

Comment and Objection on Planning Application: WD/2016/2063/MEA

For members of the Wealden and District Planning Committee

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Stop Vines Corner Action Group Report

Executive Summary

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1. [Letter of Objection - LJE PLANNING LTD.](#)
 - a. This letter clearly lays out all the objections Stop Vines Corner Action Group believe should lead to a refusal by the Planning Committee on both applications WD/2016/2063/MEA and WD/2016/2064/MEA.
2. [Barristers Letter - M Thomas Chambers of S Hockman QC.](#)
 - a. This letter from M Thomas Chambers of S Hockman QC written on behalf of the Stop Vines Corner Action Group, supports and underlines the objections as laid out in the letter from LJE PLANNING LTD. And, highlights a judicial review *Suffolk Coastal DC v Hopkins Homes* [2016] EWCA Civ 168 (see 3 for detail) [in paragraph 20.](#)
3. [Suffolk Coastal DC v Hopkins Homes \[2016\] EWCA Civ 168.](#)
 - a. This judicial review highlights why the lack of a 5-year plan is not relevant when coming to a planning decision for a major application within a AONB. It states.
 - i. We must emphasize here that the policies in paragraphs 14 and 49 of the NPPF do not make “out-of-date” policies for the supply of housing irrelevant in the determination of a planning application or appeal. Nor do they prescribe how much weight should be given to such policies in the decision. Weight is, as ever, a matter for the decision-maker (see the speech of Lord Hoffmann in *Tesco Stores Ltd. v Secretary of State for the Environment* [1995] 1 W.L.R. 759, at p.780F-H).
Neither of those paragraphs of the NPPF says that a development plan policy for the supply of housing that is “out-of-date” should be given no weight, or minimal weight, or, indeed, any specific amount of weight. They do not say that such a policy should simply be ignored or disappplied. That idea appears to have found favour in some of the first instance judgments where this question has arisen. It is incorrect.
 - ii. 70. As will be clear from what we have already said about the interpretation and application of the policy in paragraph 49 of the NPPF, we respectfully disagree with Lang J.’s analysis. In the first place, her interpretation of the policy was not correct. Secondly, the “broader purposive interpretation” adopted by Ouseley J. in his judgment in *Barwood Land*, which Lang J. said she endorsed, does not, in truth, distinguish between one kind of restrictive policy and another. It allows an inspector to form his or her own judgment – as the inspector in this case did – on whether any policy of the development plan, properly construed, is or is not a relevant policy “for the supply of housing”. Thirdly, the policy in paragraph 49 does not disapply, or “bypass”, an “out-of-date” policy in a statutory development plan. The effect of a relevant policy being found to be “out-of-date” or not “up-todate” under paragraph 49 is that the presumption in favour of sustainable development is to be applied as paragraph 14 of the NPPF provides. As we have said (in paragraph 46 above), this does not mean that the policy in question is to be disregarded. It must still be given the weight it is due in all the circumstances of the case. In this case, for example, there was nothing wrong in the inspector finding policy NE4 to be one of the relevant policies of the local plan that was “out-of-date” under the policy in paragraph 49 but nevertheless giving it appropriate weight in the planning balance in view of its particular purpose to maintain a “green gap” between Willaston and Rope.
4. Chris Bending Letter – Dated 4th July 2016 to Mark Reed Parker Dann
 - a. Letter seems to highlight only 1 aspect of NPPF paragraph 116 whereas 3 bullet points should have been advised these being,
 - i. 116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

1. ● the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
2. ● the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
3. ● any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

ii. This is also highlighted in the [Natural England response](#).

5. [Land Vision Report - LANDSCAPE ASSESSMENT FOR VINES CORNER, HEATHFIELD.](#)

- a. This report lays out a much more comprehensive and accurate view of sites 1 and 2 of application WD/2016/2063/MEA in particular.
- b. Applicants have chosen to degrade to the landscape of sites 1 and 2 to enhance the application.
- c. The Land Vision report clearly and concisely puts the record straight of the high value sites 1 and 2 add to the High Wealden AONB and in particular this valued landscape view is highlight on the WDC own landscape map as an asset.
- d. Also, applicants have not provided an Historical Environment Report which is recommended by WDC. This report is available from The Keep at Brighton and in part is funded by WDC and ESCC. And is the recommended source by WDC for this information.

6. [Traffic and Junction Report - Highway Matters – Preliminary High Level Consideration, complied by David Bell ©LGPS Resources.](#)

- a. This report by ©LGPS Resources goes into great depth regarding the traffic effects and safety issues which the applicants have in their reports glossed over and made little effort to show the true effects their applications will cause to 130m section of the A265.
- b. This report by ©LGPS Resources clearly demonstrates there is a safety issue with all parts of the application.
- c. WD/2016/2063/MEA and WD/2016/2064/MEA bring 235 houses to this part of the A265. However, the safety issue will be compounded further by 3 other application bringing the total of dwelling to 274 battling to access this part of the A265. (WD/2016/2113/MAJ, WD/2015/2425/MAO, WD/2015/2438/MAO)

7. [Bio Diversity Report - Sussex Biodiversity Record Centre, desktop report regarding, Land North of Mutton Hall Lane + 1km radius, 3rd October 2016.](#)

- a. This report was carried out by Sussex Biodiversity Record Centre to highlight the lack of regard in the applicants own attempt.
- b. Applicants carried out a short and flawed bio diversity survey because,
 - i. Wild Life habitat was cleared and a large amount of Oak and other varieties of sapling were destroyed prior to the survey taking place.
 - ii. Some of the survey monitoring methods were tampered with and vandalised and were not repeated to a satisfactory conclusion.
- c. This report by Sussex Biodiversity Record Centre is a long term study and involves many members of the public reporting to its detail. Indeed, since receiving this report MR Gadd has report sightings of a Grass Snake, Badgers and Hedge Hogs within the range of the report.

8. [High Weald Letter - Claire Tester MRTPI, Planning Advisor, High Weald AONB Unit](#)

- a. This letter under pins the letter of objection in 1 above and adds weight to the Land Vision report 5 above.

9. [CPRE Letter - Kia Trainor, CPRE Sussex Countryside Trust](#)

- a. This letter under pins the letter of objection in 1 above and highlights,
 - i. [The proposed development site in more detail than applicants.](#)
 - ii. [Planning Policy Situation in great detail.](#)
 - iii. [The Landscape and Visual impact it will have on The High Weald of AONB.](#)
 - iv. [The recreation value of the application sites to Heathfield.](#)
 - v. [A conclusion and Compliance statement to Paragraph 116 of the NPPF.](#)
 - vi. [A layout and design statement on the development.](#)
 - vii. [And finally, a cultural heritage view.](#)

10. [Natural England Consultee Comment - Julia Coneybeer, Lead Advisor, Sustainable Development Team, Sussex and Kent area.](#)
- a. Pages 1 and 2 set out their objections.
 - i. We consider the scale of the applications together represent major development in the AONB and therefore should be assessed in accordance with the three tests set out in paragraph 116 of the National Planning and Policy Framework (NPPF). Supporting assertion in [\(4. above\)](#).
 - ii. The proposals are not in accordance with policies contained in the High Weald AONB Management Plan, adopted by Wealden District Council, and related policies in the council's adopted Core Strategy (SPO1 and WCS13). [See other objections.](#)
 - b. Protected landscape – objection
 - i. High Weald Area of Outstanding Natural Beauty - AONBs are national designations designated solely for their landscape qualities, for the purpose of conserving and enhancing their natural beauty (which includes landform and geology, plants and animals, landscape features and the rich history of human settlement over the centuries). Whilst AONB designation does not preclude further development, it is intended to ensure development does not harm the special characteristics, including its scenic beauty and tranquillity, for which the AONB was designated. [See other objections.](#)
 - c. Landscape character impacts
 - i. Sites 1 and 2 are located on north-facing slopes while Site 3 is situated on the plateau of the Heathfield ridge line. The proposed sites are occupied by agricultural land, of irregular shape and lined by hedgerows and mature trees particularly along the western, northern and eastern boundaries of sites 1 and 2, and the eastern boundary of site 3. The character and landform of the proposed sites are typical of that found across the AONB, and are key reasons for its designation. [See other objections.](#)
11. Stop Vines Corner Action Group believe the following reports and letters should result in a refusal of the applications.,
- a. Reports which have highlighted the failure and short coming of the applications and the applications should be rejected.
 - b. The applicant's agents have disregarded an asset to Heathfield and the wider High Weald AONB and the applications should be rejected.
 - c. WDC should refuse the applications and fully investigate all sites that have been put forward under the Strategic Housing and Economic Land Availability Assessment – Heathfield June 2016.
 - d. Through it may hours, days and weeks Stop Vines Corner Action Group have canvassed through its own website and social media the support of thousands of Heathfield residents. The clear majority of neighbour Comments are objecting to the applications and for this reason democratic alone the applications should be rejected.
 - e. The clear majority of the consultees are complaining of lack of information and are asking for more time.
 - f. When further information on drainage was submitted, the report highlighted on page 17 (1&2 - Surface Water Drainage Strategy) that surface water would be channelled to current roadside ditches on Marklye Lane and as you can see by the pictures at the end of this report flooding is already a problem.
 - i. [Click here to view pictures.](#)

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Head of Planning and Environmental Services,
Wealden District Council,
Vicarage Lane,
Hailsham,
East Sussex.
BN27 2AX
FAO Mr C Bending

13 October 2016

Dear Sir,

Ref: WD/2016/2063/MEA

Land at Vines Corner, Burwash Road, Heathfield, TN21 8QA

Outline application for proposed change of use from agricultural land to provide 215 No C3 Residential dwellings (including 35% affordable provision), access, landscaping and other associated infrastructure.

And

WD/2016/ 2064/MEA

Land at Parklands, South of Burwash Road, Heathfield.

I am instructed by the STOP VINES CORNER/SAVE MARKLYE LANE Action Group to write to set out an OBJECTION in the strongest possible terms to the above applications. The Action Group has been specifically set up to bring together local residents including those most immediately and directly affected by the development as well as across the settlement of Heathfield who are all united in their opposition to the above development. In addition to this letter on behalf of the Action Group, many individual objections have already been submitted with potentially more to follow, indicating the widespread opposition to these inappropriate and harmful development proposals.

The objections have been specifically drafted in response to the principal application WD/2016/2063/MEA but in so far as relevant the objections equally relate to application WD/2016/2064/MEA.

This letter of objection should be read in conjunction with:

- a) Legal Opinion dated October 12 2016 by M Thomas of Chambers of S Hockman QC;
- b) Landscape Assessment for Vines Corner Heathfield (October 2016) by Landvision South East Limited Landscape Architects (Landvision) and
- c) Technical Note No 1 on Highway Matters by LGPS Resources.

Summary of Objections

There are a wide range of well-founded objections to the scheme proposals but fundamentally the principal objection is to the irreversible and overwhelming harm to the High Weald Area of Outstanding Natural Beauty (AONB). Given the significance of this issue the Action Group has commissioned its own Landscape Assessment by Landvision to consider the effect of the scheme proposals on this highly valued landscape and this assessment is attached to this letter. It is a very detailed report which has, in our view, been undertaken more rigorously than the LVIA report prepared by Harper Landscape Architecture LLP and submitted by the Applicants.

The Landvision report sets out in detail the high landscape significance of the sites as existing and their very low capacity for change and therefore the unacceptable harm from the development proposals to the landscape and scenic beauty of the AONB. There would be adverse landscape effects as well as adverse visual impacts.

The National Planning Policy Framework (NPPF) is clear that there is a presumption in favour of sustainable development but and as set out at paragraph 7, there are three dimensions to sustainable development including an environmental role – *contributing and enhancing our natural, built and historic environment.....* It is clear that this scheme falls considerably short of this environmental objective and as a result fails to be considered as sustainable development.

It is the Applicants' and indeed the Council's position that Wealden cannot demonstrate a five year supply of housing land and that paragraph 49 of the NPPF is engaged and the second part of paragraph 14.

This paragraph advises that sustainable development should be brought forward without delay unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or, specific policies in the Framework indicate that development should be restricted. The footnote in the NPPF specifically includes Areas of Outstanding Natural Beauty as one area where policies in the NPPF indicate that development should be restricted.

Notwithstanding our view that the development proposals do not fall to be considered as a sustainable development because of their very harm to the environment, they also fail both limbs of the second part of paragraph 14, in that:

- a) The harm from the scheme proposals, particularly to the High Weald AONB landscape, clearly and demonstrably outweighs the benefits when assessed against the policies in this Framework taken as a whole,

And (the correct test to be applied in this case because of the location of the site within the AONB)

- b) The location of the site within the AONB means that specific policies in the Framework indicate that development should be restricted and the scheme proposals fail to accord with paragraphs 115 and 116 of the NPPF.

We address the points in order below:

a) Approach to the application

The Applicants have concluded, in accordance with Wealden's stated position, that they cannot demonstrate a five year land supply of housing and that as a result the presumption in favour of securing housing appears to outweigh all other factors. However the correct legal approach has not been followed and the Action Group has obtained Counsel's Opinion on this very point. The Opinion is attached to this letter.

It is worth repeating at this point that no material weight can be given to the very early stages of the Local Plan Review, which has not yet progressed beyond the Issues Options and Recommendations stage. The proposals, including the housing figures as well as the potential general locations for accommodating development put forward in that document need to be fully and properly tested; they are not Council policy.

It is also relevant to take account of the adopted Core Strategy from 2013 which sets out very clearly that there is no opportunity for major development at Heathfield because of its poor transport links, restricted bus service, lack of deliverable employment land and its AONB location.

b) Description of the AONB Site as Existing.

The Applicants' attempt to downgrade the landscape importance of this site, as existing, both in terms of its contribution to the AONB and to the settlement of Heathfield, is considered disingenuous. The suggestions in Section 2 of the Planning Statement (and elsewhere, including in the Applicants' LVIA by Harper Landscape Architecture LLP) that the context for these sites have a 'suburban feel' and even 'district edge of urban feel' are fundamentally disputed.

This land the subject of these applications is outside the settlement boundary of Heathfield as confirmed in the adopted development plans, including the Wealden Core Strategy 2013. The land comprising Sites 1 and 2 lies within the open countryside and all the sites are within the High Weald AONB – they have no attributes which render them or their context urban or suburban in character and appearance. Site 3 shares landscape characteristics of historic wood pasture of the adjoining Heathfield Park, SSSI and Grade II listed historic parkland.

Chris Blandford Associates were commissioned by your Council as recently as 2014 to undertake a detailed landscape assessment as part of your evidence

base for the forthcoming Local Plan and *to help underpin decisions on how best development could be accommodated* (from the Council's website). Figure 4.20 of that report sets out the Landscape Setting of Heathfield. These sites the subject of the current applications are shown to have both a HIGH landscape sensitivity and value and as a result a LOW capacity for development and change. There have been no changes in the character and appearance of these sites or their context to require a reassessment.

There is further confirmation of this position within the Historic Landscape Character Assessment of the AONB and the High Weald AONB Management Plan. The High Weald Joint Advisory Committee (JAC) makes specific reference to these documents.

The Landvision landscape assessment also confirms this position and concludes that the sites have high scenic beauty and a high degree of intactness with original contours, ancient field boundaries and ancient routeways.

It is also relevant to refer to the 2013 adopted Wealden District Core Strategy which confirms at 6.39 that Heathfield is located on a series of ridges in a prominent position and is surrounded by the High Weald AONB.

In contrast, the Applicants' LVIA by Harper Landscape Architecture LLP appears to be the only assessment which seeks to suggest a much lower importance to the quality of the landscape and its ability and capacity to accommodate change. This conclusion is only achieved, in our view, by trying to denigrate the AONB status and overplay the use of minor visual detractors which are not pertinent to a full and proper assessment.

As set out in the Landvision report, the description of the sites in the application material is considered misleading as they seek to denigrate the AONB status – in reality and as identified in other reports, the sites are elevated above the AONB landscape in the Upper Rother Valley LCA Area 6 and hence in a prominent position; an important green gap between the north-eastern edge of the town and the neighbouring rural countryside of the AONB landscape. There is also no mention of Heathfield Park which site 3 adjoins, an SSSI and wood pasture historic parkland. The description of the position of the sites as “just below the ridgeline” is misleading and must be disputed. They are in a highly elevated position (181-183 m AOD) above the surrounding rural AONB landscape to north of Burwash Road with clear views of the AONB landscape to Mayfield to the north.

c) Impact of the Development Proposals on the High Weald AONB

The impact from the proposed development on the landscape sensitivity, character and appearance will be overwhelmingly harmful and completely irreversible. The sites, being on the ridge line, are highly prominent and will markedly affect local and wider views in and out of the site. It is difficult to envisage how such development could be considered to conserve the landscape and scenic beauty of the AONB (NPPF para 115). Given the scale

of development proposed, the siting on the ridge lines as well as the indicated building heights together with tree and planting loss, limited replacement planting and harmful effects from lighting and resultant light pollution, Landvision have firmly concluded that there would be permanent and irreversible harm to the ancient AONB landscape.

The High Weald JAC are also clear in their conclusions that the development fails to conserve and enhance the character of the High Weald AONB.

Even the Applicants' LVIA appears to struggle to provide a convincing conclusion that the development would not result in a seriously harmful impact on the AONB. It is only able to conclude that the acknowledged impacts might be 'lessened'; 'the development **could*** be perceived as a settlement extension to Heathfield rather than a new intervention in the AONB' (* my emphasis) and that there are, in its view, reasonable grounds for the development to be granted permission. These conclusions fall woefully short of meeting the requirements of the NPPF at para 115 which, to repeat again, set out that:

Great weight should be given to conserving landscape and scenic beauty in...Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.'

d) Impact on Marklye Lane

Within the overall harm to the AONB a specific issue which has not been addressed in the application in any detail is the adverse landscape effects of the proposals and in particular the damage that would result to the historic routeway of Marklye Lane, notably at its southern end. This is an ancient routeway running between the ridge top settlements of Heathfield and Mayfield which face towards each other.

Marklye Lane has special landscape qualities, its own unique character and natural beauty. The sense of remoteness and tranquillity experienced by walkers and cyclists along with the Lane will be lost if the proposed development is built. The scheme proposals would simply block off and eradicate the southern end of the routeway which will harm both its historic and visual qualities, causing harm to the AONB. Extensive earth moving and significant tree and hedgerow removal would inevitably be required as a result of the proposed works, including the highway works, and will further exacerbate this harm with a loss of visual amenity, which is part of the charm and attractiveness of the landscape setting.

The High Weald JAC draws specific attention to this harm and this is also emphasised by Landvision in their assessment. It does not appear to have been afforded any weight in the consideration by the Applicants. It is unacceptable by itself and adds to the overall harm concluded to the AONB.

e) Paragraphs 115 and 116 of the NPPF

We have already concluded based on evidence produced by the Action Group and supported by other consultee responses most notably the High Weald

JAC that the scheme proposals fail to comply with paragraph 115 of the NPPF.

Paragraph 116 of the NPPF sets out that major development should be refused in these designated areas except in exceptional circumstances and where it can be demonstrated that they are in the public interest. On the basis of the available information, and notwithstanding the reference in the submitted Planning Statement by the Applicants to an Assessment of Alternative Sites (which is not included with the application material), this has simply not been demonstrated. The application should be refused in accordance with the NPPF.

f) Inadequacies of the Planning Application Submission

Many important issues appear to have been no more than superficially dealt with and this is simply unacceptable for an application of this scale and of such significance. However whilst we make brief reference to some of these matters below, it is not considered that offering the Applicants further time to address these issues would fundamentally affect the conclusions that the impact and harm from this development is wholly unacceptable.

In addition to the points already raised we have identified the following:

- a) Environmental Impact Assessment – given that this is an outline application what is the basis of the assessment? With the exception of the access proposals which are in themselves inadequate for determination, the submitted scheme plans are marked for illustrative purposes only. There can be no confidence or reliance placed on the submitted Environmental Statement on the basis that the assessments all appear to be undertaken on the basis of illustrative scheme plans only.
- b) Highways – the application is submitted in outline but seeks full planning permission for access. The harm to the landscape and ancient routeway from these proposals has already been referenced. Notwithstanding this, there is in any event very little and insufficient information to allow a proper and informed decision to be made on this matter from a highways point of view.

The submitted Technical Note No 1 by LGPS Resources highlights the numerous serious concerns with the submitted highways and access proposals and information. This analysis leads us to conclude that the submission fails to accord with paragraph 33 of the NPPF as well as the relevant development plan policies relating to highways and access.

- c) It is clear from the local residents' own knowledge as well as the consultee responses that flood risk and drainage issues (both foul and surface water) are potentially significant issues and ones which have been barely addressed. Wealden's Engineer and Countryside Officer has raised an objection on this very matter; East Sussex has advised that there is insufficient information provided to respond; Southern Water has raised serious concerns about the impact on flooding and drainage solutions and

the Environment Agency has similarly been unable to comment in the absence of information on foul drainage.

Any proposal to use the ditches along Marklye Lane as part of any form of drainage solution would be intolerable given the existing flooding issues already encountered whereby the ditches regularly overflow in wet weather, leading to localised flooding problems including to properties.

In addition to the concerns which must necessarily be raised to the technical ability to secure a satisfactory solution to these issues, Landvision has identified that there are also consequential impacts on the local ecology and landscape. The sites lie in a nitrate sensitive zone and site 1 has an ancient woodland ghyll stream with the likelihood of rare flora species, whilst site 2 has a spring.

- d) The ecology report has been considered in detail by Landvision with the conclusions being questioned, particularly that the sites have a low nature conservation value. The Application report is not considered to reflect the true conservation value of the site which is considered to be high due to the presence of medium populations of reptiles and other protected species and their habitats.

This proposal runs contrary to paragraphs 109 and 118 of the NPPF, and Landvision has assessed that Sussex BAP protected species are likely to be put at risk due to insufficient data being gathered during the ecology site visits. It is impossible, in their view, to say there will be net gains when the baseline data is unknown or circumspect - important reports about the populations of reptiles, emergent bats and habitats such as rare wetland BAP and rare wet meadow BAP are considered to be missing or under or even not recorded.

We would however repeat again that there is, in our view, little to be gained from offering the Applicants further time to provide more and hopefully more accurate information when the principle of the proposed development is completely unacceptable. However, in the event that further information is provided or information which has been identified to be missing is included and made available, we would necessarily request the opportunity and the time to review and make representations on that material.

Conclusion

We trust that the Council will take full and proper account of the overwhelming level of objections from consultee responses as well as local residents and refuse planning permission for a development which is unacceptable, in principle, in terms of its very significant adverse impact on the High Weald AONB. The local planning authority does not have to be coerced into sanctioning residential development within the AONB. Wealden is a highly constrained district and it is probably almost inevitable that it will have to ask one of the many other local authorities with whom it shares its Housing Market Area to take some of its unmet Objectively Assessed Need.

There are no exceptional circumstances on which to allow this development and it should be recommended for refusal.

If you wish to discuss further please contact Lynne Evans below.

Yours faithfully

Lynne Evans

LYNNE EVANS
LJE PLANNING LTD

Cc STOP VINES CORNER/SAVE MARKLYE LANE Action Group

TOWN & COUNTRY PLANNING ACT 1990:

PLANNING & COMPULSORY PURCHASE ACT 2004:

IN THE MATTER OF:

PLANNING APPLICATION AT VINES CORNER, HEATHFIELD

OPINION

1. I am asked to advise the STOP VINES CORNER/SAVE MARKLYE LANE Action Group on the main planning issues and legal approach relating to a proposed housing development at Vines Corner in Heathfield.
2. The outline application is for the change of use of agricultural land in open countryside in the High Weald Area of Outstanding Natural Beauty 'AONB' to residential (mix of 215 dwellings ranging from 1 bedroom apartments to 5 bedroom houses). The site is located around 1.2 km from the centre of Heathfield High street (Heathfield is not within the AONB) and the total size of the site is just under 8 hectares. There would be 35% affordable housing. Of the reserved matters, access is the only matter to be determined at this stage.
3. The applicant is Vines Corner Development Consortium and the local planning authority is Wealden District Council 'LPA'.
4. For the purposes of this opinion only, I have assumed that the LPA are not able to demonstrate a five year housing land supply for the purposes of paragraph 47 of the NPPF 'the Framework'. Furthermore, this opinion does not purport to set out all potential harm or benefit that may or may not flow from the development.

Material Considerations and Legal Approach

5. The LPA has an adopted Local Plan dated 1998 and so it is eighteen years old and predates the Framework. However, it also has a recent Core Strategy (2013) which sets out very clearly that there is no opportunity for major development at Heathfield because of its poor transport links, restricted bus service, lack of deliverable employment land and its AONB location.
6. Working on the assumption that there is no ability to demonstrate a 5 year housing land supply, the application should be considered in the context of the presumption in favour of sustainable development and this refers to applying paragraph 14 of the Framework.
7. Paragraph 14 refers, amongst other things, to circumstances where relevant policies in the development plan are out-of-date and suggests that a less onerous test for a developer for allowing an application is where the adverse impacts of a scheme would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework as a whole.
8. However, contrary to the Planning Statement written by Parker Dann Planning Consultancy which accompanies this application, that less onerous test does NOT apply in this instance. Paragraph 14 makes it plain that there is no presumption to allow development where specific policies in the Framework indicate that development should be restricted.¹ The footnote specifically refers to policies which relate to Areas of Outstanding Natural Beauty.
9. In the Framework, paragraph 115 expressly restricts development within AONBs directing that great weight should be given to conserving landscape and scenic beauty in AONBs, being landscapes with the highest status of protection.
10. However, of equal importance and similarly restrictive of development in AONBS, paragraph 116 of the Framework unequivocally states that planning permission should be refused for

¹ *Wycharon DC v SSCLG* [2016] EWHC 592(Admin) at paragraph 25 – “if the development plan is silent or the relevant policies are out-of-date then the decision-maker must grant permission unless one or other of the two alternative limbs in the second bullet point in paragraph 14 of the NPPF applies.”

“major development” in AONBs. The Vines Corner application for about 215 dwellings is undoubtedly “major development”.

11. In these circumstances, the developer must show

- a) There are exceptional circumstances for allowing development AND
- b) That it would be in the public interest to allow the development.

12. He must provide an assessment of:

- a) The need for the development including any national considerations and the impact of permitting it or refusing it on the local economy *and*
- b) The cost of and scope for developing elsewhere outside the AONB or meeting the need for it in some other way *and*
- c) Any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.

13. The supporting documentation to the application lacks rigorous assessments in line with paragraph 116. There is no systematic assessment of the **cost of and scope** for developing 215 housing units outside the AONB in the Wealden administrative area (and not necessarily on one single site). Alternative site assessment is not limited to searching for single sites which could yield 215 dwellings. It can and should address the extent to which a number of sites (whether within settlements or outside, brownfield or greenfield) within Wealden could meet that need. The onus is a heavy one and it is squarely on the developer to demonstrate this when major development in the AONB is contemplated.

14. Moreover, the developer must also directly address the scope for meeting need “in some other way”. In this case, the recent Strategic Housing Market Assessment ‘SHMA’ has identified a wide Housing Market Area and it is inevitable that Wealden will approach the numerous other LPAs within the Housing Market Area to meet their unmet housing needs, under the duty to co-operate. Significant new housing development within the High Weald AONB is by no means inevitable.

