

Our ref: T4905



18 November 2021

Germaine Asabere
Hastings Borough Council
Muriel Matters House
Breeds Place
Hastings
TN34 3UY

Dear Ms Asabere,

Response to Objections to and Comments on the Proposed Development at Queensway North, Queensway, St Leonard-on-sea

It is understood that Hastings Borough Council (HBC) have received objections to and comments on the proposed development at Queensway North (planning application reference: HS/FA/21/00327).

Please note that a summary of the objections to and comments on the proposed development at Queensway North, along with Sea Change Sussex's (the Applicant's) responses to these objections and comments, with input from technical specialists, are presented in **Table 1** overleaf.

I trust that the objections and comments have been addressed satisfactorily, as outlined in Table 1; however, should you have any questions, please do not hesitate to contact me.

Yours sincerely,

Spencer McGawley
Director

Encl.

Table 1: Responses to Objection(s) / Comment(s)

Ref	Objection / Comment	Relevant Body	Applicant Response
Impacts to the Site of Special Scientific Interest (SSSI)			
1	<p>The application could have potential significant effects on Marine Valley Woods SSSI. Further information in order to determine the significance of these impacts and the scope for mitigation is required.</p> <p>The following information is required:</p> <ul style="list-style-type: none"> 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; Additional information regarding monitoring requirements; Information regarding proposed earthworks. 	<p>Natural England, Sussex Wildlife Trust</p>	<p>The implementation of the Drainage Strategy, Site Wide Management Plan and the Construction Environmental Management Plan (CEMP) is expected to mitigate the potential effects of the proposed development on surface water and pollution on the SSSI.</p> <p>As noted below in a number of responses below, impacts to the SSSI will be managed via the CEMP. The monitoring is provided to evidence the effectiveness of the CEMP measures. Details contained within the Hydrogeological and Foundation Design Assessment show cross sections through Plot 2.1 which show that the sandstone layer will not be breached by the foundations proposed. The existing ground level has also been used within these cross sections to provide a worst-case assessment, however, the ground level across the majority of the Site and specifically Plot 2.1 will be raised.</p>
2	<p>It is not clear how the proposals demonstrate that they have followed the requirement of the mitigation hierarchy, and an alternative should first be sought.</p> <p>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. Natural England 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</p>	<p>Natural England, Councillor Julia Hilton, Petition against HS/FA/21/00327</p>	<p>An assessment of alternatives has not been undertaken within the Ground Conditions chapter. The concept of design evolution is demonstrated by the proposed development layout which avoids the areas where the top of the Sandstone is known to be present at shallow depths such as along the western boundary adjacent to the SSSI.</p> <p><u>Response to Point 1</u></p> <p>The implementation of the Drainage Strategy, Site Wide Management Plan and the Construction Environmental Management Plan (CEMP) is expected to mitigate the potential effects of the proposed development on surface water and pollution on the SSSI.</p> <p><u>Response to Point 2</u></p> <p>It is of note that detailed monitoring of the bryophytes associated with the Marline Valley SSSI ghyll stream was undertaken in 2017. The monitoring covered the ghyll channel coincident with</p>

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	<p>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.</p> <p>In addition to advising on the impact of developing Queensway North to the SSSI, Natural England 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).</p> <p>It is therefore with considerable concern that Natural England notes that their 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.</p> <p>Natural England advise that at present insufficient information has been provided to demonstrate how the required protection of the adjacent SSSI can be achieved.</p>		<p>the catchment of the Queensway North site, together with the adjoining Queensway South site. No evidence was recorded to suggest that the bryophyte assemblages associated with the SSSI are in a degraded or declining condition as a result of changes in the quality and quantity of water reaching the channel. In fact, the appearance of <i>Dicranodontium denudatum</i>, which is an indicator of high-quality habitat, was an important new addition to the bryophyte flora of the site in 2017.</p> <p><u>Response to Point 3</u></p> <p>Although plot 2.1 is proposed to be developed, it incorporates several SuDS features which promote biodiversity and contribute to an overall net gain as well as considering the treatment train of surface water in accordance with the SuDS Manual. Additionally, in order to reduce the impact the overall development has on the SSSI plot 2.2 is no longer to be developed and plot 2.1 has reduced in size by 42% from the original strategy. Whilst collectively Plots 1.1, 1.2 and 2.1 have a reduced impermeable area of 38%. The wider site retains the SuDS features that would have been required by it, meaning that any potential impact on the SSSI is further reduced.</p> <p><u>Response to Point 4</u></p> <p>The Site Management Plan, CEMP and the drainage strategy have all been produced to contain comprehensive information regarding the measures in place to protect the SSSI from the potential adverse effects of the proposed development.</p>
3	<p>It is not clear from the submitted information how Plot 2.1 can be developed without breaching the sandstone layer. Given the variation in geology and the location of Plot 2.1 adjacent to the SSSI, it is advised again that development in this location poses a significant risk.</p> <p>It is advised that further justification for the inclusion of Plot 2.1 is required and that an assessment of alternatives is provided.</p> <p>It is again advised that Plot 2.1 be allocated for green space and enhancement.</p>	Natural England, Councillor Julia Hilton	<p><u>Response to Point 1</u></p> <p>The development layout has been designed to avoid foundations where the sandstone is known to be close to the surface for example the location designated as car parking. Buildings have been located to the southeast and southwest parts of the Plot where the sandstone is known to be deeper.</p> <p>It is noted that there may be some uncertainty between exploratory hole locations regarding the top of the sandstone layer however, we consider that there is a reasonable degree of certainty of the geology beneath Plot 2.1, given that there are 13No exploratory holes within Plot 2.1 which is a relatively small</p>

