coastal Erosion

4.9 The coast of the District is subject to constant attack by the sea and the shoreline is naturally

receding as a result of cliff and beach erosion. The shingle beach at Pevensey Bay, which protects much of the Coastal Levels from inundation by the sea, requires continual and costly replenishment to maintain its effectiveness. There is another shingle beach at the mouth of the Cuckmere River, but otherwise Wealden's remaining coastline consists of natural cliff, which is retreating at an average rate of 0.3 to 0.4m per year.

4.10 Shoreline Management Plans (SMPs) are promoted by the Government to define sustainable coastal defence policies. Wealden's coast is covered by two SMPs: the South Foreland to Beachy Head SMP (1996) and the Selsey Bill to Beachy Head SMP (1997). The Council is a signatory to both documents and has agreed to the strategic coastal defence options identified within them. In essence, the strategy for Pevensey Bay is 'hold the line', i.e. maintain the existing shingle defences, whilst for the remainder of the coastline it is 'do nothing', i.e. let nature take its course. The SMP for Selsey Bill to Beachy Head is currently being reviewed, and the Cuckmere Haven area is being examined as a site where a more natural and sustainable defence can be established.

4.11 Accordingly, the Council will resist development in locations where there is no protection from coastal erosion and lives or property could be put at risk during the anticipated lifetime of the proposal. Development which would give rise to the need to provide new coastal defences will also be resisted, as such works would conflict with the principles of sustainability and the adopted strategic defence options of the SMPs. Additional policies that address the specific risk of tidal flooding are set out in the Community Services Chapter.

Policy NE2

Where there are no coastal protection defences in place, or planned by the authority responsible, new development or the intensification of development will not be permitted where:

- (1) there would be an increase in risk to life or property from coastal erosion;**
- (2) new coastal protection defences would be required solely to protect life and property in the proposed development.**

Contaminated Land

4.12 Wealden's rural character means that the levels of land contamination are likely to be comparatively low. Nevertheless, there are a variety of sites where contamination may be present, including redundant gas works, landfill sites, scrapyards, defence land and petrol stations. Where practicable and appropriate, contaminated land should be brought back into beneficial use in order to reduce both the demand for greenfield sites and the threat posed by contamination to health, safety and the environment.

4.13 Where a site is suspected or known to be contaminated, it is the responsibility of the applicant, in consultation with the Environment Agency, the Council's Head of Licensing & Pollution Control and any other relevant body, to investigate the extent and nature of the contamination and how far the risks to health or the environment can be reduced by remedial measures. Contamination should normally be treated on site. Any permission for development will require that the remedial measures agreed with the Council must be completed prior to the commencement of the development.

Policy NE3

Where development is proposed on or near a site that is known to be contaminated, or where there is good reason to believe that contamination may exist, the applicant should carry out a site assessment and submit a report of findings in order to establish the nature and extent of the contamination. Development will not be permitted unless practicable and effective measures are taken to treat, contain or control any contamination so as to avoid:

- (1) exposing the future occupiers and users of the development or neighbouring property to unacceptable risk;**
- (2) threatening the structural integrity of any building or structure built, or to be built, on or adjoining the site;**
- (3) causing the contamination of any water course, water body or aquifer;**
- (4) causing the contamination of adjoining land or allowing such contamination to continue.**

- (5) damaging or putting at risk the quality of the natural environment, flora and fauna.**

Pollution

4.14 The control of pollution is largely regulated by the Environment Agency and the Council's Environmental Services Directorate, in consultation with the Health and Safety Executive and other agencies, through the Environmental Protection Act 1990 and Pollution Prevention and Control Act 1999. However, PPG23, *Planning and Pollution Control*, makes it clear that any air or water quality consideration relating to land-use is a material planning consideration. Accordingly, the Council will use its planning powers to ensure that development with the potential to cause pollution or other harmful environmental effects is appropriately located and its impact on other land uses carefully controlled. In the consideration of applications for potentially noisy uses or noise sensitive development, regard will be had to the criteria set out in PPG24, *Planning and Noise*.

