GDL-03-A

Appeal by Gladman Developments Ltd

Land off Fryatts Way, Bexhill

Appeal Reference: APP/U1430/W/22/3304805

Appendices to Proof of Evidence

by

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GLADMAN

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Appendix 1

GLADMAN

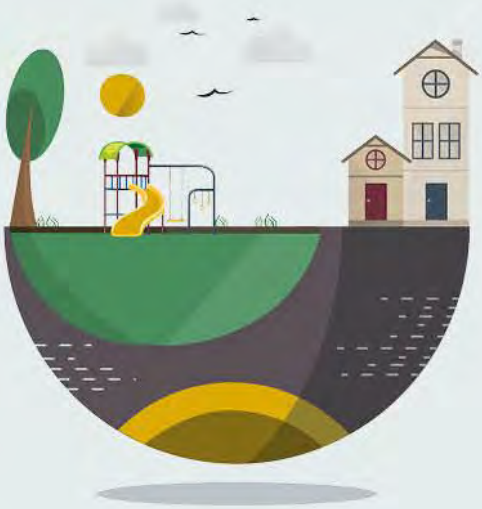
Affordable Housing Needs Statement

Land off Fryatts Way, Bexhill, Rother

LPA Ref: RR/2021/1656/P

APP/U1620/W/22/3296510


SCHOOL



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1 INTRODUCTION

1.1 Scope

1.1.1 This Affordable Housing Needs Statement has been submitted by Gladman Developments Ltd (Gladman), and relates to an appeal against the non-determination by Rother District Council of an outline planning application (RR/2021/1656/P) for:

> "**Up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access."**

1.1.2 For the avoidance of doubt, this statement deals exclusively with affordable housing needs in the context of the relevant planning policy in relation to the need and supply of affordable housing and considers the weight to be attached to the provision of affordable housing from the appeal scheme.

1.2 Summary

1.2.1 The continued commitment of Government to the provision of affordable housing is undisputed. Our assessment identifies a requirement within Rother District Council for at least 97 affordable dwellings per annum in the period 2011-2028, and 295 affordable dwellings across the emerging plan period of 2019-2039.

1.2.2 We identify a current shortfall of 207 dwellings that has accrued in the plan period to date from 2011-2022. Our evidence also demonstrates that the identified need for affordable housing in Rother cannot be met through the plan-led approach. In these circumstances, the delivery of up to 63 affordable homes from the appeal scheme is a meaningful and crucial benefit of the proposals and should be awarded very significant weight in the assessment of the planning balance.

2 THE NATIONAL HOUSING CRISIS

2.1 Context

2.1.1 It is widely acknowledged at all levels that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being completed to keep pace with a growing population and household formation rates. This housing crisis is acutely felt in the South East of England.

2.1.2 The human consequences of the housing crisis are stark, real, and unchanged. For example, research by the University of Essex reported by the BBC in September 2019 estimated that the housing crisis affects 8.4 million people in England[1]. The impacts extend far beyond the 400,000 people who are homeless or at risk of homelessness (including people sleeping rough, living in homeless shelters, temporary accommodation, or sofa surfing) but includes those with a roof over their heads, but in accommodation which harms their life opportunities (including 3.6 million people living in an overcrowded home and 2.5 million who are in "hidden households").

2.1.3 The housing crisis is not only a crisis of supply, but also a crisis of affordability. The current Conservative Government has consistently maintained that unaffordability and inability of individuals to get on the housing ladder is a significant problem. Speaking on housing in the Spring Budget 2020, then Chancellor of the Exchequer Rishi Sunak stated the following:

> "**Everyone should be able to access a safe and affordable home. Increasing housing supply is essential to creating a fairer, more affordable housing market and boosting productivity across the country.[2]"**

2.2 What is the Current Situation?

2.2.1 It is widely agreed that there is a significant need for more affordable homes. Research commissioned by the National Housing Federation and Crisis from Professor Glen Bramley at Heriot-Watt University identified a need for 340,000 homes

[1] BBC News (September 2019): Housing crisis affects estimated 8.4 million in England - research

[2] HM Treasury Policy Paper Budget 2020. Section 1.45.

each year in England to 2031, including a need for 145,000 affordable homes – comprising 90,000 homes for social rent, 30,000 for intermediate rent and 25,000 for shared ownership[3].

2.2.2 This scale of need has only continued to rise, with the Local Government Association identifying a need for 100,000 social homes a year as part of the Covid-19 recovery[4]. Recent investigation by Shelter advocates a need for 90,000 social homes per annum where it reported that:

> **"We will only end the housing emergency by building affordable, good quality social homes. That's why we're calling on the government to commit to building at least 90,000 new social homes in England a year"[5].**

2.2.3 According to the most recent DLUHC statistics, there are 1.18 million households on local authority social housing waiting lists across the country, which roughly equates to 2.7 million people in need of an affordable home[6]. Additional data published by DLUHC shows that during 2020-21 only 52,100 affordable homes were delivered across the country[7]. At this level of delivery, it will take roughly 22 years to address the current waiting list. This is before factoring in future housing need, or loss of affordable homes through demolition, or the Right to Buy programme.

2.2.4 These statistics clearly show the extent of the ongoing national affordable housing crisis and the extent to which it has been perpetuated by a consistent failure to provide sufficient new affordable homes. Nationally, the situation is only likely to deteriorate further with housing starts predicted to fall 38% in the coming year.

2.2.5 Put simply, we must do something to provide housing for those in need. Real people in real need are being let down by a lack of affordable homes being delivered in this country.

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[3] Glen Bramley for Crisis and National Housing Federation (December 2018).

[4] Local Government Association – Delivery of council housing: developing a stimulus package post-pandemic (June 2020).

[5] Shelter – Denied the right to a safe home (May 2021).

[6] DLUHC. Live Table 600 (June 2022)

[7] DLUHC – Affordable Housing Supply: April 2020 to March 2021 (November 2021).

3 PLANNING POLICY CONTEXT

3.1 Introduction

3.1.1 This section of our analysis first sets out the requirements of the National Planning Policy Framework (NPPF) before turning to the applicable policies from the Development Plan.

3.1.2 The provision of affordable housing is a key part of the planning system. A community's need for affordable housing was first enshrined as a material consideration in PPG3 in 1992 and has continued to play an important role in subsequent national planning policy, including the NPPF.

3.1.3 The Government's commitment to supplying 300,000 homes per year is predicated on the need to directly reduce affordability pressures in the long-term. It is therefore of little surprise that the need for affordable housing and the importance of its provision is emphasised in many recent Government publications, including:

- Planning White Paper (August 2020)
- House of Commons Research Briefing – Tackling the under-supply of housing (February 2022)
- Levelling Up the United Kingdom (February 2022)

3.2 National Planning Policy

The National Planning Policy Framework

3.2.1 The latest version of the National Planning Policy Framework (NPPF) was published in July 2021 and is a material planning consideration. It is important in setting out the role of affordable housing in the planning and decision-making process.

3.2.2 Paragraphs 7 and 8 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three objectives to sustainable development: economic, social, and environmental. These are interdependent and need to be pursued in mutually supportive ways.

3.2.3 Paragraph 8 details the intention to "*support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations*".

3.2.4 Paragraphs 60 confirms the Government's objective of significantly boosting the supply of homes and that to support this, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed (emphasis added) and that land with permission is developed without unnecessary delay.

3.2.5 The NPPF also makes clear at paragraph 62, that local authorities should deliver a mix of housing sizes, types, and tenures for different groups, which include "*those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.*"

3.2.6 It places a great responsibility on all major developments (involving the provision of housing) to provide an element of affordable housing. Paragraph 65 establishes that "*at least 10% of new homes on major residential developments be available for affordable home ownership*".

3.3 The Development Plan

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

3.3.2 The Rother Core Strategy was adopted in September 2014. The Core Strategy is the key planning policy document within the Rother Local Plan. It sets the overall vision and objectives for development in the district up to 2028 and includes policies relating to the scale and distribution of development across its towns and rural areas. It also contains 'core policies' that address key issues facing the district, in relation to sustainable resource management, community development, housing, the economy, the environment and transport.

3.3.3 Chapter 3 of the Core Strategy provides a succinct overview of the district. In this chapter, paragraph 3.15 identifies that "*low earnings combined with the area's high house prices result in real difficulties of housing affordability, especially for younger people*" before emphasising that, in 2012, median affordability ratios detailed that house prices were 9.6 times the average income within Rother.

3.3.4 Chapter 4 of the Core Strategy recognises some of the key economic, social, and environmental challenges and opportunities facing Rother as distilled from background evidence that underpinned the preparation of the Core Strategy. Paragraph 4.2 highlights, inter alia, that one of the main issues facing the district is "*the relative affordability of housing in Rother*" and that this "*has been a significant issue for some time and is getting worse*". It goes on to detail that the "*house price/ earnings affordability ratio for Rother in 2013 showed it as being the 'least affordable' district in East Sussex and notably less affordable than both the national and regional averages.*"

3.3.5 The Core Strategy pinpoints at paragraph 15.1 that "*evidence suggests that 40% of households cannot afford (typo corrected) to rent or buy property within the district*" and this is impacted by "*people relocating from other parts of the country, particularly people over the age of 45, who are generally able to out-bid local people for housing. This particularly affects the availability and affordability of housing for local people on lower incomes.*"

3.3.6 Paragraph 15.2 then explicitly notes "*that a failure to provide affordable housing for local people will have negative impacts on the district, in that more people, particularly young people, will be excluded from the housing market, which in turn does not support balanced, inclusive or vibrant communities.*"

3.3.7 Policy DHG1 (Development & Site Allocations Plan) is the principal affordable housing policy for the authority. The policy sets requirements for the proportion of on-site affordable housing that is expected to be provided on all but smaller developments. It details that the Council will seek to negotiate on a site-to-site basis an element of affordable housing of between 30% and 40% (depending on location) of the total

provision of housing. For development proposals in Bexhill the requirement is for 30% on-site affordable housing on schemes of 15 or more dwellings (or over 0.5 hectares). In accordance with adopted policy, the appeal proposals will provide 30% affordable homes (up to 63 new affordable homes).

3.3.8 At the time of the Core Strategy adoption the need for affordable housing in Rother was assessed in the 2013 Hastings & Rother Strategic Housing Market Assessment Update (2013 SHMA) (CD 6.09). The 2013 SHMA specified a need of 1,647 affordable dwellings for the authority over the period 2011-2028, equivalent to 97 affordable homes per annum[8].

3.3.9 Rother District Council's current Core Strategy is now more than 5 years old and therefore the Council are currently undertaking a Local Plan Review which will set out the planning framework for the district for the period to 2039. As part of the emerging evidence base the Council have published an updated 2020 Housing & Economic Development Needs Assessment (HEDNA) (CD 6.07).

3.3.10 In respect of affordable housing needs, the HEDNA analysis identifies a notable need for both social and affordable rented housing equating to 295 homes per annum over the years 2019-39[9], and that this justifies the Council in seeking to secure as much affordable housing as viability permits. This is the most up-to-date objectively assessed need for affordable housing for Rother district. The HEDNA is explicit that the provision of new affordable housing is an important and pressing issue in the district and that affordable housing delivery should be maximised where opportunities arise.

3.3.11 Section 4 of this statement provides a review of other considerations with respect of the delivery of affordable housing, including the Council's performance.

[8] Hastings & Rother 2013 Strategic Housing Market Assessment Update. Figure 8, page 18.

[9] Hastings Borough Council and Rother District Council Housing and Economic Development Needs Assessment August 2020, Table 43.

4 THE AFFORDABLE HOUSING POSITION IN ROTHER

4.1 Affordable Housing Delivery and Supply in Rother District

4.1.1 As detailed above, there have been two recent assessments of affordable housing need in Rother. The first is detailed in the 2013 SHMA which set out a need for 97 affordable dwellings per annum over the current plan period 2011-2028. The most recent affordable housing evidence is provided in the 2020 HEDNA which quantifies an affordable housing need of 295 affordable dwellings per annum over the emerging plan period 2019-2039.

4.1.2 Table 1 below reveals that the Council has delivered 860 affordable homes since the start of the current plan period in April 2011. This is equivalent to just 78 affordable dwellings annually since 2011.

Table 1: Affordable Housing Completions in Rother compared to Identified affordable need.

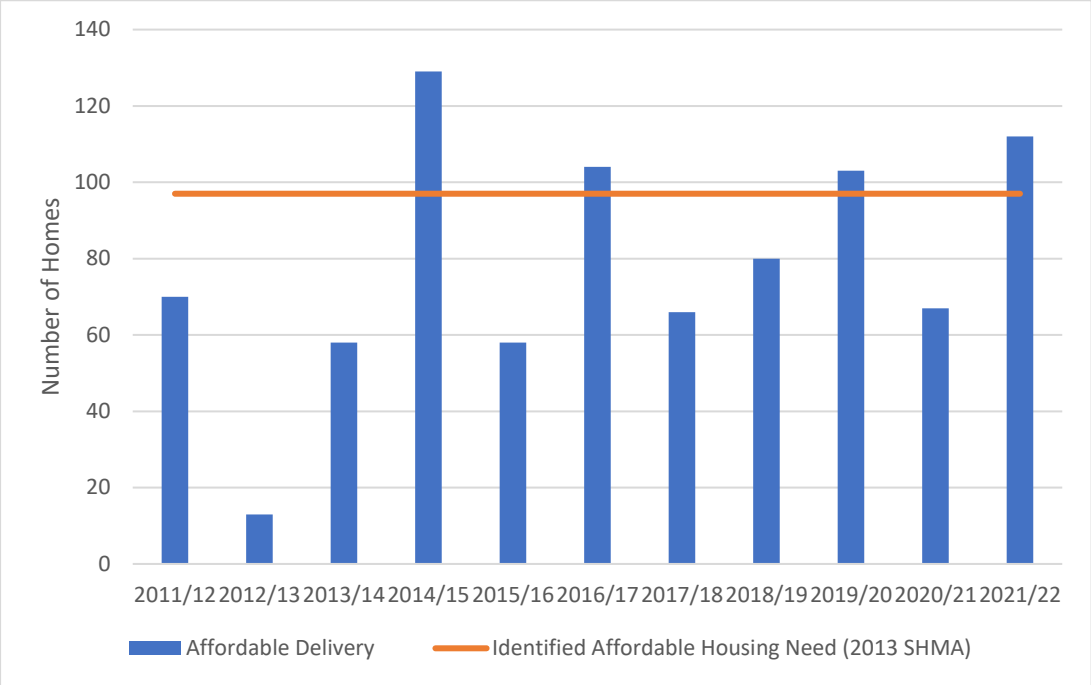
Year	Housing Completions		Affordable Housing Target	Affordable Shortfall / Surplus
	All (Net)[10]	Affordable[11]		
2011/12	177	70	97	-27
2012/13	98	13	97	-84
2013/14	157	58	97	-39
2014/15	177	129	97	+32
2015/16	246	58	97	-39
2016/17	283	104	97	+7
2017/18	186	66	97	-31
2018/19	255	80	97	-17
2019/20	247	103	97	+6
2020/21	175	67	97	-30
2021/22	237	112	97	+15
Total	**2,238**	**860**	**1,067**	**-207**

[10] Rother District Council Housing Land Supply Paper 2021 Figure 1 (CD 6.01). Freedom of Information Response (CD 6.08)

[11] Rother District Council Housing Land Supply Paper 2021 Figure 6 (CD 6.01). Freedom of Information Response (CD 6.08)

4.1.3 As Table 1 indicates, the delivery of 860 affordable dwellings since April 2011 represents an under provision (or shortfall) of 207 affordable homes against the 97dpa affordable housing need set out in the 2013 SHMA. The extent of affordable housing delivery compared to identified need is better illustrated graphically, as shown in figure 1 which exemplifies the clear failure to consistently deliver the affordable homes that Rother needs.

Figure 1: Comparison of Rother DC affordable housing delivery against identified need



4.1.4 Figure 1 demonstrates the 'real world' consequence of poor affordable housing delivery in the district. There are at least 207 households in Rother whose affordable housing needs are not being met. In percentage terms, this represents a 19% shortfall against assessed needs during the plan period to date and constitutes a very significant failure which impacts on those most disadvantaged and vulnerable in society. Furthermore, it also highlights a very serious gap in provision which affects the authority and how it functions in an economic, social, and environmentally compatible way.

4.1.5 In addition to the shortfall, there is also the question of whether future needs will be met. It would be prudent to address the shortfall as soon as possible however the

future delivery of affordable housing in the district is highly uncertain. In Rother, the delivery of affordable homes has fluctuated significantly since 2011 as shown in figure 1. The delivery of a higher number of affordable homes one year does not guarantee this will continue for future years. The supply of affordable housing is affected by the local market factors, including the number of sites with planning permission and also wider national factors including availability of public funding.

4.1.6 In this context it is pertinent to note that the Council cannot currently demonstrate the requisite five years of housing land supply as required by national policy. The lack of deliverable housing land supply has an inevitable impact on the future affordable housing delivery, and it is therefore likely that the number of households whose housing needs are not being met will only continue to accumulate over the next few years and the Council has no plans to remedy this situation.

4.1.7 The 2013 SHMA identified an objectively assessed need of 97 affordable dwellings per annum, equivalent to 1,647 affordable dwellings over the plan period. To date, the Council have delivered only 860 affordable homes, which has resulted in a shortfall of some 207 affordable homes. When the shortfall is factored into the 2013 SHMA's identified need of 97 affordable homes per annum, the number of affordable homes that the Council will need to deliver, if it is to meet its minimum requirements by the end of the current plan period, increases to 132 per annum for the period 2022/23 to 2027/28. This is illustrated in table 2 below.

Table 2: Rother Affordable Housing Requirement until 2028 based on 2013 SHMA

Requirement Component	Dwelling Total
Total Affordable Housing Need 2011-2028 (97 x 17)	1,647 dwellings
Affordable Housing Requirement 2011-2022 (97 x 11)	1,067 dwellings
Total Affordable Housing completions 2011-2022	860 dwellings
Difference	-207 dwellings
Affordable Housing Requirement 2022-2028 (97 x 6)	582 dwellings
Affordable Housing Requirement + Shortfall (Liverpool)	789 dwellings
Annualised Affordable Housing Requirement (2022-2028)	**132 dwellings**

4.1.8 Given the historic rate of affordable housing delivery across the plan period to date (an average of just 78 affordable homes per year) in combination with the ongoing absence of a five-year housing land supply, it is highly unlikely that the minimum requirement of 1,647 affordable homes across the plan period will be achieved.

4.1.9 A significant step change in affordable housing delivery is therefore required if the Council are to meet the current affordable housing requirement, a matter which is not diminishing in importance in this area given more recent evidence of high levels of local need.

4.1.10 As highlighted above, the 2020 HEDNA provides the most up to date consideration of affordable housing needs within the district and estimates a need for an additional 295 affordable homes per annum for the emerging plan period 2019-2039. This represents a significant increase in need compared to the 2013 SHMA (97 affordable homes per annum) and a need that is substantially higher than the levels of affordable housing currently being delivered within the district (an average of 78 affordable dwellings per annum).

4.1.11 Indeed, as Table 3 below highlights, there is already a considerable shortfall in the delivery of affordable housing accumulating since 2019 against the most up-to-date identified need for affordable housing in Rother.

Table 3: Net Affordable Housing Completions in Rother compared to identified affordable need in 2020 HEDNA.

Year	Housing Completions[12]		Affordable Housing Target	Affordable Shortfall / Surplus
	All (Net)	Affordable		
2019/20	247	103	295	-192
2020/21	175	67	295	-228
2021/22	237	112	295	-183
Total	**659**	**282**	**885**	**-603**

[12] Rother District Council Housing Land Supply Paper 2021 Figure 1 and 6 (CD 6.01). Freedom of Information Response (CD 6.08)

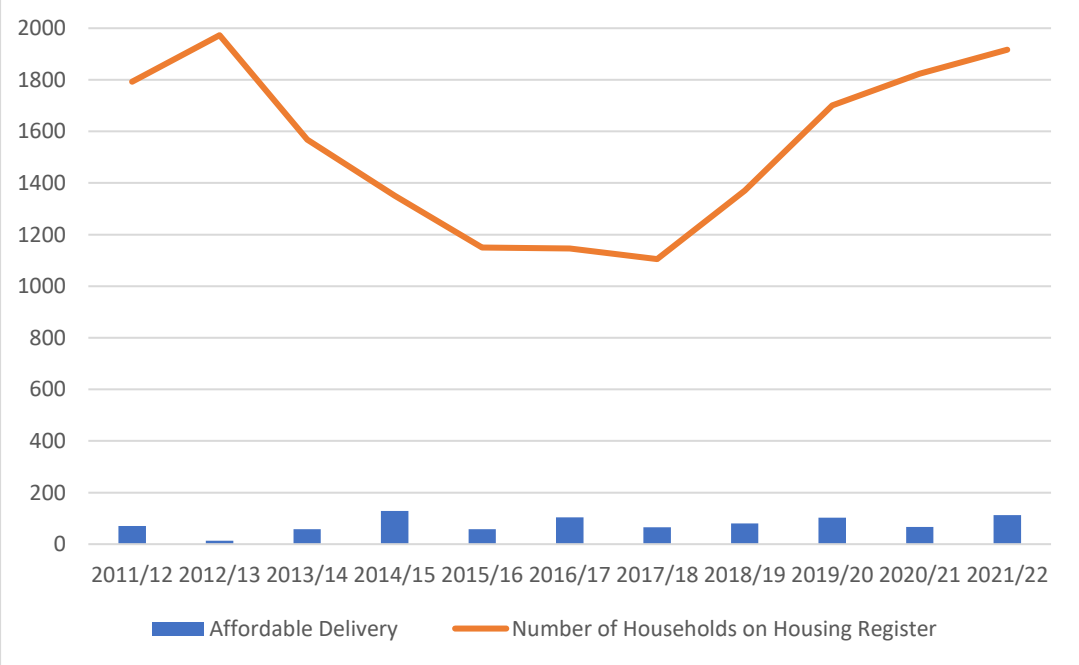
4.1.12 Accordingly, there is significant uncertainty whether the shortfall of 207 affordable dwellings alongside the continuing annual need for 295 affordable dwellings will be addressed. This further emphasises the importance of granting planning permission for suitable and sustainable developments, such as the appeal proposal, that are capable of coming forward in the short term to boost affordable housing supply.

4.2 Housing Affordability Indicators

4.2.1 As of 01 April 2022, there were 1,917 households listed on the Rother housing register[13]. This is a stark number and represents a significant number of individuals and families in need.

4.2.2 Figure 2 illustrates changes in the housing register and delivery of affordable homes in Rother in an eleven-year timeframe from the start of the current plan period in 2011, based on data taken from a Freedom of Information response dated 12.10.2022 (CD 6.08), as well as data taken from DLUHC Live Table 600.

Figure 2: Households on Rother District Council Housing Register compared with Affordable Housing Delivery



[13] Freedom of Information Response (CD 6.08)

4.2.3 Whilst there are other mechanisms that may help to meet affordable housing needs, Figure 2 clearly illustrates that delivery of affordable housing in Rother has persistently failed to meet identified needs on the housing register. It further demonstrates that the number of households on the housing register has remained high over several years, that there has been a significant increase in the most recent years, and previous delivery of affordable housing has never been enough to diminish the high numbers of households on the housing register.

4.2.4 The housing register is only part of the equation relating to housing need in Rother. It is simply a snapshot in time and will not show a full picture of affordable need as it does not account for the large proportion of households that are living in temporary accommodation or are currently housed in overcrowded or unsuitable accommodation.

4.2.5 As set out in the FOI response, the extent of the affordable housing crisis within Rother is such that as of 01 April 2022 there were 869 households on the housing register that are currently housed in overcrowded or unsuitable accommodation. In addition, there were 77 households in temporary accommodation within the authority as of 01 April 2022[14]. The data presents a stark picture of a significant number of households that are currently living in unsuitable accommodation in the district.

4.2.6 Indeed, with affordable housing delivery averaging just 78 affordable homes each year over the past 11 years (see Table 1) it appears highly unlikely that the Council has been meeting the needs of those households in the district that are currently living in unsuitable accommodation.

4.2.7 Moreover, as of 01 April 2022, data for the Rother housing register set out in the Freedom of Information response identifies that 223 applicants fall within Band A; individuals or households categorised as being in severe need where exceptional circumstances warrant priority (such as homelessness, overriding medical priority, and

[14] Data received in email from the Council's Freedom of Information Manager on 17.10.2022

where the resident's current accommodation is deemed to be an imminent risk to life).

4.2.8 Whilst it acknowledged that this number has decreased in the past year from 268 households as of 01 April 2021, it remains the case that there are 223 households who are in dire need of an affordable home in Rother. This is a significant number that will not improve without the delivery of more affordable housing.

4.2.9 The waiting times for all affordable property sizes is set out at Table 4 below[15] and presents further stark evidence of a deteriorating affordable housing crisis afflicting Rother.

Table 4: Housing Register Average Waiting Times

Size of Affordable Property	Average Waiting Time to be Housed at 1 April 2022
Sheltered Accommodation	13 months
Studio	11 months
1-bedroom	13 months
2-bedroom	13 months
3-bedroom	14 months
4-bedroom	5 years

4.2.10 Table 4 shows that as of 01 April 2022, the wait to be housed in an affordable home within the authority ranges from 11 months to five-years depending on the size of the affordable home.

4.2.11 The continued under delivery of affordable housing has contributed to a worsening of the affordability ratios in the district. Table 5 below provides a clear illustration of the median and lower quartile house price affordability ratio of Rother and how these have risen significantly since the start of the current plan period in 2011. This indicates

[15] Freedom of Information Response (CD 6.08)

firstly that there has been a particular under-supply relative to need in Rother and secondly that there is a pressing need for additional housing within the district.

Table 5: Rother Affordability Ratios

Rother DC	2011	2021
Median Affordability ratio	10.05	13.82
Lower Quartile Affordability ratio	9.33	12.69

Source: ONS Ratio of house price to workplace-based earnings (lower quartile and median), 1997 to 2021, Table 5c & Table 6c.

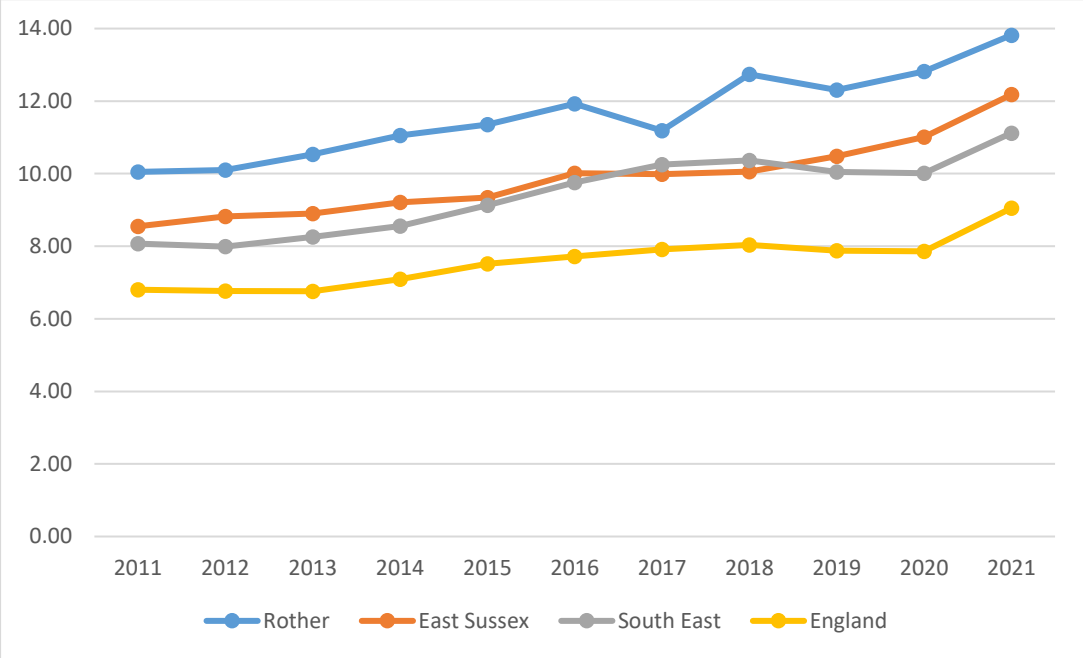
4.2.12 As Table 5 shows, in 2021 the median affordability ratio in Rother was 13.82. In other words, average house prices are almost 14 times average incomes. This is critical when most high street lenders will only lend up to four times a mortgage applicants' salary.

4.2.13 This upward trend is problematic as it demonstrates that house price growth is outstripping wage growth, ultimately making housing more unaffordable for those who live and work within the district and pricing out future buyers. The ONS house price to workplace-based earnings ratio statistics date back to 1997 at which time the median affordability ratio for Rother was just 5.85. In the following 24 years, the median affordability ratio has increased by 136%, locking the next generation out of home ownership.

4.2.14 Table 5 also demonstrates that for those seeking a lower quartile priced property the situation is equally as bleak. It illustrates that the ratio of lower quartile house price to incomes in Rother now stands at 12.69, an increase of 36% since the start of the plan period in 2011. This means that those on the lowest incomes in Rother that are seeking to purchase a home in the lower end of the property market now need to find over twelve times their annual income to do so.

4.2.15 The increasing median affordability ratio for Rother from 2011 is graphed on Figure 3 overleaf and shows a comparison to England, the South East region and East Sussex county.

Figure 3: Comparison of ratio of median house price to median gross annual workplace-based earnings



Source: ONS Ratio of house price to workplace-based earnings (lower quartile and median), 1997 to 2021, Table 1c, 3c & 5c.

4.2.16 Figure 3 shows that median house prices in Rother District are less affordable to those with a median income, when compared against East Sussex, the South East region and England as a whole. Together, these indicators demonstrate that Rother is a particularly unaffordable authority within an already unaffordable region and there is a clear case for increasing and varying the housing stock in the district to ensure it meets the needs of all households.

4.2.17 The preceding analysis clearly indicates, that by any measure of affordability, Rother is in the midst of an affordable housing crisis, and urgent action must be taken to deliver more affordable homes. There is a clear trend of decreasing affordability across the authority, a deteriorating housing register which previous affordable housing delivery has failed to adequately address, and a significant number of households classified as being in unsuitable accommodation.

5 SUMMARY

5.1 Summary and Conclusions

5.1.1 As envisaged in paragraph 60 of the NPPF, it is essential that sufficient housing is delivered to ensure that the "*needs of groups with specific housing requirements are addressed*". This therefore includes providing for the full annual need of 97 affordable units as detailed in the 2013 SHMA, since paragraph 62 of the NPPF is clear that affordable housing comprises one of those groups with a specific housing requirement.

5.1.2 Against this need, as of 1st April 2022, there is a cumulative shortfall of 207 affordable dwellings. This represents a very significant shortfall against identified needs, particularly when considered in the context of the ever-increasing affordability ratios as well as the significant number of households on the Council's housing register waiting list. It is also pertinent to note that the latest evidence on affordable housing needs for Rother is considerably higher at 295 affordable homes per annum, a 204% increase above the preceding assessed need.

5.1.3 Given the significant shortfall in affordable housing delivery to date and increasing unaffordability in Rother, there is a need for step change in delivery of all sites to help deliver much needed affordable housing. There is a clear and pressing need for an uplift in the delivery of affordable housing for the imbalance in the local housing market to be addressed and for real people in real need to have a home to call their own. Such a step change would be consistent with the thrust of paragraph 60 of the NPPF, to boost significantly the supply of homes.

5.1.4 The appeal proposal, through the provision of 30% affordable housing, provides a valuable contribution towards addressing the identified shortfall together with the continuing annual need for 295 affordable dwellings. In this context, the delivery of up to 63 affordable dwellings is a significant and crucial benefit of the proposals.

5.1.5 Very significant weight should therefore be given to the provision of affordable housing in the determination of the Appeal.

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1 NATIONAL PLANNING POLICY FRAMEWORK COMPLIANCE STATEMENT

1.1.1 The latest version of the National Planning Policy Framework was published on the 20th July 2021 and, from the date of publication, its policies are a material consideration to be taken into account when dealing with applications[1].

1.1.2 The Framework sets out the Government's planning policies for England and how these are expected to be applied; it also sets out the requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so.

1.1.3 Planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This is confirmed by paragraphs 2, 12 and 47 of the Framework, which continue to place importance on the plan-led approach. The Framework is, however, a material consideration in decision taking from the date of its publication[2].

1.1.4 The Government has made clear its expectation, through the Framework, that the planning system will positively embrace well-conceived development to deliver the economic growth necessary and the housing needed to create inclusive and mixed communities so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

1.1.5 The Framework, at paragraph 48, confirms that emerging development plans may also be afforded weight in the decision-making process according to their stage of preparation and the extent of unresolved objections to them.

1.1.6 My evidence finds that the presumption in favour of sustainable development set out at paragraph 11 of the Framework is engaged for the following three reasons:

(i) Policies that are the most important for determining the appeal are out of date as they are predicated on a housing requirement that does not meet the current local housing need, as required by the Framework; and

(ii) on the basis of the lack of a five-year housing land supply; and

[1] Paragraph 218.

[2] Paragraph 218.

(iii) because the Housing Delivery Test indicates that the delivery of housing was less than 75% the housing requirement over the previous three years.

1.1.7 As stated at paragraph 11(d)(ii), with the presumption engaged the decision should be to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 11(d)(i) asserts that the presumption can be disengaged where policies in the Framework provide a clear reason for refusing development.

Achieving sustainable development

1.1.8 Paragraph 7 of the Framework summarises the objective of sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 7 also makes reference to the UK's commitment to meeting the 17 'Global Goals for Sustainable Development', which address social progress, economic wellbeing and environmental protection.

1.1.9 Paragraph 8 notes that to achieve sustainable development, there are three overarching objectives that need to be pursued in mutually supportive ways: social, economic and environmental. Under the 2021 Framework, greater reference is made to 'beautiful and safe' places as a social objective.

1.1.10 The appeal proposals will deliver homes that are required now to meet both market and affordable housing need at this sustainable location and allow for a choice of modes of transport to be used to access local facilities and services. Further, the site is situated in a location that is accessible to a range of employment opportunities within Bexhill and there are a wide range of services and facilities within walking and cycling distance of the site.

1.1.11 The appeal proposals will be required by the Framework to be "beautiful and safe" at the reserved matters stage.

Delivering a sufficient supply of homes

1.1.12 Paragraphs 60-80 set out how the Government's objective of "significantly boosting" the supply of homes is to be achieved. The appeal proposals will assist the Council by helping to boost the supply of both market and affordable housing in an area where the Council acknowledges it has a pressing shortage.

1.1.13 Paragraphs 60/61 of the Framework state that local authorities should seek to deliver a wide choice of quality homes and widen opportunities for home ownership, planning for a mix of

housing based on current and future demographic trends. The proposal would provide for a range of market and affordable homes of various sizes and tenures meeting the expectations of the Framework.

1.1.14 Paragraph 61 of the Framework states that strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance, unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.

1.1.15 The definition of local housing need is set out at Annex 2 of the Framework, as follows:

> **"The number of homes identified as being needed through the application of the standard method set out in national planning guidance, (or, in the context of preparing strategic policies only, this may be calculated using a justified alternative approach…)."**

1.1.16 Paragraph 63 of the Framework states that planning policies should also specify the type of affordable housing required and expect it to be met on site. In this instance, the Appellant has been guided by the Council as to the appropriate affordable tenure mix to be secured via the planning obligation and the appellant anticipates that the appropriate affordable housing requirement will be met in full on site. The proposal will provide for a range of market and affordable homes of various sizes and tenures. These new dwellings will also help to 'free up' existing dwellings that are under-occupied, enabling more efficient use of existing housing stock to be made.

1.1.17 Paragraph 74 of the NPPF notes that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a **minimum** five years' worth of housing against their housing requirement or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of either 5%, 10% or 20%. A 20% buffer should be applied where there has been significant under-delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

1.1.18 It is common ground that Rother District Council are unable to demonstrate a five-year housing land supply; this is also confirmed in Council's Statement of Case. For the purpose of this appeal, the current position is agreed to be a maximum of 2.89 years, as confirmed within the Council's housing land supply position statement published in November 2021 [CD6.01].

1.1.19 The consequence of that inability to demonstrate a 5YHLS is that the tilted balance must be applied: see footnote 8 of the NPPF, and §008 of the PPG on "Housing and economic land availability assessment":

> "**What happens if an authority cannot demonstrate a 5 year land supply?**
>
> 'In decision-taking, if an authority cannot demonstrate a 5 year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in paragraph 11d of the National Planning Policy Framework."

1.1.20 The location of the site within Bexhill ensures its consistency with paragraphs 79-80 of the Framework, which take a less restrictive approach to the location of new development than the development plan through their support for the growth of existing settlements while preventing isolated development that could lead to sporadic development in the countryside.

Building a strong, competitive economy

1.1.21 Paragraph 80 of the Framework maintains that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

1.1.22 The economic benefits associated with the appeal proposals are set out at section 8 of my evidence and in more detail within the 'Economic Recovery Following Covid-19' report [CD1.05] submitted with the planning application. In my opinion, these are real benefits that are derived from the scheme and should be given significant weight in the planning balance. As contextual support for this I would refer to the appeal decision by Inspector Wildsmith, who, when undertaking the planning balance for an allowed appeal in Great Missenden (Chiltern District Council), found the following in relation to the economic benefits of the proposal [CD10.01, para. 120/121):

> **"…there would be benefits to the local economy as a result of direct and indirect jobs generated during the construction period, and as a result of increased population, which could increase demand for and use of local services and businesses in the High Street and the wider District, once the housing is occupied. This would help to maintain and enhance these services and businesses, thereby increasing their viability.**

I acknowledge that these benefits would not be unique to this development but would flow from any new housing development of this size within the District. However, this does not detract from the fact that the appeal proposal would give rise to these real benefits to which I attach significant weight…"

Promoting healthy and safe communities

1.1.23 Paragraph 92 of the Framework promotes the aim of achieving healthy, inclusive and safe places by promoting social interaction, creation of places which are safe and accessible and also supporting healthy lifestyles through the provision of green infrastructure places. The Illustrative Masterplan that is included within the DAS [CD1.07, p.38-39] demonstrates how the provision of open space, landscaping, and informal open space and potential footpath linkages could be integrated into a detailed design for the site at reserved matters stage.