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			<p>area of approximately 1Ha. Further GI may also be detrimental to the integrity of the sandstone itself.</p> <p>The proposed ground level for the development is also intended to be raised above the existing ground level providing increased confidence in the presented statement that the foundations will be within the Wadhurst Clay and not intercept the sandstone.</p> <p>Further confidence is provided from the long series of monitoring (which has been monitored in 2007, 2009, 2012 and quarterly from 2014 to present) which shows that the foundations are also located well above the maximum recorded groundwater table and therefore the development will not inhibit the groundwater flow within this plot.</p> <p>Details contained within the Hydrogeological and Foundation Design Assessment show cross sections through Plot 2.1 which show that the sandstone layer will not be breached by the foundations proposed. The existing ground level has also been used within these cross sections to provide a worst-case assessment, however, as mentioned above, the ground level across the majority of the Site and specifically Plot 2.1 will be raised.</p> <p><u>Response to Point 2</u></p> <p>We have not undertaken an assessment of alternatives within the Ground Conditions chapter. The concept of design evolution is demonstrated by the proposed development layout which avoids the areas where the top of the Sandstone is known to be present at shallow depths such as along the western boundary adjacent to the SSSI.</p>
4	<p>The monitoring section has been noted and it is advised that monthly monitoring is likely to 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 previously advised, should a pollution incident occur in this location, no contingency</p>	Natural England	<p>We concur with the statement that mitigation to prevent the adverse effect occurring is required and such measures are proposed. The assessment is not based solely on the proposed monitoring. The mitigation for the identified effect (pollution incident during construction) is the preparation of a Construction Environmental Management Plan (CEMP) which will set out detailed management arrangements to minimise the</p>

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	<p>time in which to take remedial action is achievable. Monthly monitoring will not pick this up sufficiently.</p> <p>It is advised that monitoring, although a key part of assessment, is not mitigation. Mitigation involves putting measures in place to prevent adverse impacts.</p>		<p>environmental effects of construction. The Site Management Plan appended to the ES provides details on the management of the site during the construction and operational phases of the development. This includes the production of the CEMP. The measures presented in the CEMP will include but are not limited to:</p> <ul style="list-style-type: none"> • The design of a temporary drainage system to control and manage potentially contaminated surface run off. • Minimising areas of exposed excavations. • Locating stockpiles of material more than 50m of the site boundary. • Runoff from stockpiles will be captured. <p>The chapter identifies that the CEMP will also include measures for prevention and control of spillages and pollution incident response and contingency measures.</p> <p>The monitoring is provided to evidence the effectiveness of the CEMP measures.</p>
5	<p>Para 175 (b) of the NPPF states that 'development on land within or outside a Site of Special Scientific Interest, 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 Sites of Special Scientific Interest.'</p> <p>It is hard to make a case that the benefits of building speculative units on this site, by a company with a history of failed projects, outweigh the likely impact on Marline Valley SSSI. For this reason alone, the planning application should be refused.</p>	Councillor Julia Hilton	<p>The development of the Site at North Queensway has long been anticipated in the Local Plan, and it has been successfully demonstrated that development undertaken utilising the approach proposed in this location can be delivered without significant adverse impact on the adjoining SSSI.</p> <p>Ultimately the suitability of a site for development is a decision that must be taken based on the planning balance as assessed by local authority officers, such decisions are normally taken at the development plan making stage, in this case the decision was taken by HBC to allocate this site for the proposed use within its local plan.</p> <p>It should therefore be noted that these matters have previously been considered and that, as noted in Para 47 of the NPPF <i>"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise"</i>.</p> <p>While we recognise that the impact on the SSSI is a material consideration of this application we believe that the approach to</p>