4.15 The Government's approach to pollution issues is a precautionary one, i.e. where there are significant risks of damage to the environment, pollution controls will take into account the need to prevent or limit harm even where scientific knowledge is not conclusive. Some proposals will require the preparation and submission of an Environmental Impact Assessment. Where it can be demonstrated that the risk of pollution, disturbance or other nuisance from a development can be satisfactorily mitigated, the Council will normally impose planning conditions or seek a legal agreement to ensure that the appropriate measures are implemented.

Policy NE4

Development that may be liable to cause pollution to water, air or soil or to cause nuisance from noise, smoke, fumes, dust, vibration, smell, light, heat or other polluting emissions will only be permitted if:-

- (1) the health and safety of occupiers or users of other land and buildings are not put at risk;**

- (2) there is no adverse impact on local amenity;**
- (3) the quality of the natural environment, flora and fauna would not be damaged or put at risk.**

Permission will not be granted for development in proximity to potential sources of pollution if the occupiers or users of the new development would suffer unacceptably from noise, fumes, smell, vibration or other forms of pollution, unless practical measures can be taken and maintained to reduce the effects to an acceptable level.

Landscape Character

4.16 The District benefits from a rich diversity of landscape and scenery, including some of the most attractive countryside in England. It is covered by four broad landscape types; the High Weald, Low Weald, Sussex Downs and Coastal Levels, as illustrated in Figure 4.1. Within these landscapes lies a host of elements which defines their character and gives them an appearance which is locally unique. This landscape diversity and distinctiveness forms part of the quality of life for residents and an attraction for visitors. It is an important resource, which needs to be protected and fostered wherever possible.

4.17 The national landscape importance of the High Weald and the Sussex Downs has been recognised by their designation as Areas of Outstanding Natural Beauty (AONBs). The primary purpose of designation is to conserve and enhance natural beauty, and the extent of the AONBs within Wealden is shown on the Proposals Map. The term 'conserve and enhance their natural beauty' is taken to include wildlife and cultural heritage, as well as scenery. The special landscape qualities of the AONBs justify particular care in considering development proposals and their statutory designation strengthens the ability of the Council to protect them from inappropriate development, both within and adjacent to their boundaries.

4.18 The Countryside and Rights of Way (CroW) Act 2000 consolidates and strengthens earlier legislation concerning AONBs, reaffirms the purposes of designation, places a duty on all public bodies to have regard to the purposes of AONBs, and creates a statutory responsibility for local authorities and conservation boards to

produce and regularly review AONB Management Plans.

4.19 The siting of major development within the AONBs would normally be inconsistent with the aims of designation, and would only be permitted in exceptional circumstances where it can be demonstrated that such a proposal would be in the public interest. Where small-scale development takes place, it is essential that the character of the landscape is maintained and, if possible, strengthened. In pursuing this aim, the Council will have regard to the needs of agriculture, forestry and other rural industries, together with the economic and social needs of the local area.

4.20 Outside of the AONBs, the Low Weald and the Coastal Levels, whilst not of national significance in landscape terms, nevertheless have their own distinctive qualities and attractiveness which merit recognition and protection. In the case of the Low Weald, the major housing and business allocations in this Plan are focused on Uckfield, Hailsham and Polegate, the towns identified in the Structure Plan for growth. The allocations have been made following a careful analysis of the likely impact of development on the landscape and on the setting of the towns and villages. Notwithstanding the level of growth proposed in the Plan, development within the Low Weald should conserve, and where possible enhance, the landscape. The Council will therefore seek to ensure that new development within all parts of the District reflects local characteristics, and maintains the overall visual harmony and distinctiveness of the landscape. This is particularly important within the countryside, where the use of standard building designs, materials and layouts, coupled with the loss of rural craft skills, is tending to erode the local identity of different areas. The cumulative effect of a number of developments on the landscape over time will also require careful consideration.

4.21 The principal landscape characteristics of the High Weald, Ashdown Forest, Low Weald, Sussex Downs and Coastal Levels are summarised below, together with policies for their conservation.