1.1.24 The Development Framework Plan [CD1.03] shows a total of 4.39ha of green infrastructure (c.39% of the gross site outline application area); including accessible open space, a children's play facility and recreational footpaths. The green infrastructure framework will allow for appropriate landscape and ecological mitigation measures to be applied, the provision of new public open space and the incorporation of new hedgerow and tree planting to create a firm, green edge to the north of the settlement.

1.1.25 These components of the scheme will enable the new resident community, together with the existing, to use these networks in order to take exercise and thus the proposed scheme will actively promote general well-being for the new and existing resident community.

Promoting sustainable transport

1.1.26 Paragraphs 104-113 of the Framework set out how transport factors should be taken into account when considering development. In accordance with paragraph 113 of the Framework, the application was supported by a detailed Transport Assessment [CD1.18] and Travel Plan [CD1.19]. The submitted documents demonstrate that the development proposals are acceptable in highways and transportation terms, in accordance with paragraph 111 of the Framework.

1.1.27 Paragraph 111 of NPPF states:

"Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road networks would be severe."

1.1.28 The appellant's Transport Assessment [CD1.18] and the proof of evidence of Mr Regan demonstrate that the proposed development would not have a severe impact upon the highway network or an unacceptable impact on highway safety.

1.1.29 The locational sustainability of the site is discussed in Mr Regan's proof of evidence. Mr Regan is clear that the appeal site is in a sustainable location and that future residents will have a real choice of transport modes available to them to allow them to access services and facilities both in Bexhill and further afield.

Making effective use of land

1.1.30 Paragraph 119 of the Framework states that:

> **"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions…"**

1.1.31 The application proposals provide a suitable location for housing development and would be an effective use of the land. The proposals also accord with paragraph 120 as they would offer opportunities to achieve net environmental gains by both enabling new habitat creation and improving public access to open space, not previously available.

1.1.32 As set out in the Design and Access Statement [CD1.07], the overall average net density for the residential development area is 30 dwellings per hectare, which respects the character and form of the surrounding area. The proposed development allows for efficient use of land whilst also promoting a density which is appropriate to its context.

Achieving Well Designed Places

1.1.33 The Framework states that good design is a "key aspect of sustainable development"; the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The latest iteration of the Framework places greater emphasis on design being "beautiful", with paragraph 129 focusing on the need to produce design codes at an area-wide, neighbourhood or site-specific scale. Paragraph 131 states that planning decisions should ensure that new streets are tree-lined, for amenity and climate change resilience reasons.

1.1.34 The scheme is in outline, with all matters reserved except for details of the main site access. The Design and Access Statement [CD1.07] demonstrates how the site will deliver a high

quality sustainable residential development. It provides a comprehensive appraisal of how the design of the proposals have evolved through an iterative process that was informed by environmental and technical work and an understanding of the development's relationship with Bexhill and the surrounding context.

1.1.35 It will be a requirement for the design of the development to be 'beautiful', including having regard to the National Model Design Code, when the reserved matters application is brought forward.

Meeting the challenge of climate change, flooding and coastal change

1.1.36 This section of the Framework states that the planning system should support the transition to a low carbon future in a changing climate, helping to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience (particularly in respect of flood risk) and support renewable and low carbon energy.

1.1.37 Paragraphs 153 to 158 set out the Government's approach to tackling climate change through the planning system. It is stated that new development should avoid vulnerability from impacts arising from climate change, ensuring adaptation measures are brought forward such as encouraging green infrastructure, and helping to reduce emissions through the location, orientation and design of development.

1.1.38 The above matters have been taken into account in designing the proposal, which includes measures to enhance biodiversity and green infrastructure provision. Matters such as design and massing will be required to conform to the Framework and any local policies in place at the reserved matters stage. Development will also be required to meet the requirements of the Building Regulations in place at the time in respect of energy generation.

1.1.39 Paragraph 159 of the NPPF states that development should be directed away from areas at highest risk of flooding.

1.1.40 Paragraph 167 of the NPPF deals with potential flooding issues by requiring applications to be supported by a site-specific flood-risk assessment where appropriate. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

1.1.41 A Flood Risk Assessment (FRA) [CD1.14] was submitted with the planning application. The FRA considers the existing flood risk of the site and includes an assessment of the surface water drainage requirements of the site. The FRA is clear that the appeal proposals would be at minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of the Framework. The appeal proposals also allow for the control of surface water run-off from the appeal site. It is agreed that it is appropriate for full details of the proposed methods of surface water drainage required to be brought forward by suitably-worded conditions.

1.1.42 The site is mainly situated within Flood Zone 1, with some Flood Zone 2 and 3 associated with the Picknell Green Stream along the western boundary of the site. No development is proposed within Flood Zone 2 or 3.

1.1.43 The southern part of the site includes a small area that is at risk from surface water flooding. The parties have agreed that there is no requirement for a sequential test pursuant to the NPPF/PPG if development is avoided in the 'at risk' areas. The surface water flow path that forms the 'at risk' area can be incorporated within on-site sustainable drainage features without increasing flood risk on-site or elsewhere.

1.1.44 The Lead Local Flood Authority [CD3.04] and Environment Agency [CD3.03] have no objection to the proposals put forward for dealing with surface water drainage, subject to a reserved matters application and requisite conditions.

Conserving and Enhancing the Natural Environment

Biodiversity

1.1.45 Paragraph 174(d) of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on

biodiversity and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

1.1.46 In summary, the Ecological Appraisal [CD1.09] and Addendum Report [CD6.17] confirm that no significant adverse effects on ecology would be expected as a result of the proposed development, subject to the delivery of proposed landscaping and ecological enhancement measures. Mitigation and enhancement measures can be secured via appropriately worded planning conditions and/or control of the detailed design of the site.

Habitats Sites

1.1.47 Paragraph 182 of the Framework states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans and projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

1.1.48 Based on the information provided in the Shadow Habitats Regulations Assessment (Appendix 4 to my proof), it is anticipated that the Inspector, in their capacity as competent authority under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, will conclude that the proposed development has the potential to result in likely significant effects on the Pevensey Levels SAC / Ramsar site, when considered alone (in light of the definition of these terms in the 'Waddenzee' ruling of the European Court of Justice Case C-127/02).

1.1.49 The Inspector must therefore undertake an Appropriate Assessment of the implications of the proposed development on the qualifying features of the Pevensey Levels SAC / Ramsar site in light of their published conservation objectives.

1.1.50 With consideration of the proposed measures intended to avoid or reduce effects (i.e. policy compliant pollution prevention controls during construction and operation of the proposed development) it is anticipated that the Inspector's Appropriate Assessment will conclude that the proposed development will not have any adverse effect on the integrity of the Pevensey Levels SAC / Ramsar site, either alone or in combination with other plans or projects.

Landscape

1.1.51 Paragraph 174 of the Framework states that the planning system should contribute to and enhance the natural and local environment by *inter alia* protecting and enhancing valued

landscapes (in a manner commensurate with their statutory status or identified quality in the development plan) and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

1.1.52 The appeal site does not fall within any national or local landscape designation. Mr Jackson is clear that in his opinion the site cannot be considered a 'valued landscape' within the meaning of paragraph 174. This matter is also agreed in the Statement of Common Ground with the Council.

1.1.53 Putative Reason for Refusal 1 concerns alleged harm arising from landscape impact but, for the reasons above, the appellant considers that only limited harm (the loss of a green field) will arise from the scheme.

1.1.54 Wider landscape matters, including the need to recognise the intrinsic character and beauty of the countryside, are addressed in Mr Jackson's proof and weighed in the planning balance at chapter 10 of my proof.

Agricultural land

1.1.55 The Natural England Agricultural Land Classification map for London and the South East (ALC007) identifies the land as grade 4 (poor quality)[3], which does not represent 'best and most versatile' agricultural land.

Air quality

1.1.56 Paragraph 185 of the Framework states:

> **"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development…"**

1.1.57 An Air Quality Screening Assessment was submitted as part of the planning application [CD1.16]. It concluded that the site is suitable for development in air quality terms. In accordance with local guidance, it is proposed that a detailed damage cost assessment and mitigation scheme is provided at reserved matters stage. In line with the Council's

[3] http://publications.naturalengland.org.uk/publication/141047?category=5954148537204736. Accessed 30/10/22.

Environmental Health Officer's comments [CD3, p.7-8], a planning condition will be secured to ensure that a full air quality assessment is completed prior to the commencement of development.

Noise

1.1.58 Paragraph 185a of the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should, inter alia:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

1.1.59 The application was accompanied by an initial Noise Screening Assessment prepared by Miller Goodall [CD1.17]. The study concluded that existing transportation and industrial noise sources around the site do not pose a barrier to residential development. However, through its Statement of Case, the Council raised concern about the potential for the development to adversely impact upon the amenity of neighbouring residents to the appeal site, principally at nos. 11 and 15 adjacent to the site access.

1.1.60 To address this matter, the appellant instructed Miller Goodall to produce a further Noise Assessment report specifically addressing the potential noise impacts on nos 11 and 15, and outlining the specific mitigation measures required. This report, which is appended to my evidence (Appendix 5), effectively discharges the condition recommended by the Environmental Health Officer [CD3.02]. I discuss the findings of the report in chapter 8 of my proof and conclude with the implementation of mitigation measures, set out in Appendix 5, there would not be an adverse impact on occupiers of the relevant properties as a result of noise.

Thus, in accordance with Appendix 5, I am content that the NPPF's requirement to mitigate and reduce to a minimum potential adverse impacts resulting from noise will be achieved and that the proposed development will not give rise to any noise that would have a significant adverse impact upon the health and quality of life of residents.

Conserving and Enhancing the Historic Environment

1.1.61 Section 16 of the Framework provides policy guidance on the conservation and investigation of heritage assets.

1.1.62 In the Framework, heritage significance is defined as:

> **"The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."**

1.1.63 Paragraph 202 of the Framework states:

> **"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"**

1.1.64 The main parties have agreed that the proposed development will have no adverse impacts on any known designated heritage assets.

Facilitating the Sustainable Use of Minerals

1.1.65 Paragraph 211 of the Framework states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. Paragraph 212 states that LPAs should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.

1.1.66 The site does not fall within a Minerals Safeguarding Area in the East Sussex, South Downs and Brighton and Hove Waste and Minerals Plan [policy map extract at [CD6.05] or the revised policies submitted for examination in May 2022 [policies map amendments at CD6.06].

Planning Conditions and Obligations

1.1.67 Paragraphs 55-58 of the Framework restate previous advice on conditions and obligations and Community Infrastructure Levy charges, emphasising their impact on viability. Paragraph 55 requires conditions precedent to be avoided, unless there is clear justification. Footnote 25 of the Framework refers to a legislative requirement for applicants to provide their written agreement to the imposition of any pre-commencement conditions.

1.1.68 The appellant is seeking to agree a schedule of draft list of conditions with the Council prior to the opening of the inquiry.

1.1.69 The obligations to be included in the Section 106 agreement are set out in Chapter 4 of my proof. The Council's putative reason for refusal pertaining to the lack of a signed Section 106 agreement will fall away once the planning obligation is signed.

Conclusion

1.1.70 The appeal proposals have been assessed against the various relevant chapters of the Framework, which confirms that they comprise sustainable development as a result of:

i. Providing a deliverable housing development that will make a valuable contribution towards national and local objectives for economic growth;

ii. Being accessible by public transport and other sustainable means, promoted through a Travel Plan as well as enhancements to promote travel by sustainable modes;

iii. Making an important contribution towards meeting the five-year housing land requirement in the district;

iv. Contributing to housing choice and the mix of housing in the area; in particular making an important contribution to affordable housing needs;

v. Being capable of delivering a beautiful high quality design;

vi. Promoting healthy communities through integration with the existing settlement and the provision of open space;

vii. Being located on land at low risk of flooding and ensuring that the development will not increase flood risk downstream;

viii. Conserving and enhancing the natural environment; and

ix. Conserving and enhancing the historic environment.

1.1.71 Accordingly, I consider the above demonstrates the proposals amount to sustainable development.

Gladman Site Delivery: 01.04.2016 - 31.03.2021.

Issued December 2021

Appendix 3

	Local Planning Authority	Site Address	App Reference	Outline Permission Granted Date	Number of Dwellings	% Affordable	Purchaser	Reserved Matters Planning Application Reference	Reserved Matters Permission Granted Date	Conditioned Timescale of Reserved Matters	Commencement on Site	Timescale from Initial Planning Permission to Commencement
1	Amber Valley Borough Council	Roes Lane, Crich, Phase 2	AVA/2016/0464	12/04/2017	60	30%	Harron Homes	AVA-2018-0750	22/03/2019	3 years	October 2019	29 months
2	Aylesbury Vale District Council	Lower Road II, Stoke Mandeville	16/00448/AOP	08/03/2017	190	30%	Bloor Homes	17/01221/ADP	14/09/2017	2 years	January 2018	10 months
3	Aylesbury Vale District Council	Lower Road I, Stoke Mandeville	15/04341/AOP	09/03/2017	117	30%	Abbey Developments	18/01857/ADP	19/06/2019	2 years	July 2019	28 months
4	Aylesbury Vale District Council	North End Road, Steeple Claydon	15/01490/AOP	17/06/2016	60	30%	Bovis Homes	17/00543/ADP	12/09/2017	18 months	May 2018	23 months
5	Ashford Borough Council	The Street, Smarden	16/00045/AS	12/06/2017	50	35%	Countryside Properties	18/00576/AS	25/02/2019	3 years	August 2019	26 months
6	Braintree District Council	Oak Road, Halstead	14/01580/OUT	03/06/2016	292	30%	BDW Homes	17/01952/REM	25/01/2018	3 years	April 2018	22 months
7	Braintree District Council	Western Road, Silver End	15/00280/OUT	21/03/2017	350	40%	Redrow Homes	18/01693/FUL	03/12/2018	2 years	December 2018	21 months
8	Braintree District Council	Sudbury Road, Halstead	17/00575/OUT	09/11/2017	205	40%	Bellway Homes	18/01749/FUL	11/06/2019	2 years	December 2019	25 months
9	Braintree District Council	Station Road, Earls Colne	18/00121/OUT	08/01/2019	115	40%	Bellway Homes	19/00802/REM	27/09/2019	3 years	September 2020	20 months
10	Braintree District Council	Stone Path Drive, Hatfield Peverel	16/01813/OUT	08/07/2019	140	40%	Bellway Homes	20/01906/REM	14/05/2021	2 years	May 2021	22 months
11	Breckland District Council	Dereham Road, Mattishall	2015/0498/O	06/03/2018	50	40%	Hopkins & Moore Developments	3PL/2020/0462/F	30/07/2021	2 years	October 2021	43 months
12	Central Bedfordshire Council	Mill Road, Cranfield	CB/14/05007/OUT	13/06/2016	113	35%	Bloor Homes	CB/16/04924/RM	21/03/2017	3 years	April 2017	10 months
13	Central Bedfordshire Council	Chapel End Road, Houghton Conquest	CB/15/01362/OUT	02/06/2016	125	35%	Kier Homes	CB/17/01389/REM	26/06/2017	3 years	August 2017	14 months
14	Central Bedfordshire Council	Biggleswade Road, Potton	CB/16/03943/OUT	03/01/2018	85	35%	Mulberry Homes	CB/19/00085/RM	02/05/2019	3 years	June 2019	18 months
15	Central Bedfordshire Council	High Street, Silsoe	16/01855/OUT	12/04/2018	105	35%	Kinglsey Homes	CB/18/04409/RM	26/02/2019	2 years	April 2019	12 months
16	Central Bedfordshire Council	Shefford Road, Meppershall	CB/17/03887/OUT	22/05/2018	150	35%	Davidsons	CB/19/03877/RM	18/12/2020	3 years	June 2021	37 months
17	Central Bedfordshire Council	Hitchin Lane, Clifton	CB/15/02733/OUT	17/02/2017	97	35%	Mears Group	CB/18/02637/RM	27/12/2018	2 years	September 2019	31 months
18	Central Bedfordshire Council	Taylors Road, Stotfold	16/03344/OUT	18/09/2018	78	35%	BDW Homes	CB/19/01302/RM	19/09/2019	3 years	February 2020	17 months
19	Chelmsford City Council	Main Road, Great Leighs	14/01791/OUT	26/09/2016	100	35%	Bellway Homes	17/01949/REM	15/03/2018	3 years	March 2018	18 months
20	Chelmsford City Council	Plantation Road, Boreham	14/01552/OUT	25/05/2016	145	35%	Bloor Homes	18/00682/REM	10/08/2018	3 years	September 2018	27 months
21	Cherwell District Council	Sibford Road, Hook Norton	14/00844/OUT	04/08/2016	54	35%	Lioncourt	17/00950/REM	21/12/2017	18 months	May 2018	21 months
22	Cherwell District Council	White Post Road, Banbury	15/01326/OUT	20/12/2017	280	30%	BDW Homes	19/00895/REM	31/07/2020	3 years	October 2020	33 months
23	Cheshire East Council	Abbey Road, Sandbach	14/1189C	30/10/2016	165	30%	Lane End Developments	18/2346C	17/01/2019	3 years	March 2019	30 months
24	Cheshire East Council	Church Lane, Wistaston	14/3024N	21/09/2016	300	30%	Bloor Homes	17/6042N	11/07/2018	3 years	July 2018	22 months
25	Cheshire East Council	East Avenue, Weston	15/1552N	18/08/2016	99	35%	Lovell	18/1073N	13/12/2018	3 years	March 2019	31 months
26	Cheshire East Council	London Road, Holmes Chapel	14/5921C	31/10/2016	190	30%	Bloor Homes	17/6123C	14/05/2018	3 years	October 2018	24 months
27	Cheshire East Council	Dickens Lane, Poynton	17/4256M	27/11/2018	150	30%	Bellway Homes	19/1972M	15/05/2020	3 years	October 2020	23 months
28	Colchester Borough Council	Barbrook Lane, Tiptree	182014	07/04/2020	200	30%	Bloor Homes	210398	01/06/2021	3 years	July 2021	15 months
29	Cotswold District Council	Berkeley Close, South Cerney	16/02598/OUT	15/08/2017	90	50%	Wain Homes	18/04656/REM	05/07/2019	3 years	August 2019	24 months
30	Derbyshire Dales District Council	Main Road, Brailsford	16/00567/OUT	11/07/2017	75	35%	Avant Homes	18/00397/REM	12/09/2018	3 years	May 2019	22 months
31	East Cambridgeshire Council	Mildenhall Road, Fordham	17/00481/OUM	30/05/2018	100	30%	Bellway Homes	19/01054/RMM	07/02/2020	3 years	May 2020	24 months
32	East Cambridgeshire Council	Manor Road, Witchford	18/00820/OUM	07/11/2018	116	30%	Bellway Homes	19/01502/RMM	18/06/2020	3 years	August 2020	21 months
33	Folkestone & Hythe District Council	Ashford Road, New Romney	Y18/1404/FH	30/08/2019	117	30%	Pentland Homes	21/0007/FH	27/08/2021	2 years	September 2021	25 months
34	Forest of Dean District Council	Ross Road, Newent	P0969/14/OUT	10/04/2017	85	40%	Bellway Homes	P0328/18/APP	08/08/2018	2 years	October 2018	17 months
35	Forest of Dean District Council	Berry Hill, Coleford	P1482/14/OUT	11/04/2018	180	40%	BDW Homes	P1547/19/APP	14/02/2020	2 years	June 2020	26 months
36	Harborough District Council	Leicester Road, Great Bowden	16/01942/OUT	18/10/2017	50	40%	Mulberry	18/00692/REM	11/10/2018	3 years	January 2019	15 months
37	Harrogate Borough Council	Ripon Road, Killinghall	16/00582/OUTMAJ	07/12/2016	75	40%	Harron Homes	17/04957/REMMAJ	17/10/2018	2 years	January 2019	25 months
38	Harrogate Borough Council	Knaresborough II, Boroughbridge Road	17/01350/OUTMAJ	14/06/2019	120	40%	Galliford Try	19/04911/REMMAJ	05/08/2020	3 years	June 2021	24 months
39	Herefordshire Council	B4349, Clehonger	P141964/O	17/11/2016	90	35%	Stonewater Developments	P193878/RM	04/02/2021	3 years	October 2020	47 months
40	Herefordshire Council	Leadon Way, Ledbury	143116	04/04/2016	321	35%	BDW Homes	P1604078/RM	21/12/2017	3 years	January 2018	20 months
41	Huntingdonshire District Council	Lucks Lane, Buckden	16/00576/OUT	18/07/2017	180	40%	Bloor Homes	18/02485/REM	16/07/2019	3 years	December 2019	30 months
42	Huntingdonshire District Council	Station Road 2, Warboys	16/02519/OUT	31/10/2017	80	40%	David Wilson Homes	18/00776/REM	30/11/2018	3 years	December 2018	14 months
43	Maidstone Borough Council	Mill Bank, Headcorn	15/507424/OUT	24/08/2016	62	40%	Bovis Homes	17/501093/REM	15/09/2017	2 years	March 2018	18 months
44	Maldon District Council	Soutminster Road, Burnham-on-Crouch	14/00845/OUT	21/04/2017	80	30%	Matthew Homes	18/01077/RES	01/03/2019	2 years	February 2021	46 months
45	Medway Council	Stoke Road, Hoo St Werburgh	MC/16/2837	13/02/2017	127	25%	Taylor Wimpey	MC/18/0702	13/07/2018	3 years	February 2019	24 months
46	Mid Suffolk District Council	Church Road, Stowupland	3112/15	25/05/2016	175	35%	Bloor Homes	DC/17/02755	07/11/2017	3 years	February 2018	21 months
47	Milton Keynes Council	Olney Road, Lavendon	17/00165/OUT	04/05/2018	95	35%	BDW Homes	19/00212/REM	02/12/2019	3 years	January 2020	19 months
48	Northumberland County Council	Milkwell Lane, Corbridge	15/00381/OUTES	21/09/2016	233	15%	Miller Homes	17/04547/REM	14/08/2018	3 years	December 2019	39 months
49	North Hertfordshire District Council	Holywell Road, Pirton	15/01618/1	27/05/2016	82	40%	Cala Homes	16/02256/1	30/05/2017	3 years	June 2017	13 months
50	Nuneaton & Bedworth Borough Council	The Longshoot, Nuneaton	033157	11/04/2016	330	25%	BDW Homes	034334	11/01/2017	3 years	September 2017	17 months
51	Oadby & Wigston Council	Welford Road, Wigston	17/00539/OUT	10/10/2018	43	40%	Redrow Homes	19/00160/REM	18/08/2019	3 years	September 2019	11 months
52	Peterborough City Council	Uffington Road, Barnack	15/01840/OUT	27/03/2017	80	30%	Linden Homes	18/00377/REM	06/07/2018	3 years	October 2018	19 months
53	Preston City Council	Preston Road, Grimsargh	06/2014/0902	09/05/2016	150	30%	Story Homes	06/2018/1243	09/04/2019	3 years	September 2019	40 months
54	Ribble Valley Borough Council	Henthorn Road, Clitheroe, Phase 2	3/2018/0688	19/06/2019	110	30%	Miller Homes	3/2020/0266	26/06/2020	18 months	September 2020	15 months
55	Rushcliffe Borough Council	Lantern Lane, East Leake	17/02292/OUT	18/07/2018	195	20%	Miller Homes	20/02632/REM	12/03/2021	3 years	April 2021	32 months
56	Ryedale District Council	Langton Road, Norton	15/00098/MOUT	22/07/2016	85	35%	Keepmoat	17/01517/MREM	08/06/2018	3 years	October 2018	25 months
57	South Cambridgeshire District Council	Highfields Road, Highfields Caldecote	S/2510/15/OL	05/07/2017	140	40%	Linden Homes	S/4619/18/RM	14/11/2019	2 years	February 2020	31 months
58	South Cambridgeshire District Council	Rampton Road, Cottenham	S/2413/17/OL	09/08/2017	200	40%	Redrow Homes	S/2679/19/RM	18/02/2020	2 years	June 2020	34 months
59	South Gloucestershire Council	Poplar Lane, Wickwar	PK16/4006/O	24/05/2017	80	35%	Bellway Homes	PK17/5966/RM	29/06/2018	3 years	October 2018	17 months
60	South Kesteven District Council	Sheepwash Lane, Grantham	S14/3571	27/07/2016	300	35%	Countryside	S19/1056	21/11/2019	3 years	January 2020	42 months
61	South Somerset District Council	Forton Road, Chard	15/04772/OUT	02/08/2017	200	35%	Kier Homes	18/01902/REM	21/02/2019	3 years	August 2019	24 months
62	Stratford-on-Avon District Council	Warwick Road, Kineton	15/03101/OUT	17/11/2016	78	35%	Morris Homes	17/03010/REM	09/10/2018	3 years	May 2021	54 months
63	Stratford-on-Avon District Council	Knightcote Road, Bishops Itchington	14/03419/OUT	20/06/2016	84	35%	Bovis Homes	17/01884/REM	22/03/2018	3 years	August 2018	26 months
64	Stroud District Council	Box Road, Cam	S.17/1366/OUT	19/12/2018	90	30%	Wainhomes	S.19/0810/REM	19/02/2020	3 years	March 2020	15 months
65	Telford and Wrekin Council	Haygate Road, Wellington	TWC/2013/1003	15/04/2016	290	25%	Bovis Homes & Anwyl	TWC/2017/0643	22/03/2018	3 years	June 2018	26 months
66	Tendering District Council	Parsons Heath, Bromley Road	17/00859/OUT	13/09/2018	145	30%	Bellway Homes	19/01392/DETAIL	05/05/2020	2 years	August 2020	23 months
67	Tewkesbury Borough Council	Twigworth, Tewkesbury Road	17/00852/OUT	19/12/2018	74	35%	Wainhomes	19/00953/APP	20/10/2020	3 years	Februrary 2021	26 months
68	Tewkesbury Borough Council	Stoke Road, Bishops Cleeve	18/00249/OUT	11/11/2019	215	40%	Spitfire Bespoke Homes	21/00214/APP	10/09/2021	2 years	October 2021	23 months
69	Tonbridge & Mailing Borough Council	Kings Hill, Teston Road	18/01013/OA	10/09/2019	120	40%	Crest Nicholson	20/00171/RM	15/07/2020	3 years	Februrary 2021	17 months
70	Vale of White Horse District Council	Townsend Road, Shrivenham	P15/V0663/O	06/05/2016	116	40%	Bovis Homes	P17/V0800/RM	18/04/2018	3 years	December 2018	30 months
71	Vale of White Horse District Council	Main Street, East Hanney	P15/V0343/O	03/05/2016	55	40%	Bovis Homes	P17/V2973/RM	23/08/2018	18 months	May 2019	36 months
72	Wealden District Council	Mill Road, Hailsham	WD/2016/0658/MAO	26/05/2016	165	35%	Linden Homes	WD/2017/1708/MRM	24/10/2017	3 years	December 2017	19 months
73	West Oxfordshire District Council	Cote Road, Aston	15/01550/OUT	28/04/2016	41	50%	Mears Group	17/0782/RES	20/10/2017	5 years	January 2018	21 months
74	West Oxfordshire District Council	Burford Road, Witney	14/1215/P/OP	25/08/2016	260	40%	BDW Homes	17/03338/RES	02/02/2018	2 years	April 2018	20 months
75	West Oxfordshire District Council	New Yatt Road, North Leigh	15/01934/OUT	02/11/2016	76	50%	Bellway Homes	17/02463/RES	13/03/2018	2 years	March 2018	16 months
76	West Oxfordshire District Council	Former Stanton Hardcourt Airfield	16/01054/OUT	06/08/2017	50	50%	Hayfield Homes	18/01611/FUL	22/01/2019	3 years	April 2019	20 months
77	Wycombe District Council	Barn Road, Longwick	14/06956/OUT	19/05/2016	160	40%	Bellway Homes	17/00691/REM	19/10/2017	3 years	December 2017	19 months

The Site Delivery table records Gladman outline planning applications that were approved or allowed at appeal during the period 01.04.2016 to 31.03.2021, and for which the associated development has since commenced.

Through strong relationships with our housebuilder clients, we can accurately record when development has commenced on site. This enables us to calculate the time taken for development to commence following the grant of outline planning permission for each application. As a result, we can determine how quickly Gladman sites begin delivering housing numbers once outline planning permission is granted.

Across these applications, both the average and most common timescale from the grant of outline planning permission to the commencement of development is calculated at 24 months, illustrating a strong track record of delivering sites quickly.

CSA environmental

Appendix 4




Land off Fryatts Way, Bexhill

Shadow Habitats Regulations Assessment

Prepared by
CSA Environmental

on behalf of
Gladman Developments

Report Ref: CSA/4648/01

April 2021

urban design | ecology | landscape | heritage

This report may contain sensitive ecological information. It is the responsibility of the Local Authority to determine if this should be made publicly available.

Report Reference	Date	Revision	Prepared by	Approved by	Comments
CSA/4648/01	31/01/2020	-	JMT	MR	Draft for comment
CSA/4648/01	14/04/2021	A	TF	CC	Final Issue
CSA/4648/01	11/01/2022	B	-	MR	Revision further to comments from and consultation with Natural England
CSA/4648/01	08/11/2022	C	CC	MR	Revision further to additional information from RSK

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1.0 INTRODUCTION

1.1 This shadow Habitats Regulations Assessment (sHRA) has been prepared by CSA Environmental on behalf of Gladman Developments, in relation to land off Fryatts Way, Bexhill in East Sussex (hereafter referred to as 'the Site').

1.2 The Site is situated on the north-western edge of Bexhill around central grid reference TQ 72390 08814. It currently comprises grazed grassland pasture, with fields bordered by mature trees and hedgerows. There is one pond within the Site and another located at the south-western boundary. There are seven ditches within and around the Site, some of which contain flowing water.

1.3 Residential development consisting of up to 210 dwellings with associated landscaping and infrastructure is proposed at the Site, for which outline planning permission is sought. A Preliminary Ecological Appraisal (PEA) undertaken by FPCR Environment and Design Ltd (November 2019) identified that the Site's proximity to designated European sites represented a potential constraint to development, for which further investigation and consultation under a shadow Habitats Regulations Assessment (sHRA) was required.

1.4 The sHRA presented here provides information to assist the Secretary of State, as competent authority, in their consideration of whether the proposed development will have likely significant effects on European sites, and in ascertaining any adverse effects on their integrity, as required under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

1.5 The original sHRA was updated further to comments made on planning application RR/2021/1656/P by Natural England (dated 09 November 2021), subsequent telephone consultation between CSA Environmental and Natural England on 16 December 2021 (sHRA Rev B). Further minor updates have been made following additional consultation with Natural England and RSK (the client's consultant dealing with drainage matters) during October / November 2022, pursuant to an Appeal for non-determination lodged by the client / appellant ('Gladman') in September 2022 (APP/U1430/W/22/3304805).

1.6 In their November 2021 consultation response (see Appendix G; NE Ref: 371921), Natural England presented concerns that the information presented by the sHRA and Flood Risk Assessment & Outline Surface Water Drainage Strategy left uncertainty over the potential for adverse effects on European sites of the Pevensey Levels. Revision B of the sHRA (issued in January 2022) was intended to address any such uncertainty, such that the competent authority may make their assessment in the

absence of reasonable scientific doubt. This was submitted to RDC to inform their Habitats Regulations Assessment.

1.7 RDC drafted a Habitats Regulations Assessment Screening Matrix and Appropriate Assessment Statement (see Appendix H), which identified mitigation measures to ensure that the development would not have an adverse impact on the integrity of the Pevensey Levels SAC/ Ramsar site. However, there was not time to adopt an Appropriate Assessment in consultation with Natural England (RDC, Statement of Case Appeal Ref: APP/U1430/W/22/3304805). Natural England have confirmed that from review of their records it does not appear that they provided any further comment to RDC in relation to the outline application (RR/2021/1656/P), since their first consultation response (Ref: 371921).

1.8 The Appellant has sought further confirmation from Natural England that they are satisfied with the additional information provided within the updated sHRA (Rev B). However, Natural England responded to confirm that they do not have the capacity to provide a further consultation response outside of their statutory duty to response to a consultation response issue by PINS in relation to the Appeal Ref: APP/U1430/W/22/3304805 (email correspondence dated 28 October 2022; see Appendix G). This revision (sHRA Rev C) has been updated further to take account of further technical information provided by RSK in relation to the Outline Surface Water Drainage Strategy, and to inform Habitats Regulation Assessment to be undertaken by the Inspector (as the competent authority) for the Appeal case.

2.0 LEGISLATION AND PLANNING POLICY SUMMARY

2.1 Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), termed 'European sites', collectively form part of a suite of sites known in the UK as the national site network. For ease of reference and consistent with their treatment under UK government policy, Ramsar sites are also referred to here as European sites.

2.2 All European sites in England and Wales are afforded strict protection through the Conservation of Habitats and Species Regulations 2017 (as amended). These Regulations, widely referred to as the 'Habitat Regulations', establish a framework for decision-making authorities to assess the potential for harmful effects on European sites to arise as a result of proposed plans or projects. This assessment process is commonly referred to as 'Habitats Regulations Assessment' (HRA).

2.3 Within Rother development management policies relevant to the protection of European sites are set out within DEN4 and DEN5 of the Development and Site Allocations Local Plan (2019). Further guidance for developers is set out within the Sustainable Access and Recreation Management Strategy (SARMS) document (2017).

2.4 Further detail of the legislative and case law context, as well as national and local planning policies relevant to HRA, are provided within Appendix B.

3.0 EXEMPTION, EXCLUSION AND ELIMINATION

3.1 If the proposed development passes any of Questions 1-3 (Table 1), then no further screening for likely significant effects under the Habitats Regulations is required.

Table 1. Preliminary Screening		
Screening Test	Pass?	Further screening required?
Q1. Is the whole proposed development directly connected with or necessary to the management of a European site for nature conservation purposes?	No	Yes
Q2. Is the proposed development the continuation, without material change, of ongoing activities not subject to any form of authorisation?	No	Yes
Q3. In light of the nature, scale, duration and location of the proposed development, is it obvious that it could not have any conceivable effect on any European site?	No	Yes

3.2 In view of the final preliminary screening test (Table 1), the following European sites have been identified as being conceivably affected by the proposed development:

- Dungeness, Romney Marsh and Rye Bay SPA
- Pevensey Levels SAC
- Pevensey Levels Ramsar
- Hastings Cliffs SAC

3.3 Mapping showing the locations of these European designations in relation to the Site are shown in Appendix A. Comprehensive details on the characteristics of the above European sites are presented in Appendix C, including their distances from the Site, component Sites of Special Scientific Interest (SSSI), qualifying features, published conservation objectives and any known vulnerabilities or threats to their favourable conservation statuses.

4.0 SCREENING FOR LIKELY SIGNIFICANT EFFECTS

4.1 In the context of the information on European site characteristics (Appendix C), potential impact pathways between the Site and the European sites are screened within Appendix D. The screening outcome is summarised in Table 2 below.

4.2 Pathways are considered on the basis of the development as proposed, including any facets which may, in addition to their primary purpose, act to mitigate potential effects on European sites. However, in accordance with the 'People Over Wind' ruling of the CJEU (Case C-323/17), screening for likely significant effects takes place in the absence of measures specifically adopted to avoid or reduce harmful effects on European sites.

Table 2. Screening Summary of Likely Significant Effects – Potential Impact Pathways				
European site	Dungeness, Romney Marsh and Rye Bay SPA	Pevensey Levels SAC	Pevensey Levels Ramsar	Hastings Cliffs SAC
Land take by development within European site	No	No	No	No
Fragmentation of European site habitats	No	No	No	No
Increased mortality of key species	No	No	No	No
Disturbance to key species / deterioration of habitats	Yes	Yes	Yes	No
Damage or deterioration of supporting habitats, outside European site	No	No	No	No
Atmospheric pollution/air quality	No	No	No	No
Changes to soil chemistry	No	No	No	No
Hydrological regime change	No	No	No	No
Pollution of surface/ ground/marine water	Yes	Yes	Yes	No

4.3 Informed by the identified impact pathways, conclusions on the potential for likely significant effects on European sites to arise from the proposed development, alone and in combination with other plans or projects, are made in the following tables.

Table 3. Outcome of Screening (proposed development alone)			
	Dungeness, Romney Marsh and Rye Bay SPA	Pevensey Levels SAC and Ramsar	Hastings Cliffs SAC
Will there be any effect on a European site? *If no, proposed development is screened out*	YES Sewage from the proposed development will be processed by the Hastings and Bexhill WwTW, which discharges into the marine component of the SPA. New residents of the proposed development may visit the Dungeness Complex, including the terrestrial component of the SPA, increasing recreational pressure.	YES The Site is within the Pevensey Levels Hydrological Catchment Area. The proposed development therefore has the potential to result in water quality impacts associated with surface run off during construction and operation / colonisation by non-native species.	NO
Will there be likely significant effects on the European site, or does uncertainty remain over the potential for significant effects? (proposed development alone) *If yes, proposed development is screened in* *If no, assess in combination with other plans or projects below*	NO The minor addition of sewage effluent to the WwTW, and potential increase in recreational pressure at the terrestrial component of the SPA would be insignificant, in isolation.	YES In the absence of mitigation, water quality impacts and the potential for the introduction of non-native species have the potential to undermine the published conservation objectives for the SAC / Ramsar.	N/A

4.4 As likely significant effects of development on the Pevensey Levels SAC / Ramsar have been identified for the Site alone, in the absence of mitigation, these sites are screened in to Stage 2: Appropriate Assessment.

4.5 It has been determined that the proposed development has the potential to affect the Dungeness, Romney Marsh and Rye Bay SPA, but that when considered in isolation such effects would be unlikely to meet the threshold of significance, i.e. having the potential to undermine published conservation objectives. The potential for likely significant effects on the SPA, of development when considered in combination with other plans or projects, is therefore considered in Table 4 below.

