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Our ref: 352977
Your ref: HS/FA/21/00327



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BY EMAIL ONLY

Dear Stephanie Woods

Environmental Impact Assessment Scoping consultation (Regulation 15 (4) of the EIA Regulations 2017): HS/FA/21/00327 | Business park development to deliver business units consisting of 4010m² of light industrial/ manufacturing units (use classes E/B2), 490m² 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 your consultation on the above dated 12 May 2021 which was received by Natural England on the same day.

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

- Marline Valley Woods 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:

- Information to inform the development proposals in particular Plot 2.1 and how impacts to the SSSI can be avoided;
- How the Requirements of the Mitigation Hierarchy are being followed;
- Information regarding in-combination effects;
- Clarification of impact assessment methodology;
- Information on the drainage scheme and how this will avoid advise impacts;
- Additional information regarding monitoring requirements;
- Information regarding proposed earthworks.

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

Natural England has considerable concerns regarding this application. We have advised that the proposal to develop plot 2.1 introduces a particular risk to the Marline Valley Woods Site of Special Scientific Interest (SSSI). This is due to both its location adjacent to the SSSI and the permeable geology that has been identified in this area. We advise that the current application which introduces development into this sensitive area requires additional information as detailed below. We advise that it is not clear how the proposals demonstrate that they have followed the requirement of the mitigation hierarchy, and that alternative should first be sought as detailed below.

Marline Valley Woods Site of Special Scientific Interest (SSSI)

The interest features of the SSSI include bryophytes which rely on the continuation of the existing hydrological regime (the quality and quantity of water they receive). The SSSI receives ground and surface water from the application site at Queensway North and has been shown to be hydrologically- linked. All applications in this location therefore have the potential to affect the interest features of the SSSI. We have provided substantive advice in numerous applications regarding the complex hydrogeological impact pathways that exist between the Queensway North site and the adjacent SSSI's interest features. The development of Queensway North introduces a risk to the SSSI's interest features as the developments disrupt the existing hydrological regime by removing and altering permeable areas and introducing pollution risks. We have therefore advised that these developments should be assessed in-combination to gain a more robust understanding of the impacts of developing this site as a whole.

In addition to advising on the impact of developing Queensway North to the SSSI we have consistently highlighted that the area covered by Development Plot 2.1 is of particular concern and should be omitted from development in favour of retaining greenspace and incorporating SuDS features for example. This is because this area is closest to the SSSI and contains permeable sandstone outcrops taking water directly to the SSSI (please see correspondence of March 2016, April 2016, and June 2016, December 16).

It is therefore with considerable concern that Natural England notes that our advice has not been reflected within the scheme's design, which has placed a significant proportion of development into area 2.1 which is both closest to the SSSI and contains permeable geology.

We advise that at present insufficient information has been provided to demonstrate how the required protection of the adjacent SSSI can be achieved. These concerns are outlined below:

Plot 2.1

It is not clear from the submitted information how this area can be developed without breaching the sandstone layer. Given the variation in geology and the location of 2.1 adjacent to the SSSI we advise again that development in this location poses a significant risk as follows:

- The risk is enhanced due to the location of Plot 2.1 directly adjacent to the SSSI. It is unclear how Contingency for any pollution event would be possible.
- It appears that in this location the ground will be raised, thus disrupting the infiltration which occurs in this location. Further information is required to better inform this impact.

Borehole and Trial Pit data has shown the hydrogeology of the Queensway North site to be highly complex and to vary considerably. The EIA notes this and for example, states that:

It is noted that the depth to sandstone was however recorded to vary significantly over a short distance close to the Queensway, indicating that the dip of the strata suddenly changes or that the sandstone is not persistent.

A set of springs has been observed to the northwest of the Site and it is likely that such springs mark the outcrop boundary between the relatively permeable Sand in Wadhurst Clay and the underlying, less permeable Wadhurst Clay Member.

The development site has been allocated within the Local Plan however developments must show how they adhere to the requirements of the mitigation hierarchy, demonstrating how they can first avoid Impacts. We advise that the inclusion of plot 2.1 having the greatest risk to the SSSI, and in the absence of proposed alternatives, does not follow the mitigation hierarchy.

175(a) of the National Planning Policy Framework (NPPF) requires planning applications to adhere to the mitigation hierarchy, i.e. significant harm to biodiversity should first be avoided, then adequately mitigated, or as a last resort, compensated for.