4.22 Additional landscape guidance for the two AONBs is contained in *The High Weald: Exploring the Landscape of the AONB*, published by the Countryside Commission in 1994, and *A Landscape Assessment of the Sussex Downs AONB*, published by the Sussex Downs Conservation Board in 1995. These landscape

assessments have been endorsed by the Council and will be taken into account when considering the suitability of development proposals within, or impacting upon, the AONBs. Both documents are available for inspection at the Council Offices.

4.23 The importance of the historic landscape is gaining increasing recognition, and a study of East Sussex is currently underway funded by East Sussex County Council, West Sussex County Council, the Sussex Downs Conservation Board and English Heritage. The findings of the study will be taken into account in the consideration of development proposals.

High Weald

4.24 The High Weald AONB was designated in 1983. Its underlying geology has formed a series of gently rolling ridges and valleys, dominated by small fields, thick hedgerows and extensive woodlands. Large areas remain quiet and unspoilt but are threatened by the cumulative impact of small-scale development.

4.25 A Joint Advisory Committee has been established to promote and co-ordinate the conservation of the High Weald AONB. The District Council is a member and is actively committed to its work. The High Weald AONB Management Plan 2004 sets out an integrated approach to managing the landscape and has been adopted by the Council as supplementary planning guidance. It is available for inspection at the Council Offices.

4.26 In considering proposals that could affect the landscape character of the High Weald, particular regard will be had to:

- the well-wooded appearance, especially ancient woodlands, together with tree belts, hedges and hedgerow trees
- undeveloped valleys and ghylls
- open heathland
- sandstone outcrops
- narrow lanes sunken between high hedgebanks
- undeveloped ridge-top positions and other visually exposed locations
- areas of remote or unspoilt character
- the traditional settlement pattern, building styles and materials
- the High Weald AONB Management Plan 2004

Policy NE5

Development within the High Weald Area of Outstanding Natural Beauty, as defined on the Proposals Map, will only be permitted if it conserves and enhances the natural beauty and character of the landscape. Small scale development will be permitted where it meets the social and economic needs of local communities, and provided it is consistent with the purpose of the AONB designation.

4.27 There are several areas of land on the edges of Crowborough and Heathfield which lie outside of both the respective settlement development boundaries and the High Weald AONB. These were excluded from the development boundary because development would be harmful to the setting of the town, the character of the area and the setting of the adjacent AONB. Development proposals in such areas will need to be particularly carefully considered in terms of their impact on the AONB.

Ashdown Forest

4.28 The Ashdown Forest is a large area of open, lowland heath at the centre of the High Weald AONB, covered by heather, bracken, gorse and grasses, together with mixed oak/birch woodlands and landmark clumps of Scots pine. Its elevated position and broad open ridges afford outstanding views, notably across the Low Weald to the South Downs. The Forest is a valuable recreation resource within the District, but its landscape character is particularly fragile and susceptible to erosion.

4.29 Local planning policies for the Forest apply to the whole area enclosed by the boundary of the Medieval Pale established between 1280 and 1283AD, excluding land within the development boundaries of Crowborough, Fairwarp, Forest Row and Nutley. Approximately half of this area is now common land, acquired by a Trust set up by the County Council, together with contributions from the District Council and other bodies. This is managed by a Board of Conservators, whose 1993 Management Plan is supported by the Council.

4.30 In accordance with Policy EN4 of the Structure Plan, proposals for new development within the Ashdown Forest will be subject to stricter criteria than elsewhere in the High Weald

AONB. Only development that provides for the needs of quiet recreation, such as walking, cycling or riding, or that specifically enhances the landscape will be permitted. In considering such proposals, particular regard will be had to:

- dry and wet heathland
- wet flush grassland
- remnants of ancient woodland, together with other landmark tree clumps
- unspoilt and distant views
- the archaeological interest
- the Ashdown Forest Management Plan

Policy NE6

Development within the Ashdown Forest, as defined on the Proposals Map, will only be permitted if it conserves and enhances the distinctive characteristics of the landscape.

Low Weald

4.31 The Low Weald is a gently undulating, intimate landscape of small fields and pastures, interspersed with woodland, tree belts and numerous hedgerow trees. Away from the main towns and road corridors, the countryside retains a deeply rural character, with a network of narrow twisting lanes connecting small villages, scattered farms and cottages. This attractive, generally unspoilt character is evident in extensive views across the Low Weald from the higher land of the AONBs to the north and south.