15. Second, the Landscape and Visual Impact Assessment submitted by the Developer significantly underplays the adverse impacts on landscape character and visual amenity.

Nonetheless it demonstrates that the impacts of development are not likely to be “moderated” to any meaningful extent.

16. The LVIA demonstrates that the landscape and scenic beauty of the AONB would not be “conserved” as required by paragraph 115 of the Framework and in those circumstances GREAT WEIGHT must be given to refusing planning permission.
17. The developer must show that there are exceptional circumstances for allowing the major development. However, whilst there is a need for more housing (on the assumption of the lack of 5 yr supply) that is not a circumstance so exceptional that it could reasonably justify 215 new dwellings in the AONB.
18. The developer must also show that it is in the public interest to grant permission. However, it is not in the public interest to develop this sizeable site in the AONB given the extent of its adverse impacts on the landscape and the lack of rigorous assessments required under paragraph 116. The development would fail the environmental dimension of ‘sustainable development’ as set out in paragraph 7 of the Framework.

Balancing Planning Considerations

19. Alongside the overwhelming harm to the AONB, additional harm has been identified by the Action Group as well as by Consultees on additional material considerations, and particularly ecology, highway safety and cultural heritage. It is outside the scope of this opinion to list those harms in detail and I do not propose to do so. However, it is essential that the balancing exercise is undertaken using the proper legal approach. That is a s.38(6) approach – that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
20. The Core Strategy is part of the adopted development plan and it directs development **away** from Heathfield given its many constraints. Insofar as adopted local policy is concerned saved policies DC17, EN6 and GD2 of the 1998 LP are to be treated as not up-to-date because of paragraph 47 of the Framework. However, *Suffolk Coastal DC v Hopkins Homes* [2016] EWCA Civ 168 has made it clear that paragraph 49 of the Framework **does not make out of date policies irrelevant** in the determination of planning permission and does not

prescribe the amount of weight that should be given to such policies; that will vary according to the circumstances (paras 46 and 47 of the judgement).

21. In these circumstances, DC17, EN6 and GD2 all continue to play an important role in defining what is AONB land and what is not. The quality of the landscape has not deteriorated and the need for protection is just as important today as it was when the adopted plan was made. The Core Strategy confirms that position in unequivocal terms and is an up-to-date document. The distinction remains highly relevant and, at the very least, moderate weight should attach to the saved local plan policies. The adopted Core Strategy must, in any event, be given substantial weight.
22. In those circumstances the proposal is plainly contrary to the Development Plan as defined in section 38(6) and great weight must be given to that conflict as well as to the harm to the AONB. No other material considerations including housing need, the provision of affordable housing and consequential economic benefits are sufficient to outweigh that presumption against development and against the harm that would result from the proposed scheme.
23. Even if that were not the case, there is clear advice in the Framework to refuse planning permission for major development in the AONB where there are no exceptional circumstances for allowing it. In this case, there is nothing exceptional about this particular planning application. It would fulfil some housing need but the shortfall in reaching a 5 year land supply is not chronic² and, as there is no 5 year land supply in Wealden, fulfilling part of the housing need is common to all applications.
24. Overall, the case to refuse planning permission for the proposed development is strong and is not dictated by the lack of a 5 year housing supply.

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October 14, 2016

² The LPA is said to have a land supply of 3.96 years as at 31 March 2016, this is based on meeting the identified objectively assessed housing need of 735 with a 5% buffer², (see Report of SHMA dated August 2016, whereas the target in the local plan is less than the full need figure because of the constraints of the AONB).



Neutral Citation Number: [2016] EWCA Civ 168

Case No: C1/2015/0583 and C1/2015/0894

IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE ADMINISTRATIVE COURT
PLANNING COURT
MR JUSTICE SUPPERSTONE [2015] EWHC 132 (Admin)
MRS JUSTICE LANG [2015] EWHC 410 (Admin)

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 17 March 2016

Before:

Lord Justice Jackson
Lord Justice Vos
and
Lord Justice Lindblom

Between:

Suffolk Coastal District Council	<u>Appellant</u>
- and -	
Hopkins Homes Limited	<u>Respondent</u>
- and -	
Secretary of State for Communities and Local Government	<u>Interested Party</u>

Richborough Estates Partnership LLP	<u>Appellant</u>
- and -	
Cheshire East Borough Council	<u>First Respondent</u>
- and -	
Secretary of State for Communities and Local Government	<u>Second Respondent</u>

Mr Jonathan Clay and Dr Ashley Bowes (instructed by Sharpe Pritchard) for the Appellant
Mr Christopher Lockhart-Mummery Q.C. (instructed by DLA Piper) for the Respondent
**Mr Hereward Phillpot Q.C. and Mr Richard Honey (instructed by the Government Legal
Department) for the Interested Party**

Mr Christopher Young and Mr James Corbet Burcher (instructed by **Gateley Plc**) for the
Appellant
Mr Anthony Crean Q.C. and Mr John Hunter (instructed by **Sharpe Pritchard**) for the
First Respondent
Mr Hereward Phillpot Q.C. and Mr Richard Honey (instructed by **the Government Legal**
Department) for the **Second Respondent**

Hearing dates: 14 and 15 January 2016

**Judgment Approved by the court
for handing down**

Lord Justice Lindblom:

Introduction

1. This is the judgment of the court.
2. These two conjoined appeals concern the meaning and effect of government policy in paragraph 49 of the National Planning Policy Framework (“the NPPF”). In particular, they concern the meaning of the requirement in the policy that “[relevant] policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”, and the way in which the policy is to be applied in the making of planning decisions. These questions have been considered several times at first instance without entirely consistent results, but not until now by this court. In both of these cases permission to appeal was granted by Sullivan L.J.. As he acknowledged when granting permission, the wider importance of the issues raised by the appeals is a compelling reason for them to be decided by this court. All counsel who have appeared before us echo that view, and urge us to bring much needed clarity to the meaning of the policy. The benefit of this for local planning authorities, developers and local communities will be obvious.

The two appeals

3. In the first case the appellant is a local planning authority, Suffolk Coastal District Council. In September 2013 the district council refused planning permission for a development of 26 houses on land at Old High Road in Yoxford. The applicant for planning permission was Hopkins Homes Ltd.. Their appeal against the district council’s decision was dismissed by an inspector appointed by the Secretary of State for Communities and Local Government, after an inquiry in February and June 2014. The inspector’s decision letter is dated 15 July 2014. Hopkins Homes challenged the decision by an application under section 288 of the Town and Country Planning Act 1990. The challenge succeeded before Supperstone J., who on 30 January 2015 quashed the inspector’s decision. Supperstone J.’s order is the subject of the district council’s appeal before us. At first instance the Secretary of State did not seek to defend the inspector’s decision, having conceded that the inspector had misunderstood and misapplied the policy in paragraph 49. Before us counsel for the Secretary of State have made submissions in support of Supperstone J.’s conclusions on the status of the disputed development plan policies in that case, though not on the other matters in dispute between the district council and Hopkins Homes.
4. In the second case the appellant is a developer, Richborough Estates Partnership LLP. In August 2013 it made an application for outline planning permission to Cheshire East Borough Council for a development of up to 170 houses on land north of Moorfields in Willaston. The borough council failed to determine the application within the prescribed period. Richborough Estates appealed to the Secretary of State. Its appeal was heard by an inspector at an inquiry in June 2014. In a decision letter dated 1 August 2014 the inspector allowed the appeal and granted planning permission for up to 146 dwellings. His decision was challenged

by the borough council. That challenge succeeded before Lang J., who quashed the inspector's decision by an order dated 25 February 2015. The appeal against that order was made not by the Secretary of State but by Richborough Estates. By a respondent's notice the borough council invited this court to uphold Lang J.'s order for additional reasons, but at the hearing it abandoned that position. Submissions were made to us on behalf of the Secretary of State supporting the argument put forward for Richborough Estates.

5. In both cases the inspector had to establish whether particular policies of the development plan relevant to the proposal were not to be considered "up-to-date" under the policy in paragraph 49 of the NPPF, and, if so, what the consequences for his decision should be.

The NPPF

6. The NPPF, published on 27 March 2012, contains national planning policy for England.
7. In the "Ministerial foreword" the Minister for Planning declared that "[the] purpose of planning is to help to achieve sustainable development". "Sustainable", he said, "means ensuring that better lives for ourselves don't mean worse lives for future generations", and "Development means growth", one aspect of which is that "[we] must house a rising population, which is living longer and wants to make new choices". He went on to say:

"Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision. ...".
8. The "Ministerial foreword" concludes by stating that "[by] replacing over a thousand pages of national policy with around fifty, written simply and clearly, we are allowing people and communities back into planning". Some judicial doubt has been expressed about that assertion. As Sullivan L.J. said in *Redhill Aerodrome Ltd. v Secretary of State for Communities and Local Government* [2015] 1 P. & C.R. 3 (in paragraph 22 of his judgment, with which Tomlinson and Lewison L.J.J. agreed), "[views] may differ as to whether simplicity and clarity have always been achieved, but the policies are certainly shorter". In an earlier case in which this court had to consider the meaning of the policy in paragraph 47 of the NPPF, *City and District Council of St Albans v Hunston Properties Ltd.* [2013] EWCA Civ 1610, Sir David Keene had expressed the view (in paragraph 4 of his judgment, with which Maurice Kay and Ryder L.J.J. agreed), that "[unhappily] ... the process of simplification has in certain instances led to a diminution in clarity".
9. The Government's commitment to a "plan led" planning system is apparent throughout the NPPF. Paragraph 2 in the "Introduction" acknowledges the statutory presumption in favour of the development plan in section 38(6) of the Planning and Compulsory Purchase Act 2004, and the status of the NPPF as another material consideration:

“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The [NPPF] must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. ...”.

There are several other references to the “plan-led” system: for example, in paragraph 17, which sets out 12 “core land-use planning principles” that “should underpin both plan-making and decision-taking”. The first of these “core” principles is that planning should be “... genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area”. It adds that “[plans] should be kept up-to-date ...” and “should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency”.

10. After the “Introduction” the NPPF is divided into three main parts: “Achieving sustainable development” (paragraphs 6 to 149), “Plan-making” (paragraphs 150 to 185) and “Decision-taking” (paragraphs 186 to 207). There are three annexes: “Annex 1: Implementation”, “Annex 2: Glossary” and “Annex 3: Documents replaced by this Framework”.
11. Introducing the part of the NPPF devoted to the Government’s aim of “Achieving sustainable development”, paragraph 6 says that the policies in paragraphs 18 to 219, “taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system”. Paragraph 7 identifies “three dimensions to sustainable development: economic, social and environmental”. The “social role” is “supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations ...”. Paragraph 8 says that these three roles are “mutually dependent”.
12. Under the heading “The presumption in favour of sustainable development”, paragraph 12 acknowledges that the NPPF “does not change the statutory status of the development plan as the starting point for decision making”. It says that “[proposed] development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise”. It adds that “[it] is highly desirable that local planning authorities should have an up-to-date plan in place”. Paragraph 13 confirms that the NPPF “constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications”. Paragraph 14 explains how the “presumption in favour of sustainable development” is to be applied:

“At the heart of [the NPPF] is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For plan-making this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the NPPF] taken as a whole; or
 - specific policies in [the NPPF] indicate development should be restricted. [Here there is a footnote, footnote 9, which states: “For example, those policies relating to sites protected under the Birds and Habitats Directives ... and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.”]

For decision-taking this means [Here there is a footnote, footnote 10, which says: “Unless material considerations indicate otherwise”]:

- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the NPPF] taken as a whole; or
 - specific policies in [the NPPF] indicate development should be restricted. [Here footnote 9 is repeated.]”
13. We have already mentioned the first “core” principle in paragraph 17, relating to the “plan-led” system (see paragraph 9 above). The third “core” principle in that paragraph is that planning should “proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs”. It goes on to say that “[every] effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth”.
14. This part of the NPPF contains paragraphs 18 to 149, in 13 sections under the general heading “Delivering sustainable development”.
15. Section 6, which contains paragraphs 47 to 55, is entitled “Delivering a wide choice of high quality homes”. Paragraph 47 states:
- “To boost significantly the supply of housing, local planning authorities should:
- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in

[the NPPF], including identifying key sites which are critical to the delivery of the housing strategy over the plan period;

- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% ... to ensure choice and competition in the market for land. ... ;
- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.”

There are two footnotes to that paragraph. Footnote 11, which explains the concept of “deliverable sites” in the second bullet point, says that “[to] be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. ...”. Footnote 12, which explains the concept of “developable sites” in the third bullet point, says that “[to] be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged”. Paragraphs 48 and 50 to 55 are all concerned with various aspects of authorities’ planning for the development of new housing and affordable housing in their areas. Paragraph 49 states:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

16. Further sections in this part of the NPPF include section 9 – “Protecting Green Belt land” (paragraphs 79 to 92), section 10 – “Meeting the challenge of climate change, flooding and coastal change” (paragraphs 93 to 108), and section 12 – “Conserving and enhancing the historic environment” (paragraphs 126 to 141).
17. In the part of the NPPF dealing with “Plan-making”, paragraph 157 enjoins local planning authorities to do several things, including to “plan positively” for the development required in their areas, to “allocate sites to promote development and flexible use of land, bringing forward new land where necessary”, and to “identify land where development would be inappropriate, for instance because of its environmental or historic significance”. Paragraph 159 says local planning authorities “should have a clear understanding of housing needs in their area”, and requires them to prepare a “Strategic Housing Market Assessment to assess their full housing needs ...” and a “Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and likely

economic viability of land to meet the identified need for housing over the plan period”.

18. In the part entitled “Decision-taking” paragraph 197 says that “[in] assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development”.
19. Annex 1 – “Implementation” explains the arrangements for the transition to the new policies in the NPPF. Paragraph 214 says that for 12 months from the day of the NPPF’s publication, decision-takers “may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework”. Paragraph 215 states:

“In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in [the NPPF], the greater the weight that may be given).”

What does the policy in paragraph 49 of the NPPF mean?

20. As we have said, the meaning of the policy in paragraph 49 of the NPPF has already been considered several times at first instance, with various results. We have had our attention drawn, in particular, to the decisions of Lang J. in *William Davis Ltd. v Secretary of State for Communities and Local Government* [2013] EWHC 3058 (Admin), Lewis J. in *Cotswold District Council v Secretary of State for Communities and Local Government and others* [2013] EWHC 3719 (Admin), Lewis J. in *South Northamptonshire Council v Secretary of State for Communities and Local Government and Robert Plummer* [2013] EWHC 4377 (Admin), Ouseley J. in *South Northamptonshire Council v Secretary of State for Communities and Local Government and Barwood Land* [2014] EWHC 573 (Admin), Lindblom J. in *Crane v Secretary of State for Communities and Local Government* [2015] EWHC 425 (Admin), Lindblom J. in *Phides Estates (Overseas) Ltd. v Secretary of State for Communities and Local Government* [2015] EWHC 827 (Admin), and Lang J. in *Wenman v Secretary of State for Communities and Local Government* [2015] EWHC 925 (Admin).
21. Each of the advocates appearing in these appeals has drawn from the first instance case law either two or three distinctly different possible interpretations of the policy, which have been referred to in argument as the “narrow”, the “wider” or “comprehensive”, and the “intermediate” or “compromise”. In the “narrow” interpretation, the meaning given to the expression “[relevant] policies for the supply of housing” is limited to policies dealing only with the numbers and distribution of new housing, and excludes any other policies of the development plan dealing generally with the disposition or restriction of new development in the authority’s area. The “wider” or “comprehensive” interpretation includes both policies providing positively for the supply of new housing and other policies, to which Ouseley J. referred in *Barwood Land* (in paragraph 47 of his judgment) as “counterpart” policies whose effect is to restrain the supply by restricting housing development in certain parts of the authority’s area. In the so-called

“intermediate” or “compromise” interpretation, some restrictive policies will qualify as “[relevant] policies for the supply of housing” but others will not. The latter category is said to comprise, as Ouseley J. described them in *Barwood Land*, “policies designed to protect specific areas or features, such as gaps between settlements, the particular character of villages or a specific landscape designation, all of which could sensibly exist regardless of the distribution and location of housing or other development” (paragraph 47).

22. Mr Jonathan Clay, who appeared for the district council in the Hopkins Homes case, and Mr Anthony Crean Q.C., who appeared for the borough council in Richborough Estates’ appeal, both contended for the “narrow” – or, as Mr Crean described it in his oral submissions, “purist” – interpretation. Mr Christopher Lockhart-Mummery Q.C. on behalf of Hopkins Homes, Mr Christopher Young for Richborough Estates, and Mr Hereward Phillpot Q.C., who appeared for the Secretary of State in both appeals, all contended for the “wider” construction.
23. It is not our task to reconcile – if we could – the several judgments at first instance in which the meaning of this policy has been considered. Nor is it our task to select one of the interpretations given to the policy in those cases, in preference to the others. What we must do is interpret the policy correctly – regardless of whether the interpretation we find to be right has already emerged in one or more of the cases to which we have referred.
24. The approach the court will take when interpreting planning policy is well settled. As Lord Reed said in *Tesco v Dundee City Council* [2012] UKSC 13 (in paragraph 17 of his judgment, with which the other members of the Supreme Court agreed), a planning authority determining an application for planning permission “must proceed upon a proper understanding of the development plan”, and “cannot have regard to the provisions of the plan if it fails to understand them”. Lord Reed went on to say (in paragraph 18) that “in principle, in this area of public administration as in others ... policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context”. He emphasized, however (in paragraph 19), that statements of policy “should not be construed as if they were statutory or contractual provisions”. He also said (in the same paragraph) that “many of the provisions of development plans are framed in language whose application to a given set of facts requires the exercise of judgment”, and that “[such] matters fall within the jurisdiction of planning authorities, and their exercise of their judgment can only be challenged on the ground that it is irrational or perverse ...” (see also the judgment of Lord Hope, at paragraph 35). It has been accepted in this court, and is not in dispute in these appeals, that the same principles apply also to the interpretation of national policy and guidance, including policies in the NPPF (see, for example, the judgment of Richards L.J. in *R. (on the application of Timmins) v Gedling Borough Council* [2015] EWCA Civ 10, at paragraph 24; and the judgment of Sir David Keene in *Hunston*, at paragraph 4).
25. Our interpretation of the policy in paragraph 49 of the NPPF must therefore be faithful to the words of the policy, read in their full context and not in isolation from it.

26. The broad context is provided by the policies of the NPPF read as a whole (see paragraph 30 of Sir David Keene’s judgment in *Hunston*). The Government’s aim of providing “the supply of housing to meet the needs of present and future generations” in paragraph 7 of the NPPF is reflected generally in the policies for sustainable development, in the policies for plan-making, and in the policies for decision-taking. It is part of the “social role” of the planning system in achieving sustainable development referred to in paragraph 7 of the NPPF. And it sits in the part of the NPPF where the Government has gathered its policies for delivering “sustainable development” (see paragraphs 14 to 16 above).
27. The more specific context is set by the policies for housing development in the paragraphs immediately preceding and following paragraph 49, in the section devoted to the Government’s objective of “[delivering] a wide choice of high quality homes” (see paragraph 15 above). These policies are partly directed to plan-making and partly to decision-taking. Underlying them all is the basic imperative of delivery. Where they concern plan-making, their aim, very clearly stated at the beginning of paragraph 47, is to “boost significantly the supply of housing”. The first requirement in that paragraph – that an authority must “ensure” that its local plan meets the “full, objectively assessed needs” for housing, “as far as is consistent with the policies set out in [the NPPF]” – involves the making of an objective assessment of need before considering the impact of other policies in the NPPF (see paragraph 25 of Sir David Keene’s judgment in *Hunston*). The second requirement is for local planning authorities to “identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements ...”.
28. As Mr Lockhart-Mummery reminded us, for many years successive governments have relied on the planning system to increase the supply of housing land. At least since the 1970’s national planning policy has contained either an objective or a requirement for local planning authorities to identify and maintain a five-year supply of housing land. Between 1988 and 1992 there was a policy presumption in favour of planning permission being granted for housing where no five-year supply existed in the authority’s area. The relevant statement of national policy current when the NPPF was published, and then superseded by it, was Planning Policy Statement 3: “Housing” (issued in June 2011), which said, in paragraph 71, that where authorities were unable to demonstrate “an up-to-date five year supply of deliverable sites” they “should consider favourably planning applications for housing ...”. The advent of the NPPF marked a significant policy shift. In *Solihull Metropolitan Borough Council v Gallagher* [2014] EWCA Civ 1610, Laws L.J. accepted (in paragraph 16 of his judgment) that the new policy for the assessment and meeting of housing need had “indeed effected a radical change”. He agreed with the judge in the court below that the larger the need for housing, “the more pressure will or might be applied to [impinge] on other inconsistent policies”.
29. The policy in paragraph 49 is not a policy for plan-making; it is a policy directed to the consideration of “[housing] applications”. But it is linked to the policy for plan-making in paragraph 47 in a very obvious way, because it is predicated on the requirement for the local planning authority to “demonstrate a five-year supply of deliverable housing sites”.

30. Paragraph 49 is also connected to the policy for the application of the “presumption in favour of sustainable development” in paragraph 14 (see paragraph 12 above). The connection lies in the concept of relevant policies of a development plan – “[relevant] policies for the supply of housing” – not being “considered up-to-date” (the expression used in paragraph 49) – or being “out-of-date” (the expression used in paragraph 14). The adjectives “up-to-date” and “out-of-date” do not always have an exactly opposite meaning in ordinary English usage. But in the way they are used in the NPPF we think they do. The concept of relevant policies that are “out-of-date” in paragraph 14 is not limited to policies in a statutory development plan whose period has expired, though it may include such policies. It embraces the concept of “[relevant] policies for the supply of housing” that are not to be considered “up-to-date” under paragraph 49, and it extends to policies in a plan whose period is still running.
31. We turn then to the words of the policy themselves, viewed in the context we have described.
32. The contentious words are “[relevant] policies for the supply of housing”. In our view the meaning of those words, construed objectively in their proper context, is “relevant policies affecting the supply of housing”. This corresponds to the “wider” interpretation, which was advocated on behalf of the Secretary of State in these appeals. Not only is this a literal interpretation of the policy in paragraph 49; it is, we believe, the only interpretation consistent with the obvious purpose of the policy when read in its context. A “relevant” policy here is simply a policy relevant to the application for planning permission before the decision-maker – relevant either because it is a policy relating specifically to the provision of new housing in the local planning authority’s area or because it bears upon the principle of the site in question being developed for housing. The meaning of the phrase “for the supply” is also, we think, quite clear. The word “for” is one of the more versatile prepositions in the English language. It has a large number of common meanings. These include, according to the Oxford Dictionary of English, 2nd edition (revised), “affecting, with regard to, or in respect of”. A “supply” is simply a “stock or amount of something supplied or available for use” – again, the relevant definition in the Oxford Dictionary of English. The “supply” with which the policy is concerned, as the policy in paragraph 49 says, is a demonstrable “five-year supply of deliverable housing sites”. Interpreting the policy in this way does not strain the natural and ordinary meaning of the words its draftsman has used. It does no violence at all to the language. On the contrary, it is to construe the policy exactly as it is written.
33. Our interpretation of the policy does not confine the concept of “policies for the supply of housing” merely to policies in the development plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites. It recognizes that the concept extends to plan policies whose effect is to influence the supply of housing land by restricting the locations where new housing may be developed – including, for example, policies for the Green Belt, policies for the general protection of the countryside, policies for conserving the landscape of Areas of Outstanding Natural Beauty and National Parks, policies for the conservation of wildlife or cultural heritage, and various policies whose purpose is to protect the local environment in one way or another

by preventing or limiting development. It reflects the reality that policies may serve to form the supply of housing land either by creating it or by constraining it – that policies of both kinds make the supply what it is.

34. The “narrow” interpretation of the policy, in which the words “[relevant] policies for the supply of housing” are construed as meaning “[relevant] policies providing for the amount and distribution of new housing development and the allocation of sites for such development”, or something like that, is in our view plainly wrong. It is both unrealistic and inconsistent with the context in which the policy takes its place. It ignores the fact that in every development plan there will be policies that complement or support each other. Some will promote development of one type or another in a particular location, or by allocating sites for particular land uses, including the development of housing. Others will reinforce the policies of promotion or the site allocations by restricting development in parts of the plan area, either in a general way – for example, by preventing development in the countryside or outside defined settlement boundaries – or with a more specific planning purpose – such as protecting the character of the landscape or maintaining the separation between settlements.
35. Restrictive policies, whether broadly framed or designed for some more specific purpose, may – we stress “may” – have the effect of constraining the supply of housing land. If they do have that effect, they may – again, we emphasize “may” – act against the Government’s policy of boosting significantly the supply of housing land. If a local planning authority is unable to demonstrate the requisite five-year supply of housing land, both the policies of its local plan that identify sites for housing development and policies restrictive of such development are liable to be regarded as not “up-to-date” under paragraph 49 of the NPPF – and “out-of-date” under paragraph 14. Otherwise, government policy for the delivery of housing might be undermined by decisions in which development plan policies that impede a five-year supply of housing land are treated as “up-to-date”.
36. We cannot see any logical basis for distinguishing here between restrictive policies of a general nature and those with a more specific purpose. It was this suggested distinction between restrictive policies of one sort and restrictive policies of another that generated the “intermediate” or “compromise” construction of the policy in paragraph 49. Mr Clay and Mr Crean submitted that this construction of the policy finds support in paragraph 47 of Ouseley J.’s judgment in *Barwood Land*. In that paragraph of his judgment Ouseley J. contrasted two kinds of development plan policy: first, “policies for the provision of housing” and “counterpart” restrictive policies that “may be generally applicable to all or most forms of development”, and secondly, “policies designed to protect specific areas or features, such as gaps between settlements, the particular character of villages or a specific landscape designation”, which “could sensibly exist regardless of the distribution and location of housing development”. He considered policy EV2 of the South Northamptonshire Local Plan, which says “planning permission will not be granted for development in the open countryside”, as a policy of the first kind. He did not, however, refer to the distinction between these two kinds of policy as if it divided policies that truly are “for the supply of housing” from policies that are not.