Table 4. Outcome of Screening (proposed development <u>in combination</u> with other plans or projects)
Outline any other plans or projects with likely significant effects when considered in combination with the proposed development:
The Rother Local Plan Core Strategy includes a housing increase target of 5,300 households in the period 2011 – 2028 (312 per annum), with the number of households in Rother expected to rise to 46,215. Further new residential development will come forward within the adjacent districts of Folkestone & Hythe, Wealden and Eastbourne
Describe any potential impact pathways and characterise any likely significant effects on the European site:
<u>Water Quality</u> The minor contribution to an increase in the local population brought about by the proposed development may act in combination with provision of any new housing within Rother which will be connected to the Hastings and Bexhill WwTW. This could, theoretically, produce a significant increase in effluent beyond the capacity of the Hastings and Bexhill WwTW and beyond the headroom of the existing discharge consent, thus leading to a likely significant effect on the marine arm of the SPA. However, Southern Water have advised that this WwTW does have capacity to manage the expected rise in effluent from the currently planned growth across Hastings and Bexhill, and to maintain discharge quality to an environmentally acceptable standard (Aecom, 2018) controlled by environmental permit. Therefore, no likely significant effect is anticipated. <u>Recreational Pressures</u> The Dungeness Complex, including the terrestrial component of the Dungeness, Romney Marsh and Rye Bay SPA, has been identified as vulnerable to the effects of increasing visitor pressure. As described in Table D.1, the greatest proportion of regular visitors to the Dungeness Complex live within Greatstone, Lade and Lydd-On-Sea; all situated among the Complex itself. To address the anticipated increase in recreational pressures resulting from the planning policies of Rother and Folkestone & Hythe Councils, a Sustainable Access and Recreation Management Strategy (SARMS) has been prepared by The Places Team for Rother DC/Folkestone & Hythe DC

(2017). The SARMS sets out protective actions for the Complex in relation to additional usage resulting from development, and more generally to ensure sensitive management of the Natura 2000 sites. Policy DEN4(v) of the adopted Rother District Council Development and Site Allocations Local Plan (DaSA) states that, "*all developments within the strategy area of the Dungeness Complex Sustainable Access and Recreation Management Strategy should have regard to the measures identified in that Strategy*." However, the Site falls outwith the Strategy Area, as defined by Figure 10 of the DaSA. In light of the foregoing, it is determined that the proposed development will not contribute significantly to visitor pressures on the habitats and species of the Dungeness Complex, and will therefore have no likely significant effect on the terrestrial SPA in combination with other plans and projects. This conclusion is consistent with that of the DaSA HRA (Aecom, 2018) in respect of residential site allocations in Bexhill.	
Are significant effects likely when considered in combination with other plans or projects? *If yes, proposed development is screened in*	NO

4.6 Based on the information provided here-in, it is anticipated that the competent authority (i.e. the Inspector for the Appeal) under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, will conclude that, in the absence of mitigation, the proposed development:

- Has the potential to result in significant effects on the Pevensey Levels SAC / Ramsar site, in respect of water quality / invasive non-native species.
- Will have no likely significant effects, either alone or in combination with other plans or projects, on the Dungeness, Romney Marsh and Rye Bay SPA or the Hastings Cliffs SAC.

4.7 As such, further Appropriate Assessment is required, including consideration of any proposed measures intended to avoid or reduce effects, in order that the competent authority may ascertain whether the proposed development will have any adverse effect on the integrity of the Pevensey Levels SAC / Ramsar site.

5.0 APPROPRIATE ASSESSMENT

Likely Significant Effects

5.1 The Pevensey Levels SAC and Ramsar site occupy the same area of land and are designated for similar interest features. As such, the Appropriate Assessment is made here with in respect of both designations.

5.2 Screening set out in Appendix D has identified that, in the absence of mitigation, the proposed development will have a likely (meaning, in this context, 'potential') significant effect on the Pevensey Levels through pollution of surface water run-off / introduction of non-native plant species. The Site is located c. 2.1km north-east of the designations, within the Pevensey Levels Hydrological Catchment, as identified on the adopted DaSA Local Plan Policies Map (December 2019) and detailed in Figure 10.

5.3 During construction, the soil at the Site may become compacted, leading to increased surface run-off and a higher than normal input of waterborne pollution and loose sediment, which could reach the SAC via the interconnected ditch network. A similar potential impact pathway would exist following completion of construction, owing to an increase in area of impermeable land cover.

Mitigation Measures

5.4 The vulnerability of the Pevensey Levels to new development within its hydrological catchment area, and the requirement to mitigate surface water quality issues, are recognised within the adopted Rother Local Plan Core Strategy and DaSA. Core Strategy Policy SRM2 requires SuDS for all development that creates impermeable surfaces in the catchment area[1]. Policy DEN5 (Sustainable Drainage) of the adopted DaSA (see Appendix B) states that, "*Drainage should be considered as an integral part of the development design process, with Sustainable Drainage Systems (SuDS) utilised unless demonstrated to be inappropriate. In particular (vi) within the Pevensey Levels Hydrological Catchment Area, SuDS designs should incorporate at least two stages of suitable treatment, unless demonstrably inappropriate*."

5.5 In the HRA of the DaSA (Aecom, 2018) it was determined that the presence of this policy framework provided sufficient protection to ascertain that residential site allocations in Bexhill (notably BX116 Land off Spindlewood Drive, and BX101 Northeye, both of which are in

[1] Core Strategy Policy SRM2(iii): "*Effective management of water resources will be supported by the promotion of sustainable drainage systems to control the quantity and rate of run-off as well as to improve water quality wherever practicable, and specifically for all development that creates impermeable surfaces within the hydrological catchment of the Pevensey Levels*."

significantly closer proximity to the Pevensey Levels than the Site is) would have no adverse effect on the integrity of the SAC/Ramsar site.

5.6 Planning permission is in this instance sought in outline only, with all matters except access reserved. As such, detailed arrangements for the management of surface water run-off are not available for assessment. However, the accompanying Outline Surface Water Drainage Strategy (RSK Land & Development Engineering Ltd, 2019) demonstrates that surface water management can be delivered at the Site so as to be policy compliant with DEN5, i.e. such that all surface water discharges will be subject to two stages of treatment. Boundary swales and attenuation basins will be used to intercept surface water run-off, allowing sediments held in suspension to settle on-site. As an additional/third treatment stage, permeable paving will be used on private roads, shared surfaces and driveways. A copy of the Indicative Surface Water Drainage Strategy (RSK Ref: 881964 dwg: 10-01 P3) is provided at Appendix E, which shows how swales will be used to envelope residential parcels and channel flows toward basins, thereby ensuring two stages of treatment. Appendix F (RSK; November 2022) provides supplementary details and clarification from the drainage strategy designers in response to queries raised by Natural England. These supplementary details were updated on 01 November 2022 to make the two-stage nature of the treatment train explicit, and to identify the potential for the provision of additional features for mechanical treatment (i.e. oil interceptors) at the detailed design stage is required.

5.7 The SuDs attenuation basins have been preliminarily designed based on a depth of 1.2m for the southern basin and 1.5m for the northern basin, above the estimated groundwater levels. It is proposed that ground water monitoring be carried out in the location of the basins to allow the design to be confirmed. Should testing indicated that ground water levels are elevated within the areas proposed for Suds basins, a technical solution (e.g. lining of basins with an impermeable layer to prevent groundwater ingress which comprise the volume of the basins or additional upstream storage within the Site to reduce the size and depth of the basins) will be proposed.

5.8 A detailed surface water drainage strategy (to include full design of the basins and the upstream drainage network, and to be informed by groundwater testing) will be developed at the detailed design stage, having been secured by appropriately worded pre-commencement planning condition, with the full details to be submitted to and approved by the LLFA prior to commencement. RDC have provided a draft condition (Condition no. 19) within their Statement of Case for the Appeal, which would secure the above.

5.9 To ensure that the SuDs are properly managed and maintained for the lifetime of the development (and therefore mitigation remains

effective), RDC have provided a draft condition (Condition no. 20) within their Statement of Case for the Appeal, which would secure a Maintenance and Management Plan for the entire drainage strategy. The Strategy would be agreed prior to construction commencing to ensure that the designed system takes into account design standards of those responsible for maintenance. A further draft condition (Condition 21) has been proposed which would require evidence of the drainage system being constructed as per the final agreed drainage design, prior to occupation.

5.10 Prior to the SuDS features being installed and operational, temporary bunding and settlement ponds will be installed as necessary during construction. A cut-off valve will be placed on the outfall of pond(s) to capture run-off and assess it. Water can be released at greenfield runoff rates once sediment settlement / treatment has taken place, or has been decanted off the surface. Details of these measures will be included in the detailed surface water drainage strategy and/ or Construction Environmental Management Plan (CEMP) (see below).

5.11 In order to avoid individual pollution events during construction, all relevant activities will adhere to the Pollution Prevention Guidance for Businesses provided by the Department for Environment, Food and Rural Affairs and Environment Agency, in particular the section 'Construction, inspection and maintenance' which includes 'Work in, over or near a river, stream, lake or pond'. Details of specific pollution prevention and control measures will be set out in a CEMP at the Reserved Matters stage of planning. These control measures will include, but not be limited to:

- Safe storage/use of fuel and careful refuelling procedures.
- Safe storage/use of solvents, cements, adhesives, grout and concrete.
- Sufficient spill kits available on Site.
- Strict adherence to COSHH procedure.
- Minimising the escape of dust and mud.
- Prevention of water pollution through run off via the use of gully guards, straw bales, gravel traps, silt fencing, etc.
- Emergency protocol should a major pollution incident occur.

5.12 RDC have provided a draft condition (Condition no. 13) within their Statement of Case for the Appeal, which would secure the above.

5.13 Inappropriate planting which could result in invasive non-native species colonising watercourse which have connectivity with the Pevensey Levels, will be avoided. Detailed landscaping proposals will be provided

at the Reserved Matters stage. RDC have provided draft conditions (Condition no. 5 and no. 31) within their Statement of Case for the Appeal, which would secure the above as well as appropriate management of landscape areas under a Landscape and Ecological Management Plan (LEMP).

Effects on Integrity

5.14 In light of the foregoing, and subject to the identified pollution prevention and control measures and imposition of the draft conditions proposed, it can be ascertained that the proposed development will have no adverse effect on the integrity of the Pevensey Levels SAC / Ramsar site, either alone or in combination with other plans or projects.

6.0 SUMMARY AND CONCLUSION

6.1 Based on the information provided here-in, it is anticipated that the Inspector, in their capacity as competent authority under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, will conclude that the proposed development has the potential to result in likely significant effects on the Pevensey Levels SAC / Ramsar site, when considered alone (in light of the definition of these terms in the 'Waddenzee' ruling of the European Court of Justice Case C-127/02).

6.2 The Inspector must therefore undertake an Appropriate Assessment of the implications of the proposed development on the qualifying features of the Pevensey Levels SAC / Ramsar site in light of their published conservation objectives.

6.3 With consideration of the proposed measures intended to avoid or reduce effects (i.e. policy compliant pollution prevention controls during construction and operation of the proposed development) it is anticipated that the Inspector's Appropriate Assessment will conclude that the proposed development will not have any adverse effect on the integrity of the Pevensey Levels SAC / Ramsar site, either alone or in combination with other plans or projects.

6.4 Through submission of this shadow Habitats Regulations Assessment, it is considered that Gladman Developments Ltd has discharged their duty under Regulation 63(2) to, "*provide such information as the competent authority may reasonably require for the purposes of the assessment*."

7.0 REFERENCES

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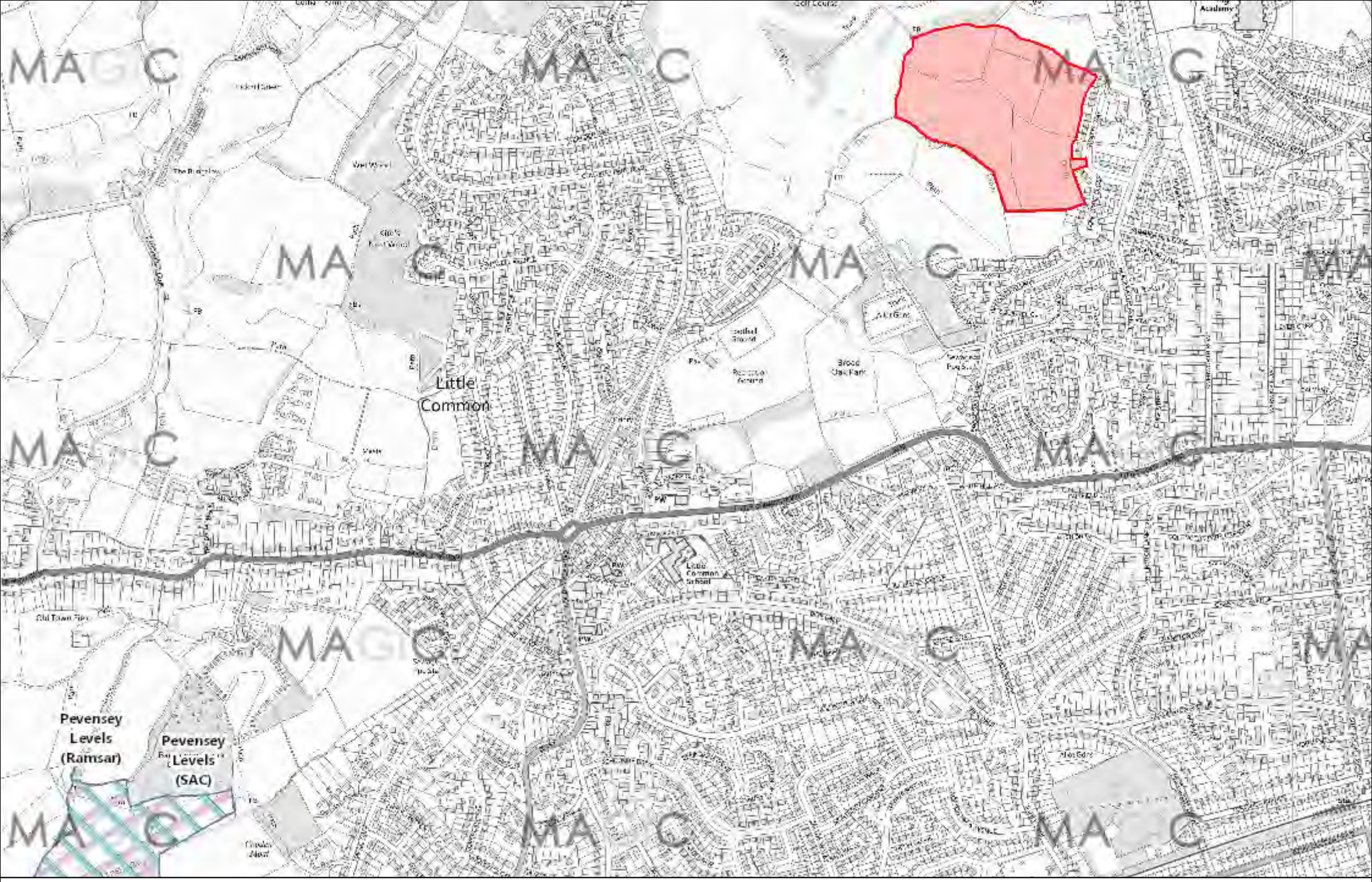
Appendix A

Site Location Plans



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Appendix B

Legislation and Policy Context

European Sites

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), termed 'European sites', collectively form part of a suite of sites known in the UK as the national site network, and are afforded strict protection from the potentially damaging effects of human activities. For ease of reference here, and consistent with their treatment under UK government policy, sites designated by the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971), or 'Ramsar sites', are also referred to here as European sites.

All European sites in England and Wales are afforded protection through the Conservation of Habitats and Species Regulations 2017 (as amended). These Regulations are widely referred to as the 'Habitat Regulations'. Regulation 63 of these Regulations states that, "A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European site…(either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives." This assessment process is commonly referred to as 'Habitats Regulations Assessment' (HRA).

The above Regulations formerly transposed Article 6(3) of Council Directive 92/43/EEC on the 'Conservation of Natural Habitats and of Wild Fauna and Flora', commonly referred to as the 'Habitats Directive'. This Directive is the means by which the European Union meets its obligations under the Bern Convention (1992) on the Conservation of European Wildlife and Natural Habitats. Following the UK's departure from the European Union, the provisions of the Regulations have been retained through enactment of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, which came into force on 31 December 2020.

Notable case law

Many procedural facets of HRA have been established through case law. In light of Section 6(3) EU (Withdrawal) Act 2018 (as amended), UK courts will continue to be bound by HRA judgments handed down by the Court of Justice for the European Union CJEU prior to 31 December 2020 when interpreting the Conservation of Habitats and Species Regulations 2017 (as amended). A non-exhaustive summary of some of some key judgements is provided below:

<u>In Relation to HRA Screening</u>

Waddenzee (ECJ Case C-127/02; 07.09.04.)

This case considered when Appropriate Assessment might be triggered and concluded that it is required where there is a, "*probability or risk*," of significant effects, and that, "*such a risk exists if it cannot be excluded on the basis of objective information that the plan or project will not have significant effects*

on the site concerned." The ruling clarifies that, "*in case of doubt as to the absence of significant effects such an assessment must be carried out*."

The ruling further states that, "*in assessing the potential effects of a plan or project, their significance must be established in the light, inter alia, of the characteristics and species environmental conditions of the site concerned by that plan or project*." As such, when assessing potential effects the current condition of the features for designation of a European site must be considered. Such information may be provided within, amongst other sources, published Condition Assessments of component Sites of Special Scientific Interest (SSSI's) and Site Improvement Plans (SIPs).

Boggis v Natural England (EWCA Civ 1061; 20.10.09.)

This case built upon guidance for the correct interpretation of what constitutes a 'likely' significant effect from that provided in Waddenzee. It was ruled that, "*Notwithstanding the word 'likely'...the precondition before there can be a requirement to carry out an appropriate assessment is not that significant effects are probable, a risk is sufficient...*" however this must be, "*real, rather than a hypothetical, risk...*"

People over Wind (CJEU Case C-323/17, 12.04.2018)

The 'People Over Wind' ruling determined whether mitigation measures may be considered when determining if a an effect is 'likely' and therefore whether it should be 'screened-in' for further assessment within the HRA process (i.e. be subject to Appropriate Assessment). Previously it has been established (R (Hart DC) v SSCLG; known as the 'Dilly Lane' decision) that any measures introduced to avoid or mitigate effects on a European sites could be considered in the initial screening stage. However, in the People Over Wind case the CJEU ruled that that such measures not be considered during HRA screening.

Paragraph 40: "...*in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site*."

<u>In Relation to Appropriate Assessment</u>

Waddenzee (ECJ Case C-127/02; 07.09.04)

Paragraph 59 of the ruling provides guidance on confidence thresholds in Appropriate Assessment, stating that, "*An appropriate assessment of the implications for the site concerned of the plan or project implies that prior to its approval, all the aspects of the plan or project which can...affect the site's conservation objectives must be identified in the light of the best scientific knowledge in the field. The competent national authorities, taking account of the conclusions of the appropriate assessment of the implications of [a project] for the site concerned, in light of the site's conservation objectives, are to authorise such activity only if they have made certain that it will not adversely*

affect the integrity of that site. That is the case where no reasonable scientific doubt remains as to the absence of such effects."

National Policy

The term 'European site' used in reference to SACs and SPAs is derived from the above Regulations. The National Planning Policy Framework (NPPF) (Ministry of Housing, Communities and Local Government, 2021) establishes that sites designated by the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971), or 'Ramsar sites', as well as 'potential SPAs' and 'possible SACs', should be given the same protection as European sites.

At paragraph 182, the Framework establishes that the presumption in favour of sustainable development (also known as the 'tilted balance' in planning) does not apply where the plan or project is likely to have a significant effect on a European site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the European site.

Local Policy

The Development and Site Allocations Local Plan (2019) sets out development management policies relevant to HRA in the Rother District. Policy DEN4 on Biodiversity and Green Space states as follows:

"Development proposals should support the conservation of biodiversity and multi-functional green spaces in accordance with Core Strategy Policy EN5 and the following criteria, as applicable:

(i) proposals where the principal objective is to conserve or enhance biodiversity or geodiversity will be supported in principle;

(ii) development proposals should seek to conserve and enhance:

(a) The biodiversity value of international, national, regional and local designated sites of biodiversity and geological value, and irreplaceable habitats (including ancient woodland and ancient or veteran trees);

(b) Priority Habitats and Species; and Protected Species, both within and outside designated sites.

Depending on the status of habitats and species concerned, this may require locating development on alternative sites that would cause less or no harm, incorporating measures for prevention, mitigation and (in the last resort) compensation.

(iii) in addition to (ii) above, all developments should retain and enhance biodiversity in a manner appropriate to the local context, having particular regard to locally present Priority Habitats and Species, defined 'Biodiversity Opportunity Areas', ecological networks, and further opportunities identified in the Council's Green Infrastructure Study Addendum.

(iv) larger developments of more than 2 hectares or 50 dwellings (whichever is the smaller) should produce a Green Infrastructure masterplan as part of their proposals.

(v) all developments within the strategy area of the Dungeness Complex Sustainable Access and Recreation Management Strategy should have regard to the measures identified in that Strategy"

The Sustainable Access and Recreation Management Strategy (SARMS) document (2017) was produced jointly for Rother and Folkestone & Hythe District Councils. The SARMS addresses recreational pressure and provides a strategic, crossboundary approach to issues relating to disturbance, to ensure that any increases in access and recreational usage resulting from the planning policies of either Council do not adversely impact on the integrity of European sites, and proposes supporting actions to ensure sensitive management of recreation and access for the Dungeness complex.

In addition, Policy DEN5: Sustainable Drainage states that, *"Drainage should be considered as an integral part of the development design process, with Sustainable Drainage Systems (SuDS) utilised unless demonstrated to be inappropriate. In particular…within the Pevensey Levels Hydrological Catchment Area, SuDS designs should incorporate at least two stages of suitable treatment, unless demonstrably inappropriate."*

Appendix C

European Site Characteristics

Table C.1. Site Characteristics of: Dungeness, Romney Marsh and Rye Bay SPA	
Distance and direction from Site	c. 1.8km south (marine), c. 16.4km east (terrestrial)
Size	42,417.53ha
Grid reference	TQ 994 139
Component SSSIs	Dungeness, Romney Marsh and Rye Bay SSSI Hastings Cliffs to Pett Beach SSSI
Qualifying features (Directive 79/409/EEC Annex I species)	Aquatic warbler *Acrocephalus paludicola* (autumn passage – at least 6.1% of the GB population, 5 year peak mean as of 2004 – 2008). Avocet *Recurvirostra avosetta* (in the breeding season - at least 3.5% of the GB population, 5 year mean count as of 2004 – 2008) Bewick's swan *Cygnus columbianus bewickii* (over wintering – at least 1.9% of the GB population 5 year peak mean as of 2002/03 – 2006/07) Bittern *Botaurus stellaris* (over wintering – at least 5% of the GB population, 5 year peak mean as of 2002/03 – 2006/07) Common tern *Sterna hirundo* (in the breeding season - at least 1.9% of the GB breeding population, 5 year mean count as of 2011 - 2015) Golden plover *Pluvialis apricaria* (over wintering – at least 1.6% of the GB population, 5 year peak mean 2002/03 – 2006/07) Hen harrier *Circus cyaneus* (over wintering – at least 1.5% of the GB population, 5 year peak mean as of 2002/03 – 2006/07) Little tern *Sterna albifrons* (in the breeding season - at least 1.5% of the GB breeding population, 5 years mean count as of 1992-1996) Marsh harrier *Circus aeruginosus* (in the breeding season - at least 2% of the GB population, 5 year mean count as of 2004-2008) Mediterranean gull *Larus melanocephalus* (in the breeding season - at least 52.2% of the GB population, 5 year mean count as of 2004-2008)

	Ruff *Philomachus pugnax* (over wintering – at least 7.3% of the GB population, 5 year peak mean as of 2002/03 – 2006/07) Sandwich tern *Sterna sandvicensis* (in the breeding season - at least 3.8% of the GB breeding population 5 year mean, count as of 2011-2015) Shoveler *Anas clypeata* (485 individuals, no national population estimate) Waterbird assemblage (in the non-breeding season the area is regularly used by c. 34,625 individual waterbiords, 5 year peak mean as of 2002/03 – 2006/07)
Published Conservation Objectives	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring; • The extent and distribution of the habitats of the qualifying features • The structure and function of the habitats of the qualifying features • The supporting processes on which the habitats of the qualifying features rely • The population of each of the qualifying features, and, • The distribution of the qualifying features within the site
Known vulnerabilities	The Site Improvement Plan (SIP) for the Dungeness SAC and Dungeness, Romney Marsh and Rye Bay SPA (previously known as Dungeness to Pett Level SPA) outlines known threats to Dungeness and its qualifying features. Those listed are as follows: • Military use • Vehicles: illicit • Predation • Changes in species distributions • Invasive species • Inappropriate scrub control • Overgrazing • Public access / disturbance • Direct impact from 3rd party • Air pollution: impact of atmospheric nitrogen deposition

	• Inappropriate water levels • Inappropriate ditch management • Coastal squeeze • Water pollution • Fisheries: Commercial marine and estuarine The following vulnerabilities have all been ranked as 'high' threats on the Natura 2000 standard data form: • Other human intrusions and disturbances • Military use and civil unrest • Interspecific faunal relations • Invasive non-native species • Changes in biotic conditions

Table C.2. Site Characteristics of: Pevensey Levels SAC	
Distance and direction from Site	c. 2.1km south-west
Size	3585.38ha
Grid reference	TQ 649 074
Component SSSIs	Pevensey Levels SSSI
Qualifying features (Directive 92/43/EEC Annex II species)	Ramshorn snail *Anisus vorticulus*. The Pevensey Levels SAC is considered to be one of the best areas for this species in the UK. The population here has both a wide spatial distribution and is found in good population density classes.
Published Conservation Objectives	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; • The extent and distribution of the habitats of the qualifying species • The structure and function of the habitats of the qualifying species • The supporting processes on which the habitats of the qualifying species rely • The populations of qualifying species, and, • The distribution of the qualifying species within the site.
Known vulnerabilities	The Site Improvement Plan (SIP) for the Pevensey Levels SAC outlines known threats to the Pevensey Levels and its qualifying features. Those listed are as follows: • Inappropriate water levels • Invasive species • Water pollution

	Furthermore, the following vulnerabilities have all been ranked as 'high' threats on the Natura 2000 standard data form: • Pollution to groundwater (point sources and diffuse sources) • Problematic native species • Human induced changes in hydraulic conditions.

Table C.3. Site Characteristics of: Pevensey Levels Ramsar	
Distance and direction from Site	c. 2.1km south-west
Size	3577.71ha
Grid reference	TQ 649 074
Component SSSIs	Pevensey Levels SSSI
Qualifying features	The Pevensey Levels is designated as a Ramsar under Criterion 2 for supporting an outstanding assemblage of wetland plants and invertebrates including many British Red Data Book species. The Ramsar is also designated under Criterion 3 for supporting 68% of vascular plant species in Great Britain that can be described as aquatic. It is probably the best site in Britain for freshwater molluscs, one of the five best sites for aquatic beetles and supports an outstanding assemblage of dragonflies.
Published Conservation Objectives	For Ramsar sites, a decision has been made by Defra and Natural England not to produce Conservation Advice packages, instead focussing on the production of High Level Conservation Objectives. As such it is considered that the Published Conservation Objectives for the Pevensey Levels SAC are relevant to this Ramsar designation.
Known vulnerabilities	The RIS (Information Sheet on Ramsar Wetlands) for this site lists the following factors (past, present or potential) adversely affecting the site's ecological character, including changes in land use (including water) and development projects: • Introduction / invasion of non-native plant species • Pollution – domestic sewage

Table C.4. Site Characteristics of: Hastings Cliffs SAC	
Distance and direction from Site	c. 10.5km east
Size	182.47ha
Grid reference	TQ 866 111
Component SSSIs	Hastings Cliffs to Pett Beach SSSI
Qualifying features (Directive 92/43/EEC Annex I habitats)	This presence of vegetated sea cliffs of the Atlantic and Baltic Coasts is the primary reason for the designation of this site. The site contains three valleys cut into the strata, which support woodland and scrub habitats with an unusual 'Atlantic' bryophyte flora. Closer to the sea the maritime influence stunts the trees, but other bryophytes become important here. Maritime scrub and coastal heathland are found closer to the cliff edge with grassland supporting maritime species.
Published Conservation Objectives	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; • The extent and distribution of the qualifying natural habitat • The structure and function (including typical species) of the qualifying natural habitat, and • The supporting processes on which the qualifying natural habitat rely
Known vulnerabilities	The Site Improvement Plan (SIP) for the Hastings Cliffs SAC outlines known threats to the SAC and its qualifying features. Those listed are as follows: • Inappropriate coastal management • Water pollution • Air pollution: risk of atmospheric nitrogen deposition Furthermore, the following vulnerabilities have all been ranked as 'high' threats on the Natura 2000 standard data form: • Air pollution, air-borne pollutants • Pollution to groundwater (point sources & diffuse sources) • Human induced changes in hydraulic conditions.

Appendix D

Screening for Likely Significant Effects

Table D.1: Screening for Likely Significant Effects: Dungeness, Romney Marsh and Rye Harbour SPA	
Describe any likely changes to the site or its qualifying features arising as a result of the following impact pathways:	
Land take by development within European site	None: Site not within or immediately adjacent to SPA.
Fragmentation of European site habitats	None: Site not within or immediately adjacent to SPA.
Increased mortality of key species	None: No pathways identified.
Disturbance to key species / deterioration of habitats	Although the marine component of the SPA lies within c. 1.8km of the Site, the terrestrial component is c. 16.4km away. The marine SPA extension covers the open waters around the coast and is intended to ensure that fish stocks do not become depleted, and can continue to support the terrestrial SPA tern breeding colonies. The proposed development will accommodate an increase of up to c. 504 people (based on 2.4 per dwelling). A visitor survey revealed that the Dungeness Complex, which includes the terrestrial SPA, attracts many visitors all year round from distances in excess of 55km. This includes holiday-makers and those in pursuit of water sports. The same survey found that regular visitors (i.e. those who visited at least once a week) were prepared to travel from as far as 20km away, and that 90% of those regular visitors came from within the Shepway or Rother Districts. Of that 90% it is stated that 'very few' came from Hastings (east of Bexhill), and no figure was given for Bexhill. The largest percentage of regular visitors lived in Greatstone, Lade and Lydd-On-Sea; all situated among the Complex itself. It is possible that new residents at the development would visit the terrestrial component of the SPA. However, given the distance, the resulting increase in recreational pressure is unlikely to be significant.
Damage or deterioration of supporting habitats, outside European site	None: Based on the intervening distance, the Site is unlikely to represent supporting habitat, or 'functionally linked land', for the bird assemblages associated with the terrestrial component of the SPA, whereas the marine component was specifically designated to protect off-shore tern foraging areas.

Atmospheric pollution/air quality	None: No pathways identified.
Changes to soil chemistry	None: No pathways identified.
Hydrological regime change	None: No pathways identified.
Pollution of surface / ground / marine water	Foul drainage from the Site will be directed through the sewage system to Hastings and Bexhill Wastewater Treatment Works (WwTW), managed by Southern Water. Here, the foul water from the Hastings and Bexhill catchment area is treated through a four stage cleaning process before it is released 3km out to sea directly into the marine arm of the Dungeness, Romney Marsh and Rye Bay SPA. The quality of the discharge is managed through an Environment Agency consent, and that consent has been deemed to be environmentally acceptable. Furthermore, Southern Water advised that this WwTW has capacity for the planned growth across Hastings and Bexhill. It is considered unlikely that the wastewater from the proposed development alone would have a significant effect on the marine arm of the SPA due to the wastewater from the Hastings and Bexhill area having already been subject to rigorous cleansing before the further dilution of this cleansed wastewater in the sea.

Table D.2. Screening for Likely Significant Effects: Pevensey Levels SAC	
Describe any likely changes to the site or its qualifying features arising as a result of the following impact pathways:	
Land take by development within European site	None: Site not within or directly adjacent to SAC
Fragmentation of European site habitats	None: Site not within or directly adjacent to SAC
Increased mortality of key species	None: No pathways identified.
Disturbance to key species / deterioration of habitats	The proposed development will accommodate an increase of c. 504 people (based on 2.4 per dwelling) at a minimum distance of 2.1km of the SAC. However, recreational disturbance is not cited as a known vulnerability, likely because there are minimal Public Rights of Way (PRoW) within the Pevensey Levels SAC, and the large extent of the ditch system which supports

	the lesser ramshorn snail populations remain undisturbed. Furthermore, it is considered likely that most visitors will opt to walk along the adjacent coastline between Cooden Beach and Normans' Bay where there is public parking and facilities. The application site is located over 2km from the SAC; as such the potential for any adverse effects from any increase in surface water temperatures is not considered a viable impact pathway as ambient levels would be anticipated by the time any surface water discharge reaches the Levels. There could be the potential for non-native invasive plant species to enter the interconnected ditch network with the Levels, should inappropriate species be used in new landscape planting. The potential for habitat deterioration is respect of water quality is addressed below.
Damage or deterioration of supporting habitats, outside European site	None: No supporting habitats are present on Site. The on-site ditches are not of a suitable structure and do not contain the diverse flora and moderate emergent vegetation cover that is required to support lesser ramshorn snail. Therefore, it is considered highly unlikely this species would occur within habitats that will be impacted by the proposed development.
Atmospheric pollution/air quality	None: Although there are roads within 200m of the Pevensey Levels SAC, as remarked in the DaSA HRA (Aecom, 2018) neither the interest features of this or the associated Ramsar designation have been identified as being sensitive to atmospheric nitrogen deposition. During preparation of the DaSA HRA, Natural England were consulted as reportedly do not currently see atmospheric nitrogen deposition as a risk to the integrity of this site.
Changes to soil chemistry	None: No pathways identified.
Hydrological regime change	None: Based on the intervening distance, development at the Site would be unlikely to significantly affect the hydrological regime at the SAC.
Pollution of surface/ground water	The Site is located c. 2.1km north-east of the SAC, within the Pevensey Levels Hydrological Catchment, as identified by Figure 12 of the adopted DaSA. Both the

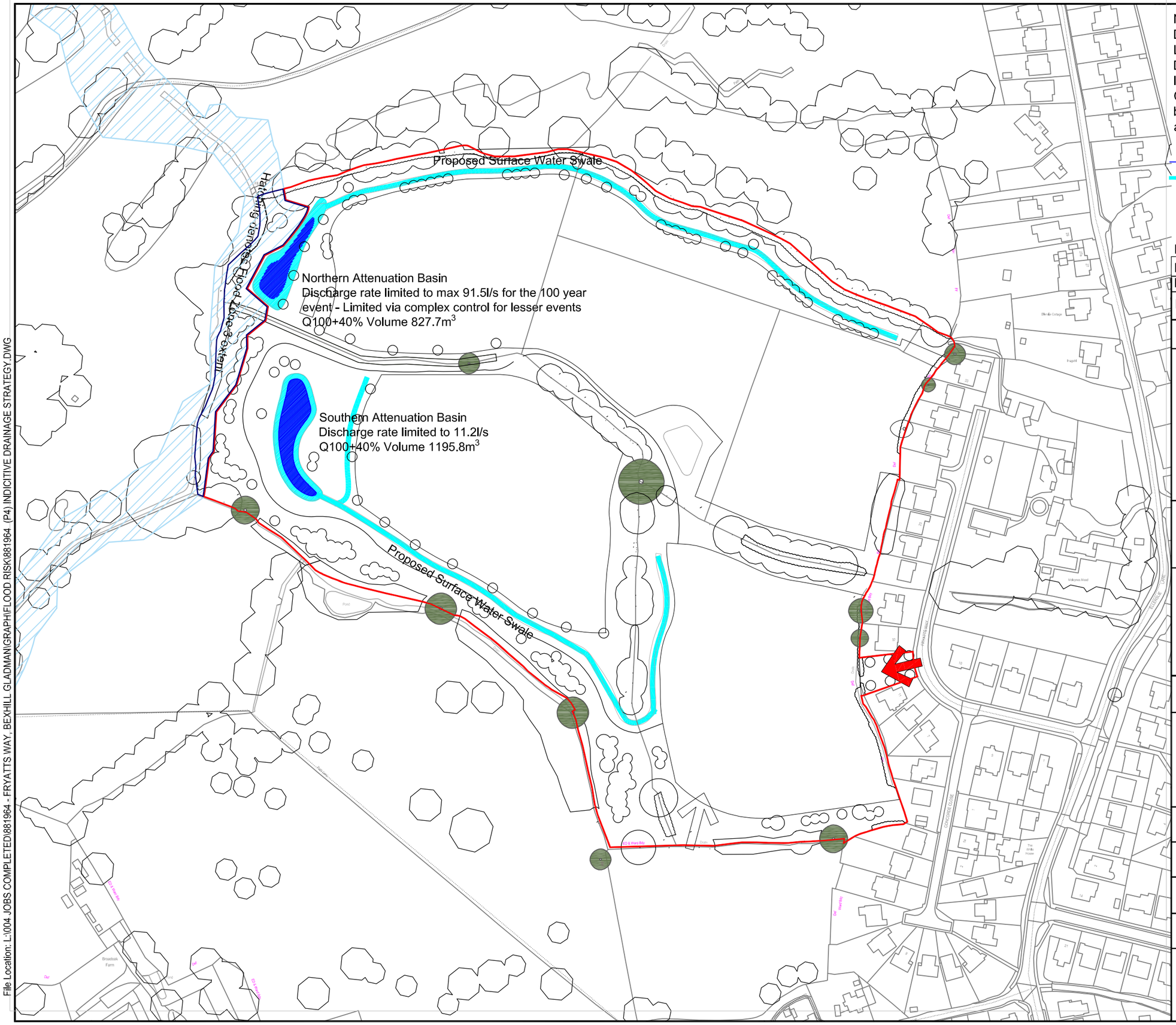
	SAC and associated Ramsar site are noted to be vulnerable to water pollution impacts. During construction the soil on Site may become compacted, leading to increased surface run-off and a higher than normal input of waterborne pollution and loose sediment, which could reach the SAC via the interconnected ditch network. During operation, surface run-off rates from the Site may be increased due to increased areas of impermeable land cover. Again, additional run-off could vector pollutants to the sensitive habitats of the SAC via the interconnected ditch network.

