

High Weald Joint Advisory Committee

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Working together to care for one of England's finest landscapes

Rother District Council
Emailed to Planning@rother.gov.uk

30th November 2020

Dear Mrs Shepherd,

RR/2020/1822 Reserved matters relating to residential development (outline permission RR/2017/582/P), conditions 1,2 and 3 together with the discharge of conditions 7 (foul and surface water drainage), 8 (parking and turning of vehicles), 9 and 10 (archaeology), 13 (levels) and 19 (landscaping). Strand Meadow, Burwash

Thank you for your consultation on the above application.

In summary, the High Weald AONB Unit objects to the proposal on the following grounds:

- **the proposed layout demonstrates that this site cannot accommodate 30 dwellings without causing unacceptable harm to the character of the AONB as set out below;**
- **the tightly spaced and terraced form of development would give a very urban edge when viewed from the adjacent countryside and the number of dwellings also results in the overdominance of car parking in the street scene and inadequate private amenity space, contrary to objective S3 of the High Weald AONB Management Plan and the High Weald Housing Design Guide;**
- **insufficient details are provided of the amount of soil that would need to be excavated and how this would be treated contrary to objective G2 of the Management Plan;**
- **The ecological assessment report submitted with the application has a number of deficiencies which are detailed in an appendix to this letter;**
- **A Landscape and Ecological Management Plan has not been included and is essential to secure the ongoing benefits of the site and to meet objective FH3 of the Management Plan.**

Anglesey
Arnside and Silverdale
Blackdown Hills
Cannock Chase
Chichester Harbour
Chilterns
Clwydian Range
Cornwall
Cotswolds
Gower
Cranbourne Chase and Dee Valley
West Wiltshire Downs
Dedham Vale
Dorset
East Devon
Forest of Bowland
Howardian Hills
High Weald
Isle of Wight
Isles of Scilly
Kent Downs
Lincolnshire Wolds
Llyn
Malvern Hills
Mendip Hills
Nidderdale
Norfolk Coast
North Devon
North Pennines
North Wessex Downs
Northumberland Coast
Quantock Hills
Shropshire Hills
Solway Coast
South Devon
Suffolk Coast and Heaths
Surrey Hills
Tamar Valley
Wye Valley

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Legal and Policy Background

It is the responsibility of the Local Planning Authority to decide whether the application meets legislative and policy requirements in respect of AONBs. Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs' in making decisions that affect the designated area.

The National Planning Policy Framework paragraph 172 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas.

The [High Weald AONB Management Plan](#) has been adopted by all the relevant local authorities with land in the AONB as their policy for the management of the area and for the carrying out of their functions in relation to it, and is a material consideration for planning applications. The Management Plan objectives should be used as a 'checklist' against which to assess the impact of proposals on AONB purposes. A template is provided in the [Legislation and Planning Advice Note](#).

The Proposal

The description of the application implies that outline permission has been granted for 30 dwellings. However, outline consent RR/2017/582 is for 'residential development' and condition 6 says that the number of dwellings "should not exceed 30". This does not mean that it has been accepted that 30 dwellings can be accommodated on this site and the proposed layout demonstrates that it cannot take this number of dwellings without causing unacceptable harm to the character of the AONB as set out below.

Design

Whilst the frontage design of the dwellings has improved from that previously proposed, the tightly spaced and terraced form of development is more appropriate for a High Street location than an edge of countryside site. It would give a very dense urban edge when viewed from the adjacent countryside and this would be more apparent in winter months because of the deciduous nature of the boundary trees.

The number of dwellings also results in the overdominance of car parking in the street scene and inadequate private amenity space, especially for the terrace of dwellings at right angles to the rest of the development. The proposed development is therefore contrary to objective S3 of the High Weald AONB Management Plan "To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design" and does not comply with the High Weald Housing Design Guide.

This is a steep site and the creation of building platforms and the road will require a significant amount of soil removal. There are no details provided of the amount of excavation required, where the soil will be stored during construction or where it will be placed at the end of the build if it is not to be removed from site. These are important issues for this site and should form part of the

submission to demonstrate that excavation has been minimised and good practice followed (see Defra's 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites'). The application is therefore contrary to objective G2 of the High Weald AONB Management Plan "To protect and enhance soils, sandstone outcrops, and other important landform and geological features".

Ecology

The ecological assessment report submitted with the application has a number of deficiencies which are detailed in an appendix to this letter. Comments on the proposed mitigation and enhancement measures are also included in this appendix.

A Landscape and Ecological Management Plan has not been included and is essential to secure the ongoing benefits of the site and to meet objective FH3 of the Management Plan "To enhance the ecological function of field and heath as part of the complex mosaic of High Weald habitats". This needs to provide much more detail about maintenance regimes than set out in the margins of the Proposed Development Common Parts Maintenance GA plan.

The above comments are advisory and are the professional views of the AONB Unit's Planning Advisor on the potential impacts on the High Weald landscape. They are not necessarily the views of the High Weald AONB Joint Advisory Committee.