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			<p>development and mitigation measures suggested and outlined are sufficient to suggest that there is no potential for significant adverse impact on the SSSI.</p> <p>We would therefore ask that the planning authority in considering the suitability of the site for development consider the application in line with its status as an allocated site in its development plan, and take into account the information provided, alongside material considerations such as the acute need for employment development and the sites planning history.</p>
Drainage			
6	<p>Additional information is required to demonstrate how the proposed drainage scheme, including water storage areas, can be constructed to avoid the sandstone layers being breached by the development.</p> <p>It is further noted 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, which was advised as not appropriate.</p> <p>Furthermore, SuDS will be required to be constructed, allowing for at least 1 m 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 it is advised that additional information is required to demonstrate how this can be achieved.</p>	Natural England, Sussex Wildlife Trust	<p><u>Response to Point 1</u></p> <p>Boreholes relevant to the development plot demonstrated the large variability of the depth to sandstone across the site. Without carrying out further extensive intrusive site investigations (which in themselves would create further potential pollution pathways into the sandstone), it is impossible to determine the depth to sandstone in every part of the site.</p> <p>The reality of building above these variable ground conditions, coupled with the sensitivity of environmental receptors, makes it important to focus upon the management of construction and operational activities which could be the cause of potential pollution sources. In this respect the design maximises the chances of avoiding the sandstone as far as practicable through the principals set out in the agreed Site Management Plan, the final design levels, and as already mentioned, the site wide drainage strategy. A significant element of the drainage strategy was the intention to capture runoff which may enter breaches in the sandstone for the purpose of treating it prior to it being allowed to discharge to ground. Hence the previously discussed intention to prevent infiltration within Plot 2.1 and future plots so that surface water runoff can be passed through the flow and quality control measures on individual plots before it reaches the agreed point of groundwater discharge at the infiltration trench.</p>

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			<p>As identified in the FRA the development context has been considered and the drainage strategy has been designed in accordance with the SuDS manual. The SuDS components have been selected to provide a suitable treatment train.</p> <p><u>Response to Point 2</u></p> <p>Drainage drawing 26499/2004/500/003F was submitted as part of application ref. HS/CD/15/01082 which was submitted to discharge a number of conditions as part of Planning Permission HS/FA/12/00802, including a condition relating to the provision of details of the means of foul sewerage and surface water disposal/management. The drawing was deemed to satisfy the condition and subsequently consent was given in December 2016.</p> <p><u>Response to Point 3</u></p> <p>The already agreed Site Wide Management Plan, which Natural England had been consulted on and agreed with, commits to locally reducing groundwater levels in order to avoid excavations within saturated ground. This will be transferred to the Construction Environmental Management Plan (CEMP).</p>
7	<p>Sussex Wildlife Trust objects to the proposals for Plot 2.1. Sussex Wildlife Trust 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. Sussex Wildlife Trust do not believe that the 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.</p>	Sussex Wildlife Trust	<p>The current proposals for Plot 2.1 show several SuDS features. A swale, open channel and infiltration trench have all been proposed which will contribute to the net gain figures of the site and encourage biodiversity. Plot 2.2 is proposed to now remain undeveloped which will further reduce the likelihood of any adverse effects resulting from the development on the SSSI.</p> <p>As identified in the FRA the development context has been considered and the drainage strategy has been designed in accordance with the SuDS manual. The SuDS components have been selected to provide a suitable treatment train.</p>