Table D.3. Screening for Likely Significant Effects: Pevensey Levels Ramsar	
Describe any likely changes to the site or its qualifying features arising as a result of the following impact pathways:	
Land take by development within European site	None: Please refer to Table D.2.
Fragmentation of European site habitats	None: Please refer to Table D.2.
Increased mortality of key species	None: Please refer to Table D.2.
Disturbance to key species / deterioration of habitats	Please refer to Table D.2 with regards to the potential for introduction of invasive non-native species .
Damage or deterioration of supporting habitats, outside European site	None: Baseline conditions at the Site do not reflect those of the Rasmar site, and are unsuitable to support key species.
Atmospheric pollution/air quality	None: Please refer to Table D.2.
Changes to soil chemistry	None: Please refer to Table D.2.
Hydrological regime change	None: Please refer to Table D.2.
Pollution of surface/ground water	As identified in Table D.2 above in respect of the SAC, development at the Site has the potential to affect the Pevensey Levels Ramsar site via pollution of surface run off and increased run-off rates.

Table D.4. Screening for Likely Significant Effects: Hastings Cliffs SAC	
Describe any likely changes to the site or its qualifying features arising as a result of the following impact pathways:	
Land take by development within European site	None: The Site is not within or immediately adjacent to the SAC.
Fragmentation of European site habitats	None: The Site is not within or immediately adjacent to the SAC.
Increased mortality of key species	None: No pathways identified.
Disturbance to key species / deterioration of habitats	The outline plan for development on the Site will accommodate an increase of c. 504 people (based on 2.4 per dwelling) at a minimum distance of 10.5km of the SAC. Recreational pressure is not cited as a vulnerability to this SAC. This is because much of the footpath network within the Country Park is outside of the SAC and the interest feature at this designated Site are situated in dangerous / hard to access locations where there is no public access. Any recreational effect of the proposed development on the Hastings Cliffs SAC will be negligible.
Damage or deterioration of supporting habitats, outside European site	None: No supporting habitats are present at the Site.
Atmospheric pollution/air quality	None: Although there are roads within 200m of this SAC, these are all minor and do not facilitate access to / from any significant destinations or onward routes, and provide local access to limited land uses only. Furthermore, these roads are located a significant distance from the Site and it is anticipated that traffic generated from the proposed development will have diffused across numerous other routes before reaching the roads in question.
Changes to soil chemistry	None: No pathways identified.
Hydrological regime change	None: No pathways identified.
Pollution of surface/ground water	None: The Site does not share direct hydrological connectivity with the Hastings Cliffs SAC, and as such direct run-off/discharges will not occur.

Appendix E

Indicative Surface Water Management Plan



Notes
Do not scale from this drawing
Layout provided by FPCR
Drawing is indicative and subject to change following layout revisions
Cover levels and invert levels are indicative and based on assumptions. these are subject to change at detailed design

Key

Proposed Surface Water Pipes
Proposed Surface Water Swale
Attenuation Basin

Rev.	Date	Amendment	Drawn	Chkd.	Appd.
P4	Jun 21	Revised DFP	CW	RW	IC
P3	Feb 20	Revised DFP	CW	RW	IC
P2	Jan 20	Revised DFP	CW	RW	IC
P1	Jan 20	Draft for comment	CW	RW	IC

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Client
Gladman Developments Ltd

Project Title
Land off Fryatt's Way
Bexhill

Status
For Issue

Drawing Title
Indicative Surface Water Drainage Strategy

Drawn	Date	Checked	Date	Approved	Date
CW	Dec 19	RW	Jan 20	IC	Jan 20

Scale	Orig Size	Dimensions
Not to Scale	A3	m

Project No.	Drawing File
881964	

Drawing No.	Rev.
10-01	P3

File Location: L:\004 JOBS COMPLETED\881964 - FRYATTS WAY, BEXHILL GLADMAN\GRAPHICS\FLOOD RISK\881964 (P4) INDICITIVE DRAINAGE STRATEGY.DWG

Appendix F

Surface Water Management Supplementary Information

Our Ref: 881964 L01 NE
Planning App: RR/2021/1656/P

2nd November 2022

Ms C Gibbons

Via Email

RE: Fryatts Way - Land at Bexhill - Erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting & landscaping, informal public open space & children's play area, surface water flood mitigation, vehicular access point & assoc. ancillary works. AMR with the exception of the main site access.

I refer to the Natural England consultation response dated 9th November 2021 to the above application. This response requests further information on a number of points specifically relating to the SuDS strategy and flood risk, which this letter aims to address and clarify.

Natural England comment	RSK Response
Natural England acknowledge that the applicant has proposed the use of SuDS, in order to mitigate the increase in surface water run-off as a result of the development. We also acknowledge that, as noted within the applicant's Flood Risk Assessment & Outline Surface Water Drainage Strategy (June 2021), all surface water run-off is proposed to pass through a treatment train of at least two SuDS features, prior to discharge from the site, and that this preliminary strategy has been designed following the guidance in the CIRIA SuDS Manual (2015). Natural England advise that this appears to be a potentially suitable mitigation strategy.	A drainage strategy drawing has been produced as part of the submitted FRA. It can be confirmed that all surface water run-off will pass through at least two levels of treatment prior to discharge off the site. The SuDs elements being proposed incorporate; permeable paving, swales and an attenuation basin. It can be seen from the drainage strategy drawing that the development parcels are enclosed by swales which would receive the run-off prior to discharge to the basins. Whilst not required, a further swale could be incorporated between the basin outlet and the receiving watercourse, this would ensure that all water would receive an additional level of treatment prior to discharge to the watercourse. The planting of these swales can be agreed with Natural England and the LLFA to ensure maximum pollution removal potential can be reached prior to discharge to the receiving watercourse.
However, it is currently unclear as to exactly which SuDS features are to be included. For example, the Flood Risk Assessment & Outline Surface Water Drainage Strategy suggests the use of permeable paving, swales and attenuation basins, while the Shadow HRA (April 2021) considers swales and attenuation basins only. While only two treatment stages are necessarily	As outlined above and on the drainage strategy drawing, the scheme will incorporate (as a minimum), permeable paving, swales and an attenuation basin, all water will pass through at least two of these features prior to discharge from the site. Should additional features be required, such as mechanical treatment (i.e. oil interceptor) then these can be included at the detailed design

required, the current information leads to uncertainty as to which features will be used and how they will be implemented to form a treatment train.	stage. Full details of the drainage will follow at detailed design stage and this can be secured through an appropriately worded planning condition, with the full details being submitted to and approved by the LLFA prior to commencement.
In addition, there appears to be some uncertainty as to the groundwater levels on the site. According to the response from the Pevensey and Cuckmere Water Level Management Board (October 2021), the proposed SuDS basins appear to be in areas that have groundwater levels at less than 2m below ground level. High groundwater levels could have implications for the efficacy and durability of the proposed SuDS. The SuDS design should be informed by accurate groundwater monitoring. Alternatively, in the absence of accurate groundwater data, your authority should determine if the SuDS design has been based on a worst-case scenario, where groundwater levels are at or near the surface. If this is determined to not be the case, Natural England advise that avoidance of Adverse Effect on Integrity will not be sufficiently certain. Natural England reiterate that the proposed mitigation measures must be sufficiently certain to be considered by the competent authority at Appropriate Assessment.	The SuDS basins have been preliminarily designed based on a depth of 1.2m for the southern basin and 1.5m for the northern, above the estimated groundwater levels. It is proposed that groundwater monitoring be carried out in the location of the basins to allow the design to be confirmed and this is confirmed through a planning condition. Should groundwater levels be elevated in this area, a technical solution will be proposed. This could require the basins to be lined with an impermeable layer to prevent groundwater ingress which could otherwise compromise the volume of the basins. The full design of the basins and the upstream drainage network will be confirmed at detailed design stage, however the current strategy has demonstrated that the surface water generated from the site can be suitably managed on site within layout and other constraints.

Based on the above comments and the data submitted as part of the Flood Risk Assessment, we do not believe there to be sufficient grounds for an objection. Further drainage strategy work is required to develop the scheme at detailed design stage. We would therefore be seeking a suitably worded planning condition to secure the detailed drainage design and groundwater level monitoring which would be required at full application stage.

We trust this information is sufficient for your immediate needs, however please do not hesitate to contact the undersigned if you require any further information.

Yours sincerely

RSK LDE LIMITED

Colin Whittingham
Director BSc (Hons) MSc MCIWEM C.WEM PIEMA

Appendix G

Natural England Consultation Responses

Date: 09 November 2021
Our ref: 371921
Your ref: RR/2021/1656/P

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Ms C Gibbons

BY EMAIL ONLY

Dear Ms C Gibbons,

Planning consultation: Erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting & landscaping, informal public open space & children's play area, surface water flood mitigation, vehicular access point & assoc. ancillary works. AMR with the exception of the main site access

Location: Fryatts Way - Land at Bexhill

Thank you for your consultation on the above dated 18 October 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 Pevensey Levels Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Ramsar site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Consideration by the competent authority of potential impacts from increased surface water run-off, as well as any other potential impacts resulting from the development, via Habitats Regulations Assessment (HRA).

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

Habitat Regulation Assessment
Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England advises that the assessment does not currently provide enough certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage. An Appropriate Assessment should now be undertaken by your authority, in order to assess the implications of the proposal for the European site(s), in view of the site conservation objectives. Natural England is a statutory consultee at the Appropriate Assessment stage of the HRA process.

Sustainable Drainage System (SuDS)
Natural England acknowledge that the applicant has proposed the use of SuDS, in order to mitigate the increase in surface water run-off as a result of the development. We also acknowledge that, as noted within the applicant's *Flood Risk Assessment & Outline Surface Water Drainage Strategy* (June 2021), all surface water run-off is proposed to pass through a treatment train of at least two SuDS features, prior to discharge from the site, and that this preliminary strategy has been designed following the guidance in the CIRIA SuDS Manual (2015). Natural England advise that this appears to be a potentially suitable mitigation strategy.

However, it is currently unclear as to exactly which SuDS features are to be included. For example, the *Flood Risk Assessment & Outline Surface Water Drainage Strategy* suggests the use of permeable paving, swales and attenuation basins, while the Shadow HRA (April 2021) considers swales and attenuation basins only. While only two treatment stages are necessarily required, the current information leads to uncertainty as to which features will be used and how they will be implemented to form a treatment train.

In addition, there appears to be some uncertainty as to the groundwater levels on the site. According to the response from the Pevensey and Cuckmere Water Level Management Board (October 2021), the proposed SuDS basins appear to be in areas that have groundwater levels at less than 2m below ground level. High groundwater levels could have implications for the efficacy and durability of the proposed SuDS. The SuDS design should be informed by accurate groundwater monitoring. Alternatively, in the absence of accurate groundwater data, your authority should determine if the SuDS design has been based on a worst-case scenario, where groundwater levels are at or near the surface. If this is determined to not be the case, Natural England advise that avoidance of Adverse Effect on Integrity will not be sufficiently certain. Natural England reiterate that the proposed mitigation measures must be sufficiently certain to be considered by the competent authority at Appropriate Assessment.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (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.

Further general advice on the protected species and other natural environment issues is provided at Annex A. If you have any queries relating to the advice in this letter, please contact me at ruby.musgrove-ward@naturalengland.org.uk.

Please consult us again once the information requested above, has been provided.

Yours sincerely
Ruby Musgrove-Ward
Sustainable Development Adviser - Sussex and Kent

From: [redacted]
To: [redacted]
Subject: RE: Fryatts Way, Bexhill - HRA
Date: 03 November 2022 09:18:15
Attachments: image004.png

Dear Clare,

Thank you for your email.

Unfortunately I do not have capacity to look at this in any great detail at this time, but please find some brief comments in response to your points below.

- Natural England was consulted with regards to the outline planning application (RR/2021/1656/P); and you provided the attached planning response (dated 15.11.2021). This consultation response was not an objection; but did highlight some uncertainty over the proposed (outline) drainage strategy, and by extension over the potential for adverse effects on the Pevensey Levels SAC/Ramsar.
    - This is correct.
- My colleague Mark Rose discussed the points raised with you over the phone (16.12.2021); and you confirmed that an objection had not been raised to the application, but comments were born of generic concern for commitments made at outline being rowed back at RMA.
    - I can confirm that I spoke with Mark Rose on 16.12.2021.
    - Our comments were principally concerned with the lack of Local Planning Authority HRA at the time, and uncertain/unclear surface drainage detail within the application.
- In order to provide greater certainty about the drainage proposals; RSK produce an additional Technical Note (10.01.22) which responds to the specifics of the Natural England comments and demonstrates that there were no grounds for objection. RSK's technical note was appended to a revision of the draft sHRA (11.01.22). The updated sHRA was submitted to RDC; but no further comments from Natural England were published by RDC. It seems that RDC had drafted their own HRA (as the competent), however they have not completed the process of adopting an Appropriate Assessment in consultation with NE.
    - We are unable to comment on these specific details. We can only comment that, from a brief review of our records, Natural England does not appear to have provided further comment on RR/2021/1656/P since our response ref. 371921, prior to the case being submitted to Appeal against non-determination.
- As such, I forwarded the RSK Technical Note and updated sHRA to yourself on 26.10.2022 for comment. However, you have confirmed that NE are not able to provide any further consultation response outside your statutory obligations as part of any appeal.
    - This is correct.

I hope this helps,
Yours sincerely,
Ruby

Ruby Musgrove-Ward
Adviser | Sustainable Development | Conservation Delivery Team
Area Team 14 - Sussex & Kent

Natural England, International House, Ashford, TN23 1HU
[redacted]

Pronoun: She/Her - why have I put this?

www.gov.uk/natural-england

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

From: Clare Caudwell[redacted]
Sent: 02 November 2022 13:21
To: Musgrove-Ward, Ruby[redacted]
Subject: RE: Fryatts Way, Bexhill - HRA
Importance: High

Dear Ruby,

Thank you for your emails below; I appreciate there is a due process and limitations with regards to capacity outside of statutory duties.

However, I wonder if you are just able to provide conformation (by return email) of the consultation we have undertaken to date? I have summarised as follows:

- Natural England was consulted with regards to the outline planning application (RR/2021/1656/P); and you provided the attached planning response (dated 15.11.2021). This consultation response was not an objection; but did highlight some uncertainty over the proposed (outline) drainage strategy, and by extension over the potential for adverse effects on the Pevensey Levels SAC/Ramsar.
- My colleague Mark Rose discussed the points raised with you over the phone (16.12.2021); and you confirmed that an objection had not been raised to the application, but comments were born of generic concern for commitments made at outline being rowed back at RMA.

Going forwards -

- In order to provide greater certainty about the drainage proposals; RSK produce an additional Technical Note (10.01.22) which responds to the specifics of the Natural England comments and demonstrates that there were no grounds for objection. RSK's technical note was appended to a revision of the draft sHRA (11.01.22). The updated sHRA was submitted to RDC; but no further comments from Natural England were published by RDC. It seems that RDC had drafted their own HRA (as the competent), however they have not completed the process of adopting an Appropriate Assessment in consultation with NE.

- As such, I forwarded the RSK Technical Note and updated sHRA to yourself on 26.10.2022 for comment. However, you have confirmed that NE are not able to provide any further consultation response outside your statutory obligations as part of any appeal.

Confirmation of the above will just help my client complete the paper trail on this consultation; to inform the Inspectors own HRA (which you may be consulted on through the statutory process).

For context, we have received the Statement of Case from RDC for the Appeal and this does not include any reasons relating to biodiversity, designated sites or drainage (i.e. RDC are not pursuing these matters as part of the Appeal). As such, I assume that HRA maters are rather a formality but we would like confirmation of this to inform the Inspectors decision.

Your quick response this week would be much appreciated.

Best regards

Clare

Clare Caudwell BSc (Hons) MSc CEcol MCIEEM
Associate Director (Ecology)

CSA environmental
[redacted]

urban design | ecology | landscape | heritage

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From: Musgrove-Ward, Ruby[redacted]
Sent: 28 October 2022 15:15
To: Clare Caudwell[redacted]
[redacted]Fryatts Way, Bexhill - HRA

Dear Clare,

Thank you for your email.

Following our teams usual process, Natural England provide Appeal responses directly to the Planning Inspectorate (PINS), as statutory consultees, once they have consulted us. I have checked our system and can confirm that we have been consulted by PINS on this Appeal and associated sHRA, and so we will provide our comments directly to them as soon as possible.

Unfortunately we do not currently have capacity to engage beyond this statutory process at this time.

Yours sincerely,
Ruby

Ruby Musgrove-Ward
Adviser | Sustainable Development | Conservation Delivery Team
Area Team 14 - Sussex & Kent

www.gov.uk/natural-england

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

From: Clare Caudwell[redacted]
Sent: 27 October 2022 17:56
To: Musgrove-Ward, Ruby[redacted]
Subject: RE: Fryatts Way, Bexhill - HRA
Importance: High

[redacted]

Dear Ruby,

I am just following up on my email below. I expect that you are extremely busy – but I am keen to resolve the below ASAP. Would you be available tomorrow at all for a quick call? I am on-site for most of the morning – but could take a call on my mobile – or perhaps the afternoon would be better/

If you could let me know that would be great.

Best regards

Clare

Clare Caudwell BSc (Hons) MSc CEcol MCIEEM
Associate Director (Ecology)

CSA environmental

[redacted]

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From: Clare Caudwell
Sent: 26 October 2022 14:19
To: [redacted]
Subject: Fryatts Way, Bexhill - HRA
Importance: High

Dear Ruby,

I have just left a message for you with the Kent NE switchboard; I would be very grateful if you are free to discuss your attached planning consultation response in relation to Fryatts Way, Bexhill (originally provided to Rother District Council in Nov 2021 (Planning Ref: RR/2021/1656/P) – see attached.

This planning application has been rather protracted – and as yet is still undetermined. As a result of this the client (Gladman) are appealing for non-determination (APP/U1430/W/22/3304805) . Although I understand that your consultation response was not an objection as such, it did highlight some uncertainty over the proposed (outline) drainage strategy, and by extension over the potential for adverse effects on the Pevensey Levels SAC/Ramsar. I believe that these comments arose due to a perceived lack of detail regarding surface water treatment.

As such, my colleague Mark Rose discussed the points raised with you over the phone (16.12.21); and you confirmed that an objection had not been raised to the application, but comments were born of generic concern for commitments made at outline being rowed back at RMA.

In order to provide greater certainty about the drainage proposals; RSK produce an additional Technical Note (10.01.22) which responds to the specifics of the Natural England comments and demonstrates that there were no grounds for objection. RSK's technical note was appended to a revision of the draft sHRA (11.01.22 – see attached). The updated sHRA was submitted to RDC; but no further comments from Natural England were published by RDC. It seems that RDC had drafted their own HRA (as the competent), however they have not completed the process of adopting an Appropriate Assessment in consultation with NE.

As we are now moving towards the Appeal (with the deadline for evidence to be drafted being next week); I have been tasked with confirming that our updated sHRA (attached) now address any concerns raised. This will help inform the Inspectors decision as the Competent Authority on HRA matters.

For context, we have now received the Statement of Case from RDC for the Appeal and this does not include any reasons relating to biodiversity, designated sites or drainage (i.e. RDC are not pursuing these matters as part of the Appeal). As such, I

assume that HRA maters are rather a formality but we would like confirmation of this to inform the Inspectors decision.

Given the time elapsed since the original consultation I would be very happy to chat this through over the phone in the first instance. Y contact details in the email footer below (mobile often best if I am working away from the office).

Best regards

Clare

Clare Caudwell BSc (Hons) MSc CEcol MCIEEM
Associate Director (Ecology)

CSA environmental
Office 20, Citibase, 95 Ditchling Road, Brighton, East Sussex, BN1 4ST
t 01273 573871 m 07968 192178 w csaenvironmental.co.uk

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Appendix H

Rother District Council HRA Screening Matrix and Appropriate Assessment Statement

Habitat Regulation Assessment (HRA)
Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations, however, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

Application reference:	RR/2021/1656/P
Application address:	Fryatts Way – land at Bexhill
Application description:	Outline: Erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access.
Status of Application:	Pending decision
Proximity to SPA/SAC/Ramsar:	Pevensey Levels Site of Special Scientific Interest (SSSI), Special Area of Conservation and Ramsar site (approximately 2.1km to the south west).
Lead Planning Officer: Clare Gibbons	
Stage 1 - details of the plan or project	
European site potentially impacted by planning application, plan or project:	YES (impact on water quality and water levels) Pevensey Levels SAC and Ramsar Site
Is the planning application, project or plan directly connected with or necessary to the management of the site?	No
Are there any other projects or plans that	Yes. There are other planning allocations or planning permissions in both Rother and Wealden

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together with the planning application being assessed could affect the site?	districts that could have water quality or water resources impacts on the Pevensey Levels that could act in combination.
Stage 2 - HRA screening assessment	
Test 1: the significance test – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.	
Following the recent CJEU ruling, 'People Over Wind, Peter Sweetman v Coillte Teoranta', we can no longer take into account any avoidance and mitigation measures as part of the application at this stage of HRA. For applications in the hydrological catchment area of the Pevensey Levels the Council's "*Habitat Regulations Assessment Likely Significant Effects and Appropriate Assessment*" September 2018 concludes that without mitigation it is not possible to assume that development would not have likely significant effects on the SAC/Ramsar Site in terms of water quality and water levels. Therefore when considering such applications, even where a scheme of mitigation is proposed assessment would progress to Stage 3.	
Stage 3 - HRA – Appropriate Assessment	
Test 2: the integrity test – If there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made.	
Section 1: Conservation objectives for the site (SAC) Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; □□The extent and distribution of the habitats of qualifying species □□The structure and function of the habitats of qualifying species □□The supporting processes on which the habitats of qualifying species rely □□The populations of qualifying species, and, □□The distribution of qualifying species within the site. Qualifying Features: S4056. *Anisus vorticulus*; Little whorlpool ram's-horn snail (Ramsar) From EA's "Pevensey Levels SSSI Water Level Management Plan" December 2006	

Maintain water levels in Main River and IDB watercourse at 0.3m below mean field level throughout the year;
• For the rest of the site, maintain water levels 0.3m below mean field level throughout the year as a minimum;
• Restore winter flooding to the site; and
• Restore the functioning of the ditch system

Qualifying Features:
Ramsar criterion 2
The site supports an outstanding assemblage of wetland plants and invertebrates including many British Red Data Book species.
Ramsar criterion 3
The site supports 68% of vascular plant species in Great Britain that can be described as aquatic. It is probably the best site in Britain for freshwater molluscs, one of the five best sites for aquatic beetles *Coleoptera* and supports an outstanding assemblage of dragonflies *Odonata.*

Section 2: Assessment Matrix

Identification of the potential effects and their impacts on the Conservation Objectives

Potential Effect	Site Conservation Objectives	Qualifying Features	Potential for Impact?	Relevant Mitigation Measures
CONSTRUCTION PHASE				
Increase in pollutant loads (including sediment, nutrients, oxygen demanding substances, road salts, heavy metals, bacteria and viruses entering the water	- Maintaining or restoring the extent and distribution of the habitats of qualify species; - The structure and function of habitats;	All qualifying features including: Lesser Whirlpool Ram's Horn Snail (SAC) Outstanding assemblage of wetland plants and invertebrates,	Yes. Direct impact. without mitigation, flora and fauna and their habitat dependent on maintenance of water quality and levels would be at risk from: - High sediment loads from construction that could smother habitats and species; and - Excessive input of nutrients that could lead to eutrophication (depletion of oxygen in water). Without appropriate mitigation there is a particular risk to the water environment from the importation of fill	The Applicant has identified that during construction the soil in site may become compacted, leading to increased surface run-off and a higher than normal input of waterborne pollution and loose sediment, which could reach the SAC via the interconnected ditch network. The following standard construction management procedures are proposed to avoid the above risk and other risks during construction: • Prior to any works commencing, a full site investigation to be undertaken to identify potential sources of contamination and identify appropriate safeguards to be implemented; • All site staff to understand the sensitivity of hydrology on the site, particularly with respect to the watercourses present at the site boundaries, and the need to avoid activities which

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environment	- The populations of qualifying species; - Distribution of qualifying species. - Maintaining watercourse water levels - Restore the functioning of the ditch system.	including many British Red Data Book species (Ramsar) Supports 68% of Aquatic vascular plant species in Great Britain, invertebrates including fresh water molluscs, aquatic beetles and dragon flies (Ramsar)	material to raise land levels in parts of the site.	could lead to detrimental effects; • Fuel, oil and chemicals to be stored to HSE recommendations and away from the Cole Stream and other any natural water drains; • Any fuel spills to be reported to the site manager and acted on immediately to ensure these do not reach the watercourse; • Loose construction material (e.g. sediments, cements and other potential pollutants) not be stored adjacent to the watercourse; • A procedure for checking and corrective action, including regular inspections and monitoring would be put in place; and • Engineering safeguards such as the use of a temporary silt trap to be utilised across the site during construction works in order to form a site wide intercept for silt and other potential pollutants. These measures would be secured by a pre-commencement planning condition requiring a Construction Environmental Management Plan (CEMP) that would set out in more detail the measures, monitoring and checking procedures. Such a condition would also require that the source of any fill material brought onto the site is declared and evidence provided to ensure that it is free of contaminants. The applicant has also indicated that prior to the SuDS features being installed and operational, temporary bunding and settlement ponds will be installed as necessary during construction. A cut-off valve will be placed on the outfall of pond(s) to capture run-off and assess it. Water can be released at greenfield runoff rates once sediment settlement/treatment has taken place or has been decanted off the surface. This temporary arrangement during construction would be secured as part of the drainage strategy required by condition.
OPERATIONAL PHASE (ON COMPLETION)				
Potential	Site	Qualifying	Potential for Impact?	Relevant Mitigation Measures

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Effect	Conservation Objectives	Features		
Deterioration in water quality from increase in pollutant loads from surface water run-off (including sediment, nutrients, oxygen demanding substances, road salts, heavy metals, bacteria and viruses)	- Maintaining or restoring the extent and distribution of the habitats of qualify species; - The structure and function of habitats; The populations of qualifying species; - Distribution of qualifying species. - Maintaining watercourse water levels - Restore the functioning of the ditch system	All SAC and Ramsar qualifying features	Yes. Direct impact. Without mitigation, flora and fauna and their habitat dependent on maintenance of water quality and levels would be at risk from: - High sediment loads that could smother habitats and species; and - Excessive input of nutrients leading to eutrophication	The Applicant's updated 'Shadow Habitats Regulations Assessment' refers to the Outline Surface Water Drainage Strategy (RSK Land & Development Engineering Ltd. 2019) and advises that the SuDS elements being proposed incorporate permeable paving, swales and two attenuation basins. These features will be used to intercept surface water run-off and then pass through levels of treatment prior to discharge off site. A detailed surface water drainage strategy would be required as part of the reserved matters application. The LLFA/PCWLMB is comfortable with this approach and a detailed condition would be imposed in line with their recommendation. This approach would avoid impacts on the SAC/Ramsar.
Deterioration in water quality from increase in surface	- Maintaining or restoring the extent and	All SAC and Ramsar qualifying features	Yes, direct impact. A rise in surface water temperature could cause stress or mortality to aquatic organisms; eutrophication and the extent and distribution of species and their	The application site is over 2km from the protected site so that raised surface water temperatures would drop to ambient level by the time it reaches the Levels. No further measures to avoid impact are necessary.

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water temperature	distribution of the habitats of qualify species; - The structure and function of habitats; - The supporting processes on which the habitats of qualifying species rely; - The populations of qualifying species;		habitat.	
Change in water flow into wetlands and altered water levels within it (increase or decrease)	- Maintaining or restoring the extent and distribution of the habitats of qualify species; - The structure and	All SAC and Ramsar qualifying features	Yes, direct impact without appropriate mitigation to ensure that the Levels do not become inundated through flash flooding due to run off from hard surfaces or conversely, a reduction in the volume of surface water draining from the site into the Levels.	Surface water would be managed through the use of permeable paving, swales and two attenuation basins. The proposed offsite discharge rates will not exceed the predevelopment rates for the corresponding rainfall event as indicated in the table below taken from the Flood Risk Assessment & Outline Surface Water Drainage Strategy (Ref: 881964-R2(02)-FRA):

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<table>
<tr>
<td></td>
<td>function of habitats;
- The supporting processes on which the habitats of qualifying species rely;
- The populations of qualifying species;</td>
<td></td>
<td></td>
<td>
Table 9.2: Pre and post development discharge rates for each return period
<table>
<tr><th>Return period</th><th>Greenfield run off rate (l/s) Developable Area</th><th>Peak flow (l/s) Northern Catchment</th><th>Peak flow (l/s) Southern Catchment</th><th>Total Post development Peak flow (l/s)</th></tr>
<tr><td>QBar</td><td>35.21</td><td>22.7</td><td>9.9</td><td>32.6</td></tr>
<tr><td>1 in 30 year</td><td>80.99</td><td>36.2</td><td>9.9</td><td>49.1</td></tr>
<tr><td>1 in 100 year</td><td>112.33</td><td>59.6</td><td>9.9</td><td>69.5</td></tr>
<tr><td>1 in 100 year +40% Climate change</td><td>112.33 (Q100)</td><td>91.5</td><td>11.2</td><td>102.7</td></tr>
</table>

The LLFA and Pevensey and Cuckmere Water Level Management Board has commented that the proposed SuDS basins appear to be in areas that have groundwater levels at less than 2m below ground level. High groundwater levels could have implications for the efficacy and durability of the proposed SuDS. The basins have been designed based on a depth of 1.2m for the southern basin and 1.5m for the northern, above the estimated groundwater levels. Groundwater monitoring could be undertaken in the location to inform the detailed design and drainage strategy that would be required by planning condition.
.
</td>
</tr>
<tr>
<td>Wetlands invaded by aggressive, highly tolerant, non-native vegetation</td>
<td>- Maintaining or restoring the extent and distribution of the</td>
<td>All SAC and Ramsar qualifying features</td>
<td>Yes, indirect and direct impact. Inappropriate planting within the scheme has the potential to find its way into the habitats of the Levels, invading and smothering the qualifying feature native flora and fauna and disrupting the structure and</td>
<td>All planting to the landscaped areas would be expected to be native. The details of the landscape scheme would be covered by a planning condition.</td>
</tr>
</table>

DRAFT

	habitats of qualify species; - The structure and function of habitats; - The supporting processes on which the habitats of qualifying species rely; -The populations of qualifying species.		function of those habitats.	
Failure for the proposed SUDs to be properly managed and maintained for the lifetime of the development	- Maintaining or restoring the extent and distribution of the habitats of qualify species; -The structure and function of habitats; -The populations	All SAC and Ramsar qualifying features	Yes, direct impact failure to properly maintain the SUDs system would lead to the infiltration of contaminants into water environment of the Levels and potentially, changes in water levels	The SuDS would be subject to a maintenance and management plan that would be secured by planning obligation.

DRAFT

	of qualifying species; - Distribution of qualifying species. - Maintaining watercourse water levels			
Failure of the foul drainage system	Maintaining or restoring the extent and distribution of the habitats of qualify species; - The structure and function of habitats; - The populations of qualifying species; - Distribution of qualifying species. - Maintaining watercourse water levels - Restore the functioning	All SAC and Ramsar qualifying features	Yes, direct impact, Failure of an on-site foul treatment package or the pumps taking effluent to the mains sewer network could have an impact on the water quality of the Levels and the flora and fauna species that it supports	The application indicates that the proposed development would connect to the sewerage network. The flows would end up in a waste water treatment works that operates under an Environmental Permit. A condition would be imposed requiring full details to this effect.

DRAFT

	of the ditch system.			

Stage 4 – Summary of the Appropriate Assessment. To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

Conclusion

Having considered the likely effects and the proposed mitigation and avoidance measures proposed that would be secured and thereafter maintained for the lifetime of the development by condition, Rother District Council conclude that with mitigation the project would not have an Adverse Effect on the integrity of the European protected site.

Specifically, conditions would require the submission of a Construction Environmental Management Plan to avoid impacts during construction and a detailed drainage design to ensure acceptable surface water flows during operation. A planning obligation would also secure the management of the SUDS to ensure that it continues to remain effective in line with the requirements set out in Policy DEN5. Foul water would be expected to discharge to the existing sewerage network and then on for treatment at a waste water treatment works operating in accordance with an environmental permit. A condition is recommended to require further details to that effect.

The LLFA confirms that the submitted information assures them that the proposed development layout can be drained without increasing flood risk on or off site, subject to further details being submitted and approved at the reserved matters stage.

The Council's HRAs that support the Core Strategy address the strategic effect of growth across Rother 'in-combination' with growth in other authority areas over the same time period. The Core Strategy HRAs were focused on the overall quantum and broad distribution of the growth. The DaSA HRAs identifies if any particular site allocations and policies have the potential to cause an adverse effect on the European designated sites, either in isolation of 'in combination' with other plans or projects and to determine whether site-specific mitigation measures are required. The DaSA 'in combination' assessment concluded that there would be no adverse effects due to the policy protection requiring appropriate SuDS for all relevant sites. Similarly, Wealden and Eastbourne have undertaken their own HRAs to support their respective Local Plans vis-à-vis development targets. Therefore, it can be concluded that an adverse effect on the integrity of the SAC and Ramsar site would be avoided 'in combination' with other development proposals in Rother, Wealden and Eastbourne districts.

Having made this appropriate assessment of the implications of this project for the European Sites in view of their conservation objectives, and having consulted Natural England* and fully considered any representation received (see below) and the representations of all other relevant consultees, the authority may now agree to the project under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

- Subject to Natural England's review and comments.

Natural England

DRAFT

Summary of Natural England's comments:
Signed: Clare Gibbons On behalf of Rother District Council Date: xxxxx 2022

DRAFT

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Appendix 5

MILLER GOODALL
ACOUSTICS AND AIR QUALITY

ADDENDUM TECHNICAL NOTE

on behalf of

GLADMAN DEVELOPMENTS

for the site at

FRYATTS WAY, BEXHILL

REPORT DATE: 4 NOVEMBER 2022

REPORT NUMBER: 102252-3_TECHNICAL NOTE

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Summary

This technical note is an addendum to Miller Goodall Noise Screening Assessment 102252-3 dated 14 June 2021, which was prepared to support an application for a proposed development of up to 210 dwellings at Fryatts Way, Bexhill (Planning application number RR/2021/1656/P).

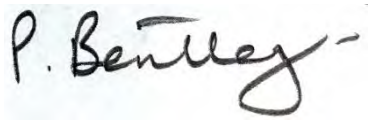
The application is under appeal for non-determination (Reference: APP/U1430/W/22/3304805), and Miller Goodall Ltd (MG) has, on behalf of Gladman Developments, undertaken an assessment of noise affecting existing properties at 11 and 15 Fryatts Way, to address a recommended condition from Rother District Council (RDC) Environmental Health in their consultation letter (ref: WK/202106949).

The recommended condition wording is as follows:

> *3. The development hereby permitted shall not begin until an assessment of the impact of noise from road traffic on the access road to the proposed development affecting numbers 11 and 15 Fryatts Way and proposals for mitigating the effects on external garden areas of those properties have been submitted to and approved by the Local Planning Authority.*

This technical note serves to discharge the above recommended planning condition.

Record of changes

Prepared By	Michael Rickard MIOA	Reviewed By	Paul Bentley MIOA
Signed		Signed	
Date	4 November 2022	Date	4 November 2022

Version	Date	Change	Initials
1	4 November 2022	-	MR

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Contents

1 Introduction

Miller Goodall Ltd (MG) has, on behalf of Gladman Developments, undertaken an assessment of noise affecting existing properties at 11 and 15 Fryatts Way, to address a recommended condition from Rother District Council (RDC) Environmental Health in their consultation letter (ref: WK/202106949).

The recommended condition wording is as follows:

> *3. The development hereby permitted shall not begin until an assessment of the impact of noise from road traffic on the access road to the proposed development affecting numbers 11 and 15 Fryatts Way and proposals for mitigating the effects on external garden areas of those properties have been submitted to and approved by the Local Planning Authority.*

2 Consultation with Rother District Council

2.1 We contacted Clare Gibbons (case officer) and Andrew Colthurst (Senior Environmental Health Officer) via email on 17th October 2022 to propose the following assessment methodology:

> *Prediction of the likely external noise levels arising from the proposed access road affecting the external garden areas of numbers 11 and 15 Fryatts Way, using predicted peak-hour traffic flow data, CRTN calculation method and CadnaA noise modelling software.*
>
> *Comparison of predicted levels to recognised criteria for external amenity provided in BS 8233:2014 and LA 111 guidance for determining significance of effect from operational noise from new roads. Mitigation will be developed to reduce noise levels at the receptors as much as practically possible, with comparison made to applicable guidance noise limits.*
>
> *Preparation of a formal report for submission to the Local Planning Authority detailing:*
>
> - *noise modelling undertaken and the analysis of the results and;*
> - *necessary mitigation that may be required to achieve the recommended external noise limits at the proposed development.*

2.2 To date, we have been unable to confirm agreement with the proposed methodology. Due to time constraints for submitting our assessment we have proposed to carry out the assessment as outlined in our initial consultation.

3 Proposed Mitigation

3.1.1 Mitigation is proposed as a combination of solid 1.8 m high acoustic fence (e.g. close-boarded timber), and a 20 mph speed limit on the access road.

3.1.2 The proposed acoustic fence is considered to be in keeping with the character and appearance of the area, and, because a c.1.8 m high close boarded timber fence equal to or exceeding the extents proposed for mitigation already exists at both property boundaries, visibility splays shall not be affected.

3.1.3 The acoustic fence is to be constructed from continuous, imperforate material with a minimum mass of 12 kg/m^2 and is to extend from the ground to a minimum height of 1.8 m above the ground. Close-boarded or overlapped timber panelling would be suitable in this regard; hit-and-miss fencing would not. Alternatively, a proprietary acoustic fence with a minimum weighted sound reduction index of 25 dB R_w would be appropriate.

3.1.4 The minimum extents of the acoustic fence, as modelled in the assessment, are shown in Figure 1 below.

4 CadnaA Noise Modelling

4.1 CadnaA Model Input Parameters

4.1.1 Prediction of noise levels at 11 and 15 Fryatts Way was carried out using CadnaA software package.

4.1.2 The general horizontal plan information of the area surrounding and including the proposed development site was imported and scaled from the ‘Site Access Design General Arrangement & Visibility Splays (30 MPH)’ layout (drawing A115791/27/C P001-01 Rev –). This was used to determine road positions, building footprint areas and relative locations. Building heights were modelled at 7 m for two storey dwellings and 4 m for bungalows. Topography was not included in the design of the model as the localised area around the access road is relatively flat.