Yours sincerely,

Claire Tester MRTPI

Planning Advisor, High Weald AONB Unit

Advising on the management of a nationally important landscape, part of our Natural Health Service

Background Information about the High Weald AONB



The High Weald was designated in 1983 as an Area of Outstanding Natural Beauty. It is an exceptionally beautiful medieval landscape covering 564 square miles across the counties of East and West Sussex, Kent and Surrey.

The High Weald AONB Joint Advisory Committee is a partnership established in 1989 of 15 local authorities, Defra, Natural England and organisations representing farming, woodland, access and community interests. The JAC is responsible for publishing and monitoring the statutory AONB Management Plan. The JAC is supported by a small, dedicated staff team, the High Weald AONB Unit, which provides advice on how to conserve and enhance the AONB. The advice provided by the AONB Unit assists public bodies and statutory undertakers to meet their duty as set out in Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect it.

Unlike National Park authorities, the High Weald AONB Unit is not a statutory body but an advisory one. It is not a local planning authority and the responsibility for determining planning applications remains with the 15 local authorities. The AONB Unit is not a statutory consultee on planning matters and it remains each local planning authority's decision whether or not they seek its advice on a particular planning application.

The scope of the advice in this letter is set by the statutory High Weald [AONB Management Plan](#), which has been adopted by all partner authorities, as 'their policy for the management of the area and for the carrying out of their functions in relation to it'.

Appendix to High Weald AONB Response to RR/2020/1822 Strand Meadow, Burwash

Comments on the ecological survey for Strand Meadow in Burwash 26/11/20

General recommendations:

It is recommended that an ecological desktop survey is undertaken via the Local Biodiversity Record Centre to establish if there are any historic records of, in particular protected species, on or in the vicinity of the site. Protected species includes dormice, bats, reptiles and amphibians, breeding birds as well as badgers. Subsequent acknowledgement of any historic records should trigger at the very least a review of the surveys undertaken in the ecological report and establish of whether further surveying or monitoring is required.

Comments on:

Reptiles

Slow worms were found on site, including juveniles suggesting successful breeding at the site, and distribution was noted as widespread on certain areas of the site. A total of 36 slow worms were translocated in May/June 2018 to a reptile receptor compound within the site. However, the overall population is estimated to range between 40-100, and to potentially rise to as high as 200 in July/August. There is some contradiction between overall assessment of the site for reptiles in a letter to the developers in 2018 (regarded as not favourable), versus what is suggested in the report in 2020 (site has relatively good potential for reptile occupation).

There is also some disparity between the how the surveys were conducted and with best practice, which risks underestimation of populations. Best practice guidance suggests that:

- surveys are spread throughout the season, with 60 suitable days as a minimum for the capture of low populations of slow worm. Surveys here were conducted in a shortened time period.
- Surveys should be conducted within a certain temperature range. At least one survey was undertaken at temperatures above the recommended maximum.

Therefore, the measures for translocation are not yet sufficient.

Dormice

Although no dormice were found on site, nor evidence of their presence, it should not be assumed they are not present, especially in areas of woody habitat, and also scrub and hedgerow within their range in the South of England. Dormice surveying was carried out in the woody area; however dormice may use scrub habitat, and 'potentially good-quality' habitat along the scrub line is mentioned in the ecological report. The report also noted the presence of Hazel in the scrub. However, in a letter to the developer it is suggested that no evidence of dormice can facilitate the removal of scrub.

Caution is required in removing any scrub, particularly that contiguous to the woody habitat should be taken, backed up by a method statement.

Habitats of note

Neutral to acid flushes synonymous with National Vegetation Classification M36 *Lowland springs and streambanks of shaded conditions*, which is an uncommon habitat nationally were found on site. Four flushes were noted on the site, with the characteristic species of the above-mentioned vegetation classification. The two lower flushes were noted as being floristically species rich, however these fell within the development footprint and were likely to be lost. To prevent this the flushes were translocated as deep cut turves in May 2018 as mitigation to loss. A subsequent letter to the developer in September 2018 however, suggests that the turves may have been 'adversely affected' due to the dry summer that year.

A further survey should be undertaken to ascertain if these flushes have since overcome the drought when initially moved and have since established themselves or if they are now lost.

Mitigation

Below is listed the mitigation proposed within the ecological report:

1. Translocation of two acid/neutral flushes
2. A landscape buffer as reptile receptor compound
3. No loss of peripheral boundaries (hedge and trees)
4. Retaining two spring flushes within the site

See comments on **reptiles** and **habitats of note** for observations on these mitigation proposals 1 & 2. Mitigation proposals 3 & 4 are accepted provided adequate provisions are made to ensure no damage or loss during development.

Biodiversity gains

The following biodiversity enhancements are proposed in the ecological report, and accepted:

- Incorporating native tree and shrub planting with the residential landscaping
- Include nectar and pollen rich riches within the residential landscaping
- Installing a wildlife pond within the landscape buffer
- 10 bat boxes – both wall mounted, and tree mounted
- 20 hazel dormouse boxes – installed on boundary trees
- 2 tawny owl boxes – on mature trees

Additional biodiversity gain recommendations

Swift boxes that accommodate swifts on residential buildings. There are a number of designs, but boxes that are built into the buildings, often referred to as swift bricks and preferable to retrofitting external boxes. Good practice suggests one swift brick/box per residential unit.