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8	<p>There seems to be a lot of reliance on the embedded mitigation provided by the Site Waste Management Plan. However, the reality of enforcing these over a long term is questioned. 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. Sussex Wildlife Trust do not think the requirements of the Site Management Plan are realistic or enforceable. Sussex Wildlife Trust therefore question the certainty of this mitigation method and its compliance with legislation.</p>	Sussex Wildlife Trust	<p>The site management plan clearly states that use of any potentially harmful chemicals that would ordinarily be used across a commercial site should be subject to strict controls on where they can be used and stored, to be agreed with Hastings Borough Council (HBC). Use of any potentially harmful chemicals will be inappropriate unless prior agreement for their use is obtained from HBC in consultation with the Environment Agency and Natural England.</p> <p>As well as the SuDS components the FRA identifies that to further reduce the risk of pollution from the site, pollution interception measures such as trapped gullies, and proprietary treatment features prior to outfall will be considered.</p>
9	<p>There is a concern 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 ES. A potential significant impact on the SSSI does not appear to have been considered.</p>	Sussex Wildlife Trust	<p>The foul pumping station has been designed/located in such a way that operation and future maintenance access requirements can be met. The wet well/chamber of the pumping station will be formed of concrete and so no leeching is anticipated, so there is minimal risk of contaminants entering the SSSI.</p> <p>The foul water pumping station will also be adopted by Southern Water who are a statutory water authority and will a duty to maintain this asset in perpetuity.</p>
10	<p>Whilst the applicant has provided copious amounts of hydrological and drainage information, Sussex Wildlife Trust still do not believe the site can withstand the intensity and type of development proposed without risking harm to the SSSI and wider biodiversity. Sussex Wildlife Trust would support plot 2.1 remaining undeveloped and further work being done to maximise use of multifunctional SuDS features such as swales.</p>	Sussex Wildlife Trust	<p>Whilst plot 2.1 is proposed to be developed, there are several SuDS features which have been proposed as part of this parcel, which will contribute to increasing biodiversity and providing a net gain across the development site. Additionally, plot 2.2 is now to remain undeveloped which will help to alleviate concerns with regard to the ability of the overall site to withstand the intensity and type of developed proposed without risking harm to the SSSI and wider biodiversity.</p>
11	<p>The Environment Agency note that Section 7.4.19 of the ES states that connection to mains sewer is proposed, and this is in line with national planning policy (National Planning Practice Guidance for Water supply, wastewater and water quality). Foul drainage should be connected to the main sewer for this proposal. If this is not possible, under the Environmental Permitting (England and Wales) Regulations 2016 any discharge of sewage or trade</p>	Environment Agency	<p>Foul drainage for the site is proposed to discharge into the public foul sewer network via an on site foul water pumping station.</p>

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	<p>effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. If a foul sewer connection is not possible then an on-site sewage treatment plant will be needed to treat the sewage effluent for discharge to a local watercourse or ground.</p> <p>Due to the size of the development the daily volume of treated effluent from the treatment plant would likely exceed 5 cubic meters and therefore a discharge consent from the Environment Agency would be required. If the discharge of treated effluent is likely to be to the Marline Woods Stream which is a SSSI, any discharge consent (if granted) may well have conditions attached requiring the effluent to be treated to a higher than normal standard.</p> <p>If it is envisaged that connection to mains sewer will not be possible, it is advisable that the Applicant contacts the Environment Agency at an early stage to discuss the possibility of applying for a discharge consent.</p>		
12	<p>The Environment Agency would ask that as much as practicable, rainwater from roofs, access roads and any other surfaces be drained into the ground via soakaways as opposed to draining to the Marline Wood Stream which is a SSSI. Excess volumes of surface water draining into the stream is likely to impact on the water quality and habitat of the stream and therefore a discharge to the ground is preferred.</p> <p>Any surface water discharge from any roads and yards should pass through a three-stage petrol interceptor prior to discharging to the ground or to a watercourse. All interceptors should be sized to adequately deal with a 1 in 200 rainfall event.</p> <p>If rainwater from roofs can be harvested and used within the buildings that would be most desirable.</p>	Environment Agency	<p><u>Response to Point 1</u> As shown on drawing 26499/2004/500/003, all surface water is proposed to discharge via an infiltration trench located at the western edge of plot 2.1.</p> <p><u>Response to Point 2</u> As per the drainage strategy and the Site Management Plan, runoff from vehicular turning areas, car parking or commercial areas will be treated via an oil interceptor to remove hydrocarbons before being discharged from the site.</p> <p><u>Response to Point 3</u> No comment</p>