4.1.3 The following parameters were assigned to the model:

- Propagation model: CRTN
- Default ground absorption: 0.1 (acoustically reflecting)
- Low-Traffic-Correction K: enabled
- Reflection via Correction (1.5 dB): enabled
- Access road = 5.5 m wide (curb to curb)
- No road surface correction
- 5mm road texture depth
- Buildings are reflecting (smooth, non-structured facade)
- 121 vehicles/hr peak flow (see Table 1 below)
- 1.3% HGV
- Vehicle speed 20 mph (proposed limit)
- Leq = L10 – 3.0 dB

4.1.4 Traffic flow data was provided by the transport consultant for the project (Tetra Tech) as shown in Table 1.

Table 1: Traffic flow data for Fryatts Way used in CadnaA model

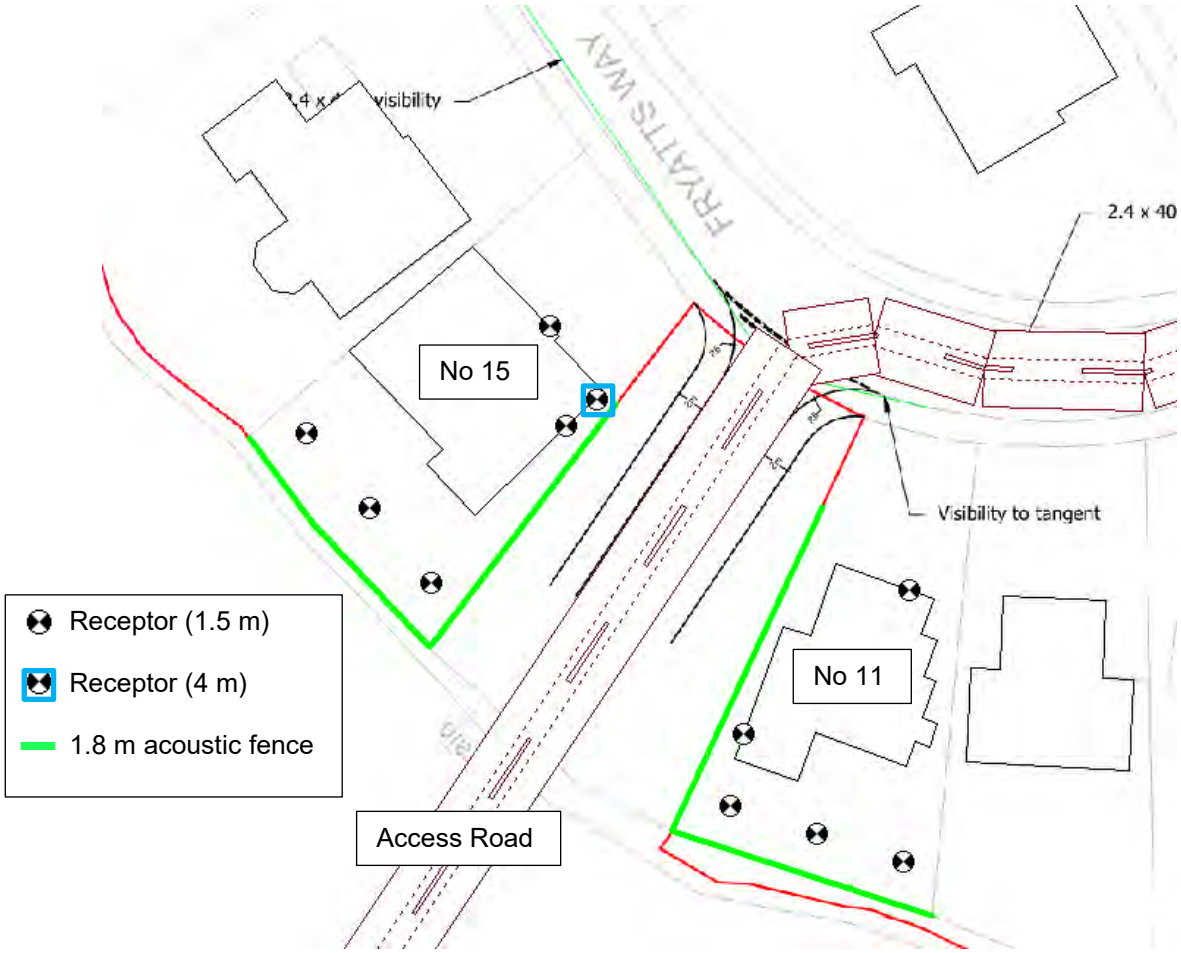
2028 2-Way Flow					
Road	No Development		With Development		Note
	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	
Fryatts Way	22	22	143	142	Flow at junction as presented in the Transport Assessment

4.1.5 Based on the data in Table 1, we have determined that the worst-case peak hour traffic flow along the new access road is predicted to be 121 vehicles in the hour (occurring in the AM). This was calculated by subtracting the AM peak hour flow without development (22) from the AM peak hour flow with development (143), on the basis that the additional 121 vehicles are all feeding in/ out from the proposed access road.

4.1.6 Tetra Tech have advised that %HGV is expected to be c. 1.3% of total vehicle movements on the road.

4.1.7 The finished model layout is presented in Figure 1 below.

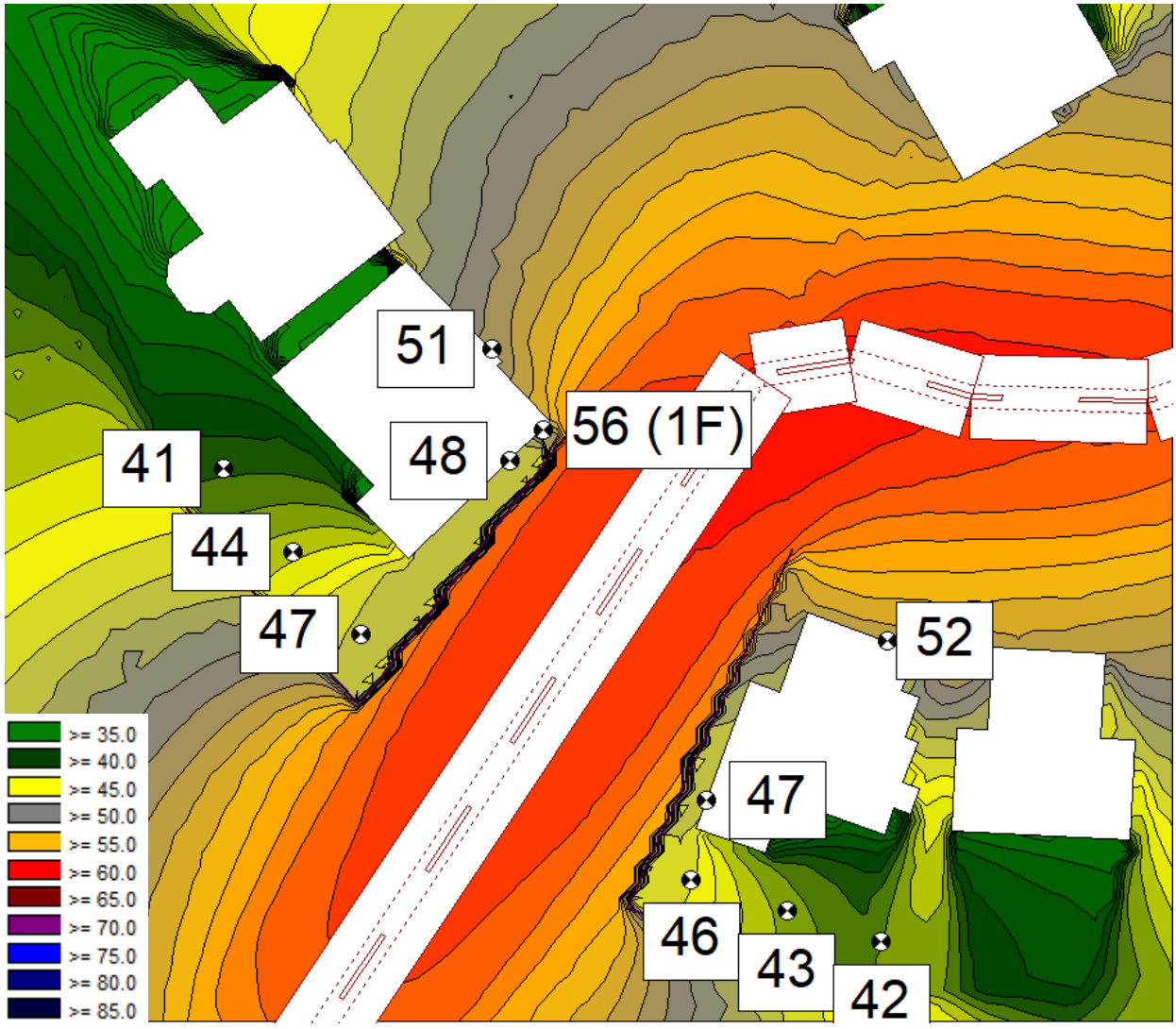
Figure 1: Finished CadnaA model layout



4.2 CadnaA Model Outputs

4.2.1 The results of the model are shown in Figure 2 below.

Figure 2: CadnaA noise level predictions ($L_{Aeq\ dB,1hr}$) – 1.5 m grid height



4.3 Discussion of Results

15 Fryatts Way

Front of property

4.3.1 The peak hour noise level at the front of 15 Fryatts way is predicted to be 51 dBA. The windows in this location do not appear to have through frame trickle ventilators. Therefore assuming 15 dB attenuation through an open window, the internal level is predicted to be 36 dBA. This is 1 dB over the typical guidance internal daytime noise level of 35 dBA in living rooms (BS 8233:2014 and WHO:1999); however the standard also advises that:

> *"Where development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved."*

4.3.2 Notwithstanding the above, BS 8233 goes on to clarify that "These levels are based on annual average data and do not have to be achieved in all circumstances". Furthermore, the predictions in this assessment are based on worst-case peak hour traffic flows, whereas BS 8233 guidance noise levels are based on the average noise level measured over a complete 16 hour daytime period (which is invariably lower than the peak noise level in a worst case hour).

4.3.3 We are unsure as to the type of room that is being assessed in this location. BS 8233 does not provide guidance noise levels for residential kitchens and suggests a higher level of 40 dBA for dining rooms/areas.

4.3.4 The predicted external level of 51 dB $L_{Aeq,1hr}$ at the ground floor front façade is significantly below the 68 dB $L_{A10,18hr}$ SOAEL limit suggested in the Design Manual for Roads and Bridges (DMRB) LA 111 guidance for determining significance of effect at residential facades due to operational noise from new roads ($L_{Aeq,16hr} \approx L_{A10,18hr}$ – 2 dB *[Technical Advice Note (TAN) 11: Noise (1997)]*).

Side of property

4.3.5 The peak hour noise level at the first floor window to the side of 15 Fryatts way is predicted to be 56 dBA. The window in this location appears to be a modern double-glazed unit with through frame trickle ventilators for provision of background ventilation. Assuming a nominal 25 dB attenuation through a closed ventilated window, the internal level is predicted to be 31 dBA. This is 4 dB below the typical guidance internal daytime noise level of 35 dBA in bedrooms (BS 8233:2014 and WHO:1999).

4.3.6 The predictions in this assessment are based on worst-case peak hour traffic flows, whereas BS 8233 guidance noise levels are based on the average noise level measured over a complete 16 hour daytime period (which is invariably lower than the peak noise level in a worst case hour).

4.3.7 The predicted external level of 56 dB $L_{Aeq,1hr}$ at the first floor side façade is significantly below the 68 dBA $L_{A10,18hr}$ SOAEL limit suggested in the Design Manual for Roads and Bridges (DMRB) LA 111 guidance for determining significance of effect at residential facades due to operational noise from new roads ($L_{Aeq,16hr} \approx L_{A10,18hr}$ – 2 dB *[Technical Advice Note (TAN) 11: Noise (1997)]*).

4.3.8 The ground floor receptor level of 48 dBA benefits from the mitigating effect of the 1.8 m high acoustic fence. It is unclear whether the ground floor windows in this location have through frame trickle ventilators. Therefore assuming 15 dB attenuation through an open window, the internal level is predicted to be 33 dB $L_{Aeq,1hr}$, which is 2 dB below BS 8233 guidance for internal daytime levels in living rooms and 7 dB below the guidance level for dining rooms/ areas.

4.3.9 The predicted external level of 48 dB $L_{Aeq,1hr}$ at the ground floor side façade is significantly below the 68 dB $L_{A10,18hr}$ SOAEL limit suggested in the Design Manual for Roads and Bridges (DMRB) LA 111 guidance for determining significance of effect at residential facades due to operational noise from new roads ($L_{Aeq,16hr} \approx L_{A10,18hr}$ – 2 dB *[Technical Advice Note (TAN) 11: Noise (1997)]*).

Rear garden of property

4.3.10 The noise levels in the rear garden benefit from the proposed 1.8 m high acoustic fence and range from between approximately 41 – 47 dBA. This is at least 3 dB below the WHO:1999 guidance lower level for external amenity in residential properties to protect against moderate annoyance (50 dBA), and at least 8 dB below the upper noise limit of 55 dBA.

4.3.11 The predictions in this assessment are based on worst-case peak hour traffic flows. Noise levels outside of the peak hour will be lower than those predicted, particularly in evenings and at weekends when use of residential gardens is most common.

11 Fryatts Way

Front of property

4.3.12 The peak hour noise level at the front of 11 Fryatts way is predicted to be 52 dBA. The windows in this location do not appear to have through frame trickle ventilators. Therefore assuming 15 dB attenuation through an open window, the internal level is predicted to be 37 dBA. This is 2 dB over the typical guidance internal daytime noise level of 35 dBA in living rooms (BS 8233:2014 and WHO:1999); however the standard also advises that:

> *"Where development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved."*

4.3.13 Notwithstanding the above, BS 8233 goes on to clarify that "These levels are based on annual average data and do not have to be achieved in all circumstances". Furthermore, the predictions in this assessment are based on worst-case peak hour traffic flows, whereas BS 8233 guidance noise levels are based on the average noise level measured over a complete 16 hour daytime period (which is invariably lower than the peak noise level in a worst case hour).

4.3.14 We are unsure as to the type of room that is being assessed in this location. BS 8233 does not provide guidance noise levels for residential kitchens and suggests a higher level of 40 dBA for dining rooms/areas.

4.3.15 The predicted external level of 52 dB $L_{Aeq,1hr}$ at the ground floor front façade is significantly below the 68 dB $L_{A10,18hr}$ SOAEL limit suggested in the Design Manual for Roads and Bridges (DMRB) LA 111 guidance for determining significance of effect at residential facades due to operational noise from new roads ($L_{Aeq,16hr}$ ≈ $L_{A10,18hr}$ – 2 dB *[Technical Advice Note (TAN) 11: Noise (1997)]*).

Side of property

4.3.16 The peak hour noise level at the ground floor window to the side of 11 Fryatts way is predicted to be 47 dBA. This location benefits from the proposed 1.8 m high acoustic fence. It is unclear whether the ground floor windows in this location have through frame trickle ventilators. Therefore assuming 15 dB attenuation through an open window, the internal level is predicted to be 32 dBA. This is 3 dB below the typical guidance internal daytime noise level of 35 dBA in living rooms (BS 8233:2014 and WHO:1999).

4.3.17 The predictions in this assessment are based on worst-case peak hour traffic flows, whereas BS 8233 guidance noise levels are based on the average noise level measured over a complete 16 hour daytime period (which is invariably lower than the peak noise level in a worst case hour).

4.3.18 The predicted external level of 47 dB $L_{Aeq,1hr}$ at the ground floor side façade is significantly below the 68 dBA $L_{A10,18hr}$ SOAEL limit suggested in the Design Manual for Roads and Bridges (DMRB) LA 111 guidance for determining significance of effect at residential facades due to operational noise from new roads ($L_{Aeq,16hr}$ ≈ $L_{A10,18hr}$ – 2 dB *[Technical Advice Note (TAN) 11: Noise (1997)]*).

Rear garden of property

4.3.19 The noise levels in the rear garden benefit from the proposed 1.8 m high acoustic fence and range from between approximately 42 – 46 dBA. This is at least 4 dB below the WHO:1999 guidance lower level for external amenity in residential properties to protect against moderate annoyance (50 dBA), and at least 9 dB below the upper noise limit of 55 dBA.

4.3.20 The predictions in this assessment are based on worst-case peak hour traffic flows. Noise levels outside of the peak hour will be lower than those predicted, particularly in evenings and at weekends when use of residential gardens is most common.

5 Conclusions

5.1.1 Noise modelling of the access road indicates that with the proposed mitigation in place, predicted noise levels are within guidance limits. Although the front facades of 11 and 15 Fryatts way are 1 to 2 dB above the typical guidance internal daytime noise level of 35 dBA in living rooms, they are at least 3 dB lower than the upper guidance limit of 40 dB, within which “reasonable internal conditions [are] still achieved” (BS 8233:2014).

5.1.2 The predictions in this assessment are based on worst-case peak hour traffic flows, whereas BS 8233 guidance noise levels are based on the average noise level measured over a complete 16 hour daytime period (which is invariably lower than the peak noise level in a worst case hour).

5.1.3 The predicted levels at all facades of both properties are significantly below the 68 dBA $L_{A10,18hr}$ SOAEL limit suggested in the Design Manual for Roads and Bridges (DMRB) LA 111 guidance for determining significance of effect at residential facades due to operational noise from new roads.

5.1.4 The predicted noise levels in rear gardens are at least 3 dB below the WHO:1999 guidance lower level for external amenity in residential properties to protect against moderate annoyance (50 dBA), and at least 8 dB below the upper noise limit of 55 dBA. Noise levels outside of the peak hour will be lower than those predicted, particularly in evenings and at weekends when use of residential gardens is most common.

5.1.5 With the proposed mitigation in place, guidance noise limits are achieved and a suitable level of noise protection is considered to be provided to 11 and 15 Fryatts Way. The proposed Condition 3 of the Rother District Council (RDC) Environmental Health consultation letter (ref: WK/202106949) is therefore considered to have been addressed.

Glossary of Terms

Decibel (dB) The unit used to quantify sound pressure levels; it is derived from the logarithm of the ratio between the value of a quantity and a reference value. It is used to describe the level of many different quantities. For sound pressure level the reference quantity is 20 μPa, the threshold of normal hearing is in the region of 0 dB, and 140 dB is the threshold of pain. A change of 1 dB is usually only perceptible under controlled conditions.

dB L_A Decibels measured on a sound level meter incorporating a frequency weighting (A weighting) which differentiates between sounds of different frequency (pitch) in a similar way to the human ear. Measurements in dB L_A broadly agree with an individual's assessment of loudness. A change of 3 dB L_A is the minimum perceptible under normal conditions, and a change of 10 dB L_A corresponds roughly to halving or doubling the loudness of a sound. The background noise level in a living room may be about 30 dB L_A; normal conversation about 60 dB L_A at 1 meter; heavy road traffic about 80 dB L_A at 10 meters; the level near a pneumatic drill about 100 dB L_A.

$L_{Aeq,T}$ The equivalent continuous sound level. The sound level of a notionally steady sound having the same energy as a fluctuating sound over a specified measurement period (T). $L_{Aeq,T}$ is used to describe many types of noise and can be measured directly with an integrating sound level meter.

$L_{A10,18hr}$ Often referred to as the UK road traffic noise index, this is the arithmetic average of the values of L_{A10} hourly for each of the 18 one-hour periods between 06:00 and 00:00.


MILLER GOODALL
ACOUSTICS AND AIR QUALITY

Appendix 6

Gladman Developments Ltd

Land at Fryatts Way, Bexhill-on-Sea

ADDENDUM REPORT - ECOLOGICAL APPRAISAL

November 2022

This report may contain sensitive ecological information, it is the responsibility of the Local Authority to determine if this should be made publicly available.

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Rev	Issue Status	Prepared / Date	Approved/Date
-	Draft	LV / 17.06.21	DAH / 21.06.21
-	Final	LV / 28.06.21	DAH / 28.06.21
A	Addendum	AU REM NK / 07.11.22	DJC / 07.11.22

CONTENTS

TABLES

FIGURES

APPENDICES

1.0 INTRODUCTION

1.1 The following Ecological Appraisal has been prepared by FPCR Environment and Design Ltd on behalf of Gladman Developments Ltd for Land at Fryatts Way, Bexhill-on-Sea, East Sussex (central OS Grid Reference TQ 723 088).

1.2 Since the previous Ecology Appraisal submission (FPCR, June 2021), several ecological surveys were undertaken at the latter end of 2021, which are used in to inform this Addendum document in conjunction with the original findings. The character of the Site has not changed significantly since the previous assessment as confirmed by a walkover survey on 7th November 2022.

Site Context

1.3 The site comprises approximately 11.29ha of poor semi-improved grazed grassland bordered by residential gardens, hedgerows, mature trees and drainage ditches. One pond, P1, was identified within the site boundary.

1.4 The site is situated on the north-western edge of Bexhill-on-sea. The Highwoods Golf Course borders the site to the north and west, with the residential gardens of Fryatts Way forming the eastern boundary, whilst pasture and parkland are located to the south of the site.

Development Proposals

1.5 The proposals are for a residential development of up to 210 units with associated infrastructure and landscaping. Access will be via Fryatts Way at an existing entrance into the site, so there will be minimal losses to hedgerows and trees for access purposes. The majority of mature trees and hedgerows within the site will be retained, within the provision of 4.39ha of green infrastructure.

2.0 LEGISLATION AND POLICY

2.1 Details regarding the relevant national policy and legislation in relation to ecology and development sites are provided in *Appendix A*. Those most relevant include:

- The Conservation of Habitats and Species Regulations (CHSR) 2017 (as amended) in relation to:
  - European Protected Species (EPS) great crested newt *Triturus cristatus* (GCN), bats (all species) and hazel dormouse *Muscardinus avellanarius*.
  - European protected sites - Special Areas of Conservation (SAC), Special Protection Areas (SPAs) and internationally protected Ramsar Sites (collectively known as "Natura 2000 sites").
- The Wildlife and Countryside Act (WCA) 1981 (as amended) in relation to:
  - All wild birds (including Schedule 1 species)
  - Schedule 5 species
  - Flora listed under Schedules 8 and 9
  - Sites of Special Scientific Interest (SSSI)
- Protection of Badgers Act (PBA) 1992.
- Natural Environmental and Rural Communities (NERC) Act 2006 in relation to various priority species and habitats.
- The Environment Act 2021
- Hedgerow Regulations 1997.
- National Planning Policy Framework (NPPF) 2021.
- Sevenoaks District Council Local Policies.

3.0 METHODOLOGY

Desk Study

3.1 In order to compile existing baseline information, relevant ecological information was requested from both statutory and non-statutory nature conservation organisations including:

- Sussex Biodiversity Record Centre (SxBRC)
- Multi Agency Geographic Information for the Countryside (MAGIC)[1]

3.2 Inspection of colour 1:25,000 OS base maps (www.ordnancesurvey.co.uk) and aerial photographs from Google Earth (www.maps.google.co.uk) was undertaken to provide additional context and identify any features of potential importance for nature conservation in the wider countryside.

3.3 The search area for biodiversity information was related to the significance of sites and species and potential zones of influence, as follows:

- 10km around the application area for sites of International Importance, e.g. Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites.
- 2km around the application area for sites of National or Regional Importance, e.g. Sites of Special Scientific Interest (SSSIs).
- 1km around the application site for sites of County Importance, e.g. Local Wildlife Sites (LWS) and species records, e.g. protected, Species of Principal Importance as listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 or other notable species.

3.4 When handling data, species records were filtered to only those from the previous ten years only. Historical records were included only where considered relevant to the application.

Habitat Surveys

3.5 The initial survey was undertaken in November 2019 and was updated in May 2021 and November 2022 based on the standard Extended Phase 1 Habitat Survey Methodology[2]. This involved a systematic walk over of the site to classify the broad habitat types and identify any Habitats of Principal Importance (HPI) for the conservation of biodiversity as listed within Section 41 (S41) of the NERC Act 2006. Habitats were broadly mapped in the field using an OS base map.

3.6 Where feasible, target notes and species lists were compiled for individual areas and assessments of abundance were made using the DAFOR scale. Whilst the species lists collected should not be regarded as exhaustive, sufficient information was gained during the survey to enable classification and assessment of broad habitat types and identify features likely to be of interest.

3.7 Hedgerows were assessed for their ecological value under the Hedgerow Regulations 1997 to determine if any were classified as 'important', and under the Hedgerow Evaluation Grading System (HEGS). They were also assessed to see if they were a habitat of principal importance as listed within Section 41 of the NERC Act (i.e. whether they consisted of 80% or more native species).

[1] MAGIC. Available at: https://magic.defra.gov.uk/ [Accessed 20.09.2021]

[2] JNCC (1990) *Handbook for Phase 1 habitat survey – a technique for environmental audit*. Joint Nature Conservation Council, Peterborough.

3.8 Consideration was given as to the presence of invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) and the presence of any notable weeds including those covered under the Weed Act 1959 (where the prevalence is significant enough to be considered injurious).

Faunal Surveys

3.9 During the extended Phase 1 Habitat survey, observations and signs of any species protected under the following list of Acts and Regulations (collectively referred to herein as 'protected species') were recorded:

- The CHSR 2017 (as amended)[3].
- The WCA 1981 (as amended)[4].
- The Protection of Badgers Act 1992[5].

3.10 Consideration was also given to the existence and use of the site by other fauna listed as one or more of the following (collectively referred to herein as 'notable species'):

- Species of Principal Importance (SPI) for the conservation of biodiversity in England listed in S41 of the NERC Act 2006.
- Red Data Book (RDB) and Red List species.
- Birds of Conservation Concern (BoCC)[6].
- Species listed on any Local Biodiversity Action Plan (LBAP) initiatives.
- Nationally scarce/notable invertebrate species[7].

3.11 Further protected species surveys for bats, breeding birds, great crested newts, hazel dormice and reptiles were undertaken in 2021. Detailed methodologies are provided in *Appendix B*.

3.12 Badger surveys were also undertaken with details provided in a separate report for confidentiality reasons (*Appendix E*).

Limitations

3.13 Due to the variable properties of bat echolocation calls, it is not always possible to identify a series of echolocation calls down to species level. In most cases, it was possible to identify to genus level which was suitable to allow potential affects to be assessed and appropriate mitigation designed.

3.14 The lower amplitude of calls of species such as long-eared bat *Plecotus sp.* or barbastelle *Barbastella barbastellus* or the higher-pitched calls of species such as the horseshoe bats are more difficult to detect, and calls may not have been received by the directional microphone at the time of recording. Therefore, it was possible that these species may have been under recorded.

[3] Collins, J. (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn*). The Bat Conservation Trust, London.

[4] Froglife (2016) *Surveying for Reptiles: Tips, techniques and skills to help you survey for reptiles*. Peterborough, Froglife.

[5] Cresswell, P., Harris, S. & Jefferies, D.J. (1989) *Surveying Badgers.* The Mammal Society Publication No.9 Mammal Society

[6] Stanbury, A.J., Eaton, M.A., Aebischer, N.J., Balmer, D., Brown, A.F., Douse, A., Lindley, P., McCulloch, N., Noble, D.G. & Win, I. (2021) The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. *British Birds,* 114: 25.

[7] English Nature (2011) *Organising surveys to determine site quality for invertebrates – A framework guide for ecologists.* Peterborough.

3.15 The static detector units do not discern between individual bats or a single bat passing the microphone several times. Therefore, the data recorded can only provide an indication of bat activity as bat registrations per unit time. The term ‘registration’ when discussing the static bat detectors surveys refers to a unique sound file created over the course of several seconds.

3.16 The first dormouse survey was undertaken three weeks and two days after deploying the dormouse tubes, rather than the recommended four weeks. Owing to the fact it was only five days short of the recommended ‘bedding in’ time for the dormouse tubes, it is considered the dormouse survey results will still provide reliable results.

3.17 Permission was only given to lay reptile refugia in fields where there was no horse grazing, due to the horses potentially disturbing the refugia or making them ill if the refugia were mistakenly consumed. This meant refugia was only deployed in suitable habitat in the field in the south-west corner of the site, and along the south of the eastern boundary. Since the horse grazed fields had limited suitable habitat for reptiles and the most suitable habitat for reptiles was in the ungrazed areas where refugia were deployed, it is expected that if there were reptiles on site, they would be recorded during the surveys. As a precaution however, when planning any mitigation for the site, reptile presence will be assumed in any suitable reptile habitat in the areas of the site which could not be surveyed.

4.0 RESULTS

Desk Study

4.1 There are three internationally designated sites within 15km of the application site:

- The marine extension of the Dungeness, Romney Marsh and Rye Bay SPA approximately 1.8km south. This was designated to protect the marine fishing habitat of the common tern *Sterna hirundo* and sandwich tern *S. albifrons* colonies, which the SPA is designated for.
- Pevensey Levels SAC and Ramsar approximately 2.1km south-west. The SAC designation is due to the presence of ramshorn snails *Anisus vorticulus* (Annex II species). The Ramsar designation is for the outstanding assemblage of wetland plants and invertebrates it supports.
- Hasting Cliffs SAC approximately 10.5km east, designated for supporting vegetated sea cliffs along the Atlantic and Baltic coasts, in addition to sand dunes, shingle, bogs, marshes, heath, scrub, dry grassland, woodland and inland rock screes and sand.

4.2 There is one nationally designated site within 2km of the application site:

- High Woods SSSI approximately 790m north-west, designated for its sessile oak *Quercus petraea* coppice, mosaic of woodland types, ponds, streams and an area of wet heath with acidic grassland.

4.3 There are two non-statutorily designated sites within 1km of the application site:

- High Peartree, Smiths and High Wood LWS approximately 490m north-west.
- Little Common LWS approximately 730m south-west.

4.4 Several protected/notable species records were returned from SxBRC. Those from 2009 onwards relevant to the habitats on site are presented in *Figure 1.*

4.5 Several bird records with low resolution (4 figure) grid references were also provided, which could not be accurately mapped. Those of note include Cetti's warbler *Cettia cetti*, grasshopper warbler *Locustella naevia,* cuckoo *Cuculus canorus*, nightingale *Luscinia megarhynchos,* skylark *Alauda arvensis* and wood warbler *Phylloscopus sibiatrix*.

4.6 Several moth records of similar resolution were also provided and couldn't be accurately mapped. Red List and NERC S41 species included orache moth *Trachea atriplicis*, dark spinach *Pelurga comitata*, oblique carpet *Orthonama vittata,* bordered ermel *Ethmia bipunctella* and Portland ribbon wave *Idaea degeneria*. The Jersey tiger moth *Euplagia quadripunctata* was included and is protected under Annex II of the CSHR.

Habitats

4.7 Habitats described below are presented on *Figure 2* and photos are provided in *Appendix C*.

Semi-improved grassland

4.8 The site was broadly divided into three field compartments separated by hedgerows and fences. These compartments were divided further into horse paddocks separated by electric fences. All compartments consisted of poor semi-improved grassland, with differing sward heights and structure depending on the extent of horse grazing. All fields except the small field in the south-western corner were horse grazed on a rotational basis, meaning that a tall mosaic grass structure cannot develop. Some sections of the southern compartments and a small section in the north were damper than the rest (TN3) but did not have a large enough coverage of rushes *Juncus* spp., sedges *Carex* spp. or meadowsweet *Filipendula ulmaria* to be classified as marshy grassland.

4.9 The grassland contained a range of species including creeping bent *Agrostis stolonifera*, red fescue *Festuca rubra*, cock's foot *Dactylis glomerata* and meadow foxtail *Alopecurus pratensis*. Forbs included ribwort plantain *Plantago lanceolata*, with occasional meadow buttercup *Ranunculus acris*, red clover *Trifolium pratense*, cats-ear *Hypochaeris radicata*, parsley *Petroselinum crispum*, and dove's-foot crane's-bill *Geranium molle*. In the damper areas to the south of the site, creeping buttercup *Ranunculus repens* was the dominant forb, with small patches of compact rush *Juncus conglomeratus* growing in places.

Scrub

4.10 Bramble *Rubus fruticosus* agg. scrub was present in small stretches along the residential boundaries of the site in the south-eastern corner, and within the treeline in the south-western section of the site. There was also a patch of scrub at the western end of hedgerow H3 where blackthorn *Prunus spinosa* was suckering out from the hedgerow.

Tall Ruderal Vegetation

4.11 Patches of tall ruderal vegetation were present within all the field compartments, which is potentially due to the enrichment from animals, particularly adjacent to the residential gardens along the southern boundary, and on a large manure pile at the south-western edge of the site (TN4). These areas were dominated by common nettle *Urtica dioica* with other species such as common hogweed *Heracleum sphondylium,* broad-leaved dock *Rumex obtusifolius* and creeping thistle *Cirsium arvense* also present.

Trees

4.12 Trees within the site were mostly restricted to the hedgerows and field boundaries which included mature and semi-mature specimens, including ash *Fraxinus excelsior,* pedunculate oak *Quercus robur,* sycamore *Acer pseudoplatanus,* and field maple *Acer campestre.*

4.13 Mature and immature trees lined ditch D4 along the southern boundary of the site. Species here included pedunculate oak, silver birch *Betula pendula,* sycamore and hybrid black poplar *Populus* x *Canadensis.* Mature and semi-mature trees, mostly pedunculate oaks, also lined the fences that separated field compartments in the centre of the site.

4.14 In damper areas alder *Alnus glutinosa* saplings and willow species *Salix* spp. were present in the hedgerows associated with the boundary ditches. A stand of alder saplings was also present in a damper area along the western boundary (TN1).

4.15 Some mature pedunculate oaks were located off-site in the residential gardens along the eastern boundary of the site (TN2), branches of which were hanging over the boundaries and protruding into the site.

Standing Water

4.16 There was one pond on-site (P1), which was a small, shallow waterbody measuring approximately 40m^2 in area. It appeared to be fed by water from a small plastic pipe located under the manure pile in the east, and by water flowing from ditch D7. Its surface was almost completely covered by floating sweet-grass *Glyceria fluitans.* The waterbody appeared to be ephemeral owing to the fact it was small and very shallow, highly vegetated and there were no definitive banks or open water areas.

4.17 A second pond was located off-site adjacent to the southern boundary (TN5). However at the time of the walkover survey on 4th May 2021, the ground was only damp, with no standing water present, and no definitive banks. This indicated that this waterbody was ephemeral, only appearing as a pond in periods of heavy rainfall.

4.18 There were seven ditches around the boundaries of the site and between field compartments, the majority of these contained running water, but two (D5 and D6) were mostly dry, only damp or holding shallow puddles of water in small sections along their length.

4.19 D5 ran along hedgerow H6 in the north-eastern corner of the site. The lack of any aquatic or marginal species indicated that the ditch only held water very occasionally.

4.20 D6 was a shallow ditch with the banks approximately 30cm in width that ran along part of the base of hedgerow H7. It held one small damp area with a puddle of shallow water approximately 1-2cm in depth, but the lack of any aquatic or marginal plants indicated that the water in this ditch was ephemeral in nature.

Running Water

4.21 D1 was located along the north-west boundary and was approximately 2m wide and 1m deep. The water was approximately 0.5m deep at the time of survey but got shallower towards the western edge, where leaf litter was beginning to fill the channel. Water flowed slowly through the ditch from east to west. It was heavily over-shaded by holly *Ilex aquifolium,* willow species and bramble, but did contain some marginal vegetation including soft rush*,* water mint *Mentha aquatic* and meadowsweet.

4.22 D2 was flowing slowly from north to south along the western boundary. It was approximately 2-3m wide and 2m deep, with a water depth of approximately 1m. It was largely over-shaded by mature trees and contained no aquatic or marginal vegetation with the banks mostly covered with ivy *Hedera helix* and a few stands of pendulous sedge *Carex pendula*.

4.23 D3 was approximately 150m long and ran east to west along hedgerow H3. The ditch was dry at its western end where it was choked with blackthorn scrub and leaf litter but was damp at its eastern end. It was approximately 2m wide and 1m in depth but the water, where present, was only in the form of small shallow puddles approximately 1-2cm deep. Aquatic and marginal vegetation present included soft rush *Juncus effusus,* pendulous sedge, willowherb species *Epilobium* spp. and fool's watercress *Helosciadium nodiflorum.*

4.24 D4 was located off-site within woodland adjacent to the southern boundary of the site. It measured approximately 0.5m in width and was 0.5m deep. It was heavily over-shaded for most of its length by mature trees and bramble scrub and contained no marginal or aquatic vegetation.

4.25 D7 was a short length of ditch (approximately 25m long) that ran south to north along hedgerow H8, until it pooled into pond P1. It was very shallow and contained no aquatic or marginal vegetation so was considered likely to be ephemeral in nature.

Hedgerows

4.26 Twelve mixed species hedgerows were present within or along the boundaries of the site (*Table 1*). Hedgerow H5 was classified as 'Important' under the Hedgerow Regulations because it contained an average of eight woody species within 30m.

4.27 Nine hedgerows (H1, H2, H4, H5, H6, H7, H9, H10 and H11) were found to provide moderately high to very high conservation value in accordance with HEGS, largely due to them supporting many mature trees and forming intact structures with no gaps. Hedgerows H3, H8 and H12 were only classified as being of moderate value under HEGS; H3 was a newly planted hedgerow and H8 and H12 only contained three woody species.

4.28 All hedgerows within the application site contained over 80% native species and were therefore identified as Habitats of Principal Importance under Section 41 of the NERC Act (2006).