4.32 The Low Weald landscape beneath the scarp slope of the Sussex Downs has a particularly strong visual relationship with the adjacent AONB and as such is highly sensitive to development and change. The Low Weald also has an influence on the character of the Pevensey Levels, since its more elevated landform often forms an important backdrop in long views outwards north and west from the Levels.

4.33 In considering development proposals which could affect the landscape character of the Low Weald, particular regard will be had to:

- areas of remote or unspoilt countryside
- the setting of settlements
- areas on the fringe of the AONBs and the Pevensey Levels
- the retention of woodland, shaws, boundary trees and hedgerows

- vernacular buildings and building groups

Policy NE7

Development within the Low Weald will be permitted if it conserves or enhances the distinctive characteristics of the landscape.

Sussex Downs

4.34 The Sussex Downs AONB was designated in 1966. It is characterised by the bold rolling landform of the chalk uplands. The north-facing scarp slope rises sharply from the vale of the Weald, whilst more gentle slopes extend southwards to the sea, culminating in the spectacular cliffs of the Seven Sisters. The coastline itself has been designated 'Sussex Heritage Coast' in recognition of its exceptional scenic quality. Heritage Coasts are a non-statutory designation, defined through agreement between the Countryside Agency and the relevant local authorities, and aim to provide a flexible management tool for balancing the requirements of conservation and access to the coastal zone. The open character of the Downs offers magnificent views but makes the landscape especially sensitive to development and change.

4.35 In recognition of the sensitivity of this landscape, the Sussex Downs Conservation Board was established in 1992 to provide leadership for practical conservation action. The Board has taken over a number of responsibilities from the constituent local authorities, and is consulted on certain development proposals. It published a Management Strategy in 1996, which has been endorsed by the Council. In addition, the South Downs Conservation Board has produced a number of documents which assist in the understanding of planning issues relevant to the AONB, namely a Landscape Assessment (SDCB, 1995), Landscape Design Guidelines, (SDCB 1997) and South Downs Planning Guidance (SDCB, 2000). In April 2000 the Countryside Agency began the process of designating the entire South Downs as a National Park, and a public inquiry into this proposal commenced in late 2003.

4.36 In considering development proposals that could affect the landscape character of the Sussex Downs, particular regard will be had to:

- the sculptured landform and appearance of the chalk uplands
- the exposed scarp slope and adjacent foothills
- the undeveloped coastline, especially the Heritage Coast
- the Cuckmere Valley
- traditional land uses and agricultural practices
- the setting of important historic and natural features
- the traditional forms, materials and detailing of buildings and enclosures
- the Management Strategy for the Sussex Downs AONB

Policy NE8

Development within the Sussex Downs Area of Outstanding Natural Beauty, as defined on the Proposals Map, will only be permitted if it conserves and enhances the natural beauty and character of the landscape. Small scale development will be permitted where it meets the social and economic needs of local communities, and provided it is consistent with the purpose of the AONB designation.

Coastal Levels

4.37 The Coastal Levels is an extensive area of former marshland, reclaimed in medieval times to facilitate grazing. It is characterised by its open, exposed landscape and the pattern of fields created by a complex system of drainage channels and ditches. The area includes the Pevensey Levels, Willingdon Levels, Mountney Level, and Langney Level.

4.38 Inland of the A27, the Pevensey Levels are a remarkable expanse of open farmland, with few roads or houses, which still retains a sense of remoteness and isolation. The area is recognised both nationally and internationally for its nature conservation value. Further south, the Levels are smaller and less remote in character as development has encroached from adjacent higher land, particularly eastward from Eastbourne.

4.39 In considering development proposals that could affect the landscape character of the Coastal Levels, particular regard will be had to:

- the Pevensey Levels Site of Special Scientific Interest and Wetland of International Importance
- other areas of remote or unspoilt character
- the wide, flat horizons
- the settings of Pevensey Castle, Pevensey & Westham Conservation Area and the ridge villages
- promoting environmentally sensitive farming
- the traditional hydrology of the area

Policy NE9

Development within the Coastal Levels will only be permitted if it conserves or enhances the generally open and exposed landscape character.