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Biodiversity Net Gain			
13	It is noted with considerable concern that the proposal would lead to a 25% loss in biodiversity. It is advised that this is unacceptable. Given this significant decrease in biodiversity through development, it is advised that Plot 2.1 should be utilised to provide net gains.	Natural England, Sussex Wildlife Trust, Petition against HS/FA/21/00327	<p>Plot 2.2. is no longer being developed and will be used to provide additional ecological enhancement by improving the existing grassland by a combination of over-sowing and sympathetic meadow grassland management. This measure together with the provision of wildlife friendly habitats such as enhancement of woodland buffers, the creation of species-rich grassland, and significant tree planting will improve the outcome for biodiversity significantly and result in a very small decrease (-0.68%) in overall terms using the Metric 3.0 calculator.</p> <p>Please refer to the Biodiversity Net Gain letter submitted in support of this letter which further explains the implications of the removal of plot 2.2.</p>
14	<p>The ecology report for the site states that the project will result a net 25% loss of biodiversity, with no suggestion that this will be mitigated. This puts the project in breach of para 170 (d) of the NPPF which states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'.</p> <p>Far from providing a net gain for biodiversity, this project will result in a net loss - and it should be remembered that the 25% loss noted is of the site as it stands now, where clearance by SeaChange Sussex has already hugely reduced the biodiversity of the site, which used to be contiguous with the ancient woodland of Marline Woods. To properly measure the overall loss of biodiversity, the proposal should be measured against the site as it was before development commenced - and that figure would inevitably be significantly more than 25%.</p>	Councillor Julia Hilton	<p>The habitat baseline used is consistent with that reported in the ES Chapter and the Technical Ecology Report. The use of a hypothetical historic baseline for the BNG calculations that is inconsistent with the wider assessment is not considered appropriate.</p> <p>Please also refer to the response reference 13 above.</p>
Ancient Woodland and Ancient or Veteran Trees			
15	Ancient woodland, ancient trees and veteran trees are irreplaceable habitats. The NPPF provides robust policy	Natural England,	Additional Arboricultural Surveys were undertaken on the west side of the Ancient Woodland; adjacent to Plot 1.1, to establish

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	protection for this habitat; it is therefore 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 15 m around ancient woodland.	Sussex Wildlife Trust, Forestry Commission	the actual root protection areas of each of the relevant trees in lieu of the generic 15m distance contained within Planning Guidance. The Arboricultural Survey demonstrated that a buffer zone of less than 15m is suitable to avoid any root damage to the trees within the ancient woodland area and therefore demonstrates that no harm is caused by the proposed development
16	There seems to be no assessment of the impacts of the operational phase of the proposal on the ancient woodland within the ES. Sussex Wildlife Trust 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.	Sussex Wildlife Trust	As above, the Ancient Woodland will not be directly affected and is enclosed within a deer fence that prevents access. In addition, the PJC tree report confirmed adequate root protection and standoff to ensure no trees would be indirectly or indirectly impacted despite the buffer being less than the best practice 15m standoff. A sensitive lighting strategy that keeps artificial lighting to an absolute minimum and avoids directly lighting sensitive boundaries is embedded in the lighting strategy document prepared by Stantec. Traffic and headlights after-dark are unlikely to be a significant issue as operations are likely to be only during daylight hours.
17	<p>Direct impact of development that could result in the loss or deterioration of ancient woodland or ancient and veteran trees include:</p> <ul style="list-style-type: none"> • Damaging or destroying all or part of them; • Damaging roots and understory; • Damaging or compacting soil around the tree roots; • Polluting the ground around them; • Changing the water table or drainage of woodland or individual trees; and • Damaging archaeological features of heritage assets. <p>It is therefore essential that the ancient woodland identified is considered appropriately to avoid impacts.</p>	Forestry Commission	Please refer to response reference 15 and 16 above where it further explains that direct impact on the Ancient Woodland is not anticipated as a result of the Proposed Development.
Habitat Connectivity			

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18	<p>Maintaining and enhancing habitat connectivity is of key importance to allow species movement and 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.</p>	Natural England	<p>No existing habitat corridors or connections will be lost or severed due to the proposed development. Existing boundary woodland edges will be strengthened through supplementary native tree planting. Existing grassland in Plot 2.2 will be retained and enhanced and new wildflower grassland will be created elsewhere within the development area. Significant native tree planting will all be undertaken. A sensitive lighting strategy that sets out the approach to avoid / minimise impacts on nocturnal wildlife, including bats, has been submitted.</p>
Bats			
19	<p>It is concerning that so little information is provided on how bats currently use the site.</p> <p>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. It is not believed that the ES conclusion of 'negligible significance' for impacts on bats can be relied upon.</p> <p>In particular, five bat species were recorded along the boundary of 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.</p> <p>The area of Plot 1.1 should be redesigned to allow a full 15 metre buffer to the ancient woodland and bat roosts. 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.</p>	Sussex Wildlife Trust	<p>All habitats of higher relative value for bats, including woodland/scrub edges, and individual trees, will be unaffected by the development and therefore significant impacts on bats due to habitat loss are considered very unlikely. The removal and enhancement of Plot 2.2, which adjoins SSSI woodland, is likely to benefit foraging bats overall.</p> <p>Enhanced woodland boundaries will be unlit after-dark, where possible, as part of the Lighting Strategy.</p>
Highways/Transport			