Table 1: Hedgerow Evaluation

Hedgerow	Species Composition	REGS Average species	HEGS Score
H1	Blackthorn, bramble, English oak, hawthorn, hazel, holly, holm oak, rose spp., silver birch, willow spp.	4.3sp/30m	1 High value
H2	Alder, blackthorn, bramble, elder, hawthorn, hazel, holly, rose spp., sycamore, willow spp.	5sp/30m	1 High value
H3	Blackthorn, bramble, English oak, hawthorn, holly, rose spp., willow spp.	4sp/30m	3+ Moderate value
H4	Alder, ash, blackthorn, bramble, butcher's broom, elder, English oak, hawthorn, guelder rose, sycamore, willow spp.	4.5sp/30m	-1 High value
H5	Rose spp., blackthorn, English oak, holly, hawthorn, blackthorn, field maple, butcher's broom, bramble	**Important** 8sp/30m	-1 High value
H6	English oak, holly, blackthorn, willow spp., elm, bramble	4.3sp/30m	-1 High value
H7	Field maple, holly, sycamore, blackthorn, English oak, elder, hazel, hybrid black poplar, bramble	3sp/30m	2+ Moderately high-high value
H8	Holly, hazel, English oak, bramble	3sp/30m	3+ Moderate value
H9	Sycamore, hawthorn, holly, rose, blackthorn, English oak, bramble	5sp/30m	-2 Moderately high-high value
H10	Rose, holly, hawthorn, English oak, blackthorn, dog rose, bramble	5sp/30m	-2 Moderately high-high value
H11	Hawthorn, holly, bramble, wild privet	3sp/30m	2 Moderately high-high value
H12	Hawthorn, holly, bramble, wild privet	3sp/30m	3+ Moderate value

Fauna

Bats

4.29 There were no buildings to assess within the application site.

4.30 24 mature trees on the application site were considered to have moderate roosting bat potential and 14 were considered to have low potential (*Figure 2*). All mature trees were associated with field boundaries.

4.31 The site comprises mature trees, flowing/standing water, hedgerows and treelines, which link to the wider landscape, including broad-leaved and ancient woodland, and therefore offer moderate suitability for commuting and foraging bats.

4.32 Over the course of manual activity surveys undertaken in 2021, the lowest number of contacts was recorded during the July dawn survey with 6 contacts and the highest number of contacts, 30, was recorded during September. A total of seven species/species groups were recorded during the manual activity surveys, with common pipistrelle most recorded by far (*Table 2*).

4.33 Activity was spread relatively evenly across the whole survey area associated with boundary features, as shown in *Figures 3-11.*

4.34 The April transect was delayed until 4th May 2021 due to the lack of site access in April and the unsettled Spring weather. A delay of four days is not considered to have significantly affected the validity of the results.

Table 2: Bat Transect Results 2021

Date	Total Contacts (incl. point counts)	Date	Total Contacts (incl. point counts)
4th May 2021 (delayed April survey) (*Figure 3*)	**11** 6 common pipistrelle 3 *Myotis* spp. 1 *Plecotus* spp. 1 soprano pipistrelle	10th August 2021 (*Figure 8*)	**20** 11 common pipistrelle 4 soprano pipistrelle 2 noctule 2 *Plecotus* spp. 1 *Myotis* spp.
26th May 2021 (*Figure 4*)	**20** 10 common pipistrelle 4 *Nyctalus* spp. 3 *Plecotus* spp. 2 noctule 1 soprano pipistrelle	7th September 2021 (*Figure 9*)	**30** 17 common pipistrelle 5 soprano pipistrelle 3 Nyctalus spp. 2 noctule 2 Myotis spp. 2 serotine
22nd June 2021 (*Figure 5*)	**23** 15 common pipistrelle 3 soprano pipistrelle 2 noctule 2 *Myotis* spp. 1 serotine	8th September 2021 (*Figure 10*)	**25** 15 common pipistrelle 5 soprano pipistrelle 3 Nathusius' pipistrelle 1 *Myotis* spp. 1 *Nyctalus* spp.
20th July 2021 (*Figure 6*)	**11** 6 common pipistrelle 3 serotine 2 noctule	12th October 2021 (*Figure 11*)	**19** 12 common pipistrelle 4 soprano pipistrelle 2 *Myotis* spp. 1 *Plecotus* spp.
21st July 2021 (*Figure 7*)	**6** 3 common pipistrelle 1 soprano pipistrelle 1 *Myotis* spp. 1 *Nyctalus* spp.		

4.35 Fourteen successful static bat detector units were installed in 2021 (*Figures 3-11*). They recorded a total of 37,842 registrations:

- Common pipistrelle *Pipistrellus pipistrellus* (approximately 85.21% of total data)
- Soprano pipistrelle *Pipistrellus pygmaeus* (10.57%),
- *Myotis* sp. (2.12%)
- Nathusius' pipistrelle *Pipistrellus nathusii* (0.59%)
- *Plecotus* spp. (0.53%)
- Noctule *Nyctalus noctule* (0.53%)
- *Nyctalus*/*Eptesicus* spp. (0.22%)
- *Pipistrellus* spp. (0.071%)
- Serotine *Eptesicus serotinus* (0.071%)
- Brown long-eared *Plecotus auritus* (0.061%)
- *Nyctalus* spp. (0.041%)
- Barbastelle *Barbastella barbastella* (0.0026%)

4.36 Higher number of registrations were recorded around the area of scrub in the south-west and the tree line running north-south through the centre of site. The statics in these locations were both deployed in September and recorded nearly three times more activity than the static that recorded the third highest number of registrations. The 2021 static data is summarised in *Table 3*.

Table 3: Static Detector Survey Summary 2021

Dates	Unit Reference (*Figure 3-11*)	Total Registrations	Species & Registration Count	
4th-9th May 2021 (delayed April survey)	A	51	Common pipistrelle – 35 *Myotis spp.* - 6 Soprano pipistrelle – 4 Nathusius' pipistrelle – 2 *Pipistrellus* spp. – 1	*Nyctalus* spp. – 1 *Nyc/Eptesicus* spp. – 1 *Plecotus* spp. – 1 Barbastelle - 1
	B	190	Common pipistrelle – 104 Soprano pipistrelle – 56 *Myotis* spp. - 26	Noctule – 2 Serotine - 2
26th-31st May 2021	C	107	Common pipistrelle – 37 Noctule – 21 *Plecotus* spp. – 17 *Myotis* spp. - 14	*Nyctalus* spp. – 10 Soprano pipistrelle – 5 Serotine – 2 *Pipistrellus* spp. - 1
	D	349	Soprano pipistrelle – 193 Common pipistrelle – 51 *Plecotus* spp. – 35 *Pipistrellus* spp. - 25	Noctule – 23 *Myotis* spp. – 11 Serotine – 8 *Nyctalus* spp. - 3
22nd-28th June 2021	E	4651	Common pipistrelle – 4502 Noctule – 66 *Myotis* spp. - 47 Soprano pipistrelle - 11	*Plecotus* spp. – 11 *Nyc/Eptesicus* – 7 Serotine – 5 Nathusius' pipistrelle - 2
	F	2909	Common pipistrelle – 2454 Soprano pipistrelle – 327 *Myotis* spp. – 45 Nathusius' pipistrelle - 28	Noctule – 26 *Plecotus* spp. – 19 Serotine – 5 *Nyc/Eptesicus* spp. - 5

Dates	Unit Reference (*Figure 3-11*)	Total Registrations	Species & Registration Count	
20th-25th July 2021	G	136	Common pipistrelle – 86 *Plecotus* spp. – 16 Soprano pipistrelle – 14	Noctule – 9 *Nyc/Eptesicus* spp. – 9 *Myotis* spp. – 2
	H	342	Common pipistrelle – 270 Soprano pipistrelle – 31 *Nyc/Eptesicus* spp. - 22	*Plecotus* spp. – 11 Noctule – 4 *Myotis* spp. - 4
10th-15th August 2021	I	1449	Common pipistrelle – 1338 *Plecotus* spp. – 44 Noctule – 22 Soprano pipistrelle - 19	*Myotis* spp. – 15 *Nyc/Eptesicus* spp. – 8 Serotine – 2 Nathusius' pipistrelle - 1
	J	3872	Common pipistrelle – 3568 Soprano pipistrelle – 224 *Myotis* spp. – 48 *Nyc/Eptesicus* spp. - 13	*Plecotus* spp. – 8 Noctule – 8 Serotine - 3
7th-12th September 2021	K	10871	Common pipistrelle – 9529 Soprano pipistrelle – 1089 *Myotis* spp. – 188 Nathusius' pipistrelle - 29	*Plecotus* spp. – 13 *Nyc/Eptesicus* spp. – 12 Noctule - 11
	L	12027	Common pipistrelle – 9734 Soprano pipistrelle – 1957 Nathusius' pipistrelle – 157 *Myotis* spp. - 144	*Plecotus* spp. – 23 Noctule – 10 *Nyc/Eptesicus* spp. – 1 *Nyctalus* spp. - 1
12th-17th October 2021	M	349	Common pipistrelle – 219 Soprano pipistrelle – 34 *Myotis* spp. – 66	*Plecotus* spp. – 24 Nathusius' pipistrelle – 5 *Nyc/Eptesicus* spp. - 2
	N	539	Common pipistrelle – 319 *Myotis* spp. – 173 Soprano pipistrelle - 38	Nathusius' pipistrelle – 4 *Nyc/Eptesicus* spp. – 3 *Plecotus* spp. - 2

Birds

4.37 A total of 34 bird species were recorded within the application site during surveys: five non-breeding species, 15 possible breeding species, eight probable breeding species and six confirmed breeding species. Full details are provided in *Appendix G*.

4.38 Of these 34 species, 13 were either NERC S41 and/or BoCC Red or Amber List species. Of these 13 'notable' species, two species (starling and house sparrow) were recorded as confirmed breeding species, five species (woodpigeon, wren, song thrush, spotted flycatcher and dunnock) as *probable* breeders, three species (stock dove, sparrowhawk and greenfinch) as *possible* breeders and the remaining three species (greylag goose, black-headed gull and herring gull) recorded as *non-breeders* (*Table 4*).

4.39 No WCA Schedule 1 species, significant numbers of individual birds or breeding pairs were recorded within the application site. Indicative locations of 'notable' bird species recorded on-site are illustrated in *Figure 12*.

Table 4: Notable Bird Species Recorded in 2021

Species	Conservation Status	Survey Area Breeding Status	Breeding Status in Sussex
Greylag goose *Anser anser*	Amber list	*Non-breeder* Greylag goose were observed in small numbers in during the survey conducted on 27th of May (four individuals), all of which consisted of birds crossing the site in flight.	Native UK population is an amber listed species of conservation concern. However, those on site are believed to be migrants.
Song thrush *Turdus philomelos*		**Probable breeder** Song thrushes were recorded on all three surveys with two recorded on the 5th, three on 27th May and one on 29th June. These were recorded in association with boundary habitats, including scrub and hedgerows.	Very common but decreasing resident and partial migrant; common passage migrant and winter visitor.
Stock Dove *Columba oenas*		**Possible breeder** A single stock dove was heard singing on-site in suitable habitat on both May surveys, one from the scrub on the southern boundary, and the other from mature trees to the west of hedgerow H10. In addition, flyovers from the species were also observed, with two and four individuals recorded on the 5th and 27th of May, respectively, and a single flyover in June.	Common resident and possible winter visitor.
Black-headed gull *Chroicocephalus ridibundus*		*Non-breeder* Black-headed gull were recorded only on June 29th, with two birds flying over the site.	Common breeding species and very common to abundant passage migrant and winter visitor.
Wren *Troglodytes troglodytes*		**Probable breeder** Wren were recorded on all three surveys with eight on May 5th, six on May 27th and 10 on June 29th. They were associated with the boundary features as well as internal hedgerows and scrub habitats.	Abundant resident.
Woodpigeon *Columba palumbus*		**Probable breeder** Woodpigeon were recorded on all three survey visits and were widely distributed around the site. As well as individuals using the site, including holding territories, there were also a number of flyovers.	Abundant resident and winter visitor.
Herring gull *Larus argentatus*	Red list	*Non-breeder* Herring gull were observed in similar numbers during both surveys conducted in May, with fourteen individuals recorded on the 5th and fifteen on the 27th, all of which consisted of birds crossing the site in flight. The June survey had fewer herring gulls, with only five flyovers.	Common resident and winter visitor.
Greenfinch *Carduelis chloris*		**Possible breeder** Two greenfinches were recorded on site during the survey on May 5th, with a third individual recorded flying over. This included a singing male recorded in the north-east corner of site.	Very common resident and possible fairly common passage migrant and scarce winter visitor.
House sparrow *Passer domesticus*	Red list NERC	**Confirmed breeder** House sparrows were observed in small numbers on all three surveys, with three individuals recorded on each May survey and six in June. These were all observed along the eastern boundary with the neighbouring residential gardens of Fryatt's Way. An active nest was observed, confirming breeding.	Very common but possibly declining resident.
Starling *Sturnus vulgaris*		**Confirmed breeder** Starling were recorded on both May surveys. A single individual was recorded at the southern end of the site on the 5th. Six individuals (including one juvenile) were noted on-site, from the southern, eastern, and northern boundaries, in association with hedgerows and	Common but declining resident and very common to abundant winter visitor.

Species	Conservation Status	Survey Area Breeding Status	Breeding Status in Sussex
		residential gardens, during the survey on the 27th. A further 16 were recorded as flyovers on the 27th passing across the site in various directions. None were recorded on the June survey visit.	
Spotted flycatcher *Muscicapa striata*		**Probable breeder** A pair of spotted flycatcher were recorded on site on the June survey visit towards the southern end of the site, indicating probable breeding. The species was not recorded on either of the May survey visits.	Fairly common but declining summer visitor; scarce passage migrant in spring and fairly common in autumn.
Dunnock *Prunella modularis*	Amber list NERC	**Probable breeder** Dunnocks were recorded on all three surveys undertaken, with three recorded on each survey occasion. These were recorded along hedgerow H2 on the northwest boundary and H10, an internal hedgerow that divides the field compartments to the east. Considered a probable breeder as a male was recorded to be holding territory.	Very common resident.

Great Crested Newt (GCN)

4.40 The HSI for pond P1 was calculated as below average (HSI score: 0.52). There were no other suitable wetland habitats on site. A slight land depression, which is known to hold water in periods of heavy rainfall, within 250m of the site boundary (TN5 – *Figure 2*) was dry on 4th May 2021, and the ditches within the site either contained running water or were ephemeral in nature.

4.41 Terrestrial habitat for GCN was present within the site, in the form of the hedgerow bases, tussock-forming grassland and scrub.

4.42 The eDNA survey result for P1 was negative for GCN, suggesting that they were likely absent.

Hazel Dormice

4.43 The structure, species and connectivity of the hedgerows and scrub habitats on-site were identified as having the potential to support hazel dormice.

4.44 However, the dormouse survey undertaken between May-October 2021 did not identify any dormouse evidence on site (*Figure 13*). Only a small number of wood/yellow-neck mice and their nests were found within nest tubes around the site.

Reptiles

4.45 The grassland compartments at the southern end of the site, which had been left ungrazed with a longer sward, contained some tussock-forming species and were considered to provide suitable habitats for reptile species.

4.46 Presence/absence surveys carried out between May and October 2021 identified a low population of slow worm on site with a peak adult count of one (*Table 5, Figure 14*). Juvenile slow worms indicate successful breeding on site.

Table 5: Reptiles Survey Results 2021

Survey Date	Slow Worm
20th May 2021	1 male adult 1 juvenile
27th May 2021	None

Survey Date	Slow Worm
1st June 2021	1 female adult 1 juvenile
7th June 2021	None
14th June 2021	None
13th September 2021	None
12th October 2021	1 female adult 2 juveniles

Invasive Species

4.47 Two montbretia *Crocosmia* sp. plants were observed within hedgerow H5 on the south-western boundary of the site (TN6 – *Figure 2*). This plant is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

5.0 DISCUSSION AND RECOMMENDATIONS

Designated Sites

5.1 The proposed development is within 2.1km of the Pevensey Levels SAC and Ramsar. A smaller development to the east of Fryatts Way, adjacent to this site, was allocated within the Rother District Council's Development and Site Allocations Local Plan (December 2019)[8] and has an outline planning application for 26 dwellings[9]. It was highlighted within the Rother District Council Habitat Regulation Assessment[10] that this outline application site falls within the Pevensey Levels Ramsar/SAC Hydrological Catchment area, and that without any mitigation measures there is likely significant effect on the Pevensey Levels. The Rother's Sustainable Drainage policy, Policy DEN5, identifies that any development within the SAC catchment area should have SuDs designed with at least two stages of suitable treatment. With such measures implemented, it was concluded in the Rother HRA that this smaller development would have no adverse effect on the integrity of the SAC/Ramsar. The proposed development at Fryatts Way would therefore require similar mitigation measures to ensure that the integrity of the SAC/Ramsar is not compromised and this will need to be addressed further by the drainage consultant.

5.2 With regards to Dungeness, Romney Marsh, and Rye Bay SPA (marine arm), approximately 1.8km from site, the Shepway DC and Rother District Council had set out their commitments to a 'sustainable access strategy' for the Dungeness and other Natura 2000 sites, with the Dungeness Complex: Sustainable Access and Recreation Management Strategy (SARMS)[11]. This breaks down the different areas and reviews the potential effects on each, offering long-term management measures to be implemented on these sites by the two councils. It also draws on the importance of the planning system to control recreational visits, many of which rely on the LPA to provide recreational areas within the county. It also important that developments should ensure that their open space provisions can be used for recreational activities and reduce the need to travel to the SPA sites. It is particularly important that areas for dog exercise are considered since uncontrolled dogs are known to affect the many bird species for which the SPAs are designated.

5.3 The latest framework plan (dated 8th June 2021) will incorporate 4.39ha of green infrastructure (GI), which includes a circular walk to allow dog exercise, thus avoiding the need to travel off site for such exercise. Further discussions are proposed with Natural England via their Discretionary Advice Service (DAS); however, this service was unavailable at the time of writing due to workloads.

5.4 One SSSI is located within 2km of the site: High Woods SSSI, which is located approximately 790m north-west of the site. The proposed development site falls within the Impact Risk Zone for the SSSI. High Woods SSSI is open to the public and has a series of footpaths around it that direct the general public away from sensitive areas. The woods can only be indirectly accessed from the site via a series of roads and pedestrian pathways and would consist of a walk of approximately 1.5km (one way), which would involve more than a 3km circular walk based on residents walking to and

[8] Development and Site Allocations Local Plan. Rother District Council Adopted 16th December 2019. https://www.rother.gov.uk/wp-content/uploads/2020/01/DaSA_Adopted_December_2019_Web.pdf

[9] Rother District Council Planning Portal, application ref RR/2020/565/P [online] http://planweb01.rother.gov.uk/OcellaWeb/planningDetails?reference=RR/2020/565/P

[10] Habitat Regulations Assessment: Rother District Council Likely Significant Effects and Appropriate Assessment September 2018 [online] http://www.rother.gov.uk/HRA

[11] Dungeness Complex: Sustainable Access and Recreation Management Strategy. Prepared by Shepway DC and Rother DC. October 2017. https://www.rother.gov.uk/wp-content/uploads/2020/01/SARMS__MAIN_REPORT_REDUCED_Nov_2017_v2.pdf

from the SSSI. Most of this circular walk would take place either along Peartree Lane to the west of the site, in a built-up residential area, or along Turkey Road to the north, which has no pavements or footpaths along it. It is considered unlikely that residents would use this walk on a daily basis based on the distance and quality of walk, and that increased visitor pressure as a result of the development would be minimal as such areas will be provided within the site. Therefore, significant negative impacts on the SSSI are considered unlikely.

5.5 There are two LWS within 1km of the site. However, both contain well-used paths for public access. This in addition to the GI provision on site mean that any significant impacts on the LWS are considered unlikely.

Habitats

5.6 The semi-improved grassland habitats, which comprise most of the site, were found to be of low intrinsic and conservation importance, with no rare or notable species recorded. Where grassland is being retained throughout the GI, which largely follows the site boundaries and internal hedgerows and tree lines, this will be enhanced through the planting of species-rich and tussock-forming species throughout the proposed development, specifically around water features (attenuation facilities and ditches) and GI within the western and southern extent of the site.

5.7 The small parcels of dense scrub had little structural diversity. However, they do provide ecological value for sheltering and foraging wildlife and should be retained where possible. The current proposals indicate that the majority of this habitat type will be retained, with only the small parcels in the east being removed for vehicular access. The GI within the site should contain some areas of scrub planting to increase the overall ecological value of this habitat type and connectivity across the site, providing additional good quality foraging and nesting habitat for a range of wildlife.

5.8 Patches of tall ruderal vegetation were present throughout the site. All patches were dominated by common nettle which is of low ecological value. The removal of these habitats is not an ecological constraint to the development.

5.9 Hedgerow H5 was assessed as important hedgerows under the Hedgerow Regulations and will be buffered from development. However, in the unlikely event that the proposed works will cause loss or damage to the hedgerow, then permission for removal will be required from the Local Planning Authority.

5.10 All hedgerows on site have conservation value under HEGS and all are classed as Habitats of Principal Importance under the NERC Act (2006) due to the dominance of native species, and therefore require consideration under the NPPF. Under the current proposals most hedgerows are to be retained and buffered. Where small sections of hedgerows are to be removed for pedestrian and vehicular access, other areas will be enhanced with additional planting and buffered ensuring that the small amount of hedgerow loss is compensated for.

5.11 All mature trees present on site provide potential habitats for invertebrates, nesting birds and other wildlife and will be retained, where possible. These will be protected from damage and from soil compaction during works by erecting and maintaining fenced Root Protection Areas (RPAs). Further native tree and scrub planting is to be incorporated throughout the GI, along boundaries and within the main body of the site.

Enhancements

5.12 Preference should be given within the planting scheme to use locally native woody species, with an emphasis on species bearing nectar, berries, fruit and nuts, as these enhance the foraging opportunities for local wild fauna including birds and invertebrates. Suitable small tree species for inclusion in hedgerow and garden planting schemes include field maple, silver birch, wild cherry *Prunus avium*, bird cherry *P. padus*, holly, crab apple *Malus sylvestris* and rowan *Sorbus aucuparia*. Other shrub species suitable for inclusion within the soft landscaping design include hawthorn, hazel, blackthorn, dog rose *Rosa canina*, honeysuckle *Lonicera periclymenum* and wild privet *Ligustrum vulgare*.

5.13 Where possible, planting within the site will seek to provide additional habitat for urban and suburban wildlife. While native species are often of value to biodiversity generally, it is now clear that many cultivated varieties and exotic plants are also good for wildlife provided that their flowers are not too complex or that hybrid varieties, which may produce little or no pollen or nectar and so are not of interest to bees, butterflies or other pollinating insects, are not used. The planting strategy, both within private and public areas, will therefore combine a range of native species and where appropriate, such as in gardens and more formal areas, a range of ornamental species with an accepted value for biodiversity. A variety of small shrubs, low growing woody species, grasses and perennials, would provide a range of forms, sizes and finer scale variation to enhance the future structural and three-dimensional complexity of the site.

5.14 Linear planting beds will be incorporated into the scheme where possible, for example along roads, to increase connectivity across the site for pollinators.

5.15 Attenuation basins are proposed within the western section of the site, with a swale network proposed in the northern, western and southern peripheries and through the main body of the site. These will be designed to maximise biodiversity value with the basins having wide shallow draw down zones, scalloped edges and deep central areas. The waterbodies should be planted with locally native marginal and aquatic vegetation including species such as soft-rush and purple loosestrife *Lythrum salicaria* planted around the edges, and tall emergent plants and floating-leaved plants such as yellow water-lily *Nuphar lutea* within the deeper areas of water. The ponds can be made more visually attractive through the planting of selected species including marsh marigold *Caltha palustris*, water dock *Rumex hydrolapathum* and common water plantain *Alisma plantago-aquatica.* A denser and taller area of vegetation should be planted around the peripheries of the pond to provide additional habitats for invertebrates, and terrestrial habitats for amphibians.

Invasive Species

5.16 Two montbretia *Crocosmia* spp. plants were observed within hedgerow H5 on the south-west boundary of the site (TN6). This plant is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), which means it is an offence to purposely plant or cause the spread of this species in the wild. It is recommended that specialist invasive species removal contractors are used to remove these plants to avoid prevent accidental spread.

Fauna

Bats

5.17 38 trees were considered to have low or moderate roosting potential for bats. Most of the mature trees are to be retained within the proposals, but if any of the trees are likely to be lost or isolated, then further surveys might be necessary. This could include aerial roped access surveys, if the trees are deemed safe to climb, or nocturnal surveys to be undertaken between the months of May – August (inclusive) to confirm the presence or likely absence of a bat roost within them. This methodology takes into account BCT guidelines introduced in 2016.

5.18 The habitats within the site including the grassland, treelines and ditches, along with nearby residential gardens connecting to larger off-site woodland blocks, provide potential for use by bats. The surveys have shown that low populations of bats utilise the habitats on site, almost entirely associated with boundary features. The assemblage mainly comprises widespread species which are common to the local area such as common pipistrelle, soprano pipistrelle and noctule. However, a single barbastelle *Barbastella barbastellus*, an Annex II species, was recorded on static A in early May 2021.

5.19 Open spaces will include ecological enhancements such as attenuation basins, species-rich grassland and substantial new tree and scrub planting will be created using native species, and will provide new opportunities for invertebrate species and in turn increase the foraging potential for bat species. Early flowering native shrubs should be planted such as hawthorn, blackthorn, hazel, honeysuckle, and ivy.

5.20 The development will provide refuge opportunities for the local bat populations by installing bat boxes on mature trees. Bat boxes should be arranged around the development in different locations and at different aspects to provide a variety of alternative roost sites.

5.21 To minimise impacts on bats, proposals will adopt a sensitive external lighting scheme which will be designed to minimise light spill on retained and proposed habitats of value to commuting and foraging bats. The lighting scheme will be designed with regard to current guidance[12,13] and adopt the following principles:

- The avoidance of direct lighting of existing trees, hedgerows, scrub, woodland, or proposed areas of habitat creation/landscape planting.
- Buffer zones and GI are not to be illuminated.
- During the construction period, no lighting should be used in proximity to boundary features, if needed lights will be directionally focused/shrouded, such measures would be detailed within a Construction and Environmental Management Plan (CEMP).
- Lighting that is incorporated into the development design should comprise low pressure sodium lights, as they emit at one wavelength so attract less insects or LED lighting.
- Directional lighting and avoidance of upward lighting and/or light spillage.
- Lighting columns to be as short as possible, although in some locations taller columns would allow reduced horizontal spill.
- Security lighting on properties backing on to sensitive hedgerows and woodland will be low wattage LED, which will be installed on properties at the construction stage to forestall a future homeowner installing unsuitable lighting which could impact on bats.

[12] Bat Conservation Trust (2011) *Statement of the impact and design of artificial light on bats*
[13] Institution of Lighting Professionals (2011) *Guidance Notes for Reduction of Obtrusive Light*

5.22 Roads and buildings in close proximity to the new GI and existing boundary habitats will have lighting sensitively positioned, so as to avoid illumination of canopies, which can disrupt flight patterns of bats.

Birds

5.23 The overall breeding bird assemblage recorded within the application site was typical of edge-of-settlement farmland, with common and widespread, generalist, woodland, and garden species present. The site provides suitable nesting and foraging habitat for a range of bird species, in the form of hedgerows, scrub, and cultivated land, with the majority of species recorded in association with these features.

5.24 Consultation with SxBRC returned records for many notable bird species present within 1km of the application site, including hawfinch. While the grassland and woodland habitats identified within and around the site boundaries are conducive to support several of the notable species identified, few have been observed during surveys to date, with only starling and house sparrow recorded as confirmed breeders.

5.25 Given the absence of coastal wetland habitats, including grazing marsh, shingle beach, mudflats, or reed beds, the site is not considered to provide any potential supporting habitat for species (common and sandwich tern) for which the nearby Dungeness, Romney Marsh and Rye Bay SPA is designated.

5.26 Following breeding bird surveys undertaken in May and June 2021, the site was found to support various protected, or otherwise notable, species that were assessed as likely to be breeding within the site's boundaries. Of these, two species, starling, and house sparrow (both BoCC Red listed/NERC41) were assessed as *confirmed* breeding species; five species woodpigeon, wren (BoCC Amber listed), dunnock, song thrush (BoCC Amber listed/NERC.S41) and spotted flycatcher (BoCC Red listed/NERC.S41) were assessed as *probable* breeders; and three species, greenfinch (BoCC Red listed), stock dove and sparrowhawk (both BoCC Amber listed) were each assessed as *possible* breeders, as the former two were recorded singing from within suitable breeding habitat.

5.27 The remaining three notable species identified within the application site comprised two BoCC Amber listed species (greylag goose and black-headed gull) and one further BoCC Red listed and NERC S41 species, herring gull. Observations of these species were of individuals, or small groups crossing the site in flight, with no individuals of either of these species observed foraging or roosting within the site boundaries. As these observations were comprised entirely of flyovers, these were assessed as *non-breeding* species.

5.28 The species observed within the application boundaries are largely common and widespread, both nationally and within Sussex. As such, their occurrence during the surveys is considered typical, and would be expected on a site of this nature. The species recorded on the application site that are arguably the most vulnerable to impacts resulting from the proposed development are the confirmed, probable, and possible breeding 'notable' species, which in this case were to starling, house sparrow, dunnock, song thrush, spotted flycatcher, wren, woodpigeon, greenfinch, sparrowhawk and stock dove. The 'notable' non-breeding species, recorded as flyovers only, are considered unlikely to be negatively impacted by the proposals.

5.29 Two 'notable' species assessed as confirmed breeders were identified on-site, starling and house sparrow. Both species are strongly associated with human habitation and will readily nest in buildings, trees in open countryside, and farms. While both species have declined in recent years nationwide, they remain widespread and adaptable to urbanised landscapes, so are likely to benefit from new buildings, gardens, and hedgerows. Given the relatively small numbers of house sparrows and starlings recorded on-site, and the implementation of appropriate mitigation/enhancement (see below), the species is unlikely to be significantly affected by the development, with the overall impact considered to be *negligible* to *minor positive* at a local level.

5.30 Dunnock, evaluated as a *probable* breeder, is a species typically found in association with hedgerows and gardens. Similarly, song thrush and spotted flycatcher, which were also assessed as *probable* breeding species, typically favour hedgerows, dense scrub, and broadleaved woodland habitats, as well as residential gardens. As expected, all three species were recorded in association with these features, wherever they occurred on-site, most of which are likely to be retained. These species will also benefit from supplementary planting of native species, which will strengthen most of the existing site boundaries, and contribute to maintaining connectivity into the wider landscape.

5.31 Further supplementary planting will be included within the development footprint by virtue of a network of residential gardens that will be situated amongst the planned housing. Given The relatively common and widespread occurrence of these notable species in Sussex, the comparatively small populations of each species recorded on the application site are assessed as of no more than local importance. The proposed elements of habitat creation and enhancement will create further breeding and foraging resources for all these species, resulting in a minor positive, long term impact.

5.32 The most likely negative effects from a residential development of this type on the assemblage recorded would be as a result of:

- Direct loss / change of breeding habitat; and
- Disturbance during construction and / or operation.

5.33 Short term loss of possible breeding habitat will affect house sparrows, dunnocks, and song thrush, while starlings are likely to be negatively affected in the longer-term by a loss of potential foraging habitat due to the change in land use.

5.34 The retention and enhancement of the majority of features present within the site that are suitable for breeding birds, particularly retained, existing hedgerows and woodland edges, will ensure continued use of the site by local bird populations. Hedgerow enhancements through supplementary native tree planting, to strengthen and bolster the existing boundaries, will increase foraging and nesting resources available for local bird populations, while appropriate management (see below) will help protect nesting birds from predation.

5.35 In addition, 4.39ha of green infrastructure within the development proposals, which will include creation of new hedgerows, structural planting, attenuation features, residential gardens, and greenspace, to buffer the northern, western and southern boundaries from the development footprint, and will provide habitat for a wide range of bird species, including those notable species already identified on-site, which readily utilise parkland, hedgerows and gardens.

5.36 Provision of a range of nest boxes within appropriate locations across the site will also provide further enhancements for birds, further adding to available nesting sites. A mixture of nest box

types can be sited on any suitable trees within retained habitats, or designed into the built environment, and may include:

5.37 A mixture of small entrance (26mm, 32mm & 42mm diameter) boxes placed throughout the site on suitable trees and buildings to provide nesting opportunities for tit species, starlings, sparrows, robin *Erithacus rubecula*, blackbird *Turdus merula.*

5.38 Hedgerows should be managed to maximise their nature conservation potential. This would involve trimming on a three-year rotational basis once established, with any existing gaps planted up with native flowering & berry bearing tree and shrub species. Where feasible, hedgerows will benefit from the creation of wide headlands to ensure natural environments are buffered from the development and to allow for a more diverse tussock-forming grassland habitat to establish, which would further increase the value of the hedgerows as wildlife corridors.

5.39 Appropriate enhancement and management of hedgerows across the application site will create thick structures, with dense bases to help protect nesting birds from predation and provide optimal breeding opportunities for other birds, not currently recorded on-site, which favour scrub, such as yellowhammer and linnet. Structural diversity of hedgerows will be encouraged through the planting of standard trees and the implementation of a suitable management regime (hedge laying or cutting; see below), to increase the diversity of nesting birds.

5.40 Removal of any vegetation suitable to support nesting birds will take place outside of the bird breeding season (March to August inclusive) to protect nesting birds and prevent an offence under the Wildlife and Countryside Act 1981.

5.41 If vegetation is proposed for removal during the bird breeding season (March to August inclusive), it should first be inspected by a suitably qualified ecologist to ensure an offence under the WCA is not committed. If an active nest is discovered, the vegetation containing the nest will remain *in situ* and an appropriate buffer adopted, as stipulated by the attending ecologist, until the young have fledged.

5.42 The retained hedgerows and other woody nesting habitat should be buffered and protected with Heras fencing during construction, to protect it from accidental damage or disturbance.

5.43 The proposed scheme will lead to a negligible short-term effect on the breeding bird assemblage with an overall minor positive effect in the medium to long-term, as the new habitat provision matures.

Dormice

5.44 No hazel dormouse records have been provided by SxBRC within 1km of the application boundary; however, dormice are known to be present within Sussex. No evidence of dormice were recorded throughout the surveys and therefore no constraints from this species are posed.

5.45 It is considered that the retention and enhancement of most treelines and hedgerows will be of benefit to dormice if present. Additional native hedgerow and scrub planting within the GI will provide additional foraging and nesting habitat for the species, as well as increasing connectivity to the wider area.

Great Crested Newts

5.46 No records of GCN were returned from SxBRC during the data search. The eDNA survey undertaken on pond P1 found them to be absent. The ditches around the site did not hold enough water consistently provide breeding opportunities, or the water was too fast flowing. GCN are therefore not considered to pose a constraint to the development.

5.47 Enhancements within the GI will include the creation of waterbodies and areas of informal tussock forming grassland and scrub. This will enhance breeding, commuting and foraging habitat for amphibians in general.

Reptiles

5.48 Individual records of slow worm and grass snake within 1km of the survey area were returned from the SxBRC, both recorded in a field to the south of High Peartree Wood.

5.49 The reptile surveys have identified a low population of slow worms using the boundary features in the east of the site. This area will be the location of the potential road access into the site, meaning the habitats are likely to be lost, therefore it is suggested that measures are taken to avoid an offence under the Wildlife & Countryside Act; this will take the form of either passive displacement or trapping and translocation, techniques which will be confirmed once surveys have been concluded.

5.50 As extensive grazing is taking place within other field compartments, the suitability of habitats for reptile species is reduced, although it is possible some remnant individuals might be present; however, as more suitable habitats have only resulted in a low population the significance of these suboptimal habitats are unlikely to change the population predictions for the site. The boundary habitats are to be retained with a buffer, therefore if species are present they are likely to be incorporated in the GI. So areas of passive displacement might be required as a precautionary measure when hedgerow losses result from access routes, and where possible pockets of retained habitats will remain that will be protected from construction by the erection of heras fencing or similar. Such details will become evident at Reserved Matters, whereby a Construction Environmental Management Plan (CEMP) will be produced, to ensure habitats and fauna are protected at the construction phase.

5.51 Enhancements within the GI will include the creation and maintenance of strips of informal tussock forming grassland through the scheme, this will enhance commuting and foraging activity for reptiles.

5.52 The creation of dead wood piles and hibernacula situated in strategic locations would provide further opportunities for shelter and basking and would also provide potential habitat for amphibians and invertebrates in general.

West European Hedgehog

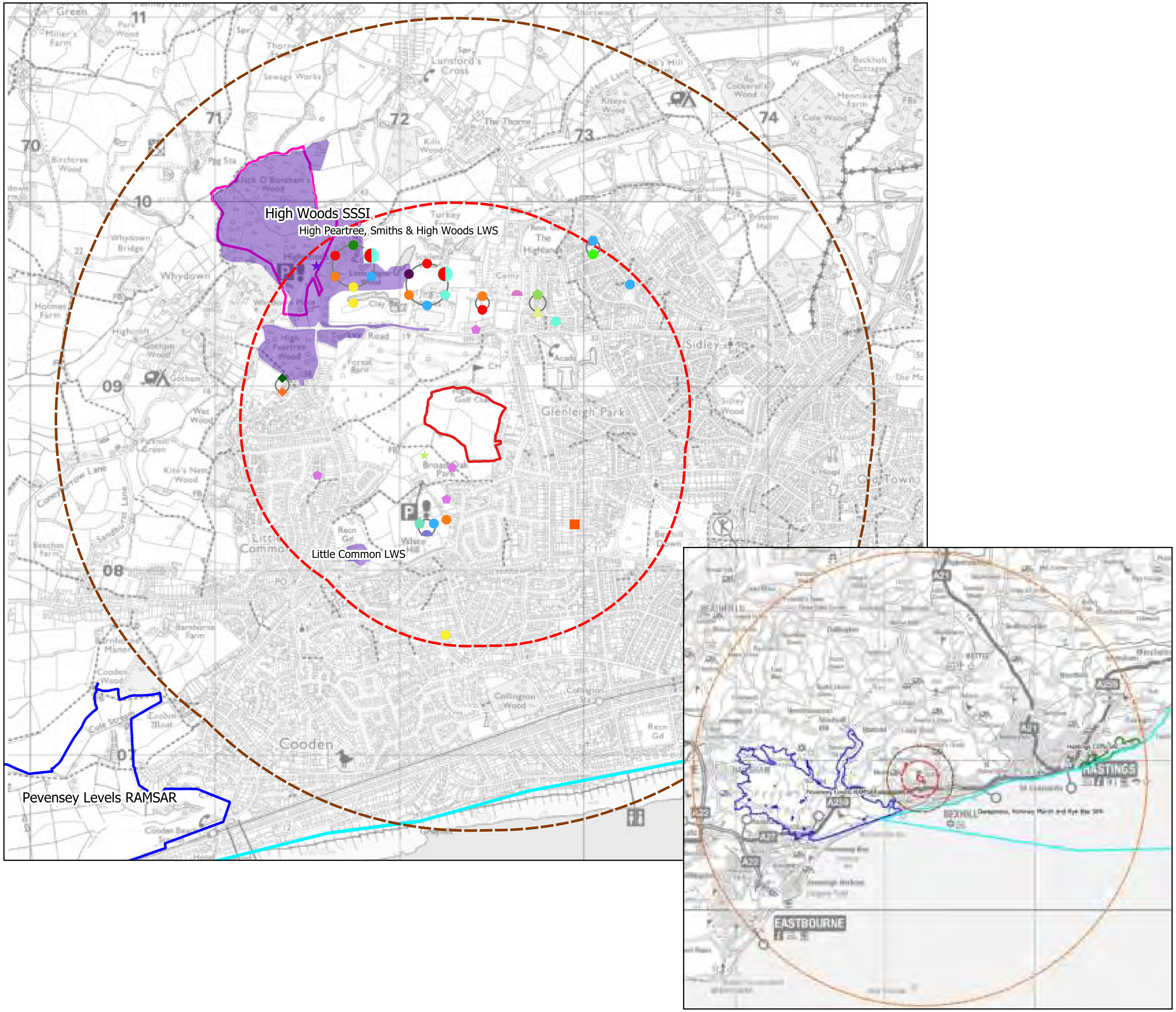
5.53 It is considered that the proposed development will have a negligible impact on hedgehogs as the matrix of gardens and green spaces in towns and cities can support the highest densities of hedgehogs[14]. Residential garden fences should have small holes cut at the bottom (approximately 13cm x 13cm[15]) to ensure connectivity and enable free movement for this species. Hedgehog

[14] Hubert, P., Julliard, R., Biagianti, S. & Marie-Lazarine, P. (2011) Ecological factors driving the higher hedgehog *(Erinaceus europaeus)* density in an urban area compared to the adjacent rural area. Landscape and Urban Planning, 103, 34-43

[15] Hedgehog Street [ONLINE] Available at http://www.hedgehogstreet.org/pages/link-your-garden.html

highway signs can be purchased from the People's Trust for Endangered Species (PTES) which will help inform residents and encourage them to keep the holes open.

