

Date: 23 March 2015  
Our ref: 147172  
Your ref: HS/OA/15/00168



Mr J Tanner  
Planning Officer  
Hastings Borough Council

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

0300 060 3900

## BY EMAIL ONLY

Dear Mr Tanner,

**Proposal:** Outline application for the erection of up to 210 dwellings (25% affordable) with associated open space, play areas, landscaping and access.

**Location:** Former The St Leonards Academy Darwell Campus, Darwell Close, St Leonards-on-sea, TN38 9JP.

Thank you for your consultation on the above dated 05 March 2015.

## WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

### No objection – with condition

This application is in close proximity to the Combe Haven Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that (subject to the condition below) this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

### Condition

- Construction of the development shall not commence until details of the Sustainable Drainage Scheme have been submitted to, and approved in writing by, the local planning authority in consultation with Natural England. The details shall include information demonstrating that there will be no increase in surface water flow from the site and no adverse impact on the water quality of the SSSI from surface water pollution, during either the construction or post construction periods. Such information needs to include (though not be limited to) details of how potential water pollution from car parking areas (e.g. by salts or hydrocarbons) is to be prevented.

If your Authority is minded to grant consent for this application without the condition recommended above, we refer you to Section 28(1) (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.



If your Authority is minded to grant consent for this application without the information recommended above, we refer you to Section 28I (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

### **Protected Species**

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

### **Biodiversity enhancements**

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

### **Other advice**

**Local Sites** - Part of the site boundary is adjacent to the 'Wishing Tree' Site of Nature Conservation Importance. However, Natural England does not hold locally specific information relating to local sites, local landscape character and local or national biodiversity priority habitats and species. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust or other recording society and a local landscape characterisation document) in order to ensure that your authority affords these matter the appropriate weight in determining this application. A more comprehensive list can be found at [Wildlife and Countryside link](#).

**Ancient Woodland** - Part of the woodland adjacent to the proposed development includes an area that Natural England's records show to be ancient woodland. Advice on development and ancient woodlands is available on the GOV.UK website, by using the following link:  
<https://www.gov.uk/ancient-woodland-and-veteran-trees-protection-surveys-licences>

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

For any queries relating to the specific advice in this letter only please contact Rebecca Bishop on 0300 060 0958. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

We also welcome your feedback on Natural England's revised standing advice in terms of its usability (ease of access, presentation), quality of content and, its clarity and effectiveness as a tool in guiding decision-making. Please provide this, with any suggested improvements, by filling in the attached customer feedback form or by emailing your feedback direct to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely,

Rebecca Bishop

**Rebecca Bishop**  
**Adviser**  
Sussex Coast and Marine  
Sussex and Kent Team