



**Sussex**  
Wildlife Trust

Contact: Jess Price  
E-mail: [swtconservation@sussexwt.org.uk](mailto:swtconservation@sussexwt.org.uk)  
Date: 24 June 21

**By email only**  
[swood@hastings.gov.uk](mailto:swood@hastings.gov.uk)  
Attn: Mrs S Wood

Dear Stephanie

**Planning Application Reference: HS/FA/21/00327**

Description: Business park development to deliver business units consisting of 4010m<sup>2</sup> of light industrial/manufacturing units (use classes E/B2), 490m<sup>2</sup> of bespoke space for a local employer, and the renewal of planning permissions HS/FA/16/00330 & HS/FA/18/00761 for car showrooms (1215 sqm), as well as associated uses including plant, pedestrian and vehicular circulation, car parking, cycle parking, hard and soft landscaping and utilities.

Location: Queensway North, Queensway, St Leonards-on-sea

---

Thank you for consulting the Sussex Wildlife Trust (SWT) on the above application. SWT leases Marline Valley Nature Reserve from Hastings Borough Council (HBC), which sits directly adjacent to the development site and is designated as a Site of Scientific Interest (SSSI), Local Nature Reserve (LNR) and Local Wildlife Site (LWS). We do not believe the proposal complies with national or local biodiversity policy and are concerned about the risk to the SSSI. Therefore we **object** to the application in its current form.

SWT accepts that the principle of commercial development on this site is established through its allocation for employment land in policies FA1 and LRA6. However, policy LP2 states that *'of principle and greater consequence for every scheme, however, will be matters which include... trees, biodiversity, green infrastructure and relationship with the surroundings including nearby buildings and view of the Borough's natural and historic assets (including Hastings Castle). These considerations, rather than indicative numbers, will provide the guidelines to secure a development worthy of the site and its surroundings.'*

We believe 'biodiversity' as referenced in LP2 is not protected or enhanced through the current design as required by policy EN3. In particular, the proposal:

- does not follow the mitigation hierarchy and minimise risk to the adjacent SSSI, ensuring no adverse impacts
- includes built development on Plot 2.1, contrary to Natural England's advice
- does not allow sufficient buffers to ancient woodland as per Natural England standing advice and policies EN3 and EN4
- does not avoid impacts on bats as required by national legislation and local policy
- does not deliver a net gain in biodiversity as required by NPPF paragraph 170 and 175

Drainage Scheme and Plot 2.1

SWT objects to the proposals for Plot 2.1. We agree with the advice previously given by Natural England that this plot should be omitted from development as it is closest to the SSSI and contains permeable sandstone outcrops taking water directly to the SSSI. Instead Plot 2.1 should be used to create SuDs features and biodiversity rich habitat that could contribute to the net gain figures for the site. We do not believe that the

Woods Mill, Henfield, West Sussex, BN5 9SD  
01273 492 630 | [enquiries@sussexwt.org.uk](mailto:enquiries@sussexwt.org.uk) | [sussexwildlifetrust.org.uk](http://sussexwildlifetrust.org.uk)

benefits of the development on Plot 2.1 clearly outweighs its likely impact on the features of the SSSI (NPPF paragraph 175, policy HN8). Especially given that the buildings on this plot are entirely speculative.

It does not appear that the mitigation hierarchy has been followed in regards to avoiding and minimising risks to the SSSI. The north west section of the site is the most vulnerable given the uneven and unknown depths of the sandstone layers and it is not clear if the applicants can guarantee that the foundations of Block C in particular will not breach the sandstone layer or what would happen in the event of a breach to avoid impacts on the SSSI.

There seems to be a lot of reliance assigned to the embedded mitigation measures provided by the Site Management Plan. However, SWT question the reality of enforcing these over the long term, particularly the restricted use of potentially harmful chemicals/substances outlined in paragraph 2.5.14. Given the variety of buildings proposed and the numerous parking bays it is unclear how users of the site will be prevented from using items such as antifreeze as suggested. Of particular concern are the car show rooms which will clearly be using chemicals to clean and maintain the cars. The Site Management Plan is clear that use of chemicals on site is a risk to the SSSI. We do not think the requirements of the Site Management Plan are realistic or enforceable. We therefore question the certainty of this mitigation method and its compliance with legislation.

We note the recommendation from the Pevensy and Cuckmere Water Level Management Board and the Lead Local Flood Authority that the applicant explores providing additional surface water storage to ensure resilience to successive rainfall events. Natural England's advice has been clear through successive consultations that the applicants should maximise greenspace in their design in order to mimic the existing hydrological regime as far as possible. It does not appear that this advice has been headed and translated into the design of the application.