5.54 Most hedgerows within the site are to be retained, enhanced and buffered providing high quality habitat for hedgehogs to utilise. The area of GI within the southern and western extent of the site should contain suitable hibernaculum for this species, including log piles and patches of brush, which will allow hedgehogs to safely hibernate over winter as well as providing important habitat for insects during the warmer months which hedgehogs can feed on.



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Key

- Site Boundary
- 1km Buffer
- 2km Buffer
- 15km Buffer

Designated sites

- RAMSAR
- Special Protection Area - Marine (SPA)
- Site of Special Scientific Interest (SSSI)
- Local Wildlife Site (LWS)

Protected/Notable Species

- Bat sp.
- Brown Long-eared Bat
- Common Pipistrelle
- Long-eared Bat species
- Myotis Bat
- Natterer's Bat
- Noctule Bat
- Serotine
- Soprano Pipistrelle
- West European Hedgehog
- Grass Snake
- Slow-worm
- Common House Martin
- Bluebell
- Glandular Eyebright
- White Admiral
- Small Heath
- Harlequin Ladybird
- Spanish Bluebell
- Three-cornered Garlic

Gladman Developments Ltd.

Land off Fryatts Way,
Bexhill-on-Sea, East Sussex

CONSULTATION PLAN

scale @A3	drawn	issue date
1:21,000	HG	7/11/2022

drawing / figure number	rev
Figure 1	-

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masterplanning ▪ environmental assessment ▪ landscape design ▪ urban design ▪ ecology ▪ architecture ▪ arboriculture

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Key

- Site Boundary
- Pond
- Dense scrub
- Tall ruderal
- SI — Poor semi-improved grassland
- Fence
- Ditch with standing water
- Running water
- Fence
- Hedgerow
- Line of trees
- Target note
- Tree with Negligible Bat Potential
- Tree with Low Bat Potential
- Tree with Moderate Bat Potential

Gladman Developments Ltd.

Land off Fryatts Way,
Bexhill-on-Sea, East Sussex

PHASE 1 HABITAT PLAN

scale @A3	drawn	issue date
1:1,800	LV	7/11/2022

drawing / figure number: **Figure 2** rev: **-**

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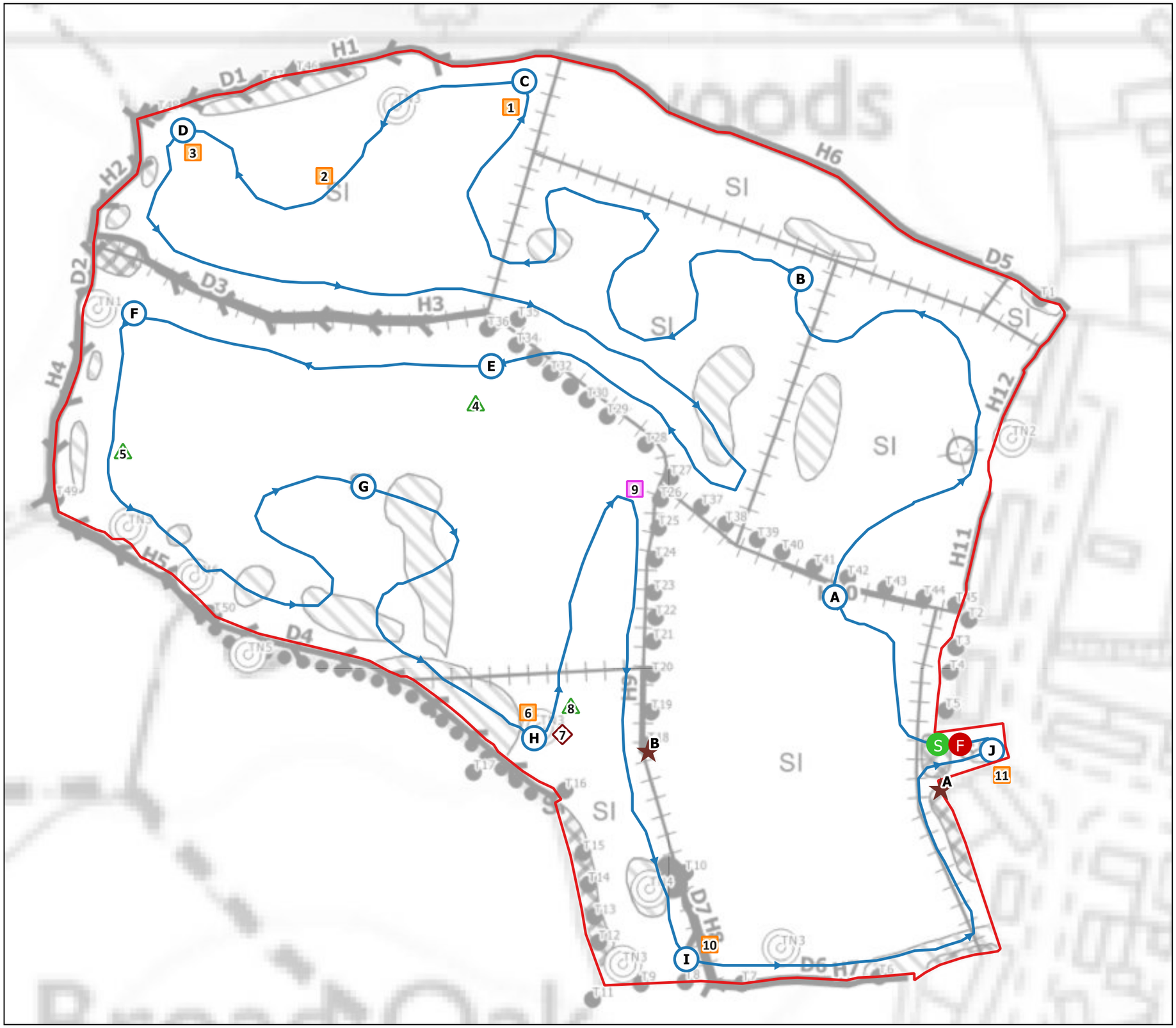

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Key

- Site Boundary
- Start point
- Finish point
- Point Count
- Transect Route
- Flight Path
- Static detector

Bat Species (contacts)

- Common Pipistrelle
- Soprano Pipistrelle
- Myotis Species
- Plecotus Species

Plan Reference	Time	Species	Passes	Behaviour
Start	20:23			
PCA	20:26- 20:31	NO BATS		
PCB	20:36- 20:41	NO BATS		
PCC	20:47- 20:52	REF 1		
1	20:47	C. Pip	1	Commuting
2	20:54	C. Pip	2	Foraging
PCD	20:58- 21:03	REF 3		
3	21:01	C. Pip	1	Commuting
PCE	21:18- 21:23	REF 4		
4	21:23	Myotis sp.	1	Commuting
PCF	21:27- 21:32	NO BATS		
5	21:34	Myotis sp.	Cont.	Forgaing
PCG	21:39- 21:44	NO BATS		
PCH	21:48- 21:53	REF 6-8		
6	21:50	C. Pip	2	Commuting
7	21:50	Plecotus sp.	1	Commuting
8	21:50	Myotis sp.		
9	21:54	S. Pip	1	Commuting
PCI	21:57- 22:02	REF 9		
10	22:02	C. Pip	2	Commuting
PCJ	22:10- 22:15	REF 10		
11	22:11	C. Pip	1	Commuting
Finish	22:23			

0 50 100 m

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Land at Fryatts Way,
Bexhill On-Sea, East Sussex

BAT TRANSECT PLAN & STATIC LOCATION PLAN (04.05.21)

scale @ A3: 1:1,700
drawn: EM / LV
issue date: 7/11/2022
drawing / figure number: **Figure 3**
rev: -

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Key

- Site Boundary
- Start point
- Finish point
- Point Count
- Transect Route
- Flight Arrow
- Static Detector

Bat Species (contacts)

- Common Pipistrelle
- Brown Long-eared
- Nyctalus Species
- Noctule

Plan Reference	Time	Species	Passes	Behaviour
Start	20:56			
PCA	20:56- 21:01	NO BATS		
PCB	21:06- 21:11	REF 1		
1	21:08	Noctule	1	Commuting
PCC	21:18- 21:23	REF 2		
2	21:20	C. Pip	1	Commuting
3	21:26	C. Pip	3	Foraging
PCD	21:27- 21:32	REF 4-5		
4	21:29	C. Pip	3	Foraging
5	21:32	C. Pip	1	Commuting
6	21:34	C. Pip	1	Commuting
PCE	21:40- 21:45	NO BATS		
7	21:46	C. Pip	1	Commuting
8	21:50	Nylactus sp.	1	Commuting
PCF	21:51- 21:56	REF 9-10		
9	21:55	C. Pip	1	Commuting
10	21:56	C. Pip	Cont.	Foraging
PCG	22:01- 22:06	REF 11-12		
11	22:01	Plecotus sp.	1	Commuting
12	22:06	Nylactus sp.	3	Foraging
13	22:07	Plecotus sp.	1	Commuting
14	22:10	Nylactus sp.	1	Commuting
15	22:11	Noctule	1	Commuting
PCH	22:13- 22:18	NO BATS		
PCI	22:25- 22:30	REF 16		
16	22:29	C. Pip	2	Commuting
17	22:32	C. Pip	2	Commuting
18	22:33	Nylactus sp.	2	Commuting
PCJ	22:35- 22:40	NO BATS		
19	22:44	Plecotus sp.	1	Commuting
20	22:46	S. Pip	1	Commuting
Finish	22:56			

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Land off Fryatts Way,
Bexhill On-Sea, East Sussex

BAT TRANSECT PLAN AND STATIC LOCATION PLAN (26.05.21)

scale @ A3: 1:1,700
drawn: EM / LV
issue date: 7/11/2022
drawing / figure number: **Figure 4**
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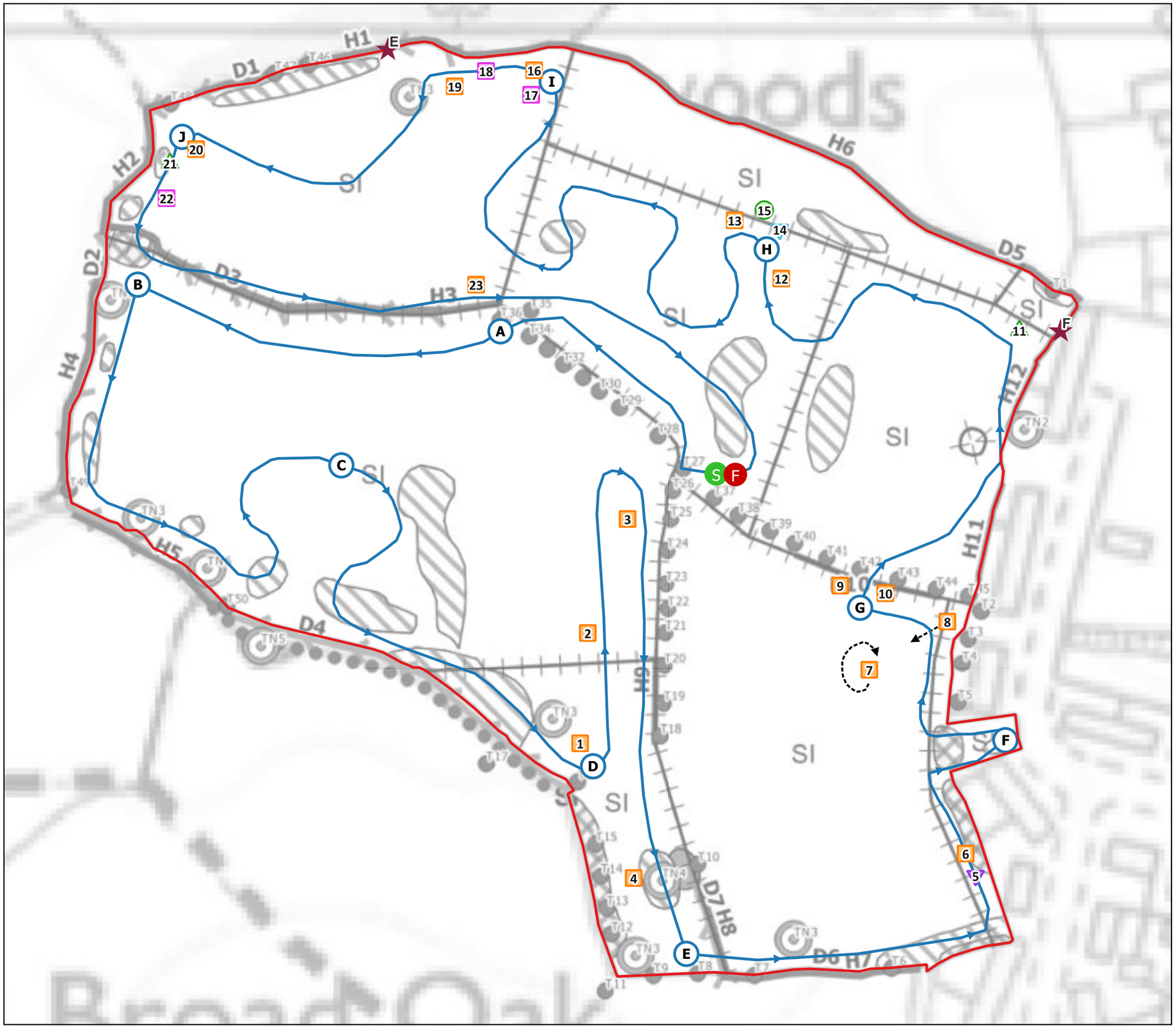

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Key

- Site Boundary
- Start point
- Finish point
- Point Count
- Transect Route
- Flight Arrow
- Static Detector

Bat Contacts

- Common Pipistrelle
- Soprano Pipistrelle
- Myotis Species
- Nyctalus Species
- Noctule
- Serotine

Plan Reference	Time	Species	Passes	Behaviour
Start	21:15			
PCA	21:20- 21:25	NO BATS		
PCB	21:29- 21:34	NO BATS		
PCC	21:38- 21:43	NO BATS		
PCD	21:46- 21:51	REF 1-2		
1	21:50	C. Pip	3	Foraging
2	21:52	C. Pip	Contin.	Foraging
3	21:56	C. Pip	Contin.	Foraging
4	22:00	C. Pip	2	Commuting
PCE	22:02-22:07	NO BATS		
5	22:10	Noctule	1	Commuting
6	22:10	C. Pip	1	Commuting
PCF	22:14- 22:19	NO BATS		
7	22:21	C. Pip	Contin.	Foraging
8	22:22	C. Pip	1	Commuting
PCG	22:24- 22:29	REF 9-10		
9	22:27	C. Pip	Contin.	Foraging
10	22:29	C. Pip	Contin.	Foraging
11	22:33	Myotis sp.	2	Commuting
12	22:35	C. Pip	1	Commuting
PCH	22:37- 22:42	REF 13-15		
13	22:38	C. Pip	1	Commuting
14	22:40	Noctule	2	Commuting
15	22:40	Serotine	1	Commuting
PCI	22:49- 22:54	REF 16-17		
16	22:49	C. Pip	Contin.	Foraging
17	22:49	S. Pip	Contin.	Foraging
18	22:54	S. Pip	Contin.	Foraging
19	22:56	C. Pip	Contin.	Foraging
PCJ	23:00- 23:05	REF 20-22		
20	23:00	C. Pip	Contin.	Foraging
21	23:02	Myotis sp.	1	Commuting
22	23:05	S. Pip	1	Commuting
23	23:09	C. Pip	Contin.	Foraging
Finish	23:15			

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Land at Fryatts Way,
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BAT TRANSECT PLAN & STATIC LOCATION PLAN (22.06.21)

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drawn: HG
issue date: 7/11/2022
drawing / figure number: **Figure 5**
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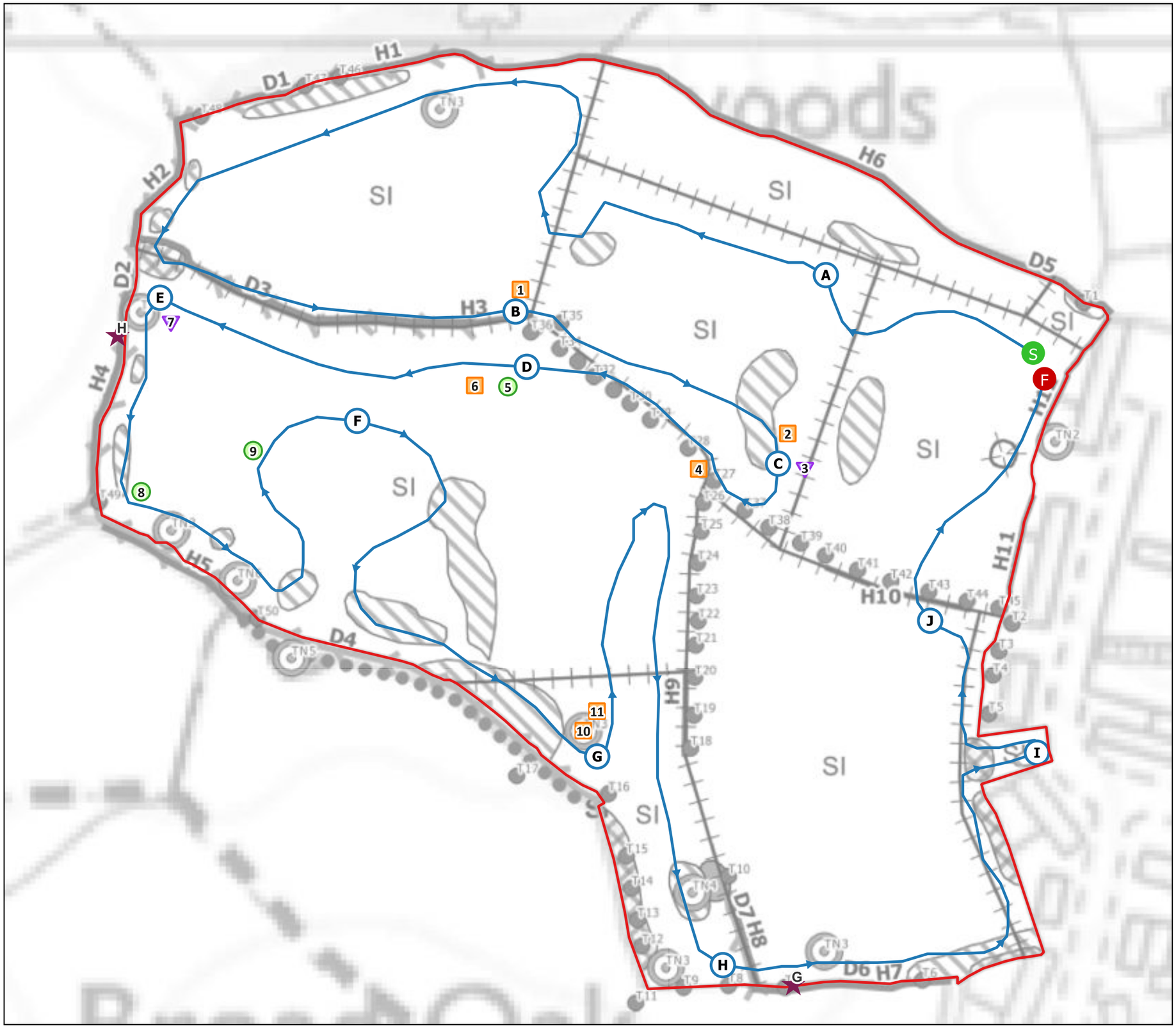

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Key

- Site Boundary
- Transect Route
- Start point
- Finish point
- Point Count
- Flight Arrow
- Static Detector

Bat Species (contacts)

- Common Pipistrelle
- Soprano Pipistrelle
- Noctule
- Serotine

Plan Reference	Time	Species	Passes	Behaviour
Start	21:10			
PCA	21:14- 21:19	NO BATS		
PCB	21:33- 21:38	REF 1		
1	21:35	C. Pip	1	Commuting
2	21:42	C. Pip	1	Commuting
PCC	21:42- 21:47	REF 3		
3	21:46	Noctule	1	Commuting
4	21:48	C. Pip	3	Foraging
PCD	21:51- 21:56	REF 5-6		
5	21:51	Serotine	2	Commuting
6	21:52	C. Pip	2	Commuting
PCE	22:01- 22:06	REF 7		
7	22:04	Noctule	3	Foraging
8	22:09	Serotine	1	Commuting
9	22:14	Serotine	1	Commuting
PCF	22:15- 22:20	NO BATS		
PCG	22:30- 22:35	REF 10		
10	22:31	C. Pip	1	Commuting
11	22:46	C. Pip	1	Commuting
PCH	22:48- 23:53	NO BATS		
PCI	22:58- 23:03	NO BATS		
PCJ	23:05- 23:10	NO BATS		
Finish	23:13			

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Land at Fryatts Way,
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BAT TRANSECT & STATIC LOCATIONS PLAN (20.07.21)

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Key

- Site Boundary
- Start point
- Finish point
- Point Count
- Transect Route
- Flight Arrow
- Static Detector

Bat Contacts

- Common Pipistrelle
- Myotis Species
- Nyctalus Species

Plan Reference	Time	Species	Passes	Behaviour
Start	03:09			
PCA	03:18- 03:23	NO BATS		
1	03:27	Nyctalus sp.	1	Commuting
PCB	03:33- 03:38	NO BATS		
PCC	03:42- 03:47	NO BATS		
PCD	03:51- 03:56	NO BATS		
2	03:56	C. Pip	1	Commuting
3	03:57	Myotis sp.	1	Commuting
PCE	04:00- 04:05	NO BATS		
4	04:07	C. Pip	1	Commuting
PCF	04:12- 04:17	NO BATS		
PCG	04:22- 04:27	REF 4		
5	04:27	C. Pip	Contin.	Foraging
6	04:35	S. Pip	Contin.	Foraging
PCH	04:38- 04:43	NO BATS		
PCI	04:49- 04:54	NO BATS		
PCJ	04:56- 05:01	NO BATS		
Finish	05:09			

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Land at Fryatts Way,
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BAT TRANSECT & STATIC LOCATIONS PLAN (21.07.21)

scale @ A3 1:1,700 | drawn HG | issue date 7/11/2022

drawing / figure number **Figure 7** | rev -

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Key

- Site Boundary
- Start point
- Finish point
- Point Count
- Transect Route
- Flight Arrow
- Static Detector

Bat Contacts

- Common Pipistrelle
- Soprano Pipistrelle
- Myotis Species
- Noctule
- Plecotus Species

Plan Reference	Time	Species	Passes	Behaviour
Start	20:28			
PCA	20:30- 20:35			
PCB	20:39- 20:44			
PCC	20:49- 20:54			
1	20:50	Noctule	3	Foraging
PCD	20:58- 21:03			
2	20:58	Noctule	1	Commuting
3	21:02	C. Pip	1	Commuting
4	21:05	C. Pip	Contin.	Foraging
5	21:07	S. Pip	2	Commuting
PCE	21:13- 21:18			
6	21:14	S. Pip	1	Commuting
7	21:16	C. Pip	Contin.	Foraging
8	21:17	Long-eared sp.	1	Commuting
9	21:19	Myotis sp.	1	Commuting
10	21:22	C. Pip	2	Foraging
PCF	21:27- 21:32			
11	21:27	C. Pip	Contin.	Foraging
PCG	21:36- 21:41			
12	21:37	C. Pip	Contin.	Foraging
13	21:43	C. Pip	Contin.	Foraging
PCH	21:46- 21:51			
14	21:46	S. Pip	1	Commuting
PCI	21:55- 22:00			
15	21:56	C. Pip	1	Commuting
16	22:03	C. Pip	Contin.	Foraging & Social
PCJ	22:05- 22:10			
17	22:08	Long-eared sp.	1	Commuting
18	22:09	S. Pip	4	Foraging
19	22:19	C. Pip	Contin.	Foraging
20	22:27	C. Pip	2	Commuting
Finish	22:28			

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Land at Fryatt's Way,
Bexhill On-Sea, East Sussex

BAT TRANSECT & STATIC LOCATIONS PLAN (10.08.21)

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drawing / figure number: **Figure 8** | rev: -

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Key

- Site Boundary
- Start point
- Finish point
- Point Count
- Transect Route
- Flight Arrow
- Static Detector

Bat Contacts

- Common Pipistrelle
- Soprano Pipistrelle
- Myotis Species
- Nyctalus Species
- Noctule
- Serotine

Plan Reference	Time	Species	Passes	Behaviour
Start	19:31			
PCA	19:31- 19:36	NO BATS		
PCB	19:43 - 19:48	NO BATS		
PCC	19:50- 19:55	NO BATS		
1	19:58	C. Pip	2	Commuting
2	19:58	Noctule	1	Commuting
3	20:04	S. Pip	5	Foraging
4	20:05	C. Pip	Contin.	Foraging
PCD	20:06- 20:11			
5	20:09	C. Pip	Contin.	Foraging
6	20:15	C. Pip	2	Commuting
7	20:17	C. Pip	Contin.	Foraging
8	20:17	Noctule	1	Commuting
PCE	20:17- 20:22			
9	20:19	S. Pip	Contin.	Foraging
10	20:22	C. Pip	3	Foraging
11	20:22	Nyctalus sp.	1	Commuting
12	20:24	C. Pip	3	Foraging
PCF	20:25- 20:30			
13	20:25	C. Pip	Contin.	Foraging
14	20:28	Serotine	3	Foraging
15	20:29	C. Pip	Contin.	Foraging
16	20:31	C. Pip	3	Foraging
17	20:34	S. Pip	2	Commuting
18	20:35	C. Pip	3	Foraging
PCG	20:36- 20:41			
19	20:37	C. Pip	Contin.	Foraging
20	20:38	Nyctalus sp.	1	Commuting
21	20:42	C. Pip	Contin.	Foraging
22	20:44	Nyctalus sp.	2	Commuting
PCH	20:45- 20:50			
23	20:48	Myotis sp.	1	Commuting
PCI	20:53- 20:58			
24	20:56	C. Pip	4	Foraging
25	20:58	C. Pip	1	Commuting
26	20:58	Myotis sp.	1	Commuting
27	21:04	S. Pip	1	Commuting
28	21:10	C. Pip	Contin.	Foraging
PCJ	21:14- 21:19			
29	21:22	C. Pip	2	Commuting
30	21:26	C. Pip	1	Commuting
Finish	21:31			

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Land off Fryatts Way
Bexhill On-Sea, East Sussex

BAT TRANSECT & STATIC LOCATION PLAN (07.09.21)

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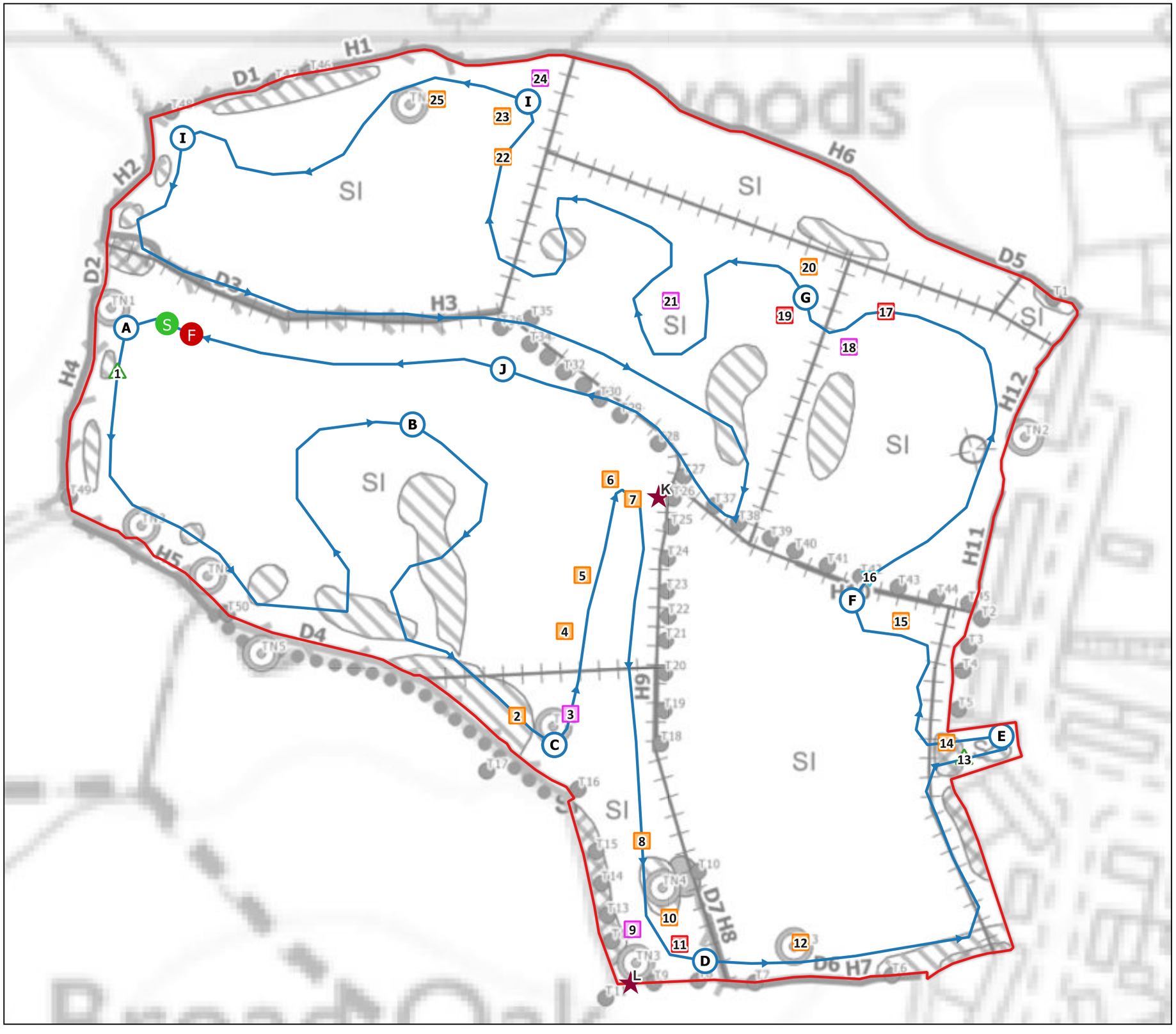

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Key

- Site Boundary
- Start point
- Finish point
- Point Count
- Transect Route
- Flight Arrow
- Static Detector

Bat Species (contacts)

- Common Pipistrelle
- Soprano Pipistrelle
- Nathusius Pipistrelle
- Myotis Species
- Nyctalus Species

Plan Reference	Time	Species	Passes	Behaviour
Start	04:22			
PCA	04:22- 04:26	NO BATS		
1	04:26	S. Pip	1	Commuting
PCB	04:31- 04:36	NO BATS		
PCC	04:39- 04:44	REF 2		
2	04:43	C. Pip	1	Commuting
3	04:47	S. Pip	1	Commuting
4	04:48	C. Pip	Contin.	Foraging
5	04:50	C. Pip	Contin.	Foraging
6	04:56	C. Pip	Contin.	Foraging
PCD	04:58- 05:03	REF 7-8		
7	05:01	C. Pip	Contin.	Foraging
8	05:02	C. Pip	1	Foraging
9	05:07	S. Pip	1	Commuting
PCE	05:08- 05:13	REF 10-11		
10	05:09	C. Pip	4	Foraging
11	05:12	N. Pip	1	Commuting
12	05:14	C. Pip	3	Foraging
13	05:15	Myotis species	3	Foraging
PCF	05:16- 05:21	REF 14		
14	05:17	C. Pip	Contin.	Foraging
15	05:23	C. Pip	2	Commuting
16	05:23	Nyctalus sp.	2	Commuting
17	05:24	N. Pip	3	Foraging
18	05:24	S. Pip	1	Commuting
PCG	05:26-05:31	REF 19-20		
19	05:26	N. Pip	Contin.	Foraging
20	05:27	C. Pip	Contin.	Foraging
21	05:33	C. Pip	1	Commuting
22	05:35	C. Pip	4	Foraging
PCH	05:36-05:41	REF 23-24		
23	05:37	C. Pip	Contin.	Foraging
24	05:40	S. Pip	1	Commuting
25	05:42	C. Pip	1	Commuting
PCI	05:46-05:51	NO BATS		
	06:4- 06:09	NO BATS		
Finish	06:22			

0 50 100 m

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Land at Fryatts Way,
Bexhill On-Sea, East Sussex

BAT TRANSECT & STATIC LOCATION PLAN (08.09.21)

scale @ A3: 1:1,700
drawn: HG / REM
issue date: 7/11/2022
drawing / figure number: **Figure 10**
rev: -

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Key

- Site Boundary
- Start point
- Finish point
- Point Count
- Transect Route
- Flight Arrow
- Static Detector

Bat Contacts

- Common Pipistrelle
- Soprano Pipistrelle
- Myotis Species
- Plecotus Species

Plan Reference	Time	Species	Passes	Behaviour
Start	18:13			
PCA	18:13- 18:19	NO BATS		
PCB	18:21- 18:26	NO BATS		
1	18:33	S. Pip	1	Commuting
2	18:34	C. Pip	3	Foraging
PCC	18:38- 18:43	REF 3		
3	18:42	C. Pip	2	Commuting
PCD	18:48- 19:53	NO BATS		
4	18:52	C. Pip	2	Commuting
5	18:55	Long-eared sp.	1	Commuting
6	18:56	C. Pip	2	Commuting
PCE	18:59- 19:04	NO BATS		
PCF	19:08- 19:13	NO BATS		
7	19:15	C. Pip	Contin.	Foraging
8	19:18	Myotis sp.	1	Commuting
9	19:20	C. Pip	Contin.	Foraging
10	19:23	C. Pip	2	Commuting
11	19:26	C. Pip	Contin.	Foraging
PCG	19:26- 19:31	REF 12-13		
12	19:26	Myotis sp.	Contin.	Passing
13	19:29	S. Pip	Contin.	Foraging
14	19:31	C. Pip	Contin.	Foraging
PCH	19:35- 19:40	NO BATS		
15	19:41	C. Pip	Contin.	Foraging
16	19:41	S. Pip	Contin.	Foraging
PCI	19:43- 19:48	REF 17-18		
17	19:43	C. Pip	Contin.	Foraging
18	19:44	S. Pip	Contin.	Foraging
PCJ	19:52- 19:57	NO BATS		
19	20:00	C. Pip	1	Commuting
Finish	20:13			

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Land at Fryatts Way,
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BAT TRANSECT & STATIC LOCATION PLAN (12.10.21)

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Figure 11 | rev: -

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Key

- Site Boundary
- Fly Over Only
- NERC Species of Principle Importance

BoCC Red Listed Species

- GR Greenfinch
- HG Herring Gull
- HS House Sparrow
- SF Spotted Flycatcher
- SG Starling

BoCC Amber Listed Species

- BH Black-headed Gull
- D Dunnock
- GJ Greylag Goose
- ST Song Thrush
- SH Sparrowhawk
- SD Stock Dove
- WP Woodpigeon
- WR Wren

Gladman Developments Ltd.

Land at Fryatts Way,
Bexhill, East Sussex

BREEDING BIRD SURVEY RESULTS - DISTRIBUTION OF NOTABLE SPECIES

scale @A3 1:1,750 | drawn RM | issue date 7/11/2022

drawing / figure number **Figure 12** | rev -

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Q:\9309 Bexhill\QGIS 2.14\PLANS\Bird Figures\BBS - Survey Plans\Survey One - primary plan\Breeding Bird Survey Results (Survey 1).qgs

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Key

- Site Boundary
- Tube Locations
- Woodmouse

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0 50 100 m

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DORMOUSE SURVEY PLAN

scale @ A3: 1:1,800
drawn: LV
issue date: 7/11/2022
drawing / figure number: **Figure 13**
rev: -

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Key

- Site Boundary
- Indicative Refugia Locations

Reptile Species Records

- Slow-worm

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Bexhill-on-sea, East Sussex

REPTLE SURVEY PLAN

scale @A3	drawn	issue date
1:1,800	LV / REM	7/11/2022

drawing / figure number **Figure 14** rev **-**

APPENDIX A: RELEVANT LEGISLATION, POLICY AND GUIDANCE

Legislative Framework

1.1 The applicable legislative framework is summarised as follows:

- Natural Environment and Rural Communities (NERC) Act 2006.
- Wildlife and Countryside Act (WCA) 1981 (as amended).
- The EC Birds Directive (Directive 79/409/EEC) as translated into UK law by The Conservation of Habitats and Species Regulations (CHSR) 2017 (as amended).
- The EC Habitats Directive (Directive 92/43/EEC) as translated into UK law by the CHSR 2017 (as amended).
- Environment Act 2021.
- The Protection of Badgers Act (PBA) 1992.