37. To infer that from what Ouseley J. actually said is, we think, to misunderstand what he meant. In our view he was simply acknowledging the distinction between restrictive policies of a general nature – such as policy EV2 – and restrictive policies whose purpose is more specific. That, of course, is a perfectly valid distinction. It may be relevant to the application of the policy in paragraph 49 of the NPPF, and the weight given to a particular policy of the development plan in the planning balance. It is not, however, a test of whether a particular policy is or is not a policy “for the supply of housing”. And we do not believe that Ouseley J. was seeking to suggest that it was. As he went on to say in paragraph 48 of his judgment, “... once the Inspector has properly directed himself as to the scope of paragraph 49 [of the] NPPF ... , the question of whether a particular policy falls within its scope, is very much a matter for his planning judgment”. That statement is, in our view, correct – and we shall come back to it when we consider how the policy in paragraph 49 is to be applied.
38. We therefore reject the “intermediate” or “compromise” interpretation of paragraph 49. Like the “narrow” interpretation, it fails to recognize that it is the effect of certain policies – whether general or specific – in restricting housing development and preventing an authority from demonstrating a “five-year supply of deliverable housing sites” that brings them within the scope of the policy in paragraph 49.
39. Mr Clay and Mr Crean submitted that footnote 9 in paragraph 14 of the NPPF supports the “narrow” – or at least the “intermediate” or “compromise” – interpretation of paragraph 49. But we cannot see how it does. Footnote 9 explains the concept of specific policies in the NPPF indicating that development should be restricted. The NPPF policies it gives as examples relate to protected birds and habitats, Sites of Special Scientific Interest, the Green Belt, Local Green Space, Areas of Outstanding Natural Beauty, Heritage Coasts, National Parks, the Broads, heritage assets and locations at risk of flooding or coastal erosion (see paragraph 12 above). For all of these interests of acknowledged importance – some of them also subject to statutory protection – the NPPF has specific policies. The purpose of the footnote, we believe, is to underscore the continuing relevance and importance of these NPPF policies where they apply. In the context of decision-taking, such policies will continue to be relevant even “where the development plan is absent, silent or relevant policies are out-of-date”. This does not mean that development plan policies that are out-of-date are rendered up-to-date by the continuing relevance of the restrictive policies to which the footnote refers. Both the restrictive policies of the NPPF, where they are relevant to a development control decision, and out-of-date policies in the development plan will continue to command such weight as the decision-maker reasonably finds they should have in the making of the decision. There is nothing illogical or difficult about this, as a matter of principle.
40. Mr Clay also submitted that the “narrow” or at least the “intermediate” construction of paragraph 49 is supported by the policy in paragraph 215 of the NPPF (see paragraph 19 above). Again, we cannot see how that can be so. Paragraph 215 is one of a series of paragraphs in Annex 1 to the NPPF dealing with the implementation of the policies it contains. These are, essentially, transitional provisions. They do not affect the substance of the policies

themselves. Under paragraph 214 there was a period of 12 months from the publication of the NPPF – until 27 March 2013 – within which decision-takers “may” continue to give full weight to policies adopted since 2004 even if they conflicted with the policies in the NPPF. After that, under paragraph 215, “due weight” was to be given to relevant plan policies, “according to their degree of consistency” with the policies in the NPPF. These provisions for the implementation of NPPF policy do not touch the interpretation of such policy, including the policies for the delivery of housing in paragraphs 47 to 55 and the policy explaining the “presumption in favour of sustainable development” in paragraph 14. The suggestion that they do is mistaken.

41. As we have said (in paragraph 23 above), we have not set out to reconcile the several first instance judgments in which the meaning of the policy in paragraph 49 has been considered before. In fact, that would not be possible. We ought to say, however, that those cases in which the court has rejected the “wider” interpretation of the policy have not in our view been correctly decided on that particular point. Of the cases cited to us (see paragraph 20), this may be said of the decision in *William Davis*, where the judge concluded that a policy restricting development in a “Green Wedge” (policy E20 of the North-West Leicestershire Local Plan, adopted in 2002) was not a relevant policy for the supply of housing within paragraph 49, despite the fact that it prevented housing development on the appeal site (see paragraph 47 of the judgment). We should add, however, that the judge did not have the benefit of all the submissions we have heard on this point, or of the later decisions in which it has been considered. In *Wenman* the judge appears to have accepted that two policies of a local plan dealing respectively with the “Environmental Implications of Development” and “Design and Layout” (policies D1 and D4 of the Waverley Borough Local Plan 2002) were not policies for the supply of housing, because they were not “general” restrictions on development and fell within the second kind of restrictive policy referred to by Ouseley J. in paragraph 48 of his judgment in *Barwood Land* (see paragraphs 57 to 59 of the judgment). But that distinction between two kinds of policy restrictive of housing development is not a dividing line between policies that are “for the supply of housing” and those that are not (see paragraphs 36 to 38 above). Again, however, we would add that the judge did not have the advantage of the argument we have heard. It also seems to us that the erroneous interpretation of the policy in paragraph 49 of the NPPF made no difference to the outcome of the proceedings because the two local plan policies in question were not, in fact, restrictive of housing development in either of the two respects identified by Ouseley J. in *Barwood Land*.

How is the policy in paragraph 49 of the NPPF to be applied?

42. The NPPF is a policy document. It ought not to be treated as if it had the force of statute. It does not, and could not, displace the statutory “presumption in favour of the development plan”, as Lord Hope described it in *City of Edinburgh Council v Secretary of State for Scotland* [1997] 1 W.L.R. 1447 at 1450B-G). Under section 70(2) of the 1990 Act and section 38(6) of the 2004 Act, government policy in the NPPF is a material consideration external to the development plan. Policies in the NPPF, including those relating to the “presumption in favour of sustainable

development”, do not modify the statutory framework for the making of decisions on applications for planning permission. They operate within that framework – as the NPPF itself acknowledges, for example, in paragraph 12 (see paragraph 12 above). It is for the decision-maker to decide what weight should be given to NPPF policies in so far as they are relevant to the proposal. Because this is government policy, it is likely always to merit significant weight. But the court will not intervene unless the weight given to it by the decision-maker can be said to be unreasonable in the *Wednesbury* sense.

43. When determining an application for planning permission for housing development the decision-maker will have to consider, in the usual way, whether or not the proposal accords with the relevant provisions of the development plan. If it does, the question will be whether other material considerations, including relevant policies in the NPPF, indicate that planning permission should not be granted. If the proposal does not accord with the relevant provisions of the plan, it will be necessary to consider whether other material considerations, including relevant policies in the NPPF, nevertheless indicate that planning permission should be granted.
44. The NPPF presents the decision-maker with a simple sequence of steps when dealing with a proposal for housing development. The first step, under the policy in paragraph 49, is to consider whether relevant “policies for the supply of housing” in the development plan are “out-of-date” because “the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. Gauging the housing land supply will entail the use of the appropriate method of assessment, whatever that may be (see, for example, the judgment of Lindblom J. in *Bloor Homes East Midlands Ltd. v Secretary of State for Communities and Local Government* [2014] EWHC 754 (Admin), at paragraphs 101 to 135).
45. Whether a particular policy of the plan, properly understood, is a relevant policy “for the supply of housing” in the sense we have described is not a question for the court. It is, as Ouseley J. said in paragraph 48 of his judgment in *Barwood Land*, a question for the decision-maker. Provided the decision-maker acts on the correct understanding of the policy in paragraph 49 of the NPPF, and also on the correct understanding of the development plan policy in question, these being matters for the court, it is for him to judge whether the plan policy is or is not a relevant policy for the supply of housing. That is a matter for his planning judgment, and the court will only intervene on public law grounds. If the decision-maker finds that relevant policies of the plan are “out-of-date”, he applies the “presumption in favour of sustainable development” in the way that paragraph 14 of the NPPF requires. Again, he will be exercising his planning judgment, and again, therefore, the court will only review that exercise of judgment on public law grounds.
46. We must emphasize here that the policies in paragraphs 14 and 49 of the NPPF do not make “out-of-date” policies for the supply of housing irrelevant in the determination of a planning application or appeal. Nor do they prescribe how much weight should be given to such policies in the decision. Weight is, as ever, a matter for the decision-maker (see the speech of Lord Hoffmann in *Tesco Stores Ltd. v Secretary of State for the Environment* [1995] 1 W.L.R. 759, at p.780F-H).

Neither of those paragraphs of the NPPF says that a development plan policy for the supply of housing that is “out-of-date” should be given no weight, or minimal weight, or, indeed, any specific amount of weight. They do not say that such a policy should simply be ignored or disapplied. That idea appears to have found favour in some of the first instance judgments where this question has arisen. It is incorrect.

47. One may, of course, infer from paragraph 49 of the NPPF that in the Government’s view the weight to be given to out-of-date policies for the supply of housing will normally be less than the weight due to policies that provide fully for the requisite supply. The weight to be given to such policies is not dictated by government policy in the NPPF. Nor is it, nor could it be, fixed by the court. It will vary according to the circumstances, including, for example, the extent to which relevant policies fall short of providing for the five-year supply of housing land, the action being taken by the local planning authority to address it, or the particular purpose of a restrictive policy – such as the protection of a “green wedge” or of a gap between settlements. There will be many cases, no doubt, in which restrictive policies, whether general or specific in nature, are given sufficient weight to justify the refusal of planning permission despite their not being up-to-date under the policy in paragraph 49 in the absence of a five-year supply of housing land. Such an outcome is clearly contemplated by government policy in the NPPF. It will always be for the decision-maker to judge, in the particular circumstances of the case in hand, how much weight should be given to conflict with policies for the supply of housing that are out-of-date. This is not a matter of law; it is a matter of planning judgment (see paragraphs 70 to 75 of Lindblom J.’s judgment in *Crane*, paragraphs 71 and 74 of Lindblom J.’s judgment in *Phides*, and paragraphs 87, 105, 108 and 115 of Holgate J.’s judgment in *Woodcock Holdings Ltd. v Secretary of State for Communities and Local Government and Mid-Sussex District Council* [2015] EWHC 1173 (Admin)).
48. The policies in paragraphs 14, 47 and 49 of the NPPF are not, as we understand them, intended to punish a local planning authority when it fails to demonstrate the requisite five-year supply of housing land. They are, however, clearly meant to be an incentive. As Sir David Keene said in paragraph 31 of his judgment in *Hunston*:

“... Planning decisions are ones to be arrived at in the public interest, balancing all the relevant factors and are not to be used as some form of sanction on local councils. It is the community which may suffer from a bad decision, not just the local council or its officers.”

Was the policy in paragraph 49 interpreted correctly and applied lawfully in the Hopkins Homes case?

49. The development plan in the Hopkins Homes case comprised the Suffolk Coastal District Local Plan, adopted by the district council in July 2013, and certain “saved” policies of the Suffolk Coastal Local Plan, which was adopted in December 1994. Policy SP19 of the 2013 local plan, the “Settlement Policy”, not

only sets the settlement hierarchy but the distribution of housing growth between the different types of centre within the hierarchy and provides for the scale of development appropriate to settlements in each tier of it. In “Key Service Centres”, of which Yoxford is one, it indicates that “[modest] estate-scale [housing] development” is appropriate “[within] the defined physical limits” of the settlement. The site on which Hopkins Homes’ development was proposed lies outside the defined physical limits boundary of Yoxford as a Key Service Centre. It is within the “Countryside”, where the policy says there is to be “[no] development other than in special circumstances”. Policy SP27, which relates to “Key Service Centres” and “Local Service Centres”, says that housing development will be permitted “within defined physical limits ...”. Policy SP29 relates to the “Countryside”. So far as is relevant here, it states that the council’s strategy for new development “outside the physical limits” of settlements including Key Service Centres is that “it will be limited to that which of necessity requires to be located there and accords with other relevant policies within the Core Strategy ...”.

50. The inspector concluded that “it seems very unlikely that a 5 years supply of housing land can now be demonstrated”, noting that, in its closing submissions at the inquiry, the district council had not sought to persuade him that it could be (paragraph 5 of the decision letter). Having referred to the policies in paragraphs 14 and 49 of the NPPF and Lang J.’s decision in *William Davis* (in paragraph 6), he went on to consider which were “relevant policies for the supply of housing”. He acknowledged the conclusions of the inspector who had conducted the examination of the local plan (in paragraph 50 of his report) “as identifying that there would be advantages of considering development in the light of other [up-to-date] policies whilst accepting that, until a review was undertaken, relevant policies for the supply of housing may be considered not to be up-to-date” (paragraph 7). In paragraphs 8 and 9 of his decision letter he said:

“8. ... Policy SP19 sets the settlement hierarchy and shows a percentage of the total proposed housing growth which should go to the broad categories of settlements. This policy has a broad scope and does not suggest figures or percentages for individual settlements. In this context, I do not see this policy as not up-to-date.

9. Policy SP27 of the LP relates specifically to Key and Local Service Centres and seeks to, among other things: reinforce their individual character; permit housing within defined physical limits unless there is a proven local support for development appropriate to the particular community. I do not consider this policy to be a relevant policy for the supply of housing and I consider it to be up-to-date.”

And in paragraph 14 he concluded that the proposed development “would be unacceptable in principle, contrary to the provisions of Policies SP27 and SP29 and contrary to one of the core principles of [the NPPF]”.

51. Before Supperstone J., as before us, it was submitted for the district council that the inspector properly understood the policy in paragraph 49 of the NPPF, and applied it lawfully. We disagree. The judge was, in our view, right to accept the

submissions of Mr Lockhart-Mummery that the inspector misconstrued the policy in paragraph 49, and that this amounted to a “fundamental misdirection as to [the NPPF]” (paragraphs 33, 38 and 39 of the judgment). In our view it is quite clear on a fair reading of the passages of the decision letter to which we have referred that the inspector adopted the “narrow” interpretation of paragraph 49, and thus also misdirected himself in the application of the policy. As the judge held, these were errors of law fatal to the inspector’s decision.

52. Having wrongly construed the policy in paragraph 49, the inspector regarded policies SP19, SP27 and SP29 of the local plan as being “up-to-date”, and thus capable of carrying full weight in his decision. As Mr Lockhart-Mummery submitted, and Mr Phillpot on behalf of the Secretary of State accepted, all three of these policies of the local plan are, on a true understanding of the policy in paragraph 49 of the NPPF, “[relevant] policies for the supply of housing”. They all affect the supply of housing land in a real way by restraining it. Mr Clay submitted that policy SP27 is not restrictive of development, but “entirely permissive or positive in its effect” (paragraph 68 of his skeleton argument). But that is not so. Read together with policies SP19 and SP29, policy SP27 is, and is clearly intended to be, restrictive of new housing development outside the defined boundaries of Key Service Centres. It is permissive only of housing development within the defined physical limits of the settlements to which it relates. And policy SP29 is generally prohibitive in its effect on development proposed in the “Countryside”.
53. We therefore reject Mr Clay’s submission that Supperstone J. misdirected himself as to the interpretation of these three policies of the local plan, and, in particular, in accepting that the inspector had erred in failing to treat policy SP29 as a policy “for the supply of housing”. All three of these policies, properly construed, are policies by which a material degree of restraint was imposed on both the location and amount of new housing development. All three were obviously relevant to Hopkins Homes’ site and proposal. If the inspector had adopted the correct interpretation of the policy in paragraph 49 of the NPPF – which he plainly did not – he could not reasonably have done other than conclude that these policies of the local plan were all “[relevant] policies for the supply of housing”, and that, given his conclusion on the absence of a five-year supply of housing land, they were, each of them, “out-of-date”. He would then have had to apply the “presumption in favour of the development plan” in accordance with the policy in paragraph 14 of the NPPF, giving these “out-of-date” policies of the plan such weight as he thought they should have in the particular circumstances of this case. That, however, is not what he did.
54. We should add that in our view Mr Clay’s argument gains nothing from his reliance on passages in the local plan inspector’s report – which is dated 6 June 2013. The local plan inspector concluded, in paragraph 51 of his report, that “[if] the proposal for a review were to be accepted, planning applications for housing would be considered in the context of an up to date suite of local development management policies that are consistent with the Framework, the CS settlement hierarchy and the locational guidance in the strategic policies”, and that “[overall], the housing land supply would be improved while still ensuring sustainable outcomes”. Those observations, based on the evidence before the local plan

inspector at the examination hearings held in October and November 2012, do not negate the conclusion of the inspector who heard Hopkins Homes' appeal at his inquiry in 2014 that it was very unlikely that the requisite five-year supply of housing land could now be demonstrated. It was in the light of that conclusion, which is not challenged in these proceedings, that the appeal inspector went on to consider whether policies SP19, SP27 and SP29 were up-to-date.

55. We conclude, therefore, that the policy in paragraph 49 of the NPPF was neither interpreted correctly nor applied lawfully by the inspector in the Hopkins Homes case. These errors of law vitiate his decision. And in our view the court could not properly exercise its discretion to withhold a quashing order.

Were there further errors of law in the inspector's decision in the Hopkins Homes case?

56. In view of our conclusion that government policy for housing development was both misinterpreted and misapplied in the decision on Hopkins Homes' appeal, and that the decision must therefore be quashed, we can take the remaining allegations of unlawfulness in this case quite shortly.
57. The second ground in Hopkins Homes' application to the court asserts that the inspector erred in finding, in paragraph 13 of his decision letter, that the appeal site was "outside the physical limits boundary [of Yoxford] as defined in the very recently adopted Local Plan". The contention here was that the boundary had merely been carried over, without review, from the proposals map of the Suffolk Coastal Local Plan First Alteration, adopted by the district council in February 2001. In Appendix D to the 2013 local plan it is stated that the proposals maps will be "superseded by the adoption of subsequent Development Plan Documents". The contrary argument, put forward by Mr Clay, was that the local plan makes clear, in particular through policy SP19, that as a result of the adoption of the district council's core strategy, a number of settlements within the district had had their physical limits boundaries removed. It followed that the inspector was right as a matter of fact when he said that the physical limits boundary of the settlement was "defined" in the recently adopted local plan.
58. The judge's conclusion on this ground, in paragraph 46 of his judgment, was that the inspector had been mistaken in assuming, as he seems to have done, that the physical limits boundary of Yoxford had been established in the 2013 local plan, which it had not. The position as a matter of fact is that the physical limits boundary of Yoxford was defined on the proposals map of the old local plan, and had remained unchanged in the 2013 local plan. This was obviously germane to the status of the relevant plan "policies for the supply of housing". It does not mean, as Mr Clay submitted, that the settlement boundaries in the local plan are now generally to be "disregarded".
59. We accept that this ground merges with that relating to the inspector's interpretation and application of the policy in paragraph 49 of the NPPF. But nevertheless we think Mr Lockhart-Mummery's submissions to the judge, repeated in this court, are correct. The judge was right, in our view, to find that in

this particular respect, as well as more generally in his construction and application of the policy in paragraph 49 of the NPPF, the inspector fell into error.

60. The other additional ground is that the inspector misunderstood and misapplied national policy for the protection of heritage assets in paragraph 135 of the NPPF, failing to identify the “significance” of the historic parkland surrounding the late Georgian house at Grove Park as a heritage asset, and to consider the likely effect of the proposed development on that “significance”.
61. Paragraph 129 of the NPPF says that local planning authorities “should identify and assess the particular significance of any heritage asset that may be affected by a proposal ...”, and “should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal”. Paragraph 135 states:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

“Significance (for heritage policy)” is defined in the “Glossary” in Annex 2 to the NPPF as meaning “[the] value of a heritage asset to this and future generations because of its heritage interest ...”.

62. The site of Hopkins Homes’ proposed development is within an area defined by the district council as “Historic Parkland” in its “Supplementary Planning Guidance 6 – Historic Parks and Gardens” of December 1995. Saved policy AP4 of the 1994 local plan relates to “Parks and Gardens of Historic or Landscape Interest”. It says that development will not be granted planning permission if it would have “a materially adverse impact” on the “character, features or immediate setting” of a historic park or garden. Saved policy AP13 relates to designated “Special Landscape Areas”, which include “the Parks and Gardens of Historic or Landscape Interest”. It says the council “will ensure that no development will take place which would be to the material detriment of, or materially detract from, the special landscape quality” of these areas. The appeal site is in the River Yox Valley Special Landscape Area.
63. In paragraph 10 of his decision letter the inspector found “a degree of conflict” between policy AP4 of the 1994 local plan and government policy in the NPPF “due to the absence of a balancing judgement in Policy AP4”, but that the “broad aim” of this policy was consistent with aims of the NPPF and the Planning Practice Guidance, so the weight it should be given was reduced but it was still due “some weight”. He took a similar view of policy AP13, noting that the NPPF and the Planning Practice Guidance “recognise the intrinsic quality of the countryside and promote policies for the conservation and enhancement of the natural environment and to this extent, policy AP13 is consistent with those aims”. In paragraphs 15 to 21 of his letter he considered “[the] effects of the proposal on the local historic parkland and landscape”. He noted that the supplementary

planning guidance says “the essential qualities of the Park remain” (paragraph 15). He observed that “one of the key underlying qualities of parkland, that is openness and freedom from built development remains”, and that “... the existence of the trees, the historic association with the house and the entrance at the south east, which has a perimeter wall of very similar design to the north east entrance are matters which qualify as “remnants of that former park”” (paragraph 16). He said the settlement of Yoxford “sits in a position virtually surrounded” by three historic parklands, which provide “a very attractive setting for the village” (paragraph 17). He concluded that in several respects the development would have a “negative” visual impact (paragraph 18), that the negative “landscape effects” would not be compensated for by the proposed new planting (paragraph 19), and that, because it would lie beyond the “strong and definite boundary to the built development of the village” formed by Old High Road, it “would be seen as an ad-hoc expansion across what would otherwise be seen as the village/countryside boundary ...” (paragraph 20). In paragraph 21 he said:

“In respect of these matters, the historic parkland forms a non-designated heritage asset, as defined in [the NPPF] and I conclude that the proposal would have an unacceptable effect on the significance of this asset. In relation to local policies, I find that the proposal would be in conflict with the aims of Policies AP4 and AP13 of the old Local Plan and Policies SP1, SP1A and SP15 of the LP.”

64. Before the judge, and again before us, Mr Lockhart-Mummery submitted that the inspector was wrong to conclude that the “broad aim” of policy AP4 was consistent with government policy in paragraph 135 of the NPPF, but that, in any event, the inspector failed to grapple with the question of whether the development really would harm the significance of the historic parkland as a heritage asset, and, if so, how. Those submissions were countered by Mr Clay, who argued that, on a fair reading of the relevant parts of the decision letter, the inspector reduced the weight he gave to policy AP4 in the light of NPPF policy, and reached a clear conclusion on the harm the development would cause not merely to the local landscape but also to the significance of the heritage asset.
65. In paragraph 53 of his judgment, Supperstone J. accepted Mr Lockhart-Mummery’s submission that the inspector had failed to undertake the assessment required by paragraph 135 of the NPPF. Again we think he was right. The inspector’s error here, as Mr Lockhart-Mummery submitted, was that he failed to identify distinctly what the significance of the historic parkland was as an undesignated “heritage asset”, having regard to the definition of “significance” in the NPPF; did not, therefore, equip himself to make the judgment required of him by paragraph 135 of the NPPF; and did not form that judgment. There can be no criticism of his treatment of the impact of the development on the local landscape, of which the historic parkland forms part. What is lacking, however, is a distinct and clearly reasoned assessment of the effect the development would have upon the significance of the parkland as a “heritage asset”, and, crucially, the “balanced judgment” called for by paragraph 135, “having regard to the scale of any harm or loss and the significance of the heritage asset”. It may well be, we accept, that if the inspector had undertaken the necessary assessment and formed that “balanced judgment”, his conclusion in paragraph 21 would have been no different. But we

do not think one can be sure of that. On this ground too, therefore, we uphold the judge's decision.

Was the policy in paragraph 49 interpreted correctly and applied lawfully in the Richborough Estates case?

66. The development plan in the Richborough Estates case comprised the saved policies of the Crewe and Nantwich replacement local plan 2011, adopted in February 2005, with an end date of 2011. The relevant, or potentially relevant, policies of this local plan were policy NE2 – “Open Countryside”, policy NE4 – “Green Gaps”, and policy RES5 – “Housing in the Open Countryside”, all of which restrict the development of new housing in the areas to which they relate.
67. The inspector found that there was not a demonstrable five-year supply of deliverable housing sites (paragraph 24 of his decision letter). He concluded, in the light of that finding, that the weight to be given to development plan policies relevant to the supply of housing was reduced, and that this conclusion applied to policies NE2, NE4 and RES5 in so far as the settlement boundaries referred to or assumed in those three policies reflected out-of-date housing requirements, though he recognized that policy NE4 had a wider purpose in maintaining gaps between settlements, including the gap between Willaston and Rope (paragraph 94).
68. Before Lang J. it was not in dispute that the inspector was entitled to conclude that policies NE2 and RES5 were relevant policies for the supply of housing for the purposes of paragraph 49 of the NPPF, and were properly treated by the inspector as “out-of-date” (paragraphs 35 and 37 of the judgment). The contentious policy was policy NE4, about which the inspector had said, in paragraphs 34 and 35 of his decision letter:

“34. RLP policy NE.4 (*Green Gaps*) and the proposals map designate a number of areas as green gaps. The policy states that in those gaps, in addition to the provisions of policy NE.2, approval will not be given for new buildings or the change of use of existing buildings or land which would result in erosion of the physical gaps between built-up areas or adversely affect the visual character of the landscape (except where no alternative location is available). I recognise that the policy thus performs ‘strategic’ functions in maintaining the separation and definition of settlements and in landscape protection, and this remains pertinent.

35. However, since the inner boundaries of the Green Gaps are also formed by the settlement boundaries, the considerations that apply to policy NE.2 also pertain to this policy in this respect. Significantly, two of the housing sites identified in the emerging [Chester East Local Plan] are in existing designated green gaps around Crewe. Although they are not in this vicinity and different considerations might apply, at this stage it cannot be assumed that the appeal site will remain outside the defined settlement boundary in the Plan when finally adopted. In this respect I consider that policy NE.4 is also not up-to-date in the terms of the NPPF and therefore the weight I give it is reduced.”

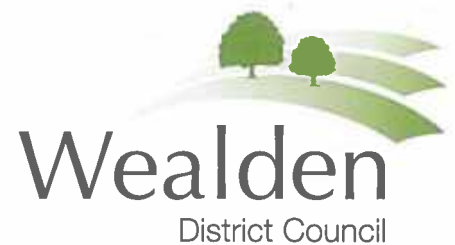
69. Lang J. accepted the argument put forward by Mr Crean that policy NE4 was a restrictive policy of the second kind identified by Ouseley J. in paragraph 48 of his judgment in *Barwood Land* and not, therefore, a policy for the supply of housing within the meaning of paragraph 49 of the NPPF. The “natural meaning” of the “policies for the supply of housing” was, she said, “policies which make provision for housing” (paragraph 51 of her judgment). She went on to say, however, that she understood and endorsed Ouseley J.’s reasons for giving paragraph 49 “a broader purposive interpretation”. But in her view it was “not open to inspectors to disregard the distinction [Ouseley J.] drew between general policies to restrict development and those policies designed to protect specific areas or features, as this goes to the heart of the meaning and purpose of paragraph 49, in the context of the NPPF as a whole and within its proper statutory context” (paragraph 53). She said the effect of the policy in paragraph 49, if construed as the Secretary of State contended, would be to “dis-apply local policies even though they have been adopted by the local planning authority and remain in force ...” (paragraph 56). She doubted that the Government had intended the NPPF “to be used to routinely bypass local policies protecting specific local features and landscapes, as that would undermine the statutory scheme” (paragraph 57). If a policy came within the policy in paragraph 49, it was “effectively dis-applied in its entirety” (paragraph 62). The inspector had erred in finding that policy NE4 of the local plan came within the scope of paragraph 49, and had sought “to divide the policy, so as to apply it in part only” (paragraph 63).
70. As will be clear from what we have already said about the interpretation and application of the policy in paragraph 49 of the NPPF, we respectfully disagree with Lang J.’s analysis. In the first place, her interpretation of the policy was not correct. Secondly, the “broader purposive interpretation” adopted by Ouseley J. in his judgment in *Barwood Land*, which Lang J. said she endorsed, does not, in truth, distinguish between one kind of restrictive policy and another. It allows an inspector to form his or her own judgment – as the inspector in this case did – on whether any policy of the development plan, properly construed, is or is not a relevant policy “for the supply of housing”. Thirdly, the policy in paragraph 49 does not disapply, or “bypass”, an “out-of-date” policy in a statutory development plan. The effect of a relevant policy being found to be “out-of-date” or not “up-to-date” under paragraph 49 is that the presumption in favour of sustainable development is to be applied as paragraph 14 of the NPPF provides. As we have said (in paragraph 46 above), this does not mean that the policy in question is to be disregarded. It must still be given the weight it is due in all the circumstances of the case. In this case, for example, there was nothing wrong in the inspector finding policy NE4 to be one of the relevant policies of the local plan that was “out-of-date” under the policy in paragraph 49 but nevertheless giving it appropriate weight in the planning balance in view of its particular purpose to maintain a “green gap” between Willaston and Rope.
71. The inspector proceeded on a correct understanding of the policy in paragraph 49 of the NPPF and a correct understanding of the relevant development plan policies. He exercised his own judgment – as he had to – when resolving which of those policies were within the scope of paragraph 49, and how much weight he should give them when applying the statutory presumption in favour of the

development plan in section 38(6) of the 2004 Act and the policy “presumption in favour of sustainable development” in the NPPF. He made no error of law. Both his approach and his conclusions are legally sound. His decision should not have been quashed.

