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Our ref: 375859
Your ref: HS/FA/21/00327



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BY EMAIL ONLY

Dear Stephanie Wood

Planning consultation: 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, St Leonards-on-Sea

Thank you for your consultation on the above dated 21 February 2022 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 has considered the additional information provided, but requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Evidence regarding how the requirements of the Mitigation Hierarchy are being followed;
- Confirmation regarding whether the site wide drainage strategy has been constructed, including whether storage tanks have been included and constructed;
- Detailed SuDS information;
- Clarification of impact assessment methodology;
- Revised biodiversity net gain provision;
- Revisions in line with Natural England's Standing Advice regarding Ancient Woodland.

Additional Information

Thank you for this consultation on development at the Queensway North Site. We have reviewed the further information which has been provided by the Applicant as well as their response to our previous comments. Please find below our further comments:

Mitigation Strategy

We acknowledge that the design process for the Proposed Development has been used to develop a scheme which intends to reduce impact on the SSSI and that this process has been documented in the Environmental Statement. Natural England continues to have concerns that the Mitigation Hierarchy has not been followed satisfactorily. Paragraph 180 of the National Planning Policy Framework sets out the hierarchical approach to be taken to determining planning applications where significant harm to biodiversity is likely. This sets out that, as a first step, the development should seek to **avoid** significant impacts (e.g. through locating on an alternative site with less harmful impacts) before **mitigation** and **compensation** are explored. As previously noted, the removal of Plot 2.2 from the Proposed Development does not avoid impact to the area of the Site which is of highest risk and it remains unclear how the proposed drainage scheme and storage tanks represent the approach which will be of least impact. Natural England require further evidence that the mitigation hierarchy has been adequately followed and, if avoidance is not possible, that the proposed mitigation is adequate. We consider that due to a combination of hydrogeology and location, developing Plot 2.1 presents a significant risk and therefore should be removed.

Earthworks, Drainage Strategy and SuDS

Natural England has had much involvement in the Strategic Drainage Plans for the whole site. The Applicant's response of February 2022 suggests that the site wide drainage strategy has already been fully built out and includes reference to lined storage tanks. The Applicant also refers to Drawing 26499/2004/500/003 Rev Z Stantec/PBA 18 December 2017 as being the Site Wide Drainage Strategy which has been implemented. This drawing does not appear to include proposals for storage tanks within the Site Wide Drainage Strategy. Please could it be confirmed whether the site wide drainage infrastructure has been fully built out and whether storage tanks have been included and implemented across the Site. If they have, this would appear to not be in accordance with Drawing 26499/2004/500/003 Rev Z and we would like to understand under what permission the storage tanks have been constructed.

As set out in our previous responses, it is important that any proposal on this Site takes a SuDS-led approach to development. We have reviewed the available information and consider that the proposed SuDS interventions (as shown on drawing 26499/2004/500/003 Rev Z and summarised in the Environmental Statement and FRA) remain limited despite our continued advice. We previously requested that further details of the proposed SuDS interventions were provided to understand the details of how the SuDS would function and effectively protect the SSSI and existing hydrological regime. We continue to ask that clear information is provided which sets out the approved and proposed SuDS interventions for the Site, including details of how they will function to show that they will be sufficient to protect the SSSI. This would include calculations and detailed drawings taking into account the connectivity of the different surface water drainage features, as well as assurance that the design of features will leave at least a 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. We would also expect to see a maintenance and management plan for the SuDS interventions.

We previously advised that it is of critical importance that forthcoming applications at Queensway North were demonstrably SuDS-led. It is disappointing that, from the information provided, it is not clear how this advice has been implemented in the schemes.

Impact Assessment Methodology

In our previous responses dated 22 June 2021 and 10 January 2022, we advised that the receptor sensitivity tables included in the report have underestimated the impact of the scheme and explained a number of instances where we considered this was the case. In particular, we raised concern that, for surface water, Marline Stream and Ghylls has been attributed a medium sensitivity. We note that the Applicant has indicated that if the sensitivity attributed to Marline Stream and Ghylls was increased from medium to high, the effect would remain negligible based on Table 7.4. We note that this would only be the case if the impact magnitude were also considered to be negligible and we again advise that this table does not appear to represent the clear risks of impact to the sensitive nationally important interest features of Marline Valley Woods. This is a key part of the Environmental Assessment. A robust assessment, which reflects the sensitivity of the receptors and the risk of impact is required. We again raise concerns regarding this classification and advise that it is revised to reflect the application site and ensure that mitigation will be fit for purpose.

We welcome the Applicant's assurance that surface water flooding sensitivity in the ES is not based on the Water Framework Directive (WFD), which deals explicitly with water quality, and not flooding. We would welcome clarification that the sensitivity of receptors now refers to the sensitivity of biodiversity features in accordance with the 2017 EIA regulations.

Biodiversity Net Gain

Our previous response regarding Biodiversity Net Gain relates to the fact that net gain through development is a key principle in both the government's [25 Year Environment Plan](#) and the National Planning Policy Framework. The National Planning Policy Framework which sets out in paragraph 174(d) that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and *providing net gains for biodiversity*. There is therefore a clear existing policy framework for including net gains for biodiversity, aside from the future mandatory requirement to be implemented through the Environment Act. The Proposed Development has not been amended since our previous response and as a result continues to result in a net loss in terms of biodiversity which we do not consider to be acceptable.

It is also understood that the applicant is a public body. If so, it may have a duty to have regard to biodiversity under the Natural Environment and Rural Communities Act 2006.

Ancient Woodland

Natural England's Standing Advice regarding Ancient Woodland and the 15m buffer should be considered a material planning consideration in any planning decision, as such we do not agree with the Applicant's response that this is 'guidance only'. Further to this, Policy EN3 of the adopted Hastings Local Plan 2011-2028 (adopted February 2014) specifically sets out that development proposals should comply with national Standing Advice published by Natural England and that woodland, particularly ancient woodland and veteran trees, should be protected.

If you have any queries on the specific advice in this letter only please contact Eleanor van der Klugt on Eleanor.vanderklugt@naturalengland.org.uk. For any new consultations, or to provided further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

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