1.2 Section 41 (S41) of the NERC Act 2006 places a duty on the Secretary of State to publish, review and revise lists of living organisms and types of habitat in England that are of principal importance for the purpose of conserving English biodiversity, and to consult Natural England before doing so.

1.3 The S41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under Section 40 of the NERC Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions.

1.4 The Environment Act 2021 came into force on 9th November 2021. Of particular relevance is the requirement for all developments subject to the Town and Country Planning Act to provide an at least 10% biodiversity net gain (BNG), with habitat used for net gain to be secured for a minimum of 30 years. Delivery of BNG may be on site, off-site or undertaken using statutory biodiversity credits. The requirement for BNG does not over-ride the need to apply the mitigation hierarchy (avoidance, mitigation and compensation) when considering biodiversity assets and their loss and does not change existing environmental and wildlife legal protection.

1.5 Whilst the Act mandates a 10% BNG delivery and for this to be a condition of planning permissions (Part 6 section 98 and Schedule 14 part 1), section 147 (3) states that this will only come into force once the secondary legislation is in place to support this requirement. Therefore, there is a transition period (the length of which is not defined but anticipated as being around 2 years) until the mandated 10% is required under law.

Habitats

1.6 The degree to which habitats receive consideration within the planning system relies on many mechanisms, including:

- Inclusion within a specific policy, for example, veteran trees, ancient woodland and linear habitats within the National Planning Policy Framework (NPPF) 2021, or local planning policies.
- A non-statutory site designation (e.g. Local Wildlife Site).
- Habitats of Principal Importance for the conservation of biodiversity and species as listed within Section 41 of the NERC Act 2006.
- Habitats identified as being a Priority Habitat within the Local Biodiversity Action Plan (LBAP).

Protected/Notable Species

1.7 Principal pieces of legislation protecting wild species are Part 1 of the WCA 1981 (as amended) and the CHSR 2017 (as amended). Some species, for example badgers, also have their own protective legislation (PBA 1992). The impact that this legislation has on the planning system is outlined in ODPM 06/2005 Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.

1.8 This guidance states that the presence of protected species is a material consideration in any planning decision, and it is therefore essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals, is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions, for example.

1.9 In addition to protected species, there are those that are of conservation merit, such as those listed as species of principal importance for the purpose of conserving biodiversity under the NERC Act 2006. These are recognised in the NPPF which advises that when determining planning applications, local planning authorities (LPAs) should aim to conserve and enhance biodiversity by applying a set of principles including:

- If significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- Development proposals where the primary objective is to conserve or enhance biodiversity should be encouraged.

Bats

1.10 Bats and their habitats are protected under the WCA 1981 (as amended) and by the CHSR 2017 (as amended). In summary, this makes it an offence to:

- Damage destroy or obstruct any place used by bats for breeding and shelter.
- Disturb a bat, or kill, injure or take a bat.

1.11 Seven bat species are listed as Species of Principal Importance under the NERC Act 2006: Barbastelle *Barbastella barbastellus,* Bechstein's *Myotis bechsteinii*, noctule *Nyctalus noctula*, soprano pipistrelle *Pipistrellus pygmaeus*, brown long-eared *Plecotus auritus*, greater horseshoe *Rhinolophus ferrumequinum* and lesser horseshoe *R. hipposideros*.

Birds

1.12 The WCA 1981 (as amended) is the principal legislation affording protection to UK wild birds. Under this legislation all birds, their nests and eggs are protected bylaw and it is an offence, with certain exceptions, to recklessly or intentionally:

- Kill, injure or take any wild bird.
- Take, damage or destroy the nest of any wild bird while in use or being built.
- Take or destroy the egg of any wild bird.

1.13 Species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) are specially protected at all times.

Great Crested Newts

1.14 Great crested newts *Triturus cristatus* and the places they use for shelter or protection are protected under the CHSR 2017 (as amended) and Schedule 2 of the WCA 1981 (as amended). In summary, it is an offence to:

- Deliberately or recklessly to take, injure or kill a great crested newt.
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for breeding, shelter or protection by the species.
- Intentionally or recklessly disturb while it is occupying a structure or place which it uses for such purpose; or intentionally take or destroy the eggs of a great crested newt.

Hazel Dormice

1.15 Hazel dormice *Muscardinus avellanarius* and their places of shelter are protected under CHSR 2017 (as amended) and Schedule 5 of the WCA 1981 (as amended). This is also a species of principal importance for the conservation of biodiversity under S41 of the NERC Act 2006. In summary, it is an offence to:

- Intentionally or deliberately kill, injure or capture dormice.
- Intentionally, deliberately or recklessly disturb dormice in such as a way as to significantly affect their ability to survey, breed, rear/nurture their young or significantly affect their local distribution and abundance.
- Intentionally or recklessly damage, destroy or obstruct access to places used by dormice for shelter or protection (whether occupied or not) or disturb a dormouse whilst occupying such places.
- Damage or destroy a dormouse breeding site or resting place.
- Possess or transport a dormouse (or any part thereof) unless under licence and sell or exchange dormice.

Reptiles

1.16 All common reptile species (grass snake *Natrix helvetica*, slow worm *Anguis fragilis*, common lizard *Zootoca vivipara* and adder *Vipera berus*) are partially protected under the Wildlife and Countryside Act 1981. In summary, this legislation protects the species from intentional killing, injury or sale, offering for sale, or possessing, transporting or publishing advertisements for the purposes of sale.

Relevant Planning Policy

National Planning Policy Framework (NPPF)

1.17 The latest version of the NPPF was published in February 2021. The premise of '*presumption in favour of sustainable development*' embedded within the previous versions of the NPPF has been carried forward to the current version. The NPPF considers that to achieve this, the planning system has three overarching objectives: economic, social and environmental. It considers these to be inter-dependent with a need for them to be mutually supportive of one another. For specific development proposals the NPPF considers applying a presumption in favour of sustainable development means:

"…c) approving development proposals that accord with an up-to-date development plan without delay…" [para.11].

"They [decision makers] *should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area".* [para. 38.].

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

…d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate biodiversity." [para. 180].

1.18 In terms of 'environmental objects' (one of the three core planning objectives), the NPPF states that:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate". [para 174].

Relevant Local Planning Policy

1.19 The Rother District Core Strategy (2014) includes the following policies of relevance:

Policy EN1:

"Landscape Stewardship Management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including

(i) The distinctive identified landscape character, ecological features and settlement pattern of the High Weald Area of Outstanding Natural Beauty;
(ii) The distinctive low-lying levels to the east of the district with particular regard to the landscape setting of Rye and Winchelsea;
(iii) Nationally designated historic sites including listed Parks and Gardens, Scheduled Ancient Monuments and the Registered Historic Battlefield at Battle;
(iv) The undeveloped coast;
(v) Open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes;
(vi) Ancient woodlands;

(vii) Tranquil and remote areas, including the dark night sky;

(viii) Other key landscape features across the district, including native hedgerows, copses, field patterns, ancient routeways, ditches and barrows, and ponds and water courses"

Policy EN5:

"Biodiversity and Green Space Biodiversity, geodiversity and green space will be protected and enhanced, by multi-agency working where appropriate, to:

(i) Maintain and develop a district-wide network of green infrastructure where possible linking areas of natural green space;

(ii) Protect and enhance the international, national and locally designated sites, having due regard to their status;

(iii) Establish a major area of accessible open space at Combe Valley Countryside Park, between Bexhill and Hastings;

(iv) Enhance the nature conservation value and multi-functional nature of the Romney Marsh Biodiversity Opportunity Area;

(v) Support opportunities for management, restoration and creation of habitats in line with the opportunities identified for the Biodiversity Opportunity Areas (BOAs) and targets set out in the Sussex Biodiversity Action Plan;

(vi) Continue to develop the wetland habitat at Bewl Water Reservoir, with compatible recreational uses;

(vii) Increase accessibility to the countryside from urban areas, especially in the Hastings and Bexhill fringes;

(viii) Ensure that development retains, protects and enhances habitats of ecological interest, including ancient woodland, water features and hedgerows, and provides for appropriate management of these features;

(ix) Require developers to integrate biodiversity into development schemes by avoiding adverse impacts from development on biodiversity or habitat, or where wholly unavoidable, provide appropriate mitigation against or compensation for any losses. In any event, developers will also be expected to consider and promote opportunities for the creation and/or restoration of habitats appropriate to local context."

Policy DEN4:

"Biodiversity and Green Space Development proposals should support the conservation of biodiversity and multi-functional green spaces in accordance with Core Strategy Policy EN5 and the following criteria, as applicable:

(i) proposals where the principal objective is to conserve or enhance biodiversity or geodiversity will be supported in principle;

(ii) development proposals should seek to conserve and enhance:

a. The biodiversity value of international, national, regional and local designated sites of biodiversity and geological value, and irreplaceable habitats (including ancient woodland and ancient or veteran trees);

b. Priority Habitats and Species; and Protected Species, both within and outside designated sites. Depending on the status of habitats and species concerned, this may require locating development on alternative sites that would cause less or no harm, incorporating measures for prevention, mitigation and (in the last resort) compensation.

(iii) in addition to (ii) above, all developments should retain and enhance biodiversity in a manner appropriate to the local context, having particular regard to locally present Priority Habitats and Species, defined 'Biodiversity Opportunity Areas', ecological networks, and further opportunities identified in the Council's Green Infrastructure Study Addendum.

(iv) larger developments of more than 2 hectares or 50 dwellings (whichever is the smaller) should produce a Green Infrastructure masterplan as part of their proposals.

(v) all developments within the strategy area of the Dungeness Complex Sustainable Access and Recreation Management Strategy should have regard to the measures identified in that Strategy."

APPENDIX B: DETAILED SURVEY METHODOLOGY

Tree Bat Roost Assessment

1.1 Tree assessments were undertaken in November 2019, May 2021 and November 2022 by suitably experienced FPCR ecologists.

1.2 The trees were searched for potential roosting features (PRFs) from ground level with the aid of a torch and binoculars, where appropriate. Features[1] include:

- Natural holes (e.g. knot holes) arising from naturally shed branches or branches previously pruned back to a branch collar.
- Man-made holes (e.g. cavities that have developed from flush cuts or cavities created by branches tearing out from parent stems).
- Woodpecker holes.
- Cracks/splits in stems or branches (horizontal and vertical).
- Partially detached, or loose bark plates.
- Cankers (caused by localised bark death) in which cavities have developed.
- Other hollows or cavities, including butt rots.
- Compression of forks with occluded bark, forming potential cavities.
- Crossing stems or branches with suitable roosting space between.
- Ivy stems with diameters more than 50mm with suitable roosting space behind.
- Bat or bird boxes.

1.3 Trees were then placed into bat roost potential categories as per current guidance[2] and summarised in *Table B-1*.

Table B-1: Bat Roost Potential Categories for Trees

Tree Categories	Description
Confirmed Roost	Evidence of roosting bats in the form of live/dead bats, droppings, urine staining, fur oil staining etc.
High Potential	A tree with one or more PRFs that are obviously suitable for large numbers of bats on a more regular basis and/or longer duration due to their size, shelter, suitable conditions (height above ground, light levels, etc), and surrounding habitat. Examples include, but are not limited to, woodpecker holes, large cavities, hollow trunks, hazards beams.
Moderate Potential	A tree with PRFs which could support one or more potential roost sites due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status e.g. large roost or maternity roost. Examples include, but are not limited to, rot holes, branch socket cavities, canker cavities, etc.
Low Potential	A tree of sufficient size and age to contain PRFs but with none seen from the ground or features that offer very limited potential. Examples include, but are not limited to, shallow splits, upward facing holes, etc.
Negligible Potential	No features present likely to be used by roosting bats.

[1] BS 8596:2015 Surveying for bats in trees and woodland – Guide. British Standards Institute.

[2] Collins, J. (ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn).* The Bat Conservation Trust, London.

Transect Bat Activity Surveys

1.4 The site was assessed to be of moderate value for bats as per BCT guidelines (2016), which meant monthly bat activity surveys were conducted between April and October 2021.

1.5 A transect route was designed to cover all habitats, where possible, within the survey area with a particular focus on those considered to provide higher bat suitability. The transect was walked by a pair of suitably experienced ecologists with a Wildlife Acoustic Inc. Echo Meter Touch bat detector and Apple Inc. iPad.

1.6 Surveys were only carried out in suitable weather conditions (*Table B-2*). The surveys commenced at dusk and continued for 2-3 hours with surveyors walking at a steady pace and recording all bat activity encountered. A dawn survey was also carried out following the dusk survey in July and September 2021, which began 2 hours prior to dawn and finished at sunrise. The transect routes included five-minute point counts where surveyors would stop and record all bat activity at these specific points.

1.7 Post-survey, the bat calls recorded on the transect were then analysed by experienced ecologists using Kaleidoscope software (Wildlife Acoustics Inc.) to verify the bat species and activity levels.

Table B-2: Activity Survey Timings and Weather Conditions

Date	Start Time	Finish Time	Weather Conditions
4th May 2021 (delayed April survey)	20:23	22:23	10-8°C, 25% cloud, moderate breeze, no rain
26th May 2021	20:56	22:56	12-11°C, 100% cloud, light breeze, no rain
22nd June 2021	21:15	23:15	12-13°C, 70% cloud, no wind or rain
20th July 2021	21:09	23:13	18-21°C, 20% cloud, no wind or rain
21st July 2021	05:09	05:09	15-16°C, 10% cloud, no wind or rain
10th August 2021	20:28	22:28	16-17°C, 10% cloud, no wind or rain
7th September 2021	19:31	21:31	23-25°C, 5% cloud, light breeze, no rain
8th September 2021	04:22	06:22	17°C, 10% cloud, light breeze, no rain
12th October 2021	18:13	20:13	11-14°C, 5 - 60% cloud, light breeze and no wind

Static Bat Detector Surveys

1.8 Static bat detectors were used to record the passing behaviours of bats from a fixed position. These detectors were deployed on site to supplement the manual transects surveys, with passive recording surveys recommended within BCT guidance (2016).

1.9 Wildlife Acoustics Inc. Song Meter SM4BAT FS detectors (hereafter referred to as 'SM4BAT detectors') were deployed in habitats likely to be impacted by the proposed development. Locations are shown in *Figures 3-11*. Two detectors were used per transect route.

1.10 The SM4BAT detectors were left to record for a minimum of five nights of suitable weather conditions each survey. Any data recorded on nights surplus to the first five nights is included in the results section where an Annex II species were recorded. They are programmed to activate 30 minutes before dusk and record continuously until 30 minutes after sunrise.

1.11 Following collection, the recordings were analysed using Kaleidoscope software by experienced ecologists. Each sound file (15 seconds in length) was counted as a single bat pass or registration for each species visible in the sound file. The total number of registrations provides an indication of the relative importance of the site and detector location for bats.

Breeding Bird Survey

1.12 The survey methodology employed was broadly based on that of territory mapping[3], as used by the British Trust for Ornithology (BTO). Standard BTO species codes and symbols were used to denote bird species, activity, sex, and age wherever appropriate.

1.13 The criteria used in the assessment of breeding birds has been adapted from the standard criteria proposed by the European Ornithological Atlas Committee (EOAC)[4] and grouped into four categories:

- *Non-breeder* e.g., flyover or observed in unsuitable habitat
- *Possible breeder* e.g., birds observed in suitable habitat or a singing male(s) recorded
- *Probable breeder* e.g., pair observed in suitable habitat, defended territory, agitated behaviour or nest building; and
- *Confirmed breeder* e.g., recently fledged young observed, or adult birds carrying food for young.

1.14 Surveys were undertaken in May and June 2021 (*Table B-3*) by a single ornithologist during the first few hours after dawn. A pre-determined route was followed, paying attention to any linear features, such as hedgerows and tree lines, and natural features, including areas of scrub or scattered trees. Bird surveys are not undertaken in unfavourable conditions, such as heavy rain or strong wind, which may negatively affect the results (*Table 3.*)

Table B-3: Breeding Bird Survey Dates and Weather Conditions

Date	Sunrise	Cloud Cover (%)	Rain	Wind (Beaufort Scale)	Visibility
5th May 2021	05:25	0	None	2-3	V. Good
27th May 2021	04:54	0	None	0-1	Excellent
29th June 2021	04:43	100	None	1	Excellent

1.15 The conservation value of bird populations was then measured using CIEEM EcIA criteria[5] (*Table B-4*). In some cases, professional judgement may be required to increase or decrease the allocation of a specific value, based upon local knowledge. The most recent county annual bird report, The Sussex Bird Report 2019[6], was also consulted to provide additional county context to inform the assessment.

[3] Bibby, C.J., N.D. Burgess & D.A. Hill, 2000: Bird Census Techniques:2nd Edition. London: Academic Press
[4] EOAC (1979) Categories of Breeding Bird Evidence. European Ornithological Atlas Committee.
[5] CIEEM (2018) Guidelines for Ecological Impact Assessment 2006 in the UK and Ireland: Terrestrial, Freshwater and Coastal, 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
[6] Sussex Bird Report 2019 (2020) Sussex Ornithological Society

Table B-4: Evaluation Criteria for Breeding Bird Conservation Value

Nature Conservation Value	Selection Criteria
International	• A species which is part of the cited interest of an SPA and which regularly occurs in internationally or nationally important numbers. • A species present in internationally important numbers (>1% of international population).
National	• A species which is part of the cited interest of a SSSI and which regularly occurs in nationally or regionally important numbers. • A nationally important assemblage of breeding or over-wintering species. • A species present in nationally important numbers (>1% UK population). Rare breeding species (<300 breeding pairs in the UK).
Regional	• Species listed as Priority Species under Schedule 41 of the Natural Environment and Rural Communities (NERC) Act (2006), which are not covered above, and which regularly occurs in regionally important numbers. • Species present in regionally important numbers (>1% of regional population). • Sustainable populations of species that are rare or scarce within a region. • Species on the BoCC Red List and which regularly occurs in regionally important numbers.
County	• Species listed as Priority Species under Schedule 41 of the Natural Environment and Rural Communities (NERC) Act (2006), which are not covered above, and which regularly occurs in county important numbers • Species present in county important numbers (>1% of county population). • Sustainable populations of species that are rare or scarce within a county or listed as priority species for nature conservation under S41 of the NERC Act. • A site designated for its county important assemblage of birds (e.g., a SINC Site). • Species on the BoCC Red List and which regularly occur in county important numbers.
Local	• Other species of conservation interest (e.g., all other species on the BoCC Red and Amber List or listed as Priority Species under Schedule 41 of the NERC Act (2006) which are not covered above) regularly occurring in locally sustainable populations. • Sustainable populations of species which are rare or scarce within the locality.
Site	• Species that are common and widespread

Dormouse Presence/Likely Absence Surveys

1.16 Dormouse surveys were undertaken in accordance with current good practice guidelines[7] by suitably qualified ecologists. Surveys involved placing standard dormouse nest tubes every 20m in suitable habitat, approximately 1.5m above ground. A total of 58 tubes were installed on site on 4th May 2021 (*Figure 13*) and surveys completed monthly between June and October 2021.

1.17 The survey results are compared with an index of probability, which indicates the likelihood of finding dormice during this period (*Table B-5*). The final survey score is calculated by multiplying the sum of the months that tubes were checked by the number of tubes used, based on 50 tubes as a standard (i.e. 50=1). Fewer tubes reduce the overall score (i.e. 25 tubes = 0.5) and more tubes increase the score (i.e. 100 tubes = 2). A survey effort score of 20 or above is required to provide confidence in the survey results. Following the October 2021 survey, the final score was 20.88.

Table B-5: Index of probability for nest tube surveys

Month	Index of Probability
April	1
May	4
June	2

[7] Bright, P., Morris, P. & Mitchell-Jones, T. (2006) The dormouse conservation handbook (2nd ed). English Nature, Peterborough.

Month	Index of Probability
July	2
August	5
September	7
October	2
November	2

Great Crested Newts

Habitat Suitability Index (HSI)

1.18 The site was assessed to identify potential GCN terrestrial habitat using the HSI method. Where possible access was sought to all water bodies within 250m of the application site, which had suitable conceivable habitat connections to it.

1.19 The Habitat Suitability Index provides a measure of the likely suitability that a waterbody will support newts. In general, ponds with a higher score are more likely to support GCNs than those with a lower score and there is a positive correlation between HSI scores and ponds with newts recorded. Ten separate attributes are assessed for each pond:

- Geographic location
- Pond area
- Pond drying
- Water quality
- Shade
- Presence of waterfowl
- Presence of fish
- Number of linked ponds
- Terrestrial habitat
- Macrophytic coverage

1.20 A total score calculated of between 0 and 1. Pond suitability is then determined according to the following scale:

Table B-6: Habitat Suitability Index Scores and Pond Suitability

HSI Score	Pond Suitability
<0.5	Poor
0.5 - 0.59	Below average
0.6 – 0.69	Average
0.7 – 0.79	Good
>0.8	Excellent

eDNA Surveys

1.21 Environmental DNA (eDNA) sampling was undertaken on pond P1 in accordance with the protocol recommended by Natural England[8]. Sampling was undertaken on 4th May 2021 by appropriately licenced ecologists using a kit from ADAS. This comprised taking samples of agitated water from 20 locations around each pond and mixing thoroughly. 15ml of this water was then placed into each of the 6 sterile sample tubes containing preservative, precipitates

[8] Biggs, J. *et al.* (2014) *Analytical and Methodological Development for Improved Surveillance of the Great Crested Newt. Appendix 5: Technical advice note for field and laboratory sampling for great created newt (Triturus cristatus) environmental DNA.* Freshwater Habitats Trust, Oxford.

and a DNA sequence that was used for degradation control. All samples were stored in accordance with the protocols provided by the laboratory. The samples were then transported under suitable conditions to the ADAS laboratory for analysis. Following analysis, results provided by the laboratory could have one of three outcomes:

Table B-7: Description of Possible Results of eDNA Analysis

Result	Description
Positive	A positive result means that eDNA from GCN was detected and they have been present within the water in the 20 days preceding sampling. An eDNA score would be provided indicating the number of positive replicates from a series of twelve.
Negative	DNA from GCN was not detected; in the case of negative samples the DNA extract is further tested for PCR inhibitors and degradation of the sample.
Inconclusive	Controls indicate degradation or inhibition of the sample, therefore the lack of detection of GCN DNA is not conclusive evidence for determining the absence of the species in the sample provided. Degradation can occur through poor storage of the samples or kits and inhibition can occur through unexpected chemicals in the sample.

Reptile Presence/Likely Absence Surveys

1.22 Strategic reptile presence/absence surveys were undertaken within the survey area following current guidance[9,10,11]. These were completed by FPCR between May-June and September-October 2021 (*Table B-8*).

1.23 Artificial refugia (0.5m^2 sections of roofing felt) were placed throughout the survey area at a density of approximately 10 refugia per hectare of suitable reptile habitat. These habitats included the field boundaries with pockets of tall ruderal vegetation, hedgerows and scrub. Refugia locations are shown in *Figure 14*.

1.24 In both 2019 and 2022, refugia were left to bed in for a period of seven days before seven survey visits were undertaken by experienced FPCR ecologists in suitable weather conditions. These include air temperatures between 9-19°C in the absence of strong winds and heavy rain.

1.25 Each survey visit included the following:

- Checking all refugia within the survey area at least once.
- Approaching refugia carefully from downwind and without casting a shadow so as not to disturb basking animals.
- Lifting and replacing refugia with care to check for the presence of reptiles underneath.
- Checking other suitable basking areas and resting places within the survey area, such as log piles. Common lizards are often territorial and can be observed to regularly re-use favourite basking areas[12]. Once basking sites have been identified, spotting can represent a relativity successful method of lizard recording.

[9] Gent, T. & Gibson, S. (eds) (2003) *Herpetofauna Workers' Manual*. JNCC, Peterborough.

[10] Froglife (2016) *Surveying for reptiles: Tips, techniques and skills to help you survey for reptiles*. Froglife, Peterborough.

[11] Natural England & Defra (2015) *Reptiles: surveys and mitigation for development and projects* - https://www.gov.uk/guidance/reptiles-protection-surveys-and-licences [Accessed 18.10.2021]

[12] Beebe, T. & Griffiths, R. (2000) Amphibians and Reptiles – A Natural History of the British Herpetofauna, Harper Collins, London.

Table B-8: Dates and Surveys Conditions for Surveys in 2019

Date & Time	Weather
20th May 2021 09:32	11ºC, dry, 90-100% cloud, light breeze
27th May 2021 08:56	12ºC, sunny, dry, 0-10% cloud, light breeze
1st June 2021 09:43	17ºC, sunny, dry, 0-10% cloud, moderate breeze
7th June 2021 10:22	14ºC, sunny, dry, 20-30% cloud, light breeze
14th June 2021 07:20	16ºC, sunny, dry, 0-10% cloud, light breeze
13th September 2021 09:24	17ºC, sunny, dry, 90-100% cloud, moderate breeze
12th October 2021 16:09	15ºC, sunny, dry, 80-90% cloud, light breeze

1.26 Reptile populations were assessed in accordance with the Key Reptile Site Register criteria[13]. This system classifies populations of individual reptile species into three population categories according to importance (*Table B-9*). These categories are based on the peak number of adults observed during individual surveys.

Table B-9: Key Reptile Site Survey Assessment Categories

Species	Low Population (No. of Individuals)	Good Population (No. of Individuals)	Exceptional Population (No. of Individuals)
Adder *Vipera berus*	<5	5 - 10	>10
Common lizard *Zootoca vivipara*	<5	5 - 20	>20
Grass snake *Natrix helvetica*	<5	5 - 10	>10
Slow worm *Anguis fragilis*	<5	5 - 20	>20

[13] Froglife (1999) *Reptile survey: an introduction to planning, conducting and interpreting surveys for snake and lizard conservation.* Froglife Advice Sheet 10. Froglife, Halesworth.

APPENDIX C: SITE PHOTOGRAPHS

Photo 1: Grazed Field Compartment at Northern Edge of the Site.

Photo 2: Ungrazed Field Compartment at South-eastern Edge of the Site.

Photo 3: View of the Site looking North-eastwards, showing Patches of Tall Ruderal Vegetation.

Photo 4: Pond P1

APPENDIX D: BOTANICAL SPECIES LIST

DAFOR Scale: Dominant, Abundant, Frequent, Occasional, Rare

Scientific Name	Common Name	Semi-improved grassland	Ruderal	Scrub	Trees & hedgerows	Ditches
Acer campestre	Field maple				✓	
Acer pseudoplatanus	Sycamore				✓	
Agrostis stolonifera	Creeping bent	F				
Alnus glutinosa	Alder				✓	
Alopecurus pratensis	Meadow foxtail	F				
Betula pendula	Silver birch				✓	
Carex pendula	Pendulous sedge					O
Cirsium arvense	Creeping thistle		F			
Corylus avellana	Hazel				✓	
Crataegus monogyna	Hawthorn				✓	
Dactylis glomerata	Cocksfoot	F				
Festuca rubra	Red fescue	F				
Filipendula ulmaria	Meadowsweet	O				O
Fraxinus excelsior	Ash				✓	
Geranium molle	Dove's-foot crane's-bill	R				
Hedera helix	Ivy					O
Helosciadium nodiflorum	Fool's watercress					O
Heracleum sphonylium	Common hogweed		F			
Hypochaeris radicata	Cat's-ear	O				
Ilex aquifolium	Holly					F
Juncus conglomeratus	Compact rush	O				
Juncus effusus	Soft rush					O
Ligustrum vulgare	Wild privet				✓	
Mentha aquatica	Water mint					O
Petroselinum crispum	Parsley	R				
Plantago lanceolata	Ribwort plantain	F				
Populus x Canadensis	Hybrid black poplar				✓	
Prunus spinosa	Blackthorn			O		
Quercus ilex	Holm oak				✓	

Scientific Name	Common Name	Semi-improved grassland	Ruderal	Scrub	Trees & hedgerows	Ditches
Quercus robur	Pedunculate oak				✓	
Ranunculus acris	Meadow buttercup	O				
Ranunculus repens	Creeping buttercup	A				
Rubus fruticosus agg.	Bramble			F		
Rumex obtusifolius	Broad-leaved dock		F			
Ruscus aculeatus	Butcher's broom				✓	
Sambucus nigra	Elder				✓	
Trifolium pratense	Red clover	F				
Urtica dioica	Common nettle		D			
Viburnum opulus	Guelder rose				✓	

APPENDIX F: GROUND TREE ASSESSMENT FOR ROOSTING BAT POTENTIAL

* off-site tree but overhangs site boundary

Tree Ref. (*Figure 2*)	Species	PRFs	Potential
1	Pedunculate oak *Quercus robur*	Fissures, cracked bark, knot holes	Low
2*	Pedunculate oak	Fissures & cracks in bark	Low
3*	Pedunculate oak	Small fissures in bark, knot holes, bird box	Moderate
4*	Pedunculate oak	Small fissures in bark, knot holes, bird box, cracks due to failed limb	Moderate
5	Pedunculate oak	Small knot holes and crevices in stem, bird box	Moderate
6	Field maple *Acer campestre*	Shallow looking knot holes in main stem	Low
7	Hybrid black poplar *Populus* x *canadensis*	Fissures in bark, cracked bark	Low
8	Sycamore *Acer pseudoplatanus*	Large cavity at base of trunk, fissures due to failed limb	Moderate
9	Pedunculate oak	Knot holes, fissures in bark	Moderate
10	Pedunculate oak	Some epicormics growth but no obvious defects	Negligible
11*	Pedunculate oak	Cavities in main stem, split bark	Moderate
12	Hybrid black poplar	Downward facing holes on branch	Moderate
13	Hybrid black poplar	Ivy round stem, no obvious defects	Low
14	Hybrid black poplar	Large fissure in stem, fissures due to failed limb (although most are upward facing)	Moderate
15	Hybrid black poplar	Woodpecker holes	Moderate
16	Pedunculate oak	Ivy around stem, no obvious defects	Negligible
17*	Pedunculate oak	Large cavity in stem, ivy covered	Moderate
18	Pedunculate oak	No obvious defects	Negligible
19	Pedunculate oak	Small fissures due to branch failures	Low
20	Pedunculate oak	Holes in failed limb	Moderate
21	Pedunculate oak	Upward facing holes due to failed limbs	Low
22	Pedunculate oak	Small holes due to failed limb	Low
23	Pedunculate oak	Cavity due to failed limb	Moderate
24	Pedunculate oak	No obvious defects	Negligible
25	Pedunculate oak	No obvious defects	Negligible
26	Pedunculate oak	No obvious defects	Negligible
27	Pedunculate oak	Upwards facing knot holes, cracked bark.	Low
28	Pedunculate oak	Small cracks and fissures in bark	Low
29	Pedunculate oak	No obvious defects	Negligible

Tree Ref. (*Figure 2*)	Species	PRFs	Potential
30	Pedunculate oak	Cracks and fissures in bark, small hole in failed branch	Moderate
31	Pedunculate oak	No obvious defects	Negligible
32	Pedunculate oak	Small fissures and knot holes (looked shallow)	Low
33	Pedunculate oak	Fissures at failed limbs but upwards facing	Negligible
34	Pedunculate oak	Cavity in main stem	Moderate
35	Pedunculate oak	Fissure in underside of branch	Moderate
36	Pedunculate oak	Knot hole (looks shallow)	Low
37	Pedunculate oak	Hole in failed limb, woodpecker holes in main stem and branches	Moderate
38	Pedunculate oak	Cracked bark, fissures	Moderate
39	Pedunculate oak	No obvious defects	Negligible
40	Pedunculate oak	Fissure due to failed branch	Moderate
41	Pedunculate oak	Fissures in bark, knot hole	Moderate
42	Pedunculate oak	Hole formed due to branch failure	Moderate
43	Pedunculate oak	Small, shallow fissures, some ivy around stem	Negligible
44	Pedunculate oak	No obvious defects	Negligible
45	Pedunculate oak	Dense ivy around stem, fissure due to branch failure	Moderate
46	Pedunculate oak	Small cavity due to branch failure	Low
47	Pedunculate oak	Fissure and possible cavity due to branch failure, cracked bark	Moderate
48	Pedunculate oak	Knot hole, fissure and cavities due to limb failures	Moderate
49	Pedunculate oak	Cracks and fissures in stem and branches, ivy cover around stem	Moderate
50	Pedunculate oak	Thick ivy stems around trunk but very cluttered	Low

APPENDIX G: BREEDING BIRD SURVEY RESULTS & CATEGORISATION OF BREEDING STATUS

Table 1: Surveyors and Conditions

Survey	Surveyor	Date	Cloud (%)	Rain	Wind	Visibility
1	LC	05.05.21	0	None	2-3	V. Good
2	LC	27.05.21	0	None	0-1	V. Good
3	OGJ	29.06.21	100	None	0-1	V. Good

Table 2: Surveyors Results

Species: British Common Name	Species: Latin name	Survey 1	Survey 2	Survey 3	Conservation Status & Protection	Breeding status[1]
Greylag Goose	*Anser anser*	-	(4 flyovers)	-	Amber List	Non-breeder – F
Pheasant	*Phasianus colchicus*	-	1	-	Not listed	Possible – H
Black-headed gull	*Chroicocephalus ridibundus*	-	-	(2 flyovers)	Amber list	Non-breeder – F
Herring gull	*Larus argentatus*	(14 flyovers)	(17 flyovers)	(5 flyovers)	Red list	Non-breeder – F
Cormorant	*Phalacrocorax carbo*	-	(1 flyover)	-	Green list	Non-breeder – F
Stock dove	*Columba oenas*	1 (+ 3 flyovers)	1 + (5 flyovers)	(1 flyover)	Amber list	Possible – H
Woodpigeon	*Columba palumbus*	19 (+ 8 flyovers)	14 (+ 1 flyover)	15 (+ 7 flyovers)	Amber list	Probable - T
Collared dove	*Streptopelia decaocto*	-	-	1	Green list	Possible – H
Great spotted woodpecker	*Dendrocopos major*	-	1	1	Green list	Possible - H
Sparrowhawk	*Accipiter nisus*	-	1	-	Amber list	Possible - H
Magpie	*Pica pica*	7	12 (+ 5 flyovers)	5 (+ 2 flyovers)	Green list	Confirmed - FL
Jackdaw	*Corvus monedula*	34 (+ 15 flyovers)	7 (+ 22 flyovers)	13 (+ 6 flyovers)	Green list	Possible – H
Carrion crow	*Corvus corone*	2 (+13 flyovers)	1	1	Green list	Possible – H
Goldcrest	*Regulus regulus*	1	-	2	Green list	Possible – S, H
Blue tit	*Cyanistes caeruleus*	15	13	8	Green list	Confirmed – NY
Great tit	*Parus major*	4	4	6	Green list	Possible – S, H
Coal tit	*Periparus ater*	2	1	-	Green list	Probable - P
Swallow	*Hirundo rustica*	(5 flyovers)	(8 flyovers)	(15 flyovers)	Green list	Non-breeder – F
Long-tailed tit	*Aegithalos caudatus*	-	2	2	Green list	Confirmed - FL
Chiffchaff	*Phylloscopus collybita*	4	2	5	Green list	Probable - T
Blackcap	*Sylvia atricapilla*	2	2	3	Green list	Possible – S, H
Nuthatch	*Sitta europaea*	-	-	1	Green list	Possible – H
Treecreeper	*Certhia familiaris*	-	1	-	Green list	Possible – H
Wren	*Troglodytes troglodytes*	8	6	10	Amber list	Probable - T
Starling	*Sturnus vulgaris*	1	6 (+ 16 flyovers)	-	Red list NERC S.41	Confirmed – FF, FL
Blackbird	*Turdus merula*	5	8	8	Green list	Confirmed – FL

[1]European Ornithological Atlas Committee, 1979. *Categories of Breeding Bird Evidence*. European Ornithological Atlas Committee.

Species: British Common Name	Species: Latin name	Survey 1	Survey 2	Survey 3	Conservation Status & Protection	Breeding status[1]
Song thrush	*Turdus philomelos*	2	3	1	Amber list NERC S.41	Probable - T
Spotted flycatcher	*Muscicapa striata*	-	-	2	Red list NERC S.41	Probable - P
Robin	*Erithacus rubecula*	8	6	6	Green list	Probable - T
Dunnock	*Prunella modularis*	3	3	3	Amber list NERC S.41	Probable - T
House sparrow	*Passer domesticus*	3	3	6	Red list NERC S.41	Confirmed – NY
Chaffinch	*Fringilla coelebs*	-	1	2	Green list	Possible – S, H
Greenfinch	*Carduelis chloris*	2 (+ 1 flyover)	-	-	Red list	Possible – S, H
Goldfinch	*Carduelis carduelis*	(3 flyovers)	1 (+ 6 flyovers)	(5 flyovers)	Green list	Possible – S, H
Total No. Species		**22**	**28**	**26**		

Breeding Status evidence can be broken down into four sections, each with their own codes, as defined by the European Ornithological Atlas Committee:

Confirmed breeder
DD – distraction display or injury feigning
UN – used nest or eggshells found from this season
FL – recently fledged young or downy young
ON – adults entering or leaving nest-site in circumstances indicating occupied nest
FF – adult carrying faecal sac or food for young
NE – nest containing eggs
NY – nest with young seen or heard

Probable breeder - Evidence accumulated during the survey indicates that the bird species is breeding on site.
P – pair in suitable nesting habitat
T – permanent territory (defended over at least 2 survey occasions)
D – courtship and display
N – visiting probable nest site
A – agitated behaviour
I – brood patch of incubating bird (from bird in hand)
B – nest building or excavating nest-hole

Possible breeder - Evidence accumulated during the survey indicates that the bird species could be breeding on site, but the evidence is less conclusive than that obtained for probable breeders.
H – observed in suitable nesting habitat
S – singing male

Non-breeder
F – flying over
M – migrant
U – summering non-breeder
UH – observed in unsuitable nesting habitat