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20	<p>This proposal requires further information regarding the red site boundary and to fulfil the requirements of this authority to promote sustainable travel options at this site:</p> <ul style="list-style-type: none"> • Proposed development proposed on highway land that has not been stopped up (blocks D and E); • Cycle parking provision with changing/showering facilities (either shared or per unit); • Travel Plan for each employment unit for a period of 5 years, phased to correspond to their respective occupancy. Sustainable transport incentives are required to be supported with appropriate measures such as bus taster tickets for 3 months (with further 6-month discount ticket), cycle vouchers and cycle facilities on site (secure parking and showering area); and • Tracking detail for the car transporter on plan P2A.01 P3. 	East Sussex County Council	The proposed development incorporates highway land over which Sea Change Sussex hold an option. Under the terms of this option ESCC have the obligation to assist and support in the stopping up of the highway land used in this scheme to allow it to be transferred to Sea Change Sussex. Sea Change Sussex served notice on ESCC regarding the option in 2020.
21	<p>The off-site contributions to support development at this site, to be secured through S106 and S278 agreements are:</p> <ul style="list-style-type: none"> • Bus service contribution to enhance service provision and infrastructure on Napier Rd to provide suitable located provision on part of the route closest to the site. £40k per annum for 3 years and 2 bus stops are required. Each bus stop will require accessible features including hard standing, bus shelter, seating, raised kerb, RTPI and clearway protection; • Upgrade of public footpath from Queensway to Napier Rd; and • Travel Plan and Travel Plan Audit fee of £6k. 	East Sussex County Council	<ol style="list-style-type: none"> 1. ESCC has confirmed that the requirement for RTPI is no longer needed. 2. The requirement for bus stops and shelters in Napier Road seems slightly illogical as bus services and stops did run along Napier Road in the past but were withdrawn sometime between 2012 and 2017. However, it has been agreed new bus shelters will be provided at the two stops in Castleham Road. 3. There is no longer a service that runs along Napier Road. Therefore, ESCC has confirmed a contribution is not required. 4. The surface of the existing path is reasonable being of a type 1 consistency. However, there appears to have been no maintenance of the path over a number of years which suggest the path is not used. We suggest that the overgrown trees and hedges are cut back to make this PROW useable again
22	Access and access road - this is approved and has been constructed to an appropriate standard for accommodating the allocated uses. Furthermore, the	East Sussex County Council	The tracking details for the 'Car Transporter' have already been produced (and approved) for the earlier Car Showroom Planning

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	<p>applications for car sales uses have within their application demonstrated the accommodation for manoeuvring a car transporter, which would be required within this application proposal to ensure that the internal layout incorporating the other uses do not compromise this provision. Tracking of an articulated vehicle is shown on the Block Plan but the size vehicle is not specified. This requires confirmation.</p>		<p>Applications. We have produced tracking covering the roads specific to this application.</p>
23	<p>Parking provision – car parking is proposed at 1 space per 42m2 of gross floor area (gfa) which is applicable to the proposed uses that are B class related. For the 4500m2 gfa the quantum of parking is accepted at 107 spaces. EV charging provision should be provided for each block (8 charging stations).</p> <p>Loading provision – for blocks A, B and C there is a turning head area for the longer vehicles, but no dedicated loading area marked or turning shown within the parking areas (blocks A and B). It is noted that the distribution of vehicle parking spaces does not necessarily correspond to the accommodation of the blocks.</p> <p>Blocks A, B & C 2300sqm GIA – based on 1 space per 42 square metres (sqm), 54 spaces are required – 57 are proposed and this level is accepted.</p> <p>Blocks D & E 1710sqm GIA – based on 1 space per 42 sqm, 41 spaces are required – 34 are proposed and this level provided is a shortfall of 7 spaces.</p> <p>Block F 490 sqm GIA – based on 1 space per 42 sqm, 11 spaces are required –16 are proposed and this level exceeds the standard and provides opportunity for 5 spaces to be shared with blocks D and E.</p> <p>Block G and H – car showroom parking has been determined at the earlier application decisions and have</p>	East Sussex County Council	<p>ESCC seem to accept the proposed level of parking and just want the parking provided to be flexible between units. This is considered acceptable in principle.</p>