SWT is also concerned about the positioning of the foul pumping station so close to the SSSI boundary shown on drawing 26499/2004/001. The position and maintenance of this does not appear to be assessed in the Environmental Statement (ES). Given the proximity of the pumping station, we are very concerned that if it fails or is not maintained properly it could result in a significant impact on the SSSI, which does not appear to have been considered.

Whilst the applicant has provided copious amounts of hydrological and drainage information. We still do not believe the site can withstand the intensity and type of development proposed without risking harm to the SSSI and wider biodiversity. We would support plot 2.1 remaining undeveloped and further work being done to maximise use of multifunctional SuDS features such as swales.

### Ancient Woodland Buffer

It is apparent from paragraph 6.6.7 of the ES that whilst there is a 15 metre buffer provided for all SSSI ancient woodland, the buffer is only 5 metres for the ancient woodland within the south east of the site. This is not acceptable. Natural England standing advice is clear that the buffer between the development footprint and the ancient woodland must be at least 15 metres and this is reinforced in policy EN3 which requires compliance with this advice.

There seems to be no assessment of the impacts of the operational phase of the proposal on the ancient woodland within the ES. SWT are particularly concerned about the direct impacts of introducing hardstanding so close to the boundary and the indirect impacts of increased pollution and disturbance. There appears to be very little semi-natural habitat buffering the ancient woodland and no mitigation or compensation is proposed. It is also not clear what lighting is proposed for these car parking spaces, but at the very least headlights will shine directly into the ancient woodland.

Paragraph 175 of the NPPF is clear that development resulting in the deterioration of irreplaceable habitats, such as ancient woodland, should be refused, unless there are wholly exceptional reasons **and** a suitable compensation strategy exists. Plot 1.1 should be redesigned to allow a full 15 meter buffer of semi-natural habitat that contributes to the green infrastructure plan for the site.

## Bats

SWT is concerned that so little information is provided on how bats currently use the site. The ODPM Circular 06/05: Biodiversity and Geological Conservation - Statutory obligations and their impact within the planning system states that both the presence and the extent that a European Protected Species may be affected by a proposed development must be established before planning permission is granted.

It appears that only one bat activity survey was carried out since 2012, in October 2020. This is contrary to good practice guidance which recommends one survey visit per season (spring, summer, autumn) even for low suitability habitat for bats. Despite the low survey effort, six species of bat were recorded using the site. No information is provided in the ES or appendix B1 as to how the bats are using the site e.g. commuting/feeding along the tree line and/or feeding in the wider site and therefore we do not believe that the ES conclusion of 'Negligible significance' for impacts on bats can be relied upon.

In particular, five bat species were recorded along the boundary of the ancient woodland adjacent to plot 1.1 and this is also where the occupied bat boxes were recorded. However, the proposal includes minimal semi-natural habitat along this edge and includes car parking spaces 5 metres from the roosting bats. It is not obvious how the lighting scheme will avoid light spillage onto these areas as required by mitigation M8 Lighting Strategy Framework and particularly how car headlights will be controlled given the close proximity of the parking spaces.

This area of plot 1.1 should be redesigned to allow a full 15 metre buffer to the ancient woodland and bat roosts. The buffer should include semi-natural bat-friendly habitat. Further information on how bats use the site should be provided so that any impacts on commuting and feeding areas can be avoided and mitigated, for example through providing further insect rich habitat onsite.

## Biodiversity Net Gain

SWT is very concerned that the proposal will show a post development reduction in biodiversity of -25%. This is not acceptable under paragraph 170 of the NPPF and therefore the development is not viable as proposed. The calculations do not appear to be included in the application documents, but we assume that this figure is based on the habitats found on the site now, not prior to site clearance. Again this is not best practice as this will not reflect a true figure for loss or gain since development started on the site.

The applicants should look to redesign elements of the proposal to allow onsite net gain based on pre-development calculations. This could be viable if plot 2.1 is left undeveloped as advised by Natural England. If offsite net gain is being considered, this must be demonstrated to be viable before a decision is made. It is not appropriate to condition the requirement for net gain.

## Summary

Before a decision is made on the application, the applicant should:

- Redesign plot 1.1 to ensure a full 15 meter buffer to the ancient woodland as per Natural England standing advice and policies EN3 and EN4
- Identify all impacts on bats, including operational impacts, and avoid, mitigate and compensate for these through good design.
- Follow the mitigation hierarchy firstly avoiding and where needed minimising risk to the adjacent SSSI, ensuring no adverse impacts. We believe leaving Plot 2.1 undeveloped is a reasonable method and would allow more space for both SuDS and biodiversity enhancements.
- Redesign the proposal in order to deliver a net gain in biodiversity as required by NPPF paragraph 170 and 175

Yours sincerely

Jess Price  
Conservation Officer