Countryside Gaps

4.40 Some of the countryside between Wealden's towns and villages is particularly vulnerable to development pressures. Unless carefully controlled, such pressures could lead to the eventual coalescence of settlements and the loss of their individual identities. The protection of the setting of the settlements and prevention of their coalescence is an important objective of this Plan. Structure Plan Policy S1 (k) emphasises that "preventing development which would reduce strategic and other important gaps of valued countryside between settlements" is an important criteria against which proposals for development should be assessed. The Structure Plan Policy will therefore be an important consideration in determining any planning applications proposing development that could reduce gaps of valued countryside between settlements.

Nature Conservation

4.41 The varied geology and topography of the District has produced an exceptional diversity of wildlife habitats, including those associated with downland, heathland, woodland and wetlands. Conserving and enhancing this natural heritage is now recognised as being a local, national and global responsibility. With increased pressures for development, changes in agricultural and forestry practices, and increased

recreational activity, it is vital that steps are taken to prevent the further destruction or deterioration of the diverse habitats upon which wildlife depend.

4.42 The Council will therefore encourage the conservation and enhancement of existing wildlife habitats, together with the establishment of new habitats. The Sussex Biodiversity Action Plan, published by the Sussex Biodiversity Partnership, puts forward a range of Habitat Action Plans for particular wildlife habitats under threat. These include chalk grassland, floodplain grassland, heathland, hedgerows, reed beds, shingle and woodland, all of which are represented within the District. The Council will support the implementation of these Action Plans by the application of policies for nature conservation set out in this Plan.

4.43 Within Wealden, a number of important sites for nature conservation have been designated under statutes and international obligations. The objective of such designations is to protect features of nature conservation interest from the impact of potentially damaging development. The policies set out below establish a hierarchy of protection for these sites, giving priority to sites of International or European importance, Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs), whilst also recognising the value of Local Nature Reserves (LNRs) and Sites of Nature Conservation Importance (SNCIs).

Areas of International or European Importance for Nature Conservation

4.44 Areas of International or European importance for nature conservation are designated by the Secretary of State. Within Wealden, the Pevensy Levels SSSI is designated as a Wetland of International Importance under the Ramsar Convention, and the Ashdown Forest SSSI is designated as a Special Protection Area (SPA) under the EC Birds Directive 1979, and a candidate Special Area of Conservation (SAC) under the 'Habitat Regulations' 1994. SACs are selected to protect the habitats of threatened species of wildlife. The boundaries of these designations are contiguous with the boundaries of the respective SSSIs but, in view of their special status, greater weight will be given to Policy NE11 over Policy NE12 in the consideration of development proposals that may affect their nature conservation interest.

4.45 The procedure under international obligations for the consideration of development affecting SACs and SPAs (including potential SPAs and candidate SACs) is set out in Annex C to PPG9 (Nature Conservation).

Policy NE10

Development which is likely to have an adverse effect on the nature conservation interest of the Pevensy Levels Ramsar Site or Ashdown Forest Special Protection Area, as shown on the Proposals Map, will not be permitted unless otherwise in accordance with international obligations. This policy also applies to any candidate or potential sites identified through international obligations.

Sites of Special Scientific Interest

4.46 Sites of Special Scientific Interest are designated by English Nature and cover wildlife habitats and geological features. The Council is required to consult English Nature where proposals are submitted for development affecting, or likely to affect, such sites. There are 32 SSSIs within Wealden, together with two National Nature Reserves at Lullington Heath and the Pevensy Levels. The latter, also designated by English Nature, represent examples of positive nature conservation management.

Policy NE11

Development which is likely to have an adverse effect on the nature conservation interest of a Site of Special Scientific Interest, including Lullington Heath National Nature Reserve, as shown on the Proposals Map, will not be permitted unless there is no reasonable alternative means of meeting the development need, and this also clearly outweighs the nationally recognised nature conservation interest of the site.