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	<p>been accepted and are applicable to the parking standard being applied to the remainder of the blocks proposed.</p> <p>Parking in this proposed industrial estate should be flexible to prevent parking form overspilling onto the estate road.</p>		
24	Cycle parking is referred to in the Transport Assessment, paragraph 6.11 refers to cycle stores being provided for dwellings which is an error. The parking accommodation for cycles is not shown and needs to be provided either for each unit or within a shared area which should be supplemented with showering/changing area.	East Sussex County Council	As we are only showing 'shells' of buildings for the Proposed Development, we can only really confirm that the future fit-out will contain the necessary changing/shower facilities for use by cyclists. Each building will contain space for bicycle storage
25	A travel plan is a requirement for development of this scale. The applicant's attention is drawn to the ESCC policy for Travel plans found using this link: Microsoft Word - 20.02.17 TP guidance approved (eastsussex.gov.uk) .	East Sussex County Council	Noted and subject to condition for each unit.
26	The proposed development is in a highly unsustainable location, on a busy road with no pavement to the north, a short stretch of pavement to the south, and no nearby public transport. This will add more traffic to an already congested Queensway. The number of vacant business premises in Hastings town centre and in surrounding business parks, render this an unnecessary development which should not be approved.	Crowhurst Parish Council	Further information on the effects of the Proposed Development on traffic is provided within the Transport Assessment. The Transport Assessment concluded that there would be no severe transport impacts arising, or other impacts that require mitigation. The site proposals would be served by a priority junction with right turn lane on Queensway, designed to accommodate the higher number of vehicle trips associated with planning permission HS/FA/12/00802 for nearly 14000m ² GFA of B class use. Car parking on-site is consistent with ESCC guidance.
Light Pollution			
27	There is already significant light pollution from Sussex Exchange depleting dark skies over Crowhurst from the East. The proposed development will further deplete dark skies. Residents of Crowhurst and Hastings who live close to the site will be adversely affected.	Crowhurst Parish Council	A lighting strategy has been prepared and submitted with the planning application. The implementation of mitigation measures set-out in the lighting strategy will reduce upward light to within guideline levels established by the Institution of Lighting Professionals. This will minimise the impact of any upward light on the dark skies experienced by residents at Crowhurst and Hastings. The mitigation measures will be secured to the planning

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			permission by way of a planning condition to ensure they are delivered as part of the Proposed Development.
Receptor Identification and Sensitivity			
28	<p>Natural England 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. It is noted 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.</p> <p>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:</p> <p><i>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;</i></p> <p><i>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</i></p> <p>Therefore the term <i>unproductive</i> does not reflect this. Furthermore, the sensitivity is very unclear and is assessed as <i>Negligible increased to Medium due to connectivity with Surface Water</i>. Again, the risk of impact to the SSSI should be reflected.</p> <p>Similarly, for Ecological Systems, the significance of Marline Valley SSSI is recorded as medium.</p>	Natural England	<p><u>Surface Water</u></p> <p>In the Ground Conditions chapter, the sensitivity of surface water is determined through use of the Water Framework Directive status of a particular water body. and assigned a Medium sensitivity for assessing surface water in this chapter. Ecological systems are considered and assessed as a separate receptor. Guidance suggests that surface water receptors should be classified as high sensitivity if they are in a Source Protection Zone, or a principal aquifer. As the site does not fall under any of these classifications, it does not seem reasonable to classify the sensitivity of this receptor as “high”</p> <p>As stated in the FRA, the majority of the site lies on unproductive strata consisting of the Wadhurst Clay Member (NRA,1994), and the soils overlying the strata have no leeching potential.</p> <p>The mitigation measures put in place during construction and during the operation of the phase, as described in the Site Wide Management plan and CEMP aim to reduce any potential risks to a negligible level, such that the sensitivity of the surface water receptors (which may be disputed) will not be adversely impacted</p> <p><u>Groundwater</u></p> <p>The chapter has assessed the groundwater as a receptor of Negligible sensitivity on the basis that the site has been shown to have Wadhurst Clay - Mudstone at the surface. This stratum defined by the Environment Agency as Unproductive. It should be noted that if the Wadhurst Clay – Sandstone which is defined as a Secondary A aquifer had been used instead the sensitivity assigned would be Medium and this would still have only resulted in presenting a Minor adverse effect during the construction phase even with the worst-case assumption that there could be an impact (assigned Low) rather than the Negligible which could be considered appropriate with the embedded mitigation measures proposed. The effect even with the higher sensitivity and worst-case impact is still <u>not significant</u>.</p>