Furthermore, with regard to the SSSI the NPPF states that:

175 c). "development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs"

We advise that further justification for the inclusion of Plot 2.1 is required and that an assessment of alternatives is provided.

Of further concern is that we have advised that all developments must be Suds-led and to demonstrate how they can mimic the existing hydrological regime and maximise undeveloped, permeable areas. The submitted plans indicate little retention of greenspace. This is reflected in the expected 25% loss of biodiversity should the developments proceed (please see below). This is unacceptable. We again advise that area 2.1 be allocated for greenspace and enhancement.

Additional Information Required for Drainage Systems

We advised that The EIA must contain evidence to show that sandstone layers will not be breached by the development. We require additional information to demonstrate how the proposed drainage scheme, including water storage areas can be constructed to avoid this.

We further note that drawing 26499/2004/500/002 (Foul and surface water drainage site-wide) has been included in the Flood Risk Assessment. This was a drawing that was included in previous schemes and which we advised was not appropriate, due to its lack of SuDS features and incompatibility with the Site Wide Management Plan (Dec 2016). It further relied on large underground storage units which we have advised is not appropriate.

Furthermore, SuDS will be required to be constructed allowing for least 1m between the base of the attenuation structure and the highest recorded groundwater level. It is not clear how this can be achieved in the current design and we advise that additional information is required to demonstrate how this can be achieved. As this relates to the efficacy of the suds scheme and risk to the SSSI this is a key matter for clarification.

Receptor Identification and Sensitivity

We advise the receptor sensitivity tables included in the report (for example table 8.9) have underestimated the impact of the scheme. These are key components of assessing the magnitude of impact and the need for mitigation. We note for example that for *surface water* Marline Stream and Ghyls has been attributed a medium sensitivity. Given that these contain interest features of a nationally important wildlife site, which relies on the water quality and quantity arising from the

application site, the sensitivity of this receptor should be high.

Of further note is that the table labels groundwater as unproductive strata. The variation in permeability of the geology of this site has been clearly documented for example:

8.4.23 Given the variable permeability of the underlying strata, it is likely that surface water infiltration rates vary across the Site. In areas where near surface sandy horizons are present, surface water infiltration would be expected to be relatively rapid. And further; It is considered likely that surface water runoff follows the topography of the Site falling towards the low ground and the Marline Stream to the northwest

Therefore the term *unproductive* does not reflect this. Furthermore, the sensitivity is very unclear and is assessed as *Negligible increased to Medium due to connectivity with Surface Water*. Again, the risk of impact to the SSSI should be reflected.

Similarly, for Ecological Systems, the significance of Marline Valley SSSI is recorded as medium.

If the importance of habitats and species are inaccurately reported any associated assessment of significance of impact, level of mitigation required, and residual impacts will also be underestimated (examples below). It is therefore of critical importance that affected receptors are accurately represented in this assessment. We reiterate that this area supports nationally important habitats. The significance and magnitude of impact of the scheme both directly and indirectly must be afforded appropriate regard.

Examples include the following:

Groundwater: The groundwater below the Site is considered to have a negligible sensitivity, the magnitude of impact is considered to be low given the low potential for contamination to be present and as such the potential significant effect is considered to be negligible.

We advise that this is inaccurate in the following ways:

- The groundwater was reported as medium, not negligible in table 8.9;
- The potential for contamination to be present is low at present, but following construction and operation this risk is increased.

The potential for contamination has also been inaccurately in the assessment of surface waters and ecological systems as follows:

Surface Water: The surface waters adjacent to the Site are considered to have a medium sensitivity, the magnitude of impact is considered to be low given the negligible potential for contamination to be present and as such the potential significant effects is considered to be minor adverse.

Ecological Systems: It is considered that due to the negligible potential for contamination to be present on the site, migration of any potential localised contaminants is limited and the distance of the ecological receptors and the magnitude of impact is considered to be low, the potential significant impact from contamination on the SSSI is minor adverse.

- Again, contamination should include construction and operation;
- The distance from ecological receptors is of considerable concern given the location of the SSSI adjacent to the site.

This risk is enhanced when considering the development of plot 2.1 which must also be considered below.

It is considered that that due to the low potential for construction activities to affect the more

permeable strata and medium sensitivity of groundwater flows and connectivity with ecological receptors as result of embedded mitigation through design of foundations that the magnitude of impact is considered to be Low, the potential significant impact from change in the groundwater regime on the SSSI is minor adverse.