Local Nature Reserves

4.47 Local Nature Reserves are declared by local authorities, in consultation with English

Nature, where it is considered that a habitat of local significance can make a useful contribution both to nature conservation and opportunities for the community to see, learn about and enjoy wildlife. Within the District, LNRs have been established at Arlington Reservoir, Hempstead Meadow, Nutley Old Lodge, Seven Sisters Country Park, Weir Wood and West Park, as shown on the Proposals Map. There are also several non-statutory nature reserves managed by other bodies, together with the Seven Sisters Voluntary Marine Conservation Area between Seaford and Eastbourne.

Sites of Nature Conservation Importance

4.48 Sites of Nature Conservation Importance have been identified through a joint initiative involving English Nature, the Sussex Wildlife Trust, the County Council and the District Council. SNCIs are voluntary, non-statutory sites that, together with nationally designated sites, form a network of habitats which help to maintain the biodiversity of the area. The assessment and identification of such sites is a continuing process. There are currently 97 SNCIs in Wealden, as listed in Appendix 5 and shown on the Proposals Map. More detailed information on each site, including a location map and recommendations for sensitive management, is available for inspection at the Council Offices.

Policy NE12

Development which is likely to have an adverse effect on the nature conservation interest of a Local Nature Reserve or a Site of Nature Conservation Importance, as shown on the Proposals Map, will not be permitted unless there is no reasonable alternative means of meeting the development need, and this also clearly outweighs the identified nature conservation interest of the site.

4.49 Development proposals affecting a site of nature conservation interest should demonstrate how any potential harm will be mitigated and what opportunities will be taken to produce compensatory or new nature conservation benefits. Some proposals will require the submission of an Environmental Impact Assessment. Where compensatory habitat creation measures are proposed, the Council will need to be satisfied that any loss of habitat is

justified, that the creation of a new habitat is achievable, and that there are resources and commitment available for its long term management.

Policy NE13

Where development is exceptionally permitted within the sites identified in Policies NE10 - 12, harm to the nature conservation interest should be avoided where possible or minimised. Where appropriate, conditions will be imposed or a planning obligation will be sought in order to protect and enhance the site's nature conservation interest or to provide a replacement habitat for those features liable to be harmed.

Protected Species and the Wider Environment

4.50 The Government recognises that our wildlife heritage is not confined to designated sites, but is found throughout the countryside and in many urban areas. Statutory and non statutory sites, together with landscape features which provide wildlife corridors, links or stepping stones from one habitat to another, all help to form the network necessary to maintain biodiversity and the survival of important species. The Council will therefore seek to ensure that careful consideration is given to the conservation and, where practicable, enhancement of wildlife habitats in new development proposals.

4.51 Development proposals should aim to provide for the retention, restoration and future management of existing features of nature conservation value, as well as consider the potential for the creation of new habitats. Rivers and streams, for example, should be incorporated in a safe manner as central features of a development and not piped or lost in back gardens. Opportunities may also be taken to link existing habitats to create wildlife corridors, e.g. by joining two woodland areas with a new hedgerow.

4.52 Protected species are a material planning consideration. Whilst it is an offence to ill-treat any animal, some species enjoy additional legal protection. If a protected species is likely to be affected by a development proposal, a survey may need to be carried out, and professional advice sought. The Council will consult English Nature, as well as any other

nature conservation bodies as appropriate. All wild birds, their nests and eggs are protected in law by the Wildlife and Countryside Act 1981 (as amended). The Act also provides an additional tier of protection for rare species of plant and animal. Badgers are protected by the Protection of Badgers Act 1992, which protects them from deliberate harm or injury, ill-treatment, or intentional or reckless interference with a sett.

4.53 The Habitats Regulations, which implement European Directive 92/43/EEC in the UK, give protection to species of plant and animal which are considered to be of European importance, known as European Protected Species. The list of protected species includes all bats, great crested newts and dormice and other species, which may occur on designated sites, as well as other land or buildings. Development which is likely to result in disturbance or killing of a European Protected Species or damage to its habitat will require a licence from DEFRA.