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	<p>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. It is therefore of critical importance that affected receptors are accurately represented in this assessment. Natural England 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.</p>		<p><u>Groundwater and Ecology</u></p> <p>Whilst it is recognised that groundwater is a pathway to the SSSI to avoid duplicating assessment groundwater is assessed as a resource in its own right and ecological systems considered and assessed separately.</p> <p><u>Ecology</u></p> <p>For the Ground Conditions chapter, the sensitivity (also termed significance (value) in Table 8.13 in the summary of residual effects) of ecological receptors is determined by its importance with internationally designated sites are given a high sensitivity, nationally designated sites are given a medium sensitivity and site with a local designation are assigned as low sensitivity. If a SSSI was given a sensitivity of high this would have to be grouped with sites of international importance which is not considered to be an appropriate representation of the importance/value of ecological designated sites in the context of land contamination.</p> <p>The chapter sets out the criteria to be used and accurately reports and assesses on that basis. This is consistent with the approach given in 'Guidelines for Ecological Impact Assessment in the UK and Ireland' published by CIEEM (2019), which states that the importance of an ecological feature should be considered within a defined geographical context.</p> <p>We also highlight that receptors are very unlikely to be affected during the construction or operational phases of this development based on the following:</p> <ul style="list-style-type: none"> • Potential sources of contamination have not been identified and no contamination has been identified within the near surface soils. • The development contains mitigation measures to minimise the potential for generation of contamination from spills etc <p>A pathway from the surface to the Sandstone has not been identified (the Mudstone layer is not fully penetrated, and the foundations do not interact with the groundwater within the sandstone and there is no interaction with the Sandstone layer,</p>

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			the majority of the site is also covered in hardstanding effectively capping the site)
Cumulative Impacts			
29	It has been 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. It is noted with concern that this assessment has not been carried out. It is advised 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.	Natural England	<p>The surrounding development is included within the baseline and is therefore inherent within the assessment, as such incorporating these developments again within the cumulative assessment would in effect be double counting their impacts.</p> <p>The approach is in accordance with existing guidance which requires the baseline to consider current conditions, supported by up to date survey data.</p>
Other			
30	Councillor Julia Hilton serious concerns that the - previously agreed but lapsed - application for a car showroom on the site has been rolled into this larger application. Councillors on the planning committee will be aware that the showroom is a new site for Bartletts SEAT, which is currently preventing the completion of the Queensway Gateway road. Councillors will therefore be under some pressure to agree the whole application in order that the Queensway Gateway road can be completed as soon as possible. This mitigates against councillors being able to take a fully objective view of the merits of the speculative element of the application. At the very minimum, SeaChange Sussex should be required to withdraw this application, and resubmit it as two separate applications - the showroom, and the rest of the site - which can each be considered on their own merits.	Councillor Julia Hilton	<p>It has been apparent throughout this project that consultees have wanted to see the scheme put forward as a comprehensive application to allow for the consideration of development as a whole and its cumulative effects.</p> <p>The approach suggested would make the scale and quantum of development harder to understand and consider. It could also attract criticism of 'salami-slicing'.</p>
31	Councillor Julia Hilton very serious concerns about Sea Change Sussex, which has repeatedly and over many years failed to deliver the jobs it has promised, taking huge amounts of public money with little return. A recent South East Local Enterprise Partnership (SELEP) meeting (strategic board, 25 June) heard that members of the	Councillor Julia Hilton	This is not a matter Sea Change Sussex regard to be material in the consideration of this planning application.

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	<p>board had received reports about the delivery of a number of Sea Change Sussex projects. The reports are being handled through the SELEP complaints procedure. SELEP's CEO, Adam Bryan, said "We'll investigate the claims and where appropriate will report back to the board on any remedial action that needs to be taken". It would be unfortunate if the council were to grant planning permission for this project whilst the funder was considering a series of complaints against Sea Change Sussex. For that reason, I believe the planning committee hearing for this project should be put off until the SELEP investigation is complete.</p>		
32	<p>There is no consideration of either Crowhurst Parish Council's Climate & Ecological Resolution and Action Plan (2019) or that of HBC's climate change action plan.</p>	<p>Crowhurst Parish Council, Petition against HS/FA/21/00327</p>	<p>The development site is not located within the parish of Crowhurst, as such the parish council's action plan does not appear to cover this area.</p> <p>Hastings Borough Council's Climate Emergency Strategy 2020 to which we assume the Parish council are referring does not directly alter any of the existing low carbon and renewable energy policies as part of the Local Plan, and notes that changes to planning policy will be considered as part of the local plan review. The strategy also does not form part of the local development plan.</p>