Conclusion

72. For the reasons we have given, the district council’s appeal in the Hopkins Homes case must be dismissed and Richborough Estates’ appeal allowed.

OUR REF: CMB/PE/2016/0431/E
ASK FOR: **Mr C Bending Tel: 01892 602478**
DATE: 04 July 2016
YOUR REF:



Mark Best - Parker Dann
By Email only.

Kelvin Williams
Head of Planning and Environmental Services

Dear Mark

PE/2016/0431/E
DEVELOPMENT OF AROUND 200 DWELLINGS
VINES CORNER, HEATHFIELD

I write further to our various meetings to discuss the potential development of the land at Vines Corner, Heathfield, the most recent of which took place on 20 June 2016. This letter is not intended to provide minutes of these meetings, but to provide an overall picture of discussion to date, most specifically the planning policy framework as it stands and how any application on this site would be considered by Officers.

With regard to the principle of development, the Council cannot demonstrate a five-year supply of deliverable housing land and there is a need for housing within the housing market area, including affordable housing. Policies GD2 and DC17 are Saved Policies however these policies, which restrict development outside development boundaries, were based on an assessment carried out in 1998 of the housing requirements up until 2004. In the absence of a five year housing land supply the effect of these policies, which seek to restrain new development to land within the settlement boundaries, would be to restrict the supply of housing and prevent local housing needs being met. On this basis the issue of housing delivery is considered to be a significant material consideration in favour of an application that outweighs the fundamental constraints of established settlement policies of GD2 and DC17. (Note: this is on the premise that any scheme accords with all other policies including sustainable development, design etc).

It is noted that this site is situated within the High Weald AONB and that the protection of this landscape should be given the highest level of protection (NPPF Para 115), at that planning permission for major development in the AONB should be refused except in exceptional circumstances (NPPF Paragraph 116). Given the extent of the development proposed it is considered likely that the Council will conclude this to be 'major development' in the context of Paragraph 116 and therefore will go through the test of exceptionality as set out.

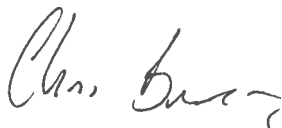
In undertaking this test the Council will note the clear and significant need for housing growth in the District and within the settlement. It is notable that the Councils emerging Local Plan currently envisages around 800 new homes to be built in Heathfield and that given the constraints that exist this would mean a large proportion of that figure to be within the AONB. As part of this test, the Council will also look to you to make the best case for development in this location, providing the most robust visual impact assessment possible, including detailed proposals for strategic landscaping to help screen housing development from longer distance views. On balance, Officers consider that this test can be overcome and that support could be given to development at this location, subject to the best case being made.

We have also discussed access to the site, both at the junction of Burwash Road and also the interchange between the two main parcels of the site and Marklye Lane. You have confirmed that detailed discussions have been ongoing with ESCC and that an access solution for both parts has been agreed and that this will not have an unduly urbanising effect on Marklye Lane. I have yet to see detailed plans of this and so cannot confirm acceptance, but from the description you have supplied and my own site investigations I am content that a solution exists.

We have discussed in some detail the emerging layout, albeit it is intended that the majority of the development (that to the north of Burwash Road) will be in outline form at this stage. I have confirmed that I am pleased with progress on the layout and that the quantum of development can be accommodated appropriately. The smaller parcel of land to the south of Burwash Road is likely to be a full application, we have discussed the detailed layout and following amendments, I can confirm that officers would support the layout and details proposed.

I trust that this information will be of assistance. Please be aware that it is offered on the basis of the information supplied to date and on a without prejudice basis to any formal planning application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Bending', written in a cursive style.

Chris Bending
Principal Planning Officer



Landvision
LANDSCAPE ARCHITECTS

LANDSCAPE ASSESSMENT FOR VINES CORNER, HEATHFIELD.

Date: 13th October 2016
Report Number: 2016/Vines Corner/010

Prepared by: Landvision South East Ltd.
Balfron
Cockmount Lane
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EXECUTIVE SUMMARY

A Landscape Assessment has been carried out for proposed development at Vines Corner, Heathfield, East Sussex. The Methodology broadly follows the Guidelines for Landscape & Visual Impact Assessment, Third Edition, 2013, by The Landscape Institute & The Institute of Environmental Management & Assessment. Definitions of LVIA Report terminology are provided in the main document. Judgements and reasoning from the Assessment are discussed in the main text of the report.

The following Appendices illustrate the Landscape Assessment findings:

- Appendix 1: Photographs.
- Appendix 2: Photo.
- Appendix 3: Maps.
- Appendix 4: GIS Zone of Theoretical Visibility.
- Appendix 5: Summary of Landscape Effects.
- Appendix 6: Summary of Visual Impacts.

Landscape assessment report to assess sites 1, 2 and 3 which are located north and south of Burwash Road, at Vines Corner, Heathfield. The sites comprise of 3 agricultural fields, one of the sites has been used for decades for informal recreation. All the sites have BAP protected habitats (wet heath, wet grassland, deciduous woodland) on or adjacent to the land. Site 3 is neighbouring historic Parkland and SSSI of Heathfield Park. All 3 sites lie in the Upper Rother Valley Landscape Character Area 6 (LCA) and within the High Weald Area of Outstanding Natural Beauty (AONB).

The development proposals are to build on the agricultural fields, outside the development boundary of Heathfield, on one of the highest ridgelines within the High Weald at approximately 183 m AOD; 215 proposed houses with ridgeline heights of 16 to 18 m.

The historic landscape character designations such as Ancient Routeway s (R1) of the High Weald and Historic Field boundaries are considered in this landscape assessment for this is a historic landscape.

Land at Vines Corner is a Valued Landscape. Factors which identify Valued Landscapes are interpreted to reflect legislative and policy context prevailing in the area.

Factors which identify Valued Landscapes include; landscape character, landscape quality (condition), representativeness, scenic quality, perceptual aspects, history and cultural heritage, rarity, conservation interests and recreation value, associations, green infrastructure and role as countryside gap - all within the context of the legislation and policy which exist to conserve and protect valued landscapes.

In the majority of areas where development is proposed, the dual effects of topography and land cover combine to create a high degree of visibility to the northern side of the AONB. The land has a high degree of visual sensitivity and no capacity to accommodate change. This is due to the elevated position within the AONB of the proposed development.

The whole area of the three sites at Vines Corner are representative of High Weald (NCA), Landscape Character Area (LCA) area 6. This LCA is a historic agricultural landscape of ridgeline/ plateau and sloping Wealden heath, rough grassland, ancient woodland and wet meadow grassland with ghyll streams. This landform retains its original topography and undulations, with contiguity of land form due to continuity of agricultural land use, mainly annual cutting for hay and grazing.



Landscape Quality (condition) - the physical state of the sites; all three sites are within the ridgeline and plateau of Heathfield and located along the old Roman road, Burwash Road and adjacent to the ancient routeway, Marklye lane, the sites have their natural contours from Sites 2 and 3, on the plateau landform, sloping down to Site 1, with a high degree of intactness of landscape and hence a high landscape quality.

Scenic Quality - The landscape has high scenic quality due to the natural, undulating undeveloped landform and original hedge banks and historic field boundaries, ridges on sites with panoramic views, and its historical agricultural land use from ancient times.

Perceptual Aspects - The perception of the land is rural, part of the setting of the medieval Heathfield and Waldron Parish, with the historic, ancient routeway of Marklye lane leading to Mayfield in the north and with Tower Street leading to Eastbourne and Heathfield Park in the south. These two ancient routes are intersected by the Roman Road, Burwash Road. The land of sites 1, 2 and 3 is clearly shown on historic maps there are paintings by Turner and Grimm of Heathfield Park. The rural community consisted of scattered farms, drift way farms along Marklye Lane as Heathfield and Waldron was formerly a scattered Wealden Parish with a church and a few cottages along Tower Street near the main house Heathfield Park. (See High Weald AONB Ancient Routeways map and Historic Farmsteads maps, in Appendix 2, Maps.) The land of the three sites is ancient countryside of historic and cultural importance, in the High Weald AONB. Other perceptual qualities which this landscape is valued for are its sense of remoteness, wildness and tranquillity.

The north part of Heathfield is still influenced by open rural views across the plateau top of sites 1 and 2 to Mayfield with development boundary in its current position for good reason. The nature of these views means that mitigation to screen the development from the wider AONB will be ineffective due the land falling away to the north. This landform is classic High Weald AONB and an important part of the charm of the attractive rural countryside setting of the town. Heathfield is thus located in a rural, agricultural landscape which contributes to this timeless charm. The land has key characteristics and qualities of the historic medieval countryside setting of other small towns in the ancient High Weald landscape.

History and Cultural Heritage - The land of sites 1 and 2 along the Drovers Road, Marklye Lane is shown on early maps (circa 1808.) The name Heathfield refers back to the post-conquest clearance of woodland (assarting). The town is a ridgeline town with a Roman road linking it to Burwash to the east and ancient settlements around it. The land is thus of great antiquity and part of the historic agricultural landscape of the Sussex High Weald and is key characteristics of the LCA.

In its current natural state, this landscape could not be replaced nor its loss compensated for in terms of its value as historic and cultural landscape.

Ancient countryside with special landscape qualities and great time depth and a strong sense of place along Marklye lane within Upper Rother Valley, south of Mayfield in the High Weald. All these factors contribute to perceptions of the natural beauty of the historical rural land of the sites and its vital contribution to the landscape setting of Heathfield within High Weald AONB.

Rarity - The ancient routeway Marklye Lane is a rare landscape feature and it has an exceptional timeless quality. This is a special landscape feature and with the natural contours of the sites 1 and 2 complete with historic field boundaries and hedgerows, these contribute to the attraction and charm of the area with the historic Parkland setting of site 3 and the SSSI which is adjacent to the site. The landform and landscape elements are also in the form of the habitats, which include the rare and protected species surviving on



them. The natural land form surviving in its intact state in such a location close to an ancient routeway is rare. Continuity of agricultural use and undeveloped nature of the site from 1200 AD to present day has enabled this landform to survive to present day as rural heath to grassland/ ancient woodland mosaic. The continuity of traditional cutting for hay and grazing also supports rare and critically endangered habitats such as wet meadow and heath/ rough grassland and hedgerows with protected species of flora and fauna.

Conservation Interests- There are numerous conservation interests on the land which add to the value of this landscape as well as each having a value in its own right; surveys have found protected species of animals of national rarity, important in terms of national biodiversity, as well as Sussex BAP species, locally rare species found.

Recreation Value- The land has high visual amenity for receptors within the ridgeline of Heathfield on Burwash Road within the AONB High Weald landscape. The landscape of the sites is valued as it is a green setting for the small town and has considerable recreational value as part of the wider landscape setting, as part of the adjoining national cycleway no 21 leading to Mayfield along Marklye lane, AONB and a green gap between the town of Heathfield and nearby villages.

Associations- wood pasture is a traditional High Weald land use, associated with the acid grassland landscape. The landscape of sites 1, 2 and 3 has the original topography and landscape which inspired world class artists like JMW Turner and Grimm (see paintings in appendix) , plus writers like AA Milne, Arthur Conan Doyle and Rudyard Kipling, who worked in and on Sussex High Weald wooded heathland landscapes, for many years.

Valued Landscapes- The land has been identified as a valued landscape due to the analysis of the above factors and the land's characteristics. It is part of the High Weald ancient countryside NCA within the Upper Rother Valley, an agricultural landscape of the River Rother Valley. It adjoins the Upper Rother Valley, which slope down towards the Low Weald and shares key characteristics with the adjoining sandstone and mudstone ridgeline landscape of which it is quite clearly an integral part, having continuity of land form, protected species and continuing agricultural land use (traditional in this Sussex area 6).

Green Infrastructure- (GI) - Land bridges such as this lowland acidic rough grassland, mosaic with lowland heath/ ancient semi natural woodland/ ancient hedgerows (site 2) and wet meadow and marshland adjacent to ghyll stream/ ancient hedgerows (site 1) are extremely important in biodiversity terms and in terms of ecology. Species that are rare and critically endangered with threats for lowland acidic grassland loss are highly reliant on these remaining habitats surviving with integrity of land form and soils, hydrology and intactness. (See Ecology section.)

Countryside Gap- The sites are an important Countryside Gap between historic Wealden towns and villages of Heathfield, Broad Oak and Burwash Common. If the sites were developed this vital Countryside Gap would be lost and these villages would merge as one large conurbation. The Countryside Gap makes the northern edge of the ridgeline rural and gives it a strong sense of place. This perception of a rural setting within historic Upper Rother Valley would be lost if the Countryside Green Gap were removed.

Woodland Priority Area- The sites are adjoining a Wealden Woodland priority area. These seek to protect and restore ancient woodland and to connect it to other Green Infrastructure (GI) habitats. The whole three sites should thus be conserved as acidic grassland. Site 3 adjoins Heathfield Park which is an SSSI and is



Grade 2 Historic Parkland. The wildlife habitats and the environmental, economic and social benefits that the sites bring enhance quality of life for residents and visitors to the AONB.

Conclusions.

The present land management is important in conserving and protecting this land within the historic Upper Rother Valley Landscape Character Area 6. The land has contiguity of landform to the plateau, ridgeline and Upper Rother Valley LCA area 6 of the High Weald. It forms part of the historic green space on the Heathfield ridge and contributes to the high scenic quality of the High Weald Area of Outstanding Natural Beauty (AONB) and its landscape setting.

A high magnitude of change would occur if the existing land use on the Wealden ridgeline and lowland acidic grassland valley landscape was replaced; by the proposed introduction of a modern housing development of 215 houses into this part of the rural, landscape setting on the ridgeline of Heathfield.

Change from the green field sites would have adverse landscape effects and visual impacts on adjacent high weald AONB, residents and walkers (who are receptors in High Weald AONB). This is as the land forms an important Countryside Gap between the historic High Weald villages and this visual amenity would be adversely affected were this Countryside Gap to be lost.

For this ancient countryside to continue to contribute so much to its High Weald AONB setting and to offer high landscape quality and high scenic quality it requires continued protection in its original state, by conserving its natural landform fully intact. The sites have an important Ancient Routeway with classic ancient Drift way farms; these rare cultural heritage assets are scattered along Marklye lane and it is thus a goal to protect and conserve its historic and cultural heritage assets. The three sites of ancient countryside with key landscape features of High Weald cultural heritage should therefore be protected and conserved intact.

Vines Corner is part of the landscape of early settlement in the High Weald in the historic agricultural landscape of the Upper River Rother Valley Slopes, area 6. The proposals would result in loss of historic High Weald land in this location and a loss of Countryside green space in the ridgeline location which has views across to Mayfield.

No changes however small can be tolerated because of the natural landscape of the land, its ancient routeway Marklye lane and Drift way farms and associated ancient countryside of Upper Rother Valley slopes of LCA Area 6 and its classification as of cultural heritage importance and high sensitivity due to its rare landscape features. This is land of value in terms of history, cultural heritage, and unique landform characteristics and with an intactness of landform which is highly representative of the Upper River Rother Valley Landscape Character Area 6. Due to its ancient routeway and intactness, with original contours and ancient field boundaries it should not be developed.



1. INTRODUCTION

LandVision has been commissioned by the Save Vines Corner Group to undertake a Landscape assessment report of the landscape effects and visual impact of the proposals for 215 dwellings on the land, hereafter termed the proposals.

1.1 STATEMENT OF AUTHORITY

Landvision are an environmental consultancy specialising in landscape visual impact assessment and environmental assessment. Landvision are based in the south-east of England. The valuation of landscape effects and visual impacts is a key aspect of many environmental impact statements, planning studies and feasibility studies that Landvision personnel have completed in the past, including LVIA and EIAs for strategic infrastructure and major construction projects; road schemes, housing schemes and mineral developments in Surrey, Kent, Sussex and Hampshire.

1.2 THE PROPOSALS

The location of the site is National Grid Reference is; TQ 59004 21784. This report covers land bordered by The Burwash Road (A265) to the South and North. The sites are split into 3 areas. Sites, one and two, are on the North side of the Burwash Road and are dissected by the ancient routeway of Marklye Lane. This narrow sunken lane is part of the National Cycle Network route 21, which runs from Tonbridge to Eastbourne.

These 2 sites are both in the High Weald Area of Outstanding Natural Beauty. The location of these 2 sites on or near a ridgeline which is 183 m above AOD, with proposed houses of 18 to 16 m high will have an impact on the wider AONB.

Site 3 is on the southern side of the Burwash Road and is an agricultural field which abuts the Grade II listed historic parkland of Heathfield Park. Heathfield Park also has a Site of Special Scientific Interest designation (SSSI).

1.3 THE APPROACH TO THE LANDSCAPE ASSESSMENT.

The Landscape assessment will be broadly undertaken in the following stages:

Baseline data collection via desk-top, consultation and fieldwork;

Description of the baseline landscape character and visual amenity of the sites and surrounding study area (approx. 1km from centre of site), which identifies the relevant landscape and visual receptors (including key viewpoints) and determines their sensitivity to change;

1.3.1 *The Landscape Assessment will consider the potential effects of the development upon:*

- Individual landscape features and elements;



- Landscape character and quality (condition); and
- Visual amenity and the people who view the landscape.

The assessment of landscape effects deals with the effects of change and development on the landscape as a resource. The proposals may affect various aspects of landscape elements, as well as some aesthetic, perceptual aspects of landscape, landscape local distinctiveness and landscape character. These landscape effects will be analysed.

Scoping is used to identify the area of landscape that will need to be covered in assessing landscape effects.

The study area encompasses the sites and the full extent of the wider landscape around it which the proposed developments might have significant landscape and visual impacts or landscape effects upon.

1.4 PURPOSE OF THE ASSESSMENT.

This is a landscape report to assess the landscape reports prepared for the application. This as an ancient landscape which includes a rare ancient routeway which has been well preserved. It has “special landscape qualities” and combines with the sites 1, 2 and 3 to form part of a Valued Landscape; the sites are all in the High Weald AONB and site 3 adjoins a SSSI and historic Parkland.

1.4.1 *The landscape assessment report will also examine;*

- The landscape importance of this historic nature of the fields of High Weald acidic grassland which has been under almost continuous agricultural use for centuries, within a cultural heritage context. (See History.)
- The field's (Sites 1 and 2) importance in maintaining a green gap and rural views to the North and to the South and within High Weald Area of Outstanding Natural Beauty.
- The landscape effects and visual impacts of the proposals. (For details of the Methodology of this landscape assessment, please see Appendix 5.)
- The landscape capacity of the land following methodology on landscape sensitivity, visual sensitivity and landscape quality.
- The sites 1 and 2 to the north of Burwash road, which is an old Roman road, lie within the High Weald AONB. The views from the pavement on this road and from other Public Rights of Way (PRoW) and from public open space in the AONB are significant. Adverse impacts will be produced by the addition of the new houses and roads and associated hard standing and lighting, introducing urbanizing elements into the green gap, countryside gap north of Heathfield, eroding the AONB landscape.
- The effects of up lighting and introduction of built development onto and a Ridgeline development within the High Weald landscape are also assessed.



2. METHOD STATEMENT

2.1 GUIDANCE

The LVIA Rebuttal of the proposed scheme will be undertaken by a Landscape Architect with experience of similar types of development. The assessment will be undertaken in accordance with best practice outlined in published guidance:

- Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (2013) Landscape Institute and the Institute for Environmental Management and Assessment;
- Landscape Character Assessment Guidance for England and Scotland (2002); The Countryside Agency and Scottish Natural Heritage; and
- Guidelines for Environmental Impact Assessment (2004); Institute for Environmental Management and Assessment.

2.2 APPROACH TO THE LVIA REBUTTAL.

The LVIA rebuttal will be broadly undertaken in the following stages:

- Baseline data collection via desk-top, consultation and fieldwork;
- Description of the baseline landscape character and visual amenity of the sites and surrounding area, which identify the relevant landscape and visual receptors (including key viewpoints) and determine their sensitivity to change;

The Landscape and Visual Impact Assessment (LVIA) Rebuttal will consider the potential effects of the proposed development/s upon the following landscape attributes:

- Individual landscape features and elements.
- Landscape character and *quality (condition.) – A measure of the physical state of the landscape. The degree to which typical character is represented in individual areas, the intactness of the landscape and the condition of the individual elements.
- * (Presence of high quality and other * attributes can indicate a Valued Landscape. See section on valued landscapes.)
- Visual amenity and the people who view the landscape.
- Impact on the historic landscape setting of Heathfield Park, Grade 2.
- Impact on the historic Parkland landscape of Heathfield Park, SSSI Impact Risk Zone (for Heathfield Park SSSI): this comprises the whole of the site 3. Also, on Ancient woodland and remnant heathland or areas of unimproved/ old grassland.
- Cumulative Impacts- of the various developments on the landscape as a resource should all the developments be granted planning approval and proceed to construction stages and beyond to occupation. Cumulative visual effects are



described as combined cumulative visual effects, (as either in combination or in succession) or Sequential cumulative visual effects (frequently or occasionally sequential.)

- (*Sources for these definitions; Countryside Commission Guidelines, 3rd Edition Guidelines for LVIA, plus Kennet LCA Approach and Rationale.)

2.3 DISTINCTION BETWEEN LANDSCAPE AND VISUAL EFFECTS

Landscape and visual effects are two distinct but related areas, which will be assessed separately in accordance with the approach outlined below. Landscape and visual impacts do not necessarily coincide and can be beneficial or adverse.

A clear distinction will be drawn between landscape effects and visual impacts as follows:

- **Landscape effects** relate to the effects of the proposals on the physical and other characteristics of the landscape and its resulting character and quality. The findings will be summarised in table form in the Appendix 5.
- **Visual impacts** relate to the effects on views experienced by visual receptors (e.g. residents, footpath users, tourist's etc.) and on the visual amenity experienced by those people.

The following are assessed in this LVIA rebuttal report;

- Key landscape characteristics of this part of the LCA, Area 6 ; Upper Rother Valley.
- Description of the magnitude of change in the landscape and visual amenity as a consequence of the proposals.
- Description of the potential landscape and visual effects arising from the proposals.
- Cumulative effects if all developments proposed were to proceed – these can be both cumulative landscape effects and cumulative visual impacts.
- Development of strategic mitigation proposals to assist in reducing adverse landscape and visual effects or provide compensation where unavoidable, and where possible enhance and safeguard beneficial effects.

2.4 STRUCTURE OF THE REPORT

Section 2.0 of the Report describes the method statement and approach taken to the LVIA assessment. The use of detailed assessment criteria is contained in this section.

Section 3.0 considers the Baseline Assessment of the landscape planning context, including all planning policy and designations that are relevant to the sites.

Section 3.10 describes the existing landscape features, landscape character, visual amenity and views of the study area which comprise the baseline situation.



Section 4.0 describes the development proposals and landscape strategy. Management Opportunities are discussed

Section 5.0 describes the assessment of impacts, that is, potential effects of the proposals. This is supported by detailed description of the impacts on the existing landscape; summary findings of landscape and visual impact assessment tables are contained in Appendix 2 and 3.

Section 6.0 describes the visual impacts and their mitigation for the sites.

2.5 BASELINE INFORMATION

Baseline information regarding landscape features and sensitive visual receptors, and the likely change in the landscape character and visual amenity of the sites and their surroundings, will be used to identify potential effects and inform the final scheme as appropriate.

Strategic mitigation measures will be developed in tandem with the proposals to minimize adverse effects as part of an iterative design process.

Options in design for merging the scheme into its setting will be investigated and adopted as mitigation measures where appropriate.

Criteria thresholds for assessing the degree of change as a result of the scheme will be established and the final layout of the scheme will be reviewed to ascertain the magnitude of change in the landscape and in views.

Landscape effects and Visual effects on historic features of interest will also be assessed.

2.6 SENSITIVITY OF RECEPTORS, MAGNITUDE OF CHANGE AND SIGNIFICANCE OF EFFECTS

The significance of effects of the proposals on both the landscape and visual receptors within the study area are ascertained by Corner-referencing the sensitivity of the baseline landscape or visual receptor and the magnitude of change as a result of the development.

The sensitivity of landscape and visual receptors is judged as high, medium or low. The magnitude of change is also judged to be high, medium, low or negligible. Significance of effects is expressed as either slight, moderate or substantial, which may be either beneficial or adverse, or neutral.

2.7 LANDSCAPE ASSESSMENT TERMINOLOGY

A field assessment was made of landscape visual sensitivity and the potential sites for the proposed developments was assessed in terms of value, quality, and sensitivity to change of the type proposed by these developments. (See Appendix 1.) In this section, the key criteria for the landscape assessment are described.



2.8 LANDSCAPE TERMS

Landscape resource. This is a combination of the elements that contribute towards landscape context, character and value.

Landscape value. The relative importance of value attached to the landscape which expresses national and local consensus because of the intrinsic characteristics of the landscape itself.

Landscape character. This is the distinct and homogeneous pattern that occurs in the landscape reflecting geology, landform, soils, vegetation and man's impact.

2.9 LANDSCAPE QUALITY

For the purpose of this assessment, landscape quality is categorized as:

Exceptional quality: these are areas of especially high-quality, acknowledged through designation as AONBs or other landscape-based sensitive areas, such as SLAs or Conservation areas; they are thus recognized as being of landscape significance within the wider region or nationally.

High-quality: these are areas which have a very strong positive character containing valued and consistent distinctive features they give the landscape unity richness and harmony. They are areas which are of landscape significance within the district.