Policy NE14

Development which is likely to adversely affect protected species will not be permitted unless there is an overriding need for the development and there is no satisfactory alternative. If development is permitted, planning conditions and/or obligations may be imposed to facilitate the survival of individual members of the species, reduce disturbance to a minimum, and provide adequate alternative habitats to sustain at least the current levels of the population.

Where development has implications for other wildlife habitats, planning permission will not be granted unless appropriate measures are taken to protect, manage and enhance the site's nature conservation interest, or to provide a replacement habitat.

Trees And Woodland

4.54 Trees and woodland are integral to the character and diversity of Wealden's landscape and provide an essential habitat for its wildlife. Invariably, trees enhance the quality and, hence, people's enjoyment of the urban and rural environment. The retention of trees within new development can provide a sense of maturity, integrate the scheme into its immediate

surroundings and help to raise its overall quality. New tree planting can be used to create a landscape framework for larger developments, screen obtrusive features, enclose and create spaces, provide shelter and shade, improve micro-climate and reduce atmospheric pollution.

4.55 The Council therefore seeks to retain and conserve existing trees and to achieve new tree planting wherever possible. Tree Preservation Orders (TPOs) will be served to safeguard trees that make an important contribution to the local environment and its enjoyment. Development proposals that directly or indirectly threaten trees or woodland of significant amenity or wildlife value will be resisted. Where the Council considers that an existing tree is not of amenity or wildlife value or that its location is inappropriate, a suitable replacement may be sought as part of the development scheme. This should normally be a native species in order to retain the character of the locality.

4.56 Development layouts, even if not affecting trees directly, will not be acceptable if they would result in undue pressure for the felling or excessive pruning of important trees, whether in the short or long term. This can occur when the design of a development leads to unacceptable conflict between retained or newly planted trees and buildings or their occupants. Issues that need to be taken into consideration to achieve a successful and sustainable layout include shade, dominance, restriction of views, encroachment of branches, root interference/invasion of drains, and subsidence.

4.57 Where trees are an important feature of a development, the Council will require planning applications to be accompanied by a full and accurate tree survey in accordance with British Standard 5837(1991), together with a planting and establishment specification. Details of ground level changes, service and drainage runs, building footprints, driveways and other hard surfaces should also be provided. In appropriate cases, a landscape scheme may be required. Developers will also be required to take steps to protect trees during site clearance and building operations.

4.58 Four summary leaflets covering tree work applications, the protection of trees on development sites, landscape schemes and design are available from the Council Offices. The Council has formally endorsed the guidelines contained in *Trees and Woodland in East Sussex*, published by the East Sussex Woodland

Forum and available for inspection at the Council Offices.

Policy NE15

Development will not be permitted if it would adversely affect the health or result in the loss of a tree, hedgerow or woodland considered worthy of retention, unless the need for the development is demonstrated to outweigh its amenity and nature conservation value, and there is no reasonable alternative means of meeting the development need. If the removal of one or more trees is permitted as part of a development, a condition may be imposed to require that an equivalent number or more new trees be planted either on or near the site.

Ancient Woodland

4.59 Much of the District's woodland contains remnants of ancient woodland sites, which can be shown from map evidence to have existed since at least 1600AD. Ancient semi-natural woodland, as classified by English Nature, is the closest approximation to natural broad-leaved forest to be found in Britain and is therefore the most ecologically valuable. It is an irreplaceable resource of cultural, wildlife, landscape and historic importance, and requires special protection and careful management. The location of ancient woodland within Wealden is identified in the Ancient Woodland Inventory for East Sussex (1989), available for inspection at the Council Offices. The Inventory only includes those ancient woodlands which are over two hectares in area.

Policy NE16

Development will not be permitted if it would involve the clearing, felling or otherwise prejudice the ecology, landscape or historic value of Ancient Woodland, as defined by English Nature.

Renewable Energy

4.60 The development of renewable energy is vital to meeting the Government's objectives for the reduction of carbon dioxide emissions. The

Government has set a target that generation from renewable sources (power from the wind, the sea, the sun, agricultural and/or forestry waste, etc.) should supply 10% of UK electricity by 2010. Its aspiration is to double this share to 20% by 2020. Meeting these targets will require a large number of new individual renewable energy developments nationally, which will be both large and small in scale and utilise a range of different technologies. The Government's planning policies for such developments are set out in Planning Policy Statement 22: Renewable Energy. This states that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily.