It is clear that this needs to be revised to more accurately reflect sensitivity critical hydrological systems which support the SSSI, and the risk of developing this site. In order for robust and confident conclusions to be made and mitigation to be fit for purpose, it is of critical importance that impact assessments accurately reflect receptor sensitivity, risk and magnitude of impacts.

Earthworks

The extent of earthworks (and retaining walls for example) appear to have not yet been completed. The report states that further work will be undertaken to assess this and where possible, it is intended that the requirement for earthworks will be minimised through working with existing ground levels, and the in recognition of the sensitivity of the groundwater/ surface water/ ecological regime, to minimise any cut or fills requirement. Given the need to avoid permeable areas this information is of clear significance.

Cumulative impacts

We have advised that the cumulative impacts of the scheme should be included in the EIA and that this assessment should include the previous development at Queensway South. This is because as the site continues to be developed a greater proportion of permeable undeveloped and naturally functioning land is lost. We note with concern that this assessment has not been carried out. We advise again that for the reasons stated in our previous correspondence the cumulative impact of developing these sites should be assessed. The EIA states that development with *(more the 10,000 m² GEA or over 150 residential units) located within a 1 km radius of the boundary of the Site have been included.* We advise again that as the cumulative impact of the loss of naturally functioning land may be significant, and that as impact pathways are linked to the interest features of the adjacent SSSI, Queensway South should be included in the EIA. We refer you to our scoping response which specifically requested that this information was included:

Natural England has called for a strategic approach to these developments as a piecemeal approach cannot accurately capture the extent of the impacts which should be considered in combination (including Queensway South). This should be included within the EIA.

We note that the conclusion of the cumulative ground condition assessment states that:

8.10.11 Given the geological and hydrogeological setting of the Site, and its distance from the other developments noted, it is considered that there is no significant linkage or association between the developments and the Site and consequently no cumulative ground condition effects will result.

We advise that the inclusion of the Queensway South developments is of key importance to this assessment.

Monitoring

We note this section and advise that monthly monitoring is likely be insufficient. The location of plot 2.1 adjacent to the SSSI introduces a particular risk to the SSSI. The fact that permeable strata outcrop in this area and its location next to the SSSI is of particular concern. As we have variously advised should a pollution incident occur in this location, no contingency time in which to take remedial action is achievable. Monthly monitoring will not pick this up sufficiently.

8.6.11 states that It is therefore considered that these mitigation measures will mitigate that risk to controlled waters from the introduction of new potential contaminants to the environment. The measures to mitigate the risk to controlled water will effectively mitigate the risk to ecology and wildlife

We advise that monitoring although a key part if assessment is not mitigation. Mitigation involves

putting measure in place to prevent adverse impacts.

Biodiversity Net gain

We note with considerable concern that the proposal would lead to a 25% loss in biodiversity. We advise that this is unacceptable. Furthermore, the Environment Bill includes a mandate for net gain.

The NPPF requires the following:

170 d). *Planning policies and decisions should contribute to and enhance the natural and local environment by “minimising impacts on and **providing net gains for biodiversity....**”*

Of additional relevance is the duty that public bodies have to conserve and enhance biodiversity. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Given this significant decrease in biodiversity through development we advise that Plot 2.1 should be utilised to provide for net gains.

Ancient woodland

From the information provided it is not clear how a 15 metre buffer around ancient woodland will be provided. Clarification is required on the distance between developed area in plot 1.1 and the adjacent ancient woodland.

Ancient woodland is an irreplaceable habitat. The NPPF provides robust policy protection for this habitat.

175 c) “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons (footnote 58) and a suitable compensation strategy exists”.

It is of key importance that this habitat is maintained and protected from deterioration. 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. This includes the need to provide a buffer of at least 15m around ancient woodland.

Habitat connectivity

Maintaining and enhancing habitat connectivity is of key importance to allow species movement and to provide functioning habitats. Development in proximity is likely to disturb foraging and movement. For example, the introduction of lighting will impact bats. This should be included in the report.