Moderate quality: these are areas that exhibit a positive character but which may have evidence of alteration or degradation or erosion of features resulting in a less distinctive landscape. They may be of some local landscape significance with some positive recognizable structure.

Low quality: area that is generally negative in character, degraded and in a poor condition. No positive distinctive features or characteristics and with little or no structure, scope for positive enhancement.

2.10 LANDSCAPE SENSITIVITY

Landscape sensitivity to the type of development proposed is defined as follows:

High sensitivity. High visual quality landscape with highly valued or unique characteristics susceptible to relatively small changes.

Moderate sensitivity. Moderate visual quality landscape with moderately valued characteristics reasonably tolerant of changes.

Low sensitivity. Low visual quality landscape with common characteristics capable of absorbing substantial change.

2.11 SIGNIFICANCE OF LANDSCAPE EFFECTS

The level of significance of the effect on the landscape of the new development is a product of landscape sensitivity and the magnitude of change in the landscape visual resource brought about by the new development. Overall, visual impact is determined by combining the



sensitivity of the receptor with the magnitude of visual change. Professional judgment is used to determine the overall significance of impact based on these two elements. Overall significance is classified as Substantial, Moderate; And Minor or Negligible, and the effects can be adverse or beneficial.

2.12 VISUAL ASSESSMENT TERMINOLOGY

The following describes the criteria used in the visual assessment.

2.13 VISUAL ASSESSMENT DEFINITIONS

Visual quality: although the interpretation of different viewers' experience can have preferential or subjective components, there is generally clear public agreement that the visual resources of certain landscapes have high visual quality. The visual quality of the landscape will reflect the physical state of repair of individual features or elements as well as its current management.

Due to the subjective view of the evaluation there is no comprehensive official process of identifying visual quality. The visual quality of this evaluation has been carried out by one landscape architect.

Visual character: when a viewer experiences the visual environment, it is not observed as one aspect at a time, but rather as an integrated whole. The viewer's visual understanding of an area is based upon the visual character of visible features and aspects and the relationships between them. The visual character is descriptive and not evaluative.

Visual resources: the visual resources of the landscape are the stimuli upon which actual visual experiences based. They are a combination of visual character and visual quality.

2.14 VIEWER SENSITIVITY

Viewer sensitivity is a combination of the sensitivity of the human receptor (for example a local resident, a tourist, a walker, a commuter, a recreationist or a worker) and the viewpoint type, location or activity of the viewer (for example the leisure venue, house, workplace, local beauty spot, scenic viewpoint, commuter route, tourist route, or walker's route.)

Consideration is given to the importance of the view that may be determined with respect to its popularity, designation/protection and by the numbers of people affected. Sensitivity can be defined as follows:

High sensitivity; for example, users of an outdoor recreation feature which focuses on the landscape, or activities such as walking or cycling which involve valued views enjoyed by the community; tourist visitors to scenic viewpoints.

Moderate sensitivity; for example uses of outdoor sport or recreation which does not offer or focus attention on the landscape; tourist traveller.



Low sensitivity; example regular shooters, people at a place of work such as farm workers and Estate workers (excluding outdoor recreation.)

2.15 VISUAL MAGNITUDE OF CHANGE

Magnitude of change in the visual resource will result from the scale of change in the view with respect to the loss or addition of new features in the view and changes in the view composition itself. Important factors to be considered include the proportion of the view occupied by the proposed development; also distance and duration of the view.

The angle of the view in relation to the main activity of the receptor is of relevance to developments such as structures. Other vertical or built features in the landscape and the backdrop to the developments will influence resource change. Visual Magnitude of Change can be defined as follows:

High magnitude; where changes to the view significantly alter (negative or beneficial) the overall scene or indeed cause some alteration to the view and/or a significant length of time.

Moderate magnitude; where some changes occur (negative or beneficial) in a view, but not for a substantial part of the view and/or for a medium length of time.

Low magnitude; where only a minor alteration to the view occurs (negative or beneficial) and/or not for a significant length of time.

No change; where there is no discernible deterioration or improvement in the existing view.

2.16 SIGNIFICANCE OF VISUAL IMPACT

The significance of the visual impact can only be defined on a project by project basis. The principal criteria for determining significance are magnitude and sensitivity of the receptor. A higher level of significance is generally attached to large-scale or substantial effects on sensitive receptors.

Positive effects upon receptors may also result from a change to the view. These may be through the removal of negative features or visual detractors, or through the addition of well-designed elements, which enhance landscape experience in a complimentary, stimulating and positive manner.

2.17 THEORETICAL ZONE OF VISUAL INFLUENCE OR ZVI

The theoretical zone of visual influence is the area within which the use of the sites and/or the development can be theoretically obtained. The extent of the ZVI is determined firstly by the topography of the area. The ZVI is then refined by field studies to indicate where relevant forestry, woodlands, hedges or other local features obscure visibility from the main roads, local viewpoints or landmarks and/or significant settlements.



The proposed development is assessed by creating a map to show areas from where the proposed development would in theory be seen, a worst-case scenario being taken in line with The Landscape Institute guidelines.

The theoretical ZVI takes no account of local features such as low hills of less than 10 m in height, roadside hedges and fences, forestry and other planted areas. In practice, the actual ZVI is considerably less in extent than the theoretical one, due to difficulty to focus on certain developments at a distance and small-scale topographic features such as local hedges which tend to restrict views. The proposed development may theoretically be visible beyond a certain distance at some locations but the impact of the development will significantly decrease with distance. Field survey beyond 1 km is used to establish that no wider landscape or visual impacts will occur due to proposed development.

2.18 CUMULATIVE VISUAL EFFECTS

Cumulative visual effects are the effects on views and visual amenity enjoyed by receptors, due to adding to the effects of the project being assessed with other projects on the baseline landscape or from their combined effect. These may result in changes in views by the addition, removal, damage to or restoration of landscape elements.

The study area for identifying cumulative effects has been defined by creating ZTVIs. Where these ZVIs overlap between developments, people may, theoretically, be able to see more than one development at the same time. In practice, landscape intervisibility is influential; trees and topography can intervene in and restrict the views and thus limit the cumulative effects.

Types of cumulative visual effects can be **combined or sequential**.

Combined – where the observer sees two or more developments at the same time. These can be either;

In combination – where two or more developments are, or will be, within the viewer's arc of vision, without moving his/her head.

In Succession- where the viewer has to turn his/her head in order to see the various developments, actual and visualised.

Sequential – this is when the viewer has to move to a different viewpoint to see the same or different developments; for example, travelling along a footpath or a road. These can be either;

Frequently sequential - where features appear regularly with short time lapses between instances, depending on type of travel and distance between viewpoints.

Occasionally sequential- this is where there are longer time lapses between the appearances of the proposed developments, because the viewer is moving slowly and /or, perhaps there are also longer distances between viewpoints.



Also of importance in assessing cumulative visual effects are the following; *Susceptibility* of visual receptors to changes in views, *the value* attached to the views experienced, *the size or scale* of the cumulative visual effects identified, the geographical extent of the cumulative effects identified, the duration of the cumulative effects, including timescales and the extent to which these cumulative effects may be considered to be reversible. Some views may be solely one way. For instance, a footpath which runs directly towards a site will have one view which is significant; but when the person has their back to the site and is looking away from the view, for this second direction there will not be a view.

2.19 PHOTOGRAPHS

A number of representative photos have been selected around the site as illustrated. Please see Appendix 1, Photographs. Some photographs have also been included which illustrate landscape character.

2.20 STUDY AREA

For the purposes of this LVIA, a zone of theoretical visibility of 1 to 5 Km study area from the centre of the sites has been used as a boundary to assess the effects of the proposals.

2.21 VISUAL ENVELOPE

The visual envelope of a scheme defines the broad area from within which it may be possible to see the whole or part of the proposed developments, and helps to establish the potential for sensitive visual receptors. The development is not considered to be visible outside this area or would be very difficult to perceive, except in mid winter from occasional higher elevations, which were not obvious during field work in summer.

However, there will still be large pockets within the visual envelope from which there are no views of the study area, due to the local screening effects of vegetation and topography or other features such as buildings. Landscape features, which form visual barriers and restrict views towards parts of the study area, such as agricultural buildings and woodland, will be evaluated and significant barriers identified to refine the baseline visibility of the proposals.

2.22 REPRESENTATIVE VIEWPOINTS

Within the extent of the visual envelope, it would not be practical to illustrate the visual impact on every individual visual receptor affected by a scheme. Therefore, 18 representative photos will be used to assess the impacts on the different range of views towards the site. The representative photos will be illustrated photographically using a digital camera which is Pentax 10D. The site location and relevant significant features will be identified together with landmarks and features in the surrounding area. All photography carried out as part of this assessment is in accordance with LI Advice Note 01/11 (March 2011).



2.23 TEMPORAL SCOPE

2016 has been taken as the baseline year for defining the existing landscape.

The relevant impacts of the development will be assessed at the following times:

- During construction;
- Year 1:- one year after opening (Opening Year) to assess the impacts once the major construction is complete; and
- Year 15:- fifteen years after opening (Design Year) to allow for any mitigation planting and other landscape schemes to mature to give the intended enhancement effects.

2.24 LEGISLATION AND GUIDELINES

Desk Studies

The baseline landscape and visual assessment comprised a desktop study of the following data sources:

- Ordnance Survey Explorer Map 135; 1:25,000 Ashdown Forest.
- The Google Earth website at www.earth.google.com;
- The Multi-Agency Geographical Information for the Countryside website at www.magic.gov.uk;
- National Planning Policy Framework (NPPF); Department for Communities and Local Government (2012); High Weald Management Plan (2014-2019.)
- Historic Landscape Characterisation Studies of Sussex and The High Weald for High Weald AONB Unit. English Heritage Farm Settlement studies. (See Bibliography.)

2.25 SOURCES OF BASELINE INFORMATION

Field Studies.

The sites and the surrounding landscape character area were visited on October 7th to obtain the following data:

- Photographs from proposed Representative Viewpoints;
- A corroboration of the findings of the desktop review;
- To obtain additional information on landscape features, views and localised screening effects of mature vegetation.

Site surveys were all undertaken during periods of clement weather from public highways, Public Rights of Way and other publicly accessible areas, including Burwash road, Newick Lane and Mayfield car park adjacent to allotments.



2.26 CONSULTATIONS

No consultations have been carried out, to date with Wealden Dept of Planning, on the LVIA rebuttal viewpoints. The actual Viewpoints should have been agreed with the LPA when the outline planning application was submitted; this is the recommended Methodology of the LVIA 3rd Edition Guidelines by The Landscape Institute and IEMA. These Guidelines also now place a higher level of importance on history and cultural heritage in LVIA of historic landscapes like the High Weald AONB landscape.

3. BASELINE ASSESSMENT

3.1 RELEVANT LANDSCAPE PLANNING CONTEXT

In this section we identify policy and designations of direct relevance to the landscape.

3.2 EUROPEAN LANDSCAPE CONVENTION, COUNCIL OF EUROPE, 2000

The context of landscape policy in the UK can be placed within the broad framework provided by the European Landscape Convention (ELC). The ELC was signed by the Government in February 2006 and signals a commitment to support the aims of the Convention which include promoting landscape protection, management and planning. It suggests that “Landscape means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factor” and covers rural landscapes.

3.3 NATIONAL PLANNING POLICY

3.3.1 *The most relevant source of national landscape policy guidance for the Family Houses is as follows:*

National Planning Policy Framework (NPPF); Department of Communities and Local Government [DCLG] 2012. Including Chapter 11 of the NPPF.

3.3.2 *The NPPF provides support for sustainable development principally through its 12 core planning principles, two of which are set out below:*

“Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings...”

“Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”



The NPPF also addresses meeting the challenge of climate change, flooding ...supporting infrastructure, where this would help secure the development of such sources.” [Bullet 3, Para 97, Page 22].



3.4 LANDSCAPE QUALITY AND REPRESENTATIVENESS; UPPER ROTHER VALLEY LCA, AREA 6.

- 3.4.1 Landscape quality (condition);
- 3.4.2 This landscape assessment's site survey and desk study of the landscape character of the three sites at Vines Corner shows that it shares key topographical characteristics of the Upper Rother Valley LCA Area 6 of the High Weald, landscape type of the adjoining undulating open heathland and ridge line of High Weald AONB.
- 3.4.3 The land at Sites 1, 2 and 3 are deemed to have High Visual sensitivity due to their ridgeline location in the High Weald AONB at 181- 183 m AOD and due to the High landscape character sensitivity of the ancient countryside of the 3 sites, which includes historic parkland SSSI grade II listed (Heathfield Park) and an ancient routeway (Markley Lane.) This is backed up by both the AONB designation - which aims to conserve and enhance AONB land which has an inherent High sensitivity to change. The Local Plan similarly recognises the settlement edge as having "high sensitivity". Therefore this land does not have the overall lower sensitivity of "moderate or low sensitivity", although this is what the LVIA by Harper LLP concludes that it has.
- 3.4.4 Whilst other parts of the ridgeline have become urbanised (Ridgeway close housing development and Mutton Hall lane south of this); conversely, the fields have been well preserved, fully intact north of Burwash Road and with adjoining agricultural land and green fields including woodlands. The sites are managed as grassland and are generally cut each year. The sites themselves retain their historic landform fully intact. This degree of intactness, despite mounting development pressures, is rare. This landform is important as it represents the key characteristics of this part of the medieval countryside of the High Weald AONB and the landscape type Upper Rother Valley, High Weald, a historic agricultural landscape, with rare elements and features, including an ancient routeway (Marklye lane and associated heath fields on the plateau (site 2) sloping pasture to meadow and marshy land ghyll woodland stream (site 1) and wood pasture (site 3) adjoining Heathfield Park, with examples of the ancient rural dispersed settlement typical of Drift way Farms (R Harris) along Marklye lane in the High Weald.
- 3.4.5 The landscape setting itself is historic (see history) whilst continued cutting for hay each year is a historic, traditional land use which has enabled the site to preserve its ancient land form intact. History is a part of the High Weald and Upper Rother Valley LCA and the original, natural landform and contours of the sloping field have a high landscape quality; an open heath/ Wealden landscape, with rolling landform treasured for its high scenic beauty.



- 3.4.6 The existing topography retains its natural plateau topography on the ridge (Site 2) and its downland style form which has key characteristics of landscape type of Upper Rother Valley LCA. Examples of it in the ridgeline setting rarely escape changes in contours, but here the three fields survive on the land north and south of Burwash road with contiguity to the surrounding Rother valley LCA and rural countryside of the AONB. (See Contours map in Appendix 1.)
- 3.4.7 Nationally recognised methodology deem the land to have high visual sensitivity and high landscape character sensitivity; so it cannot accommodate the scale or density of the proposed development without the proposals causing harm to the High Weald AONB. This harm and the adverse landscape and visual impacts would be contrary to the National NPPF and to the High Weald management Plan (2014-2019) also contrary to Wealden Local Plan landscape policies.
- 3.4.8 The scenic quality of the sites is highly valued as a landscape resource with numerous local designations; woodland priority zone, National Cycle network, as well as being informally used as a public open space by local residents. The views of the sites are also highly treasured by the local residents and are appreciated by visitors.
- 3.4.9 The development is likely to harm cause to protected species of reptiles, birds and amphibians aswell as bats and their protected roosts. This harm would be contrary to Wildlife and Countryside Law (including the NERC Act 2006.) These species are on the Sussex BAP register.
- 3.4.10 The landscape setting and history of traditional agricultural land use enabled the sites to preserve their ancient landform intact.

3.5 IMPORTANCE OF THE LAND

- 3.5.1 The rural, countryside location and nature of the town setting, however, is part of the charm and scenic beauty of the landscape character of the area.
- 3.5.2 The closure of the lane and the introduction of engineered solutions to provide dedicated roads and pedestrian accesses would harm the character and quality of the environment of the High Weald AONB and the rural area.



- 3.5.3 Special landscape qualities of the area comprise the association between the Roman road on the AONB ridgeline landscape and descent into the ancient routeway , an ancient drove lane, Marklye Lane into the river Rother valley; these have not been mentioned in the LVIA assessment by Harper LLP. The lane descends northwards dramatically and there is the classic feeling of being “submerged” in the AONB landscape; these are key characteristics of the High Weald landscape of the AONB and part of the attraction of the area. If the sites 1 and 2 are developed then the historic connection of the lane to the old Roman road, Burwash road, will be lost; the south part of the ancient routeway Marklye lane will be closed. This is a rare surviving, intact and unspoilt typical High Weald AONB Dove road, which is highly historic and is ancient, would be lost. This would be contrary to the AONB Management Plan which states that High Weald AONB ancient routeway s should be conserved and protected, together with their banks and the associated landscape around them. See Appendix for name details of Marklye Lane.
- 3.5.4 The 3rd edition of the LVIA Guidelines place greater emphasis on the importance on the historic landscape character of sites and their cultural heritage. Despite the claims in the LVIA by Harper LLP that the sites are merely historic or recent, not ancient; conversely, it is clear that this is an ancient surviving intact AONB landscape, not solely “old” as claimed in the Harper LLP LVIA but ancient countryside; hence it is recognised not only by the AONB classification, but also as ancient countryside, as thus having a HIGH sensitivity to change (as opposed to a moderate or low sensitivity proposed by the Harper LLP LVIA findings, for parts of the sites.)
- 3.5.5 In view of the high sensitivity, the scale and density of the proposed developments would cause harm to the rural AONB setting of Heathfield in terms of adverse impacts on an AONB landscape. This development would have a Major, significant, adverse impact on the High Weald AONB Landscape by causing harm to the historic routeway (R1) of Marklye lane (see Historic Routeway s map from High Weald Historic landscape character map and the Historic Settlement map in Appendix showing 6 historic farmsteads along the Historic Routeway of Marklye Lane.) This ancient routeway has a very strong sense of place and has a high degree of local distinctiveness. This lane also has special landscape qualities from its sunken character and high banks, and the charm of the ancient lane is also associated with the historic farm steads along the lane, drift Way farms (see Roland Harris report on historic farm steads in the High Weald.)



- 3.5.6 If the three sites would be lost if the proposals were to proceed, as the Sites 1 and 2 are typical of the heath land plateau and sloping landscape, with wooded heath and rough grassland; site 1 is a typical of a wet meadow representative of area 6 of High Weald the character of the wet meadow and marsh would be lost, as would the rural nature of the rough grasslands bordering on ancient woodland and wet meadow on Site 1 with stream, which is a habitat identified as under threat from development pressures in the Opportunities for protection and enhancement of the Area 6, in the High Weald AONB. If the site proposals went ahead, this would be contrary to the LCA Opportunities for protection and enhancement for the aswell as causing damage and loss of character to ancient routeway (R1) Marklye lane and the rural landscape setting of historic farmsteads along the lane.
- 3.5.7 The intactness of this ridgeline and sloping Wealden natural landform within the Heathfield ridge and contiguity of landform with the adjoining rural countryside of the AONB would be lost. Valuable historic landscape character would be eroded in this part of the High Weald AONB.

3.6 LOCATION WITHIN HIGH WEALD AONB, SENSITIVITY OF LANDSCAPE AND VIEWS.

- 3.6.1 The sites are all green field sites and informally used as natural/semi-natural open space. The grass is cut once a year and perceived as wild and tranquil, a valued landscape, contributing to the scenic beauty of the High Weald AONB and to the town setting.
- 3.6.2 The sites have key landscape characteristics of the LCA.
- 3.6.3 “The broad valley of the river Rother dominates the landscape and is overlooked by bold ridges and spurs.”
- 3.6.4 The nature of the topography of the sites on the ridgeline and plateau, to the sloping landscape and ancient routeway , Markley lane, means that the sites are largely open to views across to Mayfield. This is due to the nature of the sites’ topography, the sites sloping northwards (Site 1) and on a plateau (site 2.) The resulting views from and to these sites are noteworthy and possibly some of the finest views in the High Weald. The views are one of the key landscape characteristics of the LCA include;
- 3.6.5 “Stunning views across the (Upper Rother) valley from the enclosing ridges, some of the finest views in the High Weald.” (Extract from the LCA.)



- 3.6.6 These are highly sensitive views from within the ridgeline of the High Weald AONB and from above looking down into the valley and across the Rother valley; as well as vice versa from the opposing ridgeline of Mayfield. This is due to the effects of the sloping ridges of sandstone and mudstone producing rolling topography, the site levels, the Wealden ridgeline and plateau of Site 2 and site 3 with the sloping natural land form of site 1 and a characteristically very low, density of development in the rural settlement of dispersed farms along Marklye lane part of the rural landscape in the high Weald AONB.
- 3.6.7 Vines Corner is located within a highly sensitive landscape, the High Weald AONB, within the area 6. The land has a high landscape quality and is in a high landscape condition, being in its natural landform with fully intact state. This gives the land a perceived wildness and along Marklye lane there is a strong sense of place and a sense of remoteness and tranquillity. The land is highly valued for its contribution to rural views from Burwash road (a Roman road) to Marklye lane, which has special landscape qualities in the Upper Rother Valley.
- 3.6.8 These sensitive views from within the High Weald AONB are within the inward looking landscape of the Upper Rother Valley. Key sensitive views also include those from Mayfield towards the sites from the north and east, and from the rural countryside north of the sites. Other longer distance representative views of significance found during the site survey visits in October 2016 are also included. (See OS Map extracts and Photos in Appendix 1.)
- 3.6.9 There are views from the junction of Tower road north to Marklye lane. Also, numerous Public Rights of Way (PRoW) on land below the sites mean that the proposals for changes to the green field natural rural views of the original topography of the sites would be visible from key viewpoints, including those looking directly into the sites. There would be significant adverse visual impacts on the views across from Burwash road to Mayfield and the AONB; on highly sensitive views from the ridge line across to Mayfield, above, from the north facing slopes of the ridgeline which have been informally used as Public Open Space for many decades. The current rolling landscape views for sensitive receptors located within the High Weald Area of Outstanding Natural Beauty would be adversely affected.
- 3.6.10 The loss of this historic land representative of the area 6 which is ancient countryside with rare surviving ancient routeway R1, leading from the Roman road of Burwash road, in High Weald; this loss would cause harm to the landscape amenity and the cultural heritage of the AONB.



- 3.6.11 The development would cause erosion of the ancient historic landscape character and of the sloping landscape within the Area 6. This would adversely impact on these AONB views in the High Weald NCA and in area 6 LCA.
- 3.6.12 The landscape and hence the nature of the main views to the sites from Mayfield and out from the sites to the AONB would have a high magnitude of change, with removal of key elements of landscape character which are contained within the fabric of the ancient countryside.
- 3.6.13 The ancient routeway , Marklye lane would be blocked off and its character adversely affected with a key loss of the rare characteristics of this open downland landscape; with loss of visual amenity and erosion of the scenic beauty.
- 3.6.14 The land is part of the clear rural outlook of views from Mayfield and to Mayfield, from the rural edge and the ridgeline of Heathfield. The land forms an important part of the countryside Gap between Heathfield and Broad Oak.
- 3.6.15 The proposals would also result in significant, severe close range blocking, adversely affecting rural views and the sense of remoteness experienced looking down from the ridgeline above the river Valley, from the Sites 1 and 2. At present these are exceptional high quality views of rolling High Weald landscape for users of the sites and for residents of houses on the north edge of Heathfield as well as for walkers and cyclists along Marklye lane, cycle route no 21. (See photos in Appendix 1.)
- 3.6.16 “Extensive areas of remote countryside and exceptional remoteness especially in the valleys and larger woods.” (Extract from the LCA, Area 6.)
- 3.6.17 There would be significant, severely adversely affected views for pavement users on Burwash road, adjoining the AONB. This is a group of sensitive receptors; currently enjoying rural, open, continuous views for prolonged periods looking into the present, rural, plateau and sloping High Weald landscape of the sites 2, 1 and 3. (See photos in Appendix 1.) This high scenic beauty of the Land at Vines Corner is currently also enjoyed by walkers in Tower Street. Also, the land gives high quality, rural open High Weald views for residents in the nearby residential area of Ridgeway Close and houses north of Mutton Hall road south of site 2; these are views offering a high degree of visual amenity similar in quality to the AONB views south from Mayfield. (See photos in Appendices.)



3.7 CUMULATIVE DEVELOPMENT.

- 3.7.1 The proposal would result in the loss of rural landscape character through the removal of hedgerows and trees along Burwash road (A265) and from the opening up of the fields, 1 and 3. There would be a loss of landscape character in this part of the AONB, which is ridgeline, skyline AONB with some of the finest views across the Upper Rother valley towards Mayfield and from Mayfield towards Heathfield. This loss which would result from the change due to loss of green fields and introduction of 18 m high buildings and associated hard standing, roads and parking, would erode the visual amenity of Marklye lane, and the fields on sites 1, 2 and 3; with loss of rural landscape character and a loss of the views of agricultural fields from the Burwash road looking north from sites 1 and 2 and south into site 3. Site 3 would involve loss of wood pasture- a historic landscape which has the intactness of form from the original landscape and contiguity with Heathfield Park to the south. Heathfield Park has been depicted in Paintings by JMW Turner (Heathfield Vale, 1815) and by Samuel H Grimm (1784) Heathfield (previously known as "Bayley Park, general Elliots, taken from the Hill on the north west." (From a hill with open views to and overlooking Heathfield Park, to the northwest.) These associations make the landscape setting of Heathfield part of a Valued landscape.
- 3.7.2 Effects on ecology - the sites would be degraded by the additional night glare and noise pollution. There are likely Bat roosts on sites 1, 2 and 3, in trees in hedgerows and in the historic Parkland and wood pasture landscape of Site 3, aswell as in the ancient woodland adjacent to Sites 1 and 2. The proposed 44% tree loss and hedgerow loss would have adverse effects on ecology.



- 3.7.3 Dormice - There are likely to be Dormice present as there are potential Dormice habitats (hazel, bramble and berried/food source native plant species, such as honeysuckle, in mature, overgrown hedgerows along the Burwash road, along Marklye lane and on edges and middle of site 1 and on the boundaries of site 2; there would be likely loss of these BAP habitats due to introduction of the road way access into sites 1 and 2.) Site 3 contains ancient Oak trees which are likely to have bat roosts. The Phase 2 surveys have not been undertaken for Bats, Dormice or reptiles and amphibians- for Site 3 or for bats, Dormice and GCN for sites 1 and 2- due to lack of reliable data and vandalism of the GCN bottle trapping. (See GCN Survey.) These BAP species surveys will need to be undertaken before the Cumulative effects of the development will be clear. The landscape effects have not been properly assessed in the LVIA by Harper LLP or in any of the numerous ecology reports by Wildlife Matters, undertaken for the three sites to date.
- 3.7.4 BAP species of Song Thrush (Dr J Feltwell Phase 1 Ecology report) and House Sparrows – have been observed on site 7th October 2016 (Landvision) they are nesting in the mature hedgerows of sites 1, 2 and 3. The medium reptile population of the Site 2 makes this an important habitat for reptiles and the sites 1 and 2 have a high conservation value as a result of this.
- 3.7.5 The wet heathland of site 2, (adjoining ASNW to NW – Markly wood) the wet meadow and ghyll woodland (site 1), wood pasture (site 3) adjoining historic Parkland and SSSI (Heathfield Park); these are all rare and protected habitats, containing Sussex BAP species. A full Phase 2 botanical survey is required of Site 1 wet meadow adjoining the ghyll woodland and stream- to ascertain the flora present- in order to determine species present and to conserve and protect these rare wet meadow and ghyll stream side habitats. This would be in accordance with the NPPF Paragraphs 115 and 116 and with the Landscape Character Opportunities for enhancement. The proposals are contrary to the NPPF, The AONB Management plan (2014-2019) heir loss would be likely to have effects on the favourable nature conservation status of flora and fauna, some of which are nationally rare or declining BAP species.
- 3.7.6 Loss of wet heathland and wet meadow habitats- the sites 1 and 2 contain unusual wet heathland habitats. Site 1 has rare wet meadow habitats adjoining the ancient ghyll woodland and stream. These are important habitats in the Upper Rother Valley and should be conserved and protected in accordance with the NPPF 115 and 116.



- 3.7.7 The blocking off of Markley lane, an ancient routeway noted in the Historic landscape Characterisation of Sussex as one of two important ancient routeways, (see maps in Appendix) at the junction with Burwash road and the new access onto Burwash road would mean that the hedgerows would be lost due to the need for visibility splays for highways and engineered additions along this southern boundary of site 1. This would open up the sites, 1 and 2 to views south part of the site may require acoustic fencing which would be more visually intrusive and result in loss of rural landscape character of the High Wealden landscape and would completely block the rural views from the Burwash Road and pavement on the ridgeline with severe adverse visual impacts on receptors. (See photos in Appendix 1.)
- 3.7.8 Sensitive receptors (local residents, walkers on pavements and within the Cycleway no 21, within Markley lane and within the High Weald Area of Outstanding Natural Beauty); are deemed to be highly susceptible to any changes in views. The onus is on the LPA to conserve and protect the AONB of the High Weald for residents and visitors.

□ LANDSCAPE EFFECTS.

3.8 LANDSCAPE EFFECTS

- 3.8.1 Landscape effects; these include effects on history and cultural heritage, ecology, landscape character and also drainage and hydrology of the area. The proposals will bring adverse landscape effects on the three sites, with likely “knock on effects on the ecology (protected species of fauna, flora and habitats) and hydrology, which will affect the whole LCA; not just the local area, but the wider AONB of the High Weald, Upper Rother valley area 6.
- 3.8.2 The landscape character area of the Upper Rother valley would thus also be adversely affected. These landscape effects have not been adequately examined or addressed in the LVIA (Harper LLP.) Likely landscape effects will be examined here



- 3.8.3 There are a number of protected species of reptiles, mammals and birds on these sites include protected species a number of which use the sites for breeding. The land of the sites shares key lowland acidic grassland characteristics of the neighbouring SSSI site of Heathfield Park in High Weald AONB which has rare species of flora in ghyll woodland and lowland acidic grassland, wet meadow and marshland habitats. Various protected rare species and their habitats are highly likely to be present and replicated in Sites 1 and site 3 or habitats adjoining them (wet meadow and ghyll woodland adjoining site 1.) The sites are open grassland at present and are informally used as Public Open Space (particularly high use on site 1 and 2, numerous dog walkers and walkers observed on in October, annual fairground use.) These sites are reliant on the annual grass cutting and lack of eutrophication (no addition of nutrients) and would be adversely affected by the new housing and the need for habitats and species to be translocated, resulting in a net loss of biodiversity.(See legislative context for protected status of BAP species in Appendix 6.) These species are of county and national biodiversity importance and would be adversely affected by the proposals involving grassland habitat loss, hedgerow and tree loss and by any change to or removal of the annual grass cutting regime.
- 3.8.4 Landscape effects on ecology; Grassland, mosaic of habitats and connectivity of the three sites to woodland beyond, makes them important as wildlife corridors and habitats for protected species such as protected mammals, reptiles, amphibians and bats.
- 3.8.5 Likely landscape effects on the development of the three sites on the watershed are; adverse effects on water quality and introduction of pollutants, via waste water and surface runoff and sewage disposal into headwaters of river Rother. Other landscape effects also need to be properly assessed; springs occur on site 2 with implications for water management; the developments would be highly likely to speed water runoff rates and water flow may be speeded up, causing flooding events to increase downstream. This is contrary to the LCA Opportunities for protection and enhancement which states that;
- 3.8.6 “Flash floods and run off (plus) flooding of properties in low lying areas by river and ground water.”
- 3.8.7 Sensitivity of landscape to flooding; “the Rother valley regularly floods, turning the whole valley bottom into a sheet of water.” (Extract from Upper Rother Valley LCA, Current issues offering opportunities for protection and enhancement for LCA.)
- Current eco system services benefits for each area of interest include;
 - Provisioning - water conservation.



- Regulating – Flood control.
- Protection of aquifers.



- 3.8.8 “Conserve and enhance man-made and natural drainage features. Maximise opportunities for the creation of Suds schemes which contribute to local amenity and habitat creation.”
- 3.8.9 Other landscape effects which will be likely and have not been mentioned in the LVIA by Harper LLP include impacts on Historic and Cultural landscape as well as on other key areas where eco system services could be delivered for each area of interest;
- 3.8.10 Heritage assets – loss of ancient routeway and landscape setting of historic field boundaries and historic farmsteads
- 3.8.11 Sense of Place and local distinctiveness- loss and adverse landscape effects.
- 3.8.12 Tranquillity.
- 3.8.13 Amenity and recreation.
- 3.8.14 Biodiversity.
- 3.8.15 There will be adverse effects on the landscape character area, High Weald, caused by key characteristics of the LCA and NCA being removed or adversely affected by the proposals.
- 3.8.16 There are numerous ancient field boundaries and historic hedgerows, on sites 1 and 2, including the hedge banks along Marklye lane and it is likely that these will need to be adversely affected or removed for the development to proceed. 44% Tree loss is proposed. There will be large areas within the visual envelope from which there are prolonged and clear, open views of the study area, due to the open, ridgeline plateau and sloping nature of the High Weald topography in this part of the landscape character area.

3.9 LANDSCAPE CHARACTER WITHIN UPPER ROTHER VALLEY SETTING

- 3.9.1 The land is representative of the key characteristics of Landscape Type Area 6, Upper Rother Valley, and Area 6. The land at Vines Corner is ridgeline and slopes.
- 3.9.2 The land at Vines Corner is on the Heathfield ridge and adjacent to the Upper Rother Valley LCA Area 6 and north of the South Slopes of the High Weald LCA, with rural views from and across to High Weald. The landscapes of LCA Area 6, Upper Rother Valley, are characterised by outstanding AONB views which are wild, calm and tranquil, giving a perception of a rural setting and rural backdrop for nearby residents.
- 3.9.3 Land at Vines Corner has the ridgeline plateau and sloping Wealden character highly prized by famous landscape artists and by writers for its natural form and high scenic beauty. (See Landscape paintings in History, Appendix 4.)



- 3.9.4 The land has high quality (condition) of landscape, with a rare intactness. This is an agricultural, historic landscape of the High Weald; today still connected to farms south of Mayfield along the ancient routeway of Marklye lane linking Heathfield to Mayfield, with surviving intactness of natural land form and sloping contours, with annual grass cutting of its acidic grassland. (See photos in Appendix 1.)
- 3.9.5 Houses along Ridgeway close are well screened from distant views by mature hedgerows and trees on the north boundary of the Ridgeway Close houses and on the southern edge of Site 2, Land at Vines Corner.
- 3.9.6 To the north of this settlement edge the landscape character changes to rural; the settlement edge is deemed to be highly sensitive in landscape terms, by the Local Landscape character assessment. (Chris Blandford Associates; see map in Appendix.)
- 3.9.7 The farm houses along Marklye lane to north of the land at Vines Corner are part of very low density settlement pattern, mainly of drift way farms- historic farm steads characteristic of this part of the high weald medieval landscape and ancient countryside. The rural views and the pastoral landscape are preserved and enjoyed by local residents and also by visitors to the adjoining High Weald area of Outstanding Natural Beauty.
- 3.9.8 Land at Vines Corner and along Marklye lane travelling northwards to Mayfield has a strong sense of place, a sense of rural tranquillity and calm.
- 3.9.9 The proposals would have a high adverse visual impact on sensitive views from both the High Weald AONB within the Upper Rother Valley and from the Ridgeline, in views from the top, from Sites 1 and 2 looking down into the River valley from above and from Mayfield looking south across the Rother valley to the sites, for local residents, walkers and visitors to the High Weald AONB.
- 3.9.10 Magnitude of change from introduction of built elements of proposals for the land would be of key significance and would be high adverse, to severe adverse for views from representative viewpoints selected in our landscape assessment; for development of the 215 houses. The LVIA by Harper LLP includes photos and appraisal of the visual impacts but does not discuss the landscape effects which should also be considered. These have been listed above and need to be taken into account. At present, the proposals would adversely affect cultural heritage assets (Marklye lane- ancient routeway, Cycle way no 21) and the wider LCA and High weald NCA and AONB as a result of removal of key characteristics of the LCA in the AONB as well as adverse effects on ecology, hydrology and rural landscape setting of Heathfield.



3.10 ASSESSMENT OF LANDSCAPE FACTORS FOR VALUED LANDSCAPE. LAND AT VINES CORNER.

3.10.1 *Landscape Quality (condition).*

- 3.10.2 The landscape quality and condition of Land at Vines Corner is deemed to be high, due to the following;
- 3.10.3 The Land at Vines corner landscape has the natural form of ridgeline plateau and upper valley slopes topography, key characteristics of the High Weald landscape type area 6, Upper Rother Valley. This is clearly represented in the landform, ancient routeway, ancient field boundaries and wooded heathland vegetation including wood pasture, Oak trees, mature ancient hedgerows along hedge banks of the sunken Marklye Lane; these are all key characteristic landscape features of sites 1, 2 and 3, in the LCA, within the High Weald AONB. The high quality of habitats includes the soils and lowland acidic grassland and heathland including wet meadows and adjacent ghyll woodland (site 1), spring (site 2) and stream (site 1.)
- 3.10.4 These features are important, key characteristics contributing towards the landscape quality of the High Weald in the landscape character area of Upper Rother Valley. They are seen across the whole of the three sites, with an intactness of landscape form that is rare in such a location and which forms an important part of the landscape setting of Heathfield in the AONB. They are highly visible features, being located on the ridgeline and are classed as a sensitive edge to the town with important Viewpoint. (See Chris Blandford Associates Landscape plan, in Figure 13 in Appendix 2, Maps.)
- 3.10.5 This is thus a fully preserved Wealden wooded heath and grassland landscape within its upper valley setting. These special characteristics are representative of the Upper Rother valley landscape character type and are preserved with high quality of an upper valley landscape, in good condition showing the natural land form, with continuing grass cutting and agricultural management. (See Conservation Interests and Rarity.) Landscape quality (condition) is deemed to be high.
- 3.10.6 The agricultural land management of the sites has dated from at least medieval times (see Appendix 7 for Ancient Routeway map and historic field boundaries maps and Farmsteads Assessment by English heritage as well as descriptions of the Historic village of Heathfield.) The Burwash Road, A 265, is an old Roman road and Marklye lane is an old drove road and this land of fields 1 and 2 as well as field 3 of Land at Vines Corner has been under agricultural use for centuries, possibly from medieval times as pasture and possibly as heath fields of Common land. (See historic extracts, references to Heath field and maps in Appendix 7 including Conservation interests.)



- 3.10.7 Due to this continuing land management, the High Weald Upper Rother Valley landscape has been preserved in its natural form, preserved with an intactness of topography, landform, naturalness and scenic beauty that relates to the ancient routeway Marklye lane that is rare and irreplaceable.
- 3.10.8 The sites is thus considered to be in a very good condition and this also contributes to its high landscape quality. The landscape quality is higher for the sites than for other parts of the ridgeline which have been built on (Ridgeway Close/Mutton Hall road.)

3.11 VALUED LANDSCAPES; HISTORY AND CULTURAL HERITAGE CONSERVATION

- 3.11.1 Links to ancient history are a key characteristic of the High Weald and of landscape type A6, Upper Rother Valley. The Upper Rother Valley within the High Weald of East Sussex is a historic landscape type, with many ancient settlements, as seen around Heathfield and Mayfield in the Upper Rother Valley.
- 3.11.2 High quality of historic Upper Rother Valley landscape in its original natural form and fully intact topography is seen on the Land at Vines Corner, Burwash Road. This forms part of the setting of the historic town of Heathfield and of the old land which has dispersed rural settlement along Markley lane dating back to ancient times. (See Markley name information and the historic map extract in Appendix 2 and Historic farmsteads details in Appendix 7.)
- 3.11.3 The 3rd edition of the LVIA Guidelines of the LI and IEEM, places much greater weight on conservation and protection of both history and cultural heritage in the landscape assessment process.
- 3.11.4 The designations such as Ancient Routeway s, ancient field boundaries and listed buildings including historic farmsteads, are considered in this landscape assessment and the implications of these should be considered in full, for this historic landscape as well as for the site itself within its landscape setting.
- 3.11.5 In this case, the location of Land at Vines Corner opposite the historic Heathfield Park and Tower Street and along Marklye lane, the landscape is one of ancient settlements and early settlements in the upper valley slopes in the agricultural landscape of the Upper Rother Valley. The proposals would result in loss of historic Upper Rother Valley in land at Vines Corner, within the High Weald.



- 3.11.6 A number of historic extracts and maps are thus included in the Appendix 7. These illustrate the range of history and cultural elements of Land at Vines Corner. They give a flavour of the long history of the medieval dispersed rural settlements along the ancient routeway of Marklye lane, Heathfield Ovingdean and are relevant to the land's contribution to the rural setting and historic settlement of Heathfield.
- 3.11.7 The proposals would result in loss of historic acidic grassland; this is of particular relevance to this sites, as it has been under green fields as open space and grassland for many years and has remained under agricultural use for centuries.
- 3.11.8 The land north and south of Burwash Road, Vines Corner is also part of a historic landscape with cultural heritage value to the medieval rural settlements of Marklye lane, Heathfield ; of which there is an important historic area and over 6 historic farmsteads and Drift way farms buildings, within the close proximity of the sites, along Marklye lane. The sites, Land at Vines Corner, has historical, cultural heritage and biodiversity and nature conservation as well as landscape value and should thus be protected and conserved according to European and national legislation.

3.12 HISTORY

- 3.12.1 The fields are located on the ridgeline of Heathfield sites 1 and 2 are either side of ancient routeway Marklye lane and are adjacent to the Roman road, Burwash road. Site 3 is south of the Roman road, and adjoins SSSI and historic Parkland of Heathfield Park, south of sites 1 and 2.
- 3.12.2 The Sussex Historic Landscape Characterisation Volume 1, IV has assessed the sites and found them to be ancient countryside, with ancient routeway , Markley Lane and fully preserved and intact ancient field boundaries (sites 1 and 2.)



- 3.12.3 “The Origins of Heathfield. Weald means a wood and the accounts of the Sheriffs for the year 1230 record Heathfield as Hatfeld, meaning open land overgrown with heather.” (Source; Heathfield and Waldron – an Illustrated History by Roy Pryce, 2000, Heathfield.net.) The earliest traces of human habitation in this part of the Weald go back to the Neolithic (New Stone Age) people who came over from the continent sometime before 3000BC. Some of their implements and those of the later Bronze Age (2000-5000BC) have been found in Waldron. Travellers came this way, skirting around the great Wealden forest which was only sparsely populated. Hunters lived off its wild boar, wolves, deer and other animals. They also traded skins, cloth and timber products. Charcoal provided the basis, together with iron ore mined in the forest, for the development over two thousand years ago of primitive iron-making. The Romans, who arrived in AD43, greatly expanded its production and remains of iron-works, as well as Roman pottery have been found in both parishes.”
- 3.12.4 The land of sites 1 and 2 along Marklye Lane is shown on early maps (circa 1808.) “The name “heath field” refers back to the post -conquest clearance of woodland (assarting); names with “field” or “feld.” “Anglo-Saxon feld” is twice as common in Ancient Countryside charters as in Planned Countryside. In detail, the word feld is an index of the occurrence of woodland; it is less common with planned countryside regions because these often lacked woodland with which a feld might be contrasted. Its connection with arable is medieval.”(Source; p173 The History of the Countryside by Oliver Rackham.)
- 3.12.5 Sheltered valleys were favoured by the earliest settlers. The town is a historic ridgeline town with a Roman road linking it to Burwash to the east and ancient dispersed rural settlements around it. The land is thus of great antiquity and part of the historic agricultural landscape of the Sussex High Weald.
- 3.12.6 Farmstead Assessment Guidance South East England Part 2- illustrated Guidance- indicates that the farm stead settlement pattern along Marklye lane is dispersed rural settlement which is typical of this part of the High Weald; “Dispersed plans have no focal yard area and the working buildings are dispersed along a routeway or within the boundary of the farmstead. They are concentrated in wood pasture landscapes (Sites 1, 2 and 3) including areas close to common land for holding stock. They vary greatly in scale and are often bisected by Routeways (ancient routeway Marklye lane) and public footpaths... M) Dispersed drift ways which are dominated by the routeways to them, and which often served to move stock from one farming zone to another.” (Source; see English Heritage, Part 2 Illustrated Guidance p13. also The Making of the Weald by Roland Harris (2008) see this for details.



- 3.12.7 The enclosure of the land of sites at Vines Corner is thus ancient irregular enclosure; see historic map extract from Coles' 1808 map, which shows the ancient routeway Marklye lane, and shows Land at Vines Corner, to the north of Heathfield Park. Tower Street is to the south of Marklye Lane and links to Heathfield Park. Ancient irregular enclosure; "This pattern of small to medium sized irregular fields interspersed with woodland and wooded field boundaries or shaws is characteristic of much of the High Weald. These fields are largely a result of the clearance of woodland (assarting) in the medieval period." (Source- English Heritage- Farmstead Assessment Guidance SE England.)
- 3.12.8 The historic settlements along Marklye lane are "set within this landscape...isolated farmsteads which often retain buildings of pre-1700 date and cottages along the road sides, some of which will be former farmsteads removed from agriculture." (See historic map extracts from 17- 18 the century which show Marklye lane and Tower street in the midst of Upper Rother Valley.
- 3.12.9 The land is ancient countryside, with numerous ancient field boundaries, banks and ditches, at least dating from the Roman and medieval period. The Sussex Historic Landscape Characterisation has mapped these ancient field boundaries and routeway. (See photos of the sites in Appendix.) The land of all three sites is adjacent to the Roman road to Burwash, Burwash Road; the land is adjacent to this intersection of the Roman road with the ancient drove way, Markley lane. Thus the fields cleared from adjacent wooded landscape to form heath fields and pasture, linking to narrow strips of pasture grassland to the north of site 2, date back at least to Roman times and probably to Anglo Saxon and earlier. The farmyard locations and layout along Marklye lane are commensurate with early and medieval settlements in Upper Rother valley in the High Weald. The sites 1, 2 and 3 are thus part of the ancient historic landscape of the medieval rural dispersed settlement of Heathfield. (See Historic map in Appendix 7.)
- 3.12.10 "Farmsteads in areas of ancient (a) and piecemeal (b) enclosure, sit astride a road or public path. Some, especially in the wood pasture landscapes such as the Weald, are located at a junction of routeways which can give high levels of public access to the farmsteads." Source- English Heritage- Farmstead Assessment Guidance SE England.)
- 3.12.11 Topography of the land at Vines Corner is contiguous with the surrounding ridgeline AONB landscape and the sites have been classed as ancient countryside of high sensitivity to change. (See also Chris Blandford Associates Map 2014 commissioned by Wealden District Council; this is in Maps in Appendix 2.)



- 3.12.12 The land is contiguous in terms of landscape topography with its surrounding ridgeline, plateau and valley side and it lies outside the town development boundary, so is sensitive to pressure for change.
- 3.12.13 The landscape character of the sites is lowland grassland, bordering on ancient (site1) and ancient woodland (site 2) and historic wood pasture (site 3) set within an upper river valley, in the Upper Rother Valley, High Weald landscape. The fields are an important part of the historic setting of both Heathfield Park (site 3) and the northern edge of Heathfield and the land is a part of the cultural heritage of the rural dispersed settlement, part of the setting of Heathfield. (See Historic maps in Appendix 2 and also see important landscape paintings in History, Appendix 4.)
- 3.12.14 Pasture woodland; “woods derived from ancient pasture woodland were managed for both trees and livestock or deer. These woodlands are usually associated with ancient deer parks, Royal Forests or wooded common land. They frequently occur in a mosaic with other habitats and the boundaries are poorly defined.”
- 3.12.15 NB; “Detailed examination of the historical extent of these sites can reveal a complex management history with a mixed pattern of woodland, grazing and shifting agricultural use.”
- 3.12.16 “It is important to recognize that ancient woodland is not a homogenous habitat across the UK and that there will be areas which will not fit the traditional definition of ancient woodland.” These sites 1, 2 and 3, were likely to be Common land or Wood pasture or Heathland; they border on ancient Pasture (to north) along Marklye Lane, and wood pasture (site 3).
- 3.12.17 Historic wood pasture; is an ancient historic landscape; thus sensitivity is high and capacity is thus not moderate as was deemed in the LVIA report (Harper LLP) but is none/negligible, due to sensitivity of the ancient landscape of High Weald AONB to adverse landscape effects. Evidence; Sources are Old maps (See Fig 14, fig 15, maps dated 1610 and 1808); see also Sussex Historic Landscape Characterisation maps in Appendix 2. Other sources; The Making of the Weald by Roland Harris (2008) and Nicola Bannister’s Historic reports on Sussex.
- 3.12.18 Kirby and Spenser “comparatively few woods have a readily available documented history dating back to the threshold date of 1600 AD” However, Marklye wood is classified as ASNW. The adjoining woodland northwest of site 1 is ancient ghyll woodland, a rare BAP habitat, and other adjoining deciduous woodland (to sites 1 and 2) is also BAP habitat with good habitat connectivity to this ASNW.



- 3.12.19 The proposals would have adverse landscape effects on this great time depth of land at Vines Corner and would involve loss of the strong sense of place by removing key features of the High weald AONB landscape, the ancient routeway and ancient field boundaries and hedge banks adjoining Marklye lane, crossing sites 1 and 2. Site 3 is likely to be old wood pasture associated with Heathfield Park and this landscape setting would be adversely affected by loss of site 3; with adverse landscape effects on SSSI and historic Parkland to south.
- 3.12.20 Settlement: character defined. Without a doubt the human colonization of the Weald largely through seasonal pannage, or transhumance, had produced a distinctive settlement pattern by the Middle Ages. In contrast with the downs, coastal plain, and indeed much of England, the Weald was marked by an absence of agricultural villages surrounded by communally farmed open fields, instead having a dispersed settlement pattern of farmsteads. Characterized by dispersed historic settlements of farmsteads and hamlets, and late medieval villages founded on trade and non-agricultural rural industries. Characterized by deeply incised, ridged and faulted landform of clays and sandstone. The ridges tend east-west, and from them spring numerous gill streams that form the headwaters of rivers." (Sources; R Harris, Kirby & Spenser.)
- 3.12.21 * (Author's note; Thus, sites 1 and 2 which straddle the sunken ancient routeway, Marklye lane and are located close to spring (site 2) and the headwaters of the River Rother, adjacent ghyll stream (site 1.)
- 3.12.22** ..." (Settlements) located within discrete, or enclosed, holdings. The small-scale of the holdings owed its origins to dens and, later, assarts, and ensured that the density of farmsteads was high. By the early fourteenth century, nucleated villages had emerged, but often in response to opportunity for trade. The hilltop villages of Ticehurst and Wadhurst are typical in their formation around market places that pre-date churches which themselves were in existence by the eleventh century." (Sources; Kirby and Spenser, Nicola Banister, Historic Landscape Characterisation) The pattern of nucleated villages of the early fourteenth century survives today as, more distinctively, does the dispersed settlement.
- 3.12.23 Marklye lane is an ancient drove way, ancient routeway shown in the Historic Landscape Characterisation;



- 3.12.24 “ IV Routeways IV.i Routeways: character defined. The dense and sub-radial pattern of narrow lanes and Rights of Way in the Weald represents a very visible survival of ancient transhumant routes – the droves. Along with the prehistoric ridge-top ways, these were one of the most distinctive characteristics of the High Weald in the fourteenth century and remain so. The narrowness or droves, their frequently deeply sunken form (a result of age-old wear into soft geologies), their increasing irregularity in response to the relief of the High Weald, and their boundary banks added, and continue to add, to their distinctive pattern.”_(Extract from The Making of The High Weald by Roland Harris, 2003)
- 3.12.25 The time depth of this landscape creates a strong sense of place and high scenic beauty associated with artists and writers inspired by the landscape of the High Weald around Heathfield and Burwash, these include; George Augustus Eliot, Lord heath field; in 1775 George Augustus Eliott, Lord Heathfield (1717 - 1790), was appointed Governor of Gibraltar. During the siege of 1779-83 he held the British fortress against Spanish attack, and was made Baron Heathfield in 1787. He is shown, in his portrait, at Gibraltar during the siege, symbolically holding the key to the fortress, with a view to the peninsula in the background; a cannon points steeply down towards the sea and the sky is darkened by smoke. He is wearing what is presumably the ribbon and star of the Order of Bath. Lord Heathfield sat for the painting by Sir Joshua Reynolds in August and September 1787. The portrait was commissioned by the print publisher John Boydell. It was purchased by the National Gallery, London in 1824. Source; Date accessed: 16th September 20. (Source; <http://johnmadjackfuller.homestead.com/Heathfield.html>)
- 3.12.26 In “A History of the English Countryside,” Oliver Rackham writes that place names such as heath field, with the name “field or feld” attached must be ancient, as they date back at least to Anglo Saxon times, possibly earlier; “feld” being Anglo Saxon.
- 3.12.27 The pattern of nucleated villages of the early fourteenth century survives today as, more distinctively, does the dispersed settlement.
- 3.12.28 Settlements have existed in and around Heathfield since at least Roman times, the “essential character of the High Weald was established by fourteenth century.”(Roland Harris, the Making of the High Weald, 2008) In ancient documents the area is described as “Hatfeld” or Hefful of Hawkesborough Hundred, Old Heathfield (Heathfield and Waldron – an Illustrated History, Roy Pryce 2000, Heathfield.net.)



- 3.12.29 Key qualities of Land at Vines Corner within historic Upper Rother Valley are the strong sense of place created by the ancient countryside, great time depth and high scenic beauty derived from key LCA features such as ancient field boundaries, adjoining Roman road, sunken ancient driveway and the historic field patterns and adjoining ghyll woodlands (Northdown Wood adjoining site 1) and ancient woodlands, Markly Wood, northwest of Site 2.
- 3.12.30 Threats; Potential incremental loss of historic character due to introduction of modern, high density settlement, by insensitive modern development (for example, with modern garden boundary treatments replacing traditional hedges or hedge banks.) (Derived from Upper Rother Valley LCA.)
- 3.12.31 Latest 3rd edition LVIA Guidelines emphasise that a consideration of both history and cultural heritage in landscape assessment are now increasingly important, to be able to fully assess landscape character and landscape quality. It is important that this history and cultural heritage of the land is preserved for future generations to enjoy.
- 3.12.32 Marklye Lane origins of the name; the name Marklye is ancient itself and is interchangeably spelt: Markly / Marklye / Markley. Recorded as Marklew, Marklow, and Markley, this is an English surname. It is location from an ancient seat south east of Heathfield in the county of Sussex, called today Marklye. “
- 3.12.33 The component elements of the place name are believed to be the pre 7th century words 'mearc', meaning a parish boundary mark, and 'hlaew', a hill. This latter element is also found in the place names of Lews in Sussex and Lew in Oxfordshire. These are recorded respectively as Laewe, and aet Hlaewe in the Saxon Chartulary, dated 961 a.d., and appears variously in place names as '-loe, -low, -law, -lew', and '-ley'. Location surnames, such as this one, were originally given either to a local landowner and the lord of the manor, or as a means of identification to those who left their birthplace to settle elsewhere.
- 3.12.34 Examples of the early recordings include that of John Markley, who was christened at Ludlow, Shropshire, on August 15th 1566 and on October 19th 1745, Elizabeth Marklew and William Rushton were married at Boxgrove, Sussex.”
- 3.12.35 (Source; Place names. Net)
- 3.12.36 The landscape Setting of Heathfield is ancient countryside;



- 3.12.37 “Heathfield and Waldron, East Sussex, lie on the crest and southern slopes of one of the main ridges of the (medieval landscape of the) High Weald in an Area of Outstanding Natural Beauty. To the south there is the coast and South Downs. To the north there are fine views towards Mayfield and Ashdown Forest. It is close to the Kent border.” (Sources; Heathfield and Waldron – an Illustrated History by Roy Pryce 2000, Heathfield.net.)
- 3.12.38 “The topology of the area was formed some sixty-five million years ago when the region rose above the sea, creating the Downs and the Weald. Later erosion of the High Weald cut through the chalk to expose the underlying sandstones and clays and create the ridges and steep-sided ghylls, dense forests, woods, flora, wildlife and springs and streams. For many centuries its peripheral position was emphasised by difficult access, especially in winter.
- 3.12.39 The original settlement at Heathfield, East Sussex, grew up along the ridge which runs east-west some 150-170 metres above sea level. Waldron (originally Walderne), further to the west, also lies a little way off the ridgeway, where ancient routes meet at Cross-in-Hand. Waldron itself grew up in a clearing in the 400 acre Forest of Walderne and in the early 19th century a third of the parish was woodland. Modern Heathfield has grown up in the bowl-like valley of Waldron Ghyll.” (Sources; Heathfield and Waldron – an Illustrated History, Roy Pryce, 2000; also contributors to Heathfield.net.)
- 3.12.40 “The earliest traces of human habitation in this part of the Weald go back to the Neolithic (New Stone Age) people who came over from the continent sometime before 3000BC. Some of their implements and those of the later Bronze Age (2000-5000BC) have been found in Waldron. Travellers came this way, skirting around the great Wealden forest which was only sparsely populated. Hunters lived off its wild boar, wolves, deer and other animals. They also traded skins, cloth and timber products. Charcoal provided the basis, together with iron ore mined in the forest, for the development over two thousand years ago of primitive iron-making. The Romans, who arrived in AD43, greatly expanded its production and remains of iron-works, as well as Roman pottery have been found in both parishes.”



- 3.12.41 The first real roads in England were the outermost threads of the web from Rome. It was near Dover in Kent where Julius Caesar landed in 55BC and the main Roman invasion in AD43, almost a hundred years later, was still further to the east. East Sussex then lay in the Kingdom of Verica and was missed by the scythe of war as it accepted the Roman protection. Chichester was the capital and the surge of movement was on the Roman military road to the west, no pilgrims yet came eastwards to Canterbury. The current High Street was a Roman road which went all the way to Hawkhurst.” (Source; Heathfield.net; Heathfield and Waldron – an Illustrated History by Roy Pryce, 2000)
- 3.12.42 “Saxon Legacy; It was from the coast that the impetus later came for opening up the Weald. Pigs were driven up in late August to be fattened on the mast of the forest before returning for slaughter at the end of the year. After the arrival of the Saxons early in 5AD and the establishment of the South Saxons, these seasonal excursions (the routes can still be traced) led to the clearing and more permanent settlement of the Weald. The pattern of fields and settlements they established has only been significantly modified in the last hundred years. The Saxons also brought Christianity to Sussex.” (Source; Roy Pryce, 2000)
- 3.12.43 “Norman Conquest; a thousand years roll on until the next invasion; in 1066. William, Duke of Normandy, cousin of Edward, the late English king, decided to conquer our island. Senlac, north of Hastings and near the present town of Battle, saw the fight on the 14 October when Saxon Harold lost his life and William gained his crown, now William the Conqueror. His subsequent administration (and) communication (meant that) he had to keep the way open to the continent and East Sussex lay across it. He had also to collect his taxes. The county was divided into six Rapes which were sub-divided into several Hundreds. Heathfield/Hatfeld or Hefful, lay in the Rape of Hastings, forming a parish in the Hundred of Hawkesborough. Waldron was in the Pevensy Rape. It would seem that Heathfield had at least the rudiments of a village before the Norman period and was established between the 12th Century and the Black death of 1349. Heathfield was awarded the Market Charter in 1316.”(Source; Roy Pryce, 2000, Heathfield.net.)
- 3.12.44 “The first national census of England was made in the Domesday Book which showed the exact number of tenants under the Crown, the size and value of their estates and the payments they owed to the crown. One such mentioned in the Domesday Book is Cross Farm in Waldron.



- 3.12.45 The Middle Ages; The major work of clearing and settling in the High Weald was undertaken between the late 12th and early 14th centuries. During this period, huge tracts of former forest were brought into cultivation on new 'assert' land. Pioneering settlers were exempt from labour services to the lord of the manor and were given the status of free tenants. These independent yeomen were to give a special character to the area, as well as the absence of a dominant lord. By the second half of the 13th century the growing settlement at Heathfield provided a range of crafts and services.”(Sources; Heathfield and Waldron – an Illustrated History by Roy Pryce, 2000, Heathfield.net)
- 3.12.46 The sites 1, 2 and 3 are thus the surviving landscapes of Ancient Countryside and have a high sensitivity to change as acknowledged in the Chris Blandford study (2014) see figure 13 commissioned by Wealden DC. See Maps; extracts and historic maps in Appendix 2 for details.

4. ASSESSMENT OF IMPACTS

4.1.1 *Landscape effects and Visual impacts, including Cumulative landscape effects and Visual Impacts*

- Each effect will be considered in terms of its **Sensitivity**;
 - (a) The susceptibility of the receptor to the type of change arising from the specific proposal;
 - (b) The value attached to the receptors.
- Secondly; its **Magnitude**;
 - (a) The size and scale of the effect- loss of a particular element or a minor change
 - (c) The geographical extent of the area that will be affected and;
 - (d) The duration of the effect and its reversibility.
 - (e) Consideration of these criteria will feed into a comprehensive assessment of significance.
 - (f) Significance of landscape effects can then be judged.
- Combining judgements by assessing;
 - (a) susceptibility to change and value together contribute to the sensitivity of the receptors
 - (g) scale, extent and duration contribute to the magnitude of the effects
 - (h) Sensitivity and magnitude will then be combined to inform judgements about the overall significance of the effects.



4.2 LANDSCAPE EFFECTS AND VISUAL IMPACTS

- The landscape effects and visual impacts assess individual landscape features and elements as follows;
 - (a) Landscape character and quality (condition)
 - (a) Visual amenity and the people who view the landscape.
- The Landscape assessment will distinguish between;
 - (a) **Landscape effects**; relating to the effects of the proposals on the physical and other characteristics of the landscape and its resulting character and quality.
 - (b) **Visual impacts**; relating to the effects on views experienced by visual receptors (for example; residents, footpath users, tourists) and on the visual amenity experienced by those people.
 - (c) **Cumulative landscape effects and visual impacts**; relating to combined or sequential cumulative visual effects on observers in the landscape.
 - (d) **Cumulative effects**; including susceptibility of visual receptors, value attached to the view, size or scale of the cumulative effects, geographical extent of the cumulative effects, duration of the cumulative effects, including timescales and whether there is any possible reversibility of these cumulative effects.

4.3 SENSITIVITY OF LANDSCAPE.

- The landscape of sites 1, 2 and 3 forms an important part of a highly sensitive landscape; due to the sites' ridgeline location in the Area of Outstanding Natural Beauty. The following will need to be assessed.

4.4 MAGNITUDE OF LANDSCAPE CHANGE

4.4.1 *Magnitude of Change and Landscape Capacity.*

- Landscape capacity was deemed to be "low" by Chris Blandford Associates (2014.) This landscape assessment deems the landscape to have a lower capacity of "none/negligible" - due to the landscape and visual sensitivity of this ancient AONB landscape to a high magnitude of change. Our findings are that the magnitude of change would be deemed to be "high."



4.5 VISUAL ASSESSMENT

4.5.1 *Visual Envelope*

4.5.2 *Visual Receptors*

4.5.3 *Representative Viewpoints*

4.6 VISUAL SENSITIVITY

The visual sensitivity of the visual receptors depends on;

- Location and context of the viewpoints; important Viewpoint on field2. (See Map in Appendix.)
- Occupation of the visual receptor.
- Number of receptors being represented by the viewpoint and the distance from the scheme.
- The extent of the visual intrusion by any existing development can also affect the sensitivity of visual receptors in the vicinity.
- Cumulative effects can be seen in combination or in succession.
- Occasionally there might be sequential cumulative effects; such as along roads or from footpaths.

4.6.1 Sensitivity of visual receptors is deemed to be high.

4.7 MAGNITUDE OF VISUAL CHANGE AND LANDSCAPE CAPACITY

4.7.1 Magnitude of change from Landscape Assessment findings; this is deemed to be high for all three sites.

4.8 EVALUATION OF THE LANDSCAPE EFFECTS.

- Landscape effects would be high adverse – due to high sensitivity of the landscape, ecology and historical features including ancient routeway, ancient field boundaries. Significant, highly adverse landscape effects would be caused, with the proposals having a high magnitude of change.

5. CONCLUSIONS

The present land management is important in conserving and protecting this land within the historic High Weald, Upper Rother Valley landscape character area 6. The land has contiguity of landform to the plateau,



ridgeline and upper valley slopes of the River Rother in the High Weald. The land at Vines Corner forms part of the historic green space on the Heathfield ridge and contributes to the high scenic quality of the High Weald Area of Outstanding Natural Beauty (AONB) and the landscape setting of Heathfield.

A high magnitude of change would occur if the existing green field land use on the Wealden ridgeline and Upper Rother Valley slopes of lowland acidic grassland landscape was replaced by the proposed introduction of a modern housing development of 215 houses into this part of the rural, landscape setting on the ridgeline of Heathfield, in the High Weald AONB.

The urbanising changes to the green field sites would have adverse landscape effects and visual impacts on adjacent high weald AONB, residents and walkers (who are receptors in High Weald AONB). This is as the land forms an important Countryside Gap between the historic High Weald villages and this visual amenity would be adversely affected were this Countryside Gap to be lost.

For this ancient countryside to continue to contribute so much to its High Weald AONB setting and to offer high landscape quality and high scenic quality it requires continued protection in its original state, by conserving its natural landform fully intact. The site has an important Ancient Routeway with classic ancient Drift way farms; these rare cultural heritage assets are scattered along Marklye lane and it is thus a goal to protect and conserve its historic and cultural heritage assets. The three sites of ancient countryside with key landscape features of High Weald cultural heritage should therefore be protected and conserved intact.

Vines Corner is part of the landscape of early settlement in the High Weald in the historic agricultural landscape of the Upper River Rother Valley Slopes, area 6. The proposals would result in loss of historic High Weald green field land in this location and a loss of Countryside Gap and green space in the important ridgeline location which has noteworthy public Viewpoint and open views across to Mayfield and Wadhurst.

No changes however small can be tolerated because of the natural landscape of the land, its ancient routeway Marklye lane and Drift way farms and associated ancient countryside of the Upper Rother Valley slopes and its classification as having cultural heritage importance and high sensitivity due to its rare landscape features. This is land of high value in terms of history, cultural heritage, and unique landform characteristics and with an intactness of landform which is highly representative of the Upper Rother Valley Landscape Character Area 6. Due to its ancient routeway and intactness, with original contours and ancient field boundaries, it should not be developed.

Site 3 also adjoins the Grade 2 listed historic Heathfield Park and has original natural contours contiguous with the ridgeline. This site should be conserved as part of the SSSI historic wood pasture landscape of Heathfield Park, within High Weald AONB. The site is within the SSSI Risk avoidance Zone and Nitrate Protection Zone.



APPENDIX 1: Photographs 1 to 18

Photograph 1

Viewpoint data;

Grid References: TQ 5875 2690

Elevation: 125m AOD.

Car park adjacent to allotments, Mayfield.

Distance: From edge of Mayfield approx 5 Km.

Height above Ground: 1.52m.

This is one of the finest views of the High Weald; the Upper Rother Valley has long views south across the lower valley floor. Vines Corner sites will be visible from Mayfield north of Heathfield. Marklye lane ancient routeway led to Mayfield and this is an ancient countryside, largely well preserved as traditional small pastures and historic farmland formed as “assarts” from dense woodlands. Views from the north are open views of sites 1 and 2 on the sandstone ridge (centre photo) in the central part of the panoramic views from Mayfield. The housing would thus be visible on the prominent ridgeline in views from the wider AONB from Mayfield and from Wadhurst and Ticehurst as well as from lower lying rural Rother Valley LCA; when lit up at night on the skyline location these impacts will be accentuated. This is due to the effects of topography and the proposed development would have adverse visual impacts on the highly sensitive landscape of the High Weald AONB.



Photograph 2**View Point Data:****Grid Reference TQ5806 2542****Elevation: 74m AOD:****Newick Lane:****Distance: Approx 4 Km****Photo Data: Height above****Ground: 1.52**

There will be views of the sites 1 and 2 on the skyline for receptors looking south along Newick lane, travelling to Heathfield. The site will be central in panoramic views of the ridge. The development will be visually intrusive in the views from the valley below when lit up on the ridgeline and these will be open views in to sites 1 and 2, due to the plateau and sloping valley sides topography of sites 1 and 2, which slope northwards towards Mayfield. The effects of topography on both sites mean that mitigation proposed will not be adequate to prevent adverse visual impacts on the wider landscape of the Upper Rother Valley LCA and High Weald AONB landscape.



Photograph 3

**View Point Data: Grid Reference: TQ 5884 2173:
Height 181 m AOD.**

Photo Data: Height above Ground: 1.52 m.

There will be clear views into the site from the pavement south of Burwash road due to removal of rural hedgerow and mature trees along south boundary of site 1. This will be a significant key major adverse visual impact on local residents and visitors to the AONB as the views into the new housing will be open and the housing will be clearly visible to motorists, walkers and other receptors. The proposals for the access roads and new houses on Site 1 would be clearly visible and this will change the nature of the views from rural edge to urban. The scale of hedgerow and tree loss to the southern part of site 1, (centre photo and photo right) will bring long lasting adverse landscape visual impacts and landscape effects on this part of the High Weald AONB landscape.



View Point Data: Grid
Reference: TQ 590 22 177

Photograph 4

Elevation height- 181 m AOD
Photo Data: Height above
Ground: 1.52 m.

View through entrance of Site 3 which has large Oak trees set in a wood pasture landscape character landscape. The rural landscape character of the site 3 will be adversely affected by change to urban views for receptors, pedestrians on Burwash road looking south into the site through the entrance. These will be clear views of the site. A mature Parkland feel to the landscape which forms an important buffer zone for Heathfield Park, SSSI to south. No Phase 2 reptile survey has been carried out for Site 3; with likely presence of reptiles likely to be a material consideration.



Photograph 5

**View Point Data: Grid
Reference: TQ 59092178.
Height above Ground: 1.52m**

Representative view from pavement on Burwash road looking westwards towards Sites 1 and 2. There will be close range, clear views into sites 1 and 2 with significant major key adverse visual impacts due to removal of the majority of the mature hedgerows and trees along southern edge of site 1; due to proposed access into sites 1 and 2 plus proposed houses on site 1.

Receptors travelling west along the pavement into Heathfield on the Burwash road will experience a change in views; from rural edge to urban due to scale and height of proposed new housing. Visibility splay requirements for the access road mean that it would not be possible to mitigate for the long lasting adverse impacts of mature tree and hedgerow removal and loss of the landscape character.



Photograph 6

View Point Data: Elevation 183 m AOD.

Grid Reference: TQ 58872178

**Photo Data: Height above Ground:
1.52m**

Looking eastwards along south boundary of Site 1 on ridgeline (see spot height.) Rural landscape character of site 1 looking towards east, with dense mature hedgerows and mature trees which give Site 1 a rural edge landscape feel. The native naturalistic trees and hedgerows would be severely eroded and fragmented into several shorter lengths by the proposals for new access onto Burwash road (photo right) and the site would be opened up to views in from Burwash road, completely losing the rural edge landscape character. This is an important mature native hedgerow in the AONB ridgeline landscape and separates Burwash road from the AONB landscape to north. The proposals would have an adverse impact on the AONB landscape and LCA landscape character.



Photograph 7

View Point Data:

Grid Reference: TQ 58902184

Elevation: 182m AOD

**Photo Data: Height above Ground:
1.52m.**

View north across Field 1 to Mayfield (photo right); these are exceptional, high quality views across the Upper Rother Valley landscape and contribute towards a feeling of seclusion and remoteness and tranquility in this part of the High Weald AONB.

The mature hedgerows (central photo) across site 1 have good connectivity to the hedgerows on the sites' boundaries and woods beyond; likely presence of Hazel Dormice and other BAP species (Song Thrush, House Sparrow.) High scenic beauty of the landscape of the site within the rural LCA and High Weald AONB. Site 1 thus has important very clear views of Mayfield and likely BAP habitats with likely presence of Sussex BAP species.



Photograph 8**View Point Data:****Grid Reference: TQ 58902184****Elevation: 182m AOD****Photo Data:****Height above Ground: 1.52m.**

Clear views to Mayfield from Site 1. Rural landscape character of site 1 in the AONB on the ridgeline. Magnitude of change to urban land use would high. Landscape sensitivity is high, due to AONB and location on ridgeline with panoramic views out from site 1. Mitigation could not prevent adverse impacts on the wider AONB and LCA, due to the ridgeline/ skyline location and the nature of the views from and to the site. Site 1 slopes northwards giving open views into the site; mitigation impossible due to density, scale and height of proposed buildings on ridgeline. Wet meadow habitats in north of site 1 adjoining ASNW ghyll woodland- are rare BAP habitats which would be severely adversely affected by introduction of housing and likely polluted surface water runoff into ghyll stream. Due to adverse visual impacts and landscape effects the Landscape Capacity is thus deemed to be none/negligible.



Photograph 9.**View Point Data:****Grid Reference: TQ 58722191****Elevation: 183m AOD****Photo Data:****Height above Ground: 1.52m.**

High scenic beauty of Site 2, which is a high quality landscape and has fine views north to Mayfield (centre photo.) Some of the finest views in the Upper Rother Valley LCA and also in the High Weald AONB. The proposals would introduce urban elements, housing with heights of 16- 18 m high. The dense scale of the development would change the landscape character to urban; it would block these views for receptors, whom are residents and users of the informal open space, as well as visitors and walkers in the AONB. There would be significant key/major adverse visual impacts. See Chris Blandford Wealden Landscape and Settlement Character Assessment Map in Appendix for details of high sensitivity edge to settlement. Magnitude of change would be high. In view of major adverse landscape effects on the ancient countryside of the site 2 in the AONB, and on the rare BAP

habitats (wet grassland and seasonal pond) breeding habitats for medium/high populations of reptiles and amphibians; Landscape capacity is deemed to be none/negligible.



Photograph 10.

View Point Data :
Grid Reference: TQ 5866 2196

Major adverse landscape effects on the landscape character; due to loss of wet grassland habitats and BAP reptile and amphibian species, due to introduction of housing roads and hard surfacing. Site is judged to have a high sensitivity to change in 2014 Chris Blandford Associates report. Magnitude of change would be high; with high/severe adverse visual impacts (visual intrusion) and high/ severe adverse landscape effects. Landscape capacity is none/ negligible.



Photograph

11.

View

Point Data:

Grid Reference: TQ 58576
21953

Elevation: 182m AOD

High landscape quality and high scenic beauty on Site 2 looking eastwards to site 1. Rare landscape qualities include seclusion and sense of remoteness on edge of settlement. High landscape sensitivity of site 2 in High Weald AONB landscape, with grassland and wet heathland plus mature trees. Proposed development would change landscape character to urban/suburban with loss of rural landscape character of the LCA in the High Weald AONB.



**Photograph
12****View Point Data.****Grid Reference: TQ 5858 2208****Elevation: 175m AOD.**

The landscape of sites 1, 2 and 3 is Ancient Countryside dating back to medieval times and earlier. This photo shows an ancient field boundary which runs east- west across the northern part of site 2. Now an important public open space used for decades.

The proposals would entail removal of key characteristics of the landscape character area through loss of ancient countryside, loss of ancient field boundaries and loss of ancient routeway Marklye lane. The loss of these key landscape features would lead to erosion of landscape character and the replacement with modern built urban landscape- would bring long lasting significant adverse landscape effects. There would also be a loss of visual amenity for the LCA and the High Weald AONB.



Photograph 13.

View Point Data;

Grid Reference;

TQ 5861 2207

Elevation AOD 176m.

Site 2, in Upper Rother

Valley LCA, is a wet

heathland with rough

grassland and an ancient

woodland edge; the mosaic

of habitats is rare and

supports BAP species

(including protected species

of reptiles and birds.) This

site thus has a high nature

conservation value- (not

low.) The site are part of an

ancient landscape, “assarts”

or clearances in woodland

with ancient fields of

pasture to north and east

and ancient woodland to

north west and north east;

a historic parkland to south

of site 3; all part of the rural

landscape setting of the

town. The grass is cut

annually for hay, keeping this as mainly grassland. Site 2 still preserves its key and rare landscape elements- ancient field boundaries and ancient routeway. The high scenic beauty of this natural landscape was painted by JMW Turner (1815) and Samuel Grimm (1784). The associations with these artists and the natural beauty of the sites contribute to the AONB landscape; part of a valued landscape, which is used informally by numerous walkers and local residents, see path trodden in grass.



Photograph 14.

View Point Data: Grid
Reference: TQ 58609 22067
Elevation: 176m AOD.

The site 2 has natural wet heathland vegetation including bracken (cover for adders) and Birch providing suitable habitats for protected reptile species of slow worm, grass snake, adders and common lizard, which are all likely to be present. (See Phase 2 reptile survey by applicant.) Despite the cold weather and windy sub optimal weather conditions during the Phase 2 survey, a medium population of reptiles was recorded. If adder had been found this would be a major site for reptiles. The proposals would involve a net overall loss of these high conservation value habitats which support a medium population of reptiles and BAP birds – proposals would have adverse landscape effects on ecology and “knock on” adverse effects for the LCA in the High Weald AONB.



Photograph 15.**Grid Reference:****TQ 58652207****Elevation: 175m AOD:**

High scenic beauty of Site 2, which is a high quality landscape and has outstanding clear views north to Mayfield (centre photo.) Some of the finest views in the Upper Rother Valley LCA and also in the High Weald AONB are in this landscape setting between north Heathfield and Mayfield. The proposals would introduce urbanizing elements, housing with heights of 16- 18 m high and associated roads. Wet heathland vegetation including bracken is a rare BAP habitat; likely to be a habitat for protected species such as slow worm, adder, Dormice and Bats.



Photograph 16

Grid Reference: TQ 5881 2190

Elevation: 172m AOD:

Marklye lane is part of National Cycle Network Route 21. The lane has special landscape qualities; a strong sense of place, creating feelings of seclusion, tranquility and with a sense of remoteness that is rare. Loss of the ancient routeway, its historic high hedge banks and historic hedgerows to make new roadway across Marklye Lane would have adverse landscape effects on the LCA and AONB. Proposed houses would have a High Magnitude of Change on the setting of this ancient routeway to Mayfield, being in elevated positions on either side of west and east of the lane. The proposals would erase a key landscape feature of the LCA and AONB. The magnitude of change would be high adverse,



with long term, irreversible adverse impacts on landscape quality and adverse landscape effects on the LCA and AONB caused by loss of the strong sense of place which derives from the ancient routeway and historic hedge banks. The proposals and their adverse landscape effects are thus contrary to aims of the High Weald Management Plan (2014-2019) and landscape policies of the Local Plan by adverse effects on biodiversity (habitat loss for Birds, Bats, and Dormice) which would be contrary to Wildlife laws & NPPF.



Photograph 17

View Point Data : Grid Reference TQ 5882 2184. 180m v. National Cycle Network route 21
Looking northwards along Marklye Lane, which has a strong sense of place. A feeling of being “submerged “ in ancient landscape, an important part of the High Weald historic landscape character and of the LCA. Marklye lane has rare and exceptional landscape qualities. High scenic beauty is due to great time depth and antiquity (it joins the Roman road Burwash road to the south); together with a high degree of intactness. The strong sense of place would be lost if the lane were altered; proposals include removal of the lane’s banks, the blocking off of south part of Marklye lane, the building of site 1 and site 2 houses and roads either side of the lane.



The landscape effects on the LCA and AONB would be significant, high, adverse and irreversible; contrary to HWMP, NPPF as well as Wildlife & Countryside Legislation.



Photograph 18.

Elevation; 183m AOD.
Looking north from site 1; removal of mature hedgerow across middle of site (mid photo) would result in net loss of BAP habitats due to likely presence of protected species; Dormice and Song Thrush and House Sparrows. Wet meadow and grassland provides suitable foraging habitats for reptiles and amphibians. Loss of these habitats could not be adequately mitigated for due to scale and density of the proposed housing, associated roads and hard surfacing - with adverse landscape effects on the wet grassland and adjoining hedgerows and woodland habitats- which includes are ASNW ghyll woodland on northern edges of Site 1. Magnitude of change would be high adverse. Adverse landscape effects and net loss of biodiversity and loss of landscape quality and loss of rural AONB landscape character.



The site levels and likely removal of the west – east hedgerow, mean that any mitigation would not screen the new houses; which are to be 16-18 m high. There would also be open views into the site from Upper Rother Valley Slopes LCA, from the ridgeline to the north from Mayfield to Wadhurst, in the High Weald AONB. Proposals would cause significant, high, adverse landscape visual impacts on the LCA in the AONB and significant, high, adverse landscape effects on the habitats & biodiversity of LCA/AONB.

APPENDIX 2: Maps

2 Figure 1. Extract from National Landscape Character Map for England; showing High Weald, NCA 122.

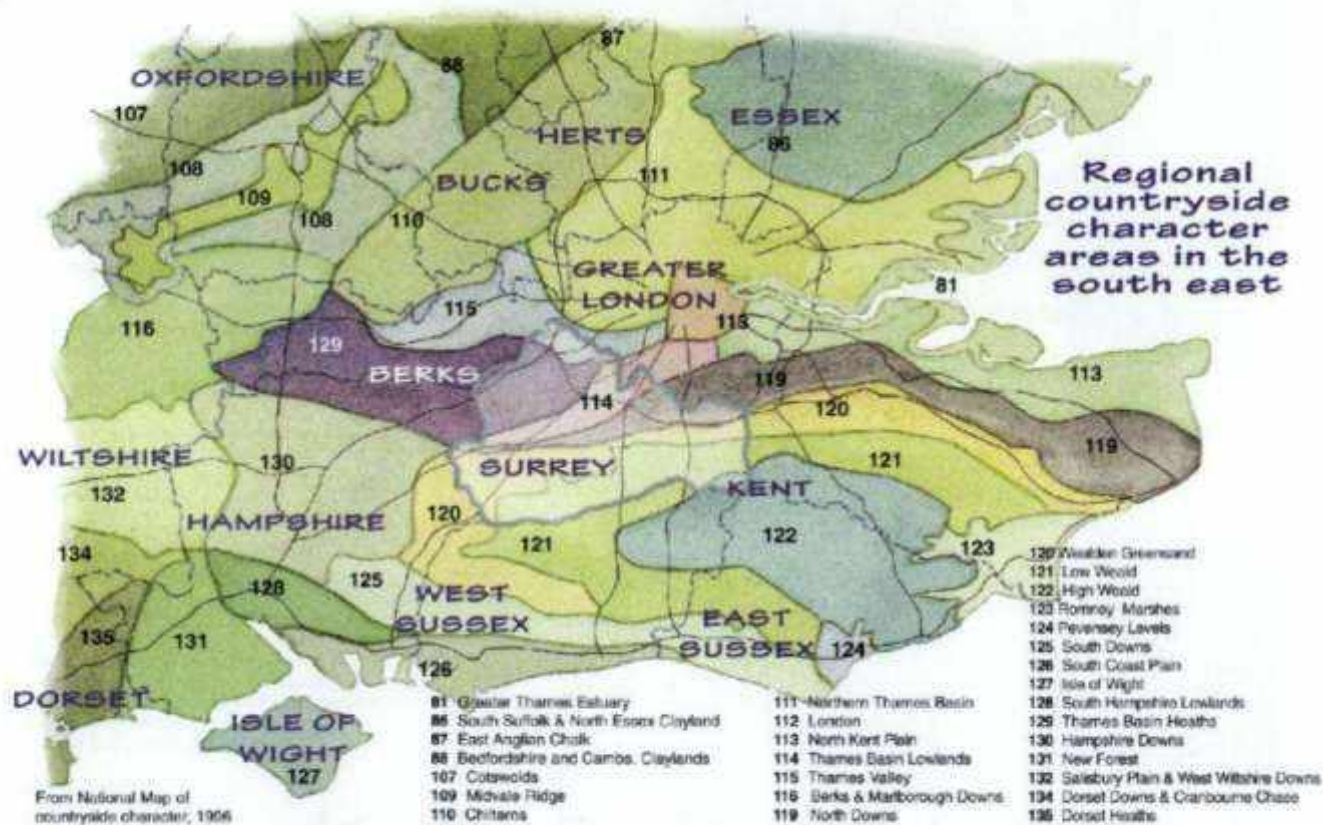


Figure 2. Habitats - Magic extract.

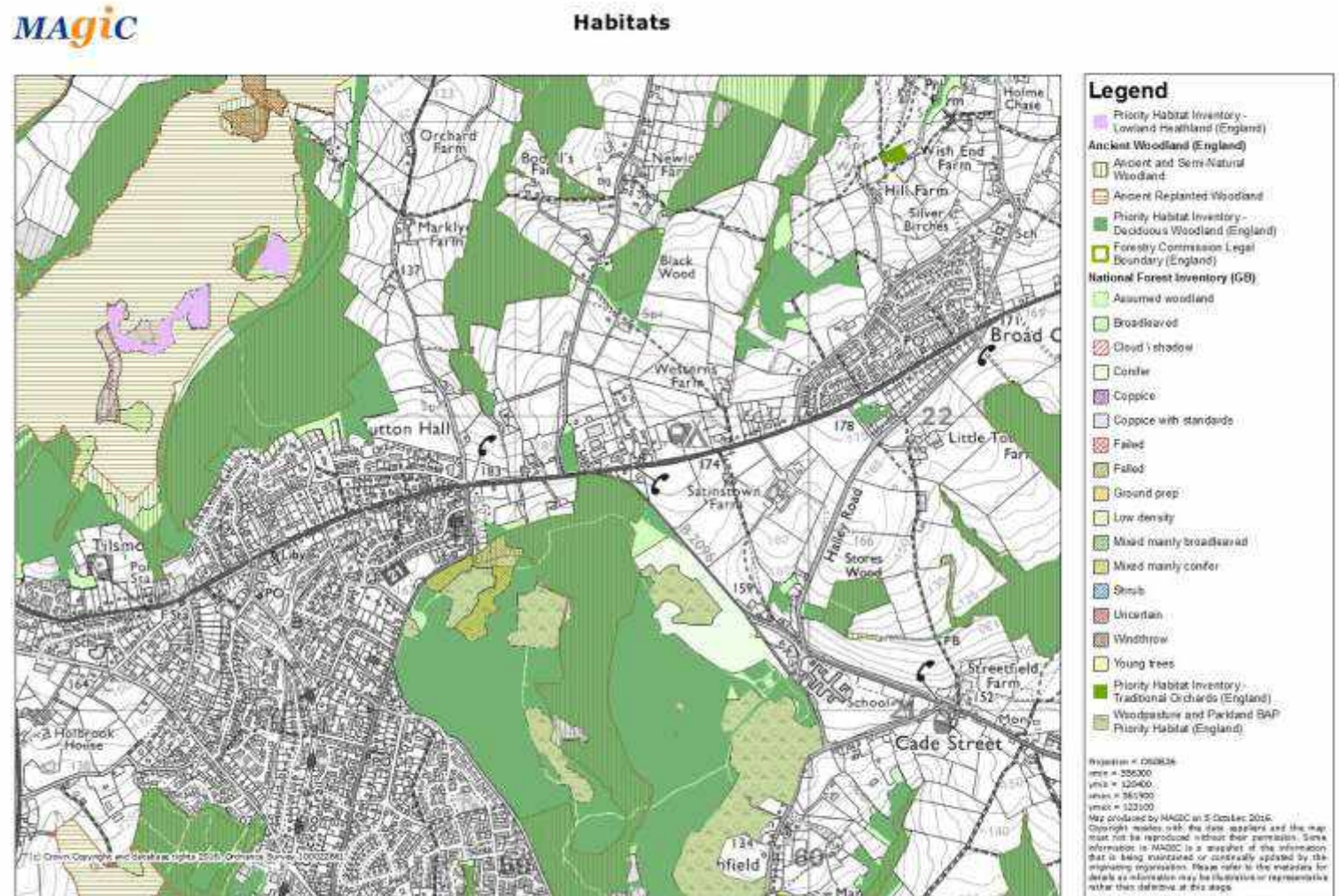


Figure 3. SSSI Heathfield Park – south of Site 3 - the SSSI Risk Avoidance Zone falls within the sites.



Heathfield Park SSSI Impact Risk Zone



Legend

- Sites of Special Scientific Interest (England)
- SSSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)
- Biosphere Reserves (England)
- Biosphere Reserves (Scotland)
- Biosphere Reserves (Wales)

Projection = OSGRD36
 min = 336400
 min = 120400
 max = 562000
 max = 123100

Map produced by MAGIC on 5 October 2016.
 Copyright resides with the data suppliers and the map must not be reproduced without their permission. Some information in MAGIC is a snapshot of the information that is being maintained or currently updated by the originating organisation. Please refer to the metadata for details as information may be illustrative or representative rather than definitive in this regard.





Nitrate Vulnerable Zone and Listed Building

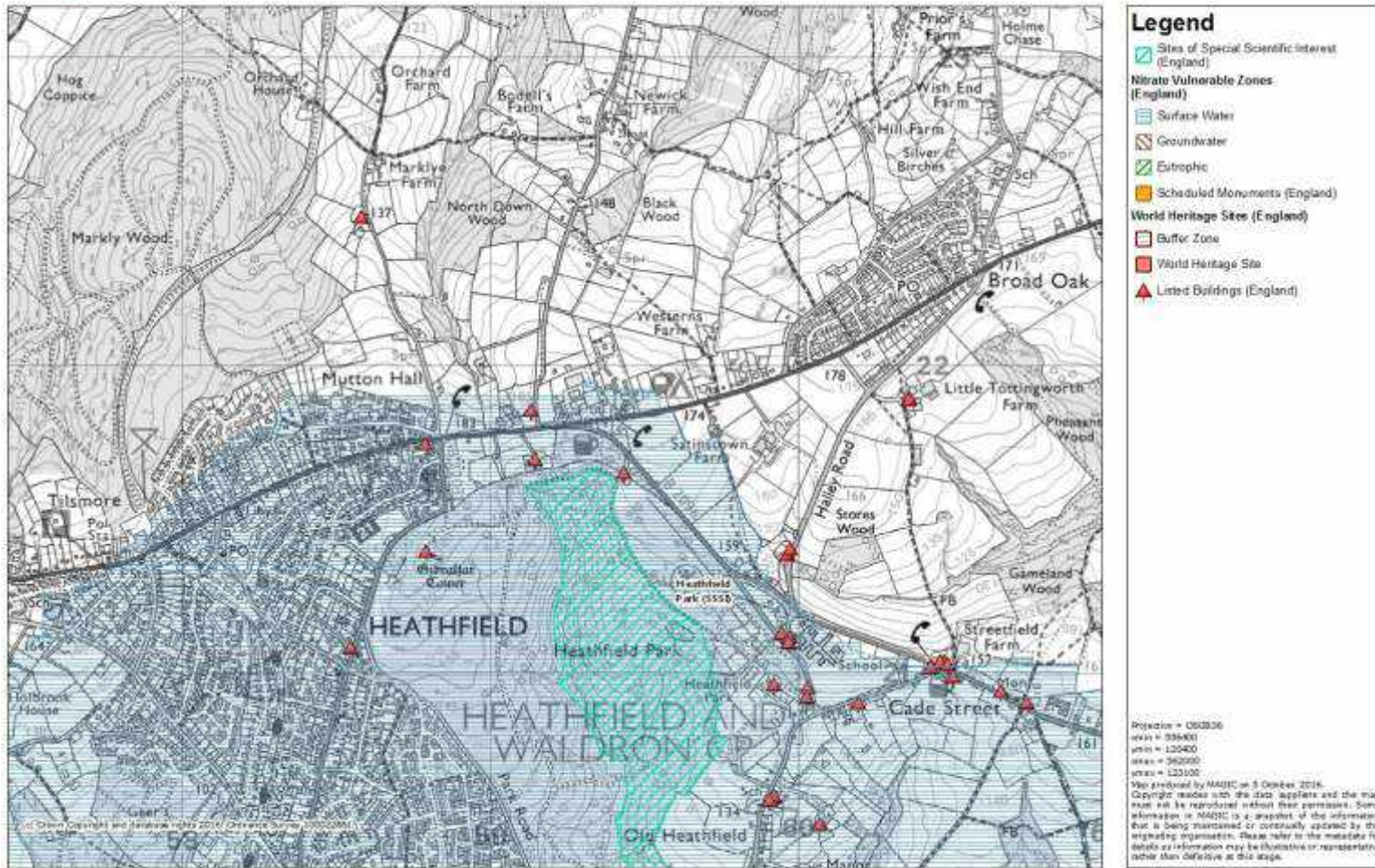
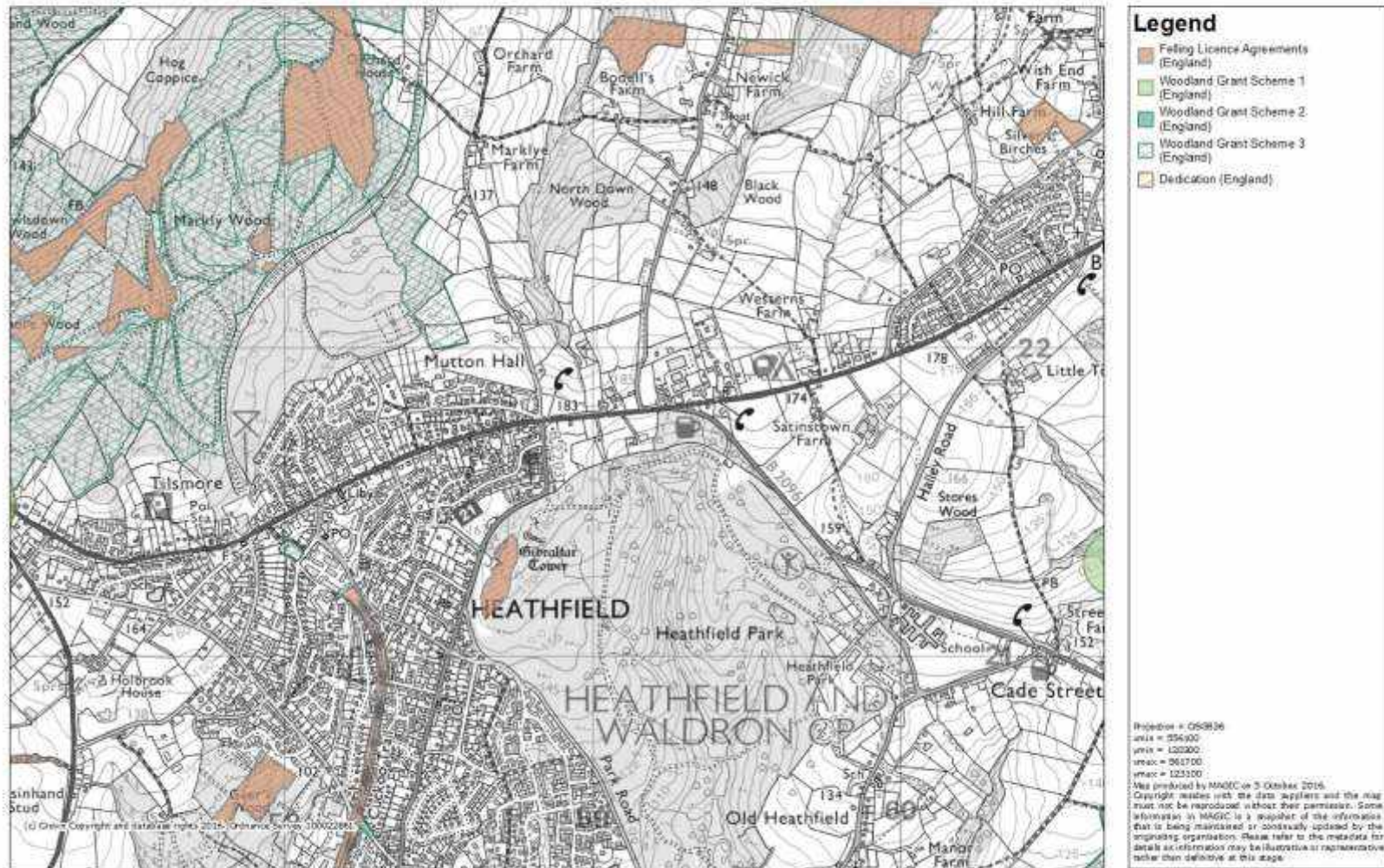


Figure 4; Part of Sites 1, 2 and 3 are in/adjacent to the Nitrate Vulnerable Zone.



Figure 5. Woodlands under management (Grant Schemes) – including ancient woodlands to west and north of sites 1 and 2. Wood pasture of Heathfield Park, to south of site 3.





Higher Level Stewardship Target Area

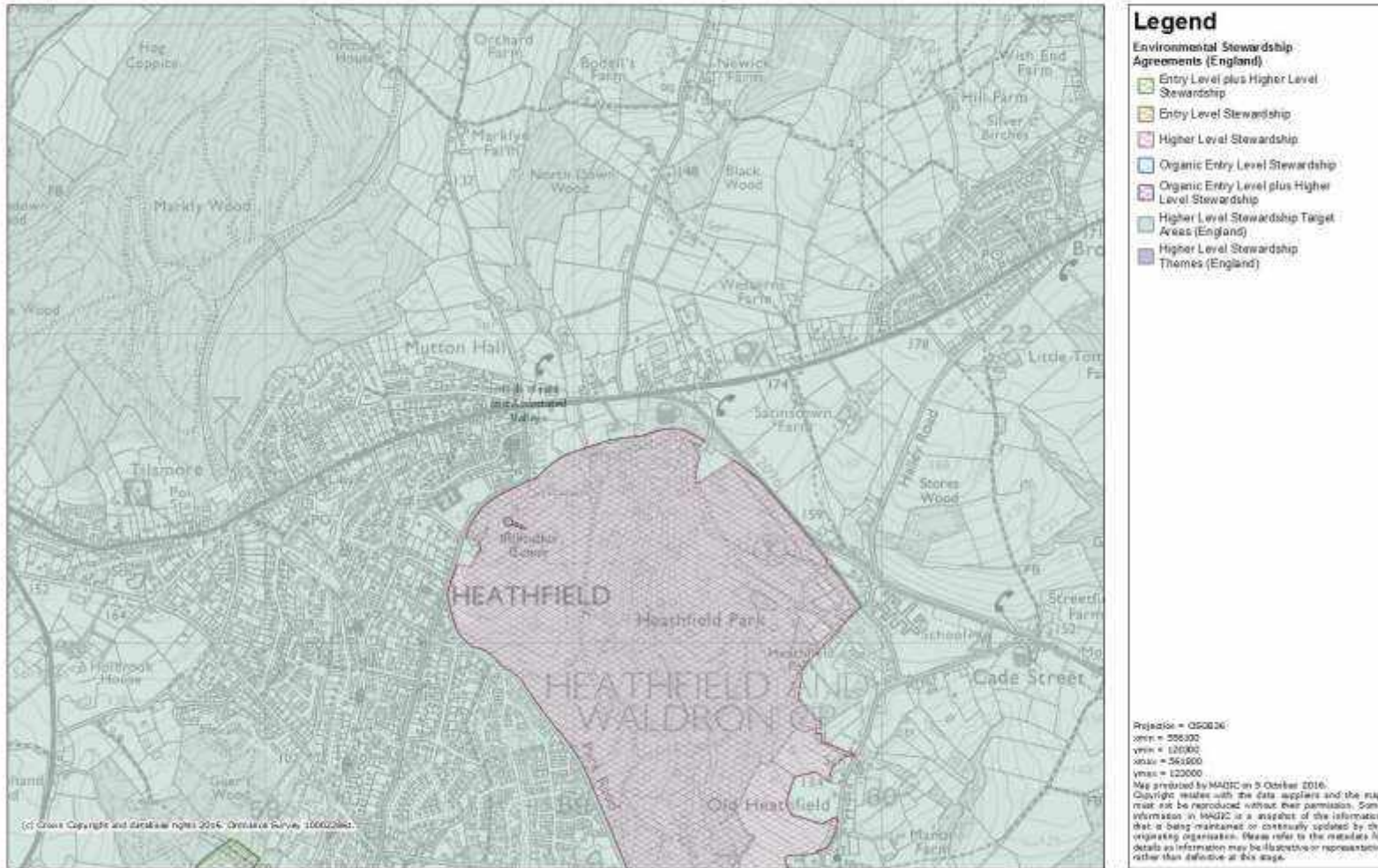


Figure 6- HLS Target Area- covers whole landscape of sites 1, 2 and 3. A Valued landscape - duty on LPA is to conserve and enhance.





Magic Map

Figure 7. Woodland Priority Habitat Network- important woodlands adjoin the site.

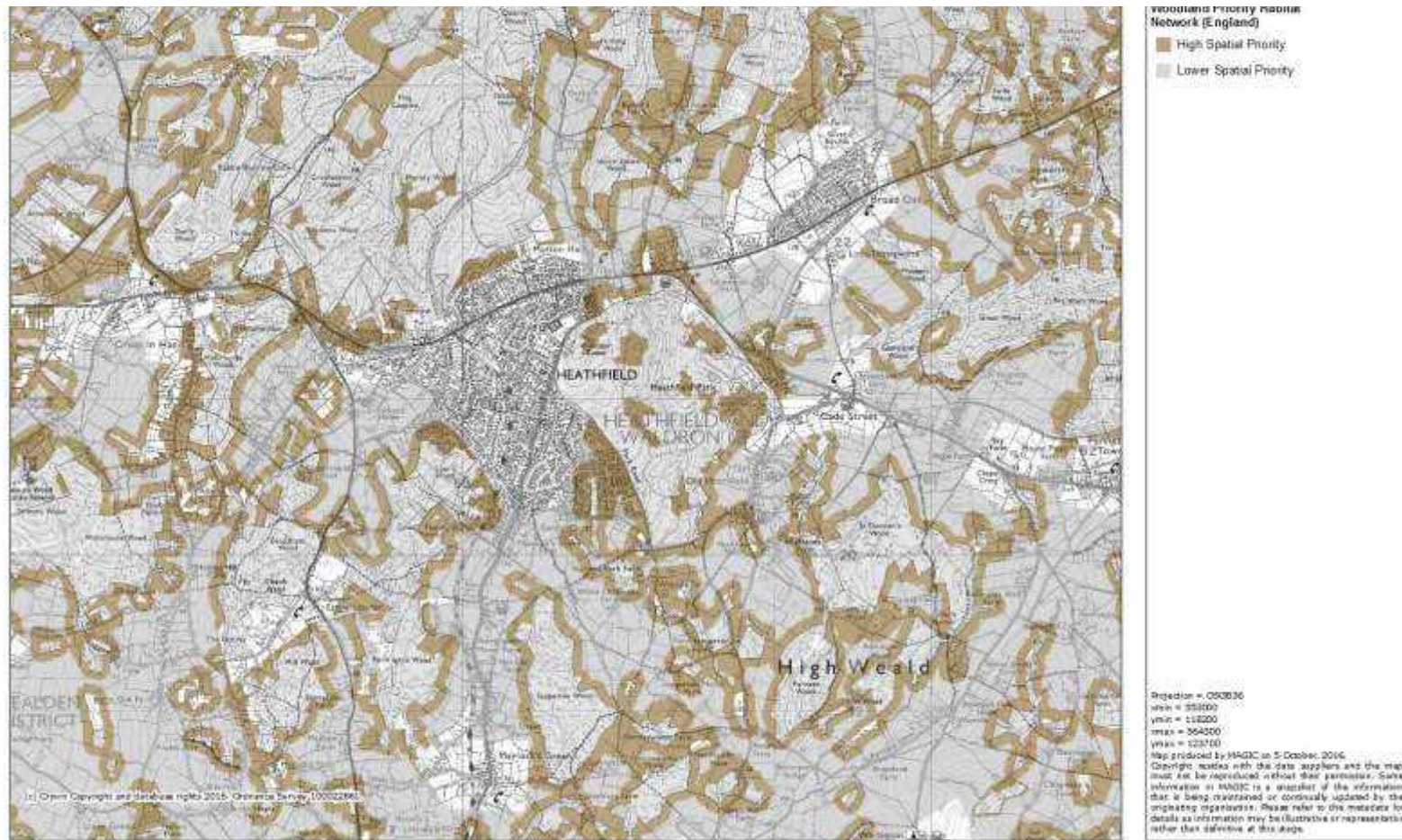
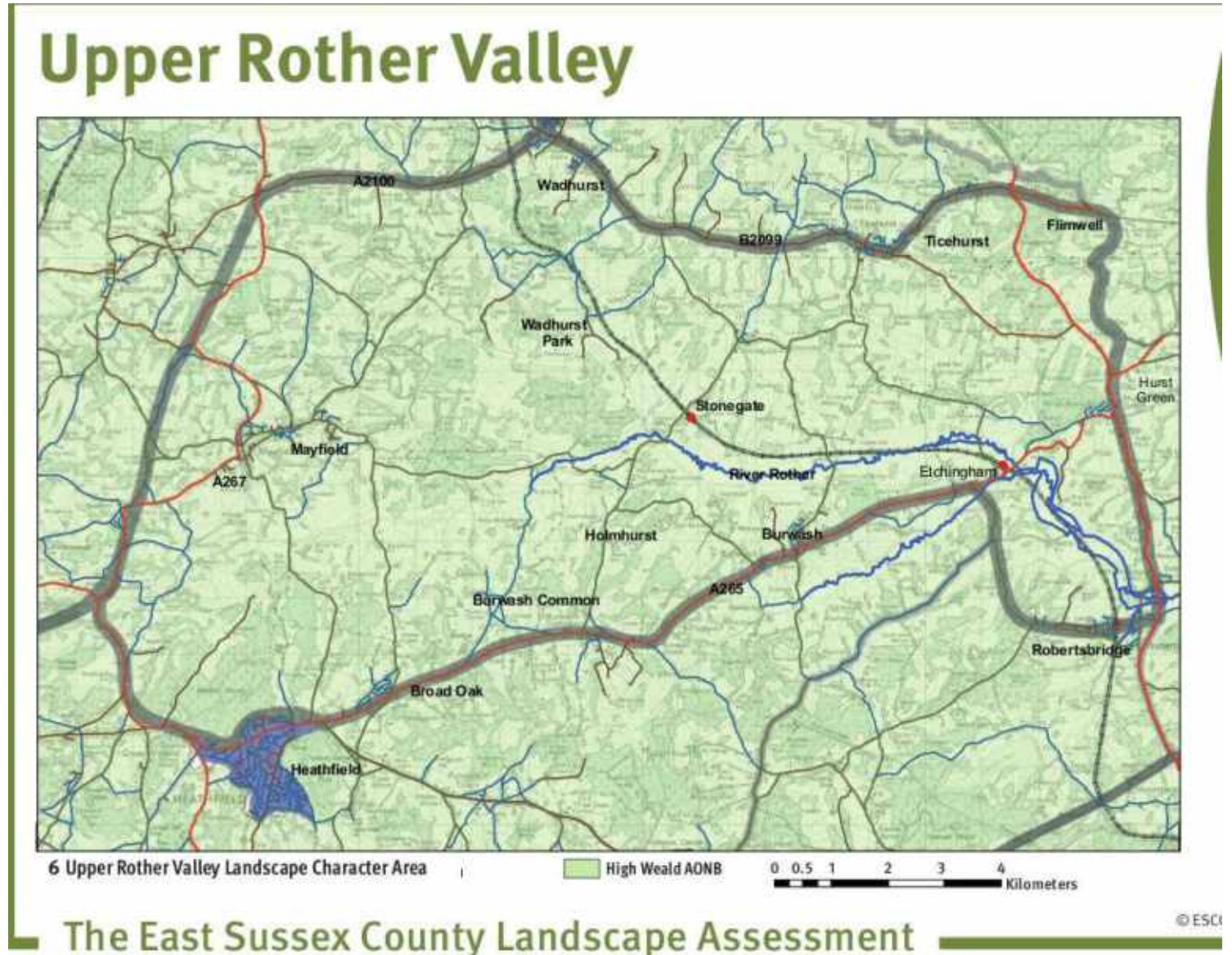