4.61 Whilst East Sussex has experienced a very low level of interest in renewable energy projects, this situation is expected to change in the future. Improvements in renewable energy technology, changes in the energy market and agricultural diversification are likely to result in an increase in proposals for renewable energy over the Plan period. The proposed alteration to RPG9 published in July 2004 sets targets for land-based renewable energy generation by 2010 and 2016, based on an assessment of the renewable energy potential of the South East and its sub-regions. It identifies biomass as having the most potential in East and West Sussex, with a small amount of energy likely to be generated from onshore wind power and solar energy (photovoltaic).

4.62 Biomass plants fuelled by locally sourced wood and energy crops can also bring benefits for the rural economy through providing employment, alternative incomes for farmers and encouraging woodland management. Small-scale power generation plant may be incorporated into an existing complex of rural buildings to minimise its visual impact. Large-scale installations serving a wider area would not normally be appropriate in the open countryside, and would be best sited on existing suitably located industrial sites, where the impact on minor rural roads and the local environment would be minimised.

4.63 Whilst the assessment of renewable energy resources identified some potential for wind power generation, average wind speeds are highest on the open chalk uplands of the South Downs and the ridges of the High Weald. However, these areas are also the most environmentally sensitive in the District and

development should not compromise their unique landscape character, as recognised by their designation as Areas of Outstanding Natural Beauty. The stark landform of the Sussex Downs would be especially vulnerable to the effect of wind farms. Off-shore wind farms do not fall within the planning control of this Council.

4.64 Photovoltaic solar energy systems can be integrated into new commercial or domestic buildings, or retro-fitted to existing buildings. The technology can also be used as a stand-alone system for remote power generation, or as a central station connected to distribution networks. The visual effect of solar energy systems in relation to new or existing buildings and the character of the surrounding area is the key consideration, where installations fall under planning control. To this end, attention should be given to systems which have low profiles or can be installed within the plane of the roof.

4.65 For reasons of sustainability and the need to minimise the impact on the local environment, a wide spread of small-scale or community based power generation facilities is considered preferable to large-scale installations. Proposals for large-scale power generation installations will need to demonstrate that their contribution to meeting national or regional renewable energy targets and carbon dioxide savings would outweigh any significant adverse impact on the environment and landscape of the District. Large-scale installations will not normally be acceptable within the AONBs.

4.66 For the purposes of this policy, renewable energy developments do not include energy from waste facilities, planning policies for which are set out in the deposit draft Waste Local Plan (as explained in paragraphs 13.60 – 13.62 of this Plan).

Policy NE17

In considering development proposals for the generation of power from renewable resources the Council will have regard to the wider environmental, economic and social benefits of the proposal and the contribution that any proposal will make towards regional and national targets, and will permit development provided that the following criteria are met:

- (1) in the open countryside any new buildings must be kept to a minimum, and must be located and designed to**

minimise the impact on the landscape and local environment;

- (2) new renewable energy systems must be located and designed to minimise the impact on existing buildings and the character of the surrounding area;**
- (3) there is no unacceptable adverse impact on the High Weald or Sussex Downs AONBs, Sites of Special Scientific Interest, Scheduled Ancient Monuments, Conservation Areas, Historic Parks and Gardens, or other features of acknowledged importance;**
- (4) the health and safety of occupiers or users of other land and buildings are not put at risk;**
- (5) there is no significant adverse effect on local amenities or the natural environment by virtue of pollution and nuisance from noise, smoke, fumes, dust, smell or other polluting emissions, unless practical measures can be taken and maintained to reduce the effects to an acceptable level;**
- (6) the local highway network is capable of accommodating any additional traffic that may be generated during construction and operation;**
- (7) in the case of power generation using energy crops, energy generation plant should be well-located in relation to their fuel source, and**
- (8) in the case of large scale development, the location is in close proximity to suitable grid connections**

MAP

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