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.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (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.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this

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

letter only please contact Rebecca Pearson on rebecca.pearson@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Rebecca Pearson
Senior Adviser

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications (please see further information relating to Marline Valley Woods Site of Special Scientific Interest below). A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S. 174-177 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (as amended). In

addition paragraph 176 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites. Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The development site is adjacent to the following designated nature conservation site:

- **Marline Valley Woods**
- Further information on the SSSI and its special interest features can be found at www.magic.gov. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within Marline Valley Woods and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.
- - European site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>

Hydrogeological Impacts-Marline Valley Woods Site of Special Scientific Interest (SSSI)

Marline Valley Woods SSSI contains bryophyte interest features which rely on the continued maintenance of the existing hydrogeological regime (ground and surface water quality and quantity). The SSSI receives ground and surface water from the application sites at Queensway North and has been shown to be hydrologically- linked. All applications in this location therefore have the potential to affect the interest features of the SSSI via impacts to the existing ground and surface water. We have advised that developments must be Suds-led and to demonstrate how they can mimic the existing hydrological regime and maximise undeveloped, permeable areas.

Borehole and Trial Pit data has shown the hydrogeology of the Queensway North site to be highly complex and to vary considerably. The site consists of sand and wadhurst clay layers. This poses a significant risk to the SSSI as sandy lenses from the application site carry water into the springs which feed into the SSSI.

In addition to the clear risk of developing Queensway North highlighted above, Natural England has variously advised that any developments within the Queensway North's North- West (Plot 2.1) area, in which the sandstone areas have been shown to outcrop would be of particular concern. Natural England refers you to our previous comments (March 2016, April 2016, and June 2016, December 16). It is therefore with considerable concern that Natural England notes that our advice has not been reflected within the scheme's design, which has placed a significant proportion of development into area 2.1 which is both closest to the SSSI and contains sandstone outcrops.

A full Hydrogeological Impact Assessment should be included In the EIA. Furthermore information pertaining to the location of buildings and underlying site geology must be included, including information on impact pathways to the interest features within the SSSI. The EIA must contain evidence to show that sandstone layers will not be breached by the development. Furthermore the developments should demonstrate how the mitigation hierarchy has been followed in order to

minimise risks to this nationally important wildlife site.

Cumulative impacts

As the site continues to be developed (including the previously developed Queensway South area) a greater proportion of permeable undeveloped and naturally functioning land is lost. For this reason Natural England has called for a strategic approach to these developments as a piecemeal approach cannot accurately capture the extent of the impacts which should be considered in combination (including Queensway South). This should be included within the EIA

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (as amended)

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

2.6 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

3. Designated Landscapes and Landscape Character

Nationally Designated Landscapes

As the development site is in close proximity to the High Weald AONB, consideration should be given to the direct and indirect effects upon this designated landscape and in particular the effect upon its purpose for designation within the environmental impact assessment, as well as the content of the relevant management plan for the High Weald AONB.

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The

Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

Heritage Landscapes

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm.

4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. 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 incorporated where appropriate.

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

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

5. Soil and Agricultural Land Quality

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 170 of the NPPF. We also recommend that soils should be considered in the context of the sustainable use of land and the ecosystem services they provide as a natural resource, as also highlighted in paragraph 170 of the NPPF.

As identified in the NPPF new sites or extensions to new sites for peat extraction should not be granted permission by Local Planning Authorities or proposed in development.

6. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

7. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 174), which should be demonstrated through the ES.

8. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

A full consideration of the implications of the whole scheme should be included in the ES. This should include the consideration of the electrical connection within the site and between the proposed substation and the wider grid. All supporting infrastructure should be included within the assessment.

Bat surveys should conform to our current guidance [TIN051 edition 2 - Bats and onshore wind turbines Interim guidance.pdf](#). Reference should also be made to the Bat Conservation Trust 'Bat Surveys – Good Practice Guidelines' 2nd Edition Chapter 10 Surveying proposed onshore wind turbine developments.

The ES will need to consider the impact of the proposals on bird populations including the potential impact of the proposals on bird flight lines, breeding and wintering populations and high tide roosts. Bird surveys should conform to Natural England guidance [TIN069 Assessing the effects of onshore wind farms on birds.](#)

The ES should also have regard to any wind capacity studies for the area and Natural England considers that this development is likely to affect landscape character in this locality – see section 2 in this scoping letter for details of the assessment required.

Ancient Woodland – addition to the S41 NERC Act paragraph

The S41 list includes six priority woodland habitats, which will often be ancient woodland, with all ancient semi-natural woodland in the South East falling into one or more of the six types.

Information about ancient woodland can be found in Natural England's standing advice http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland_tcm6-32633.pdf.

Ancient woodland is an irreplaceable resource of great importance for its wildlife, its history and the contribution it makes to our diverse landscapes. Local authorities have a vital role in ensuring its conservation, in particular through the planning system. The ES should have regard to the requirements under the NPPF (Para. 175)² which states:

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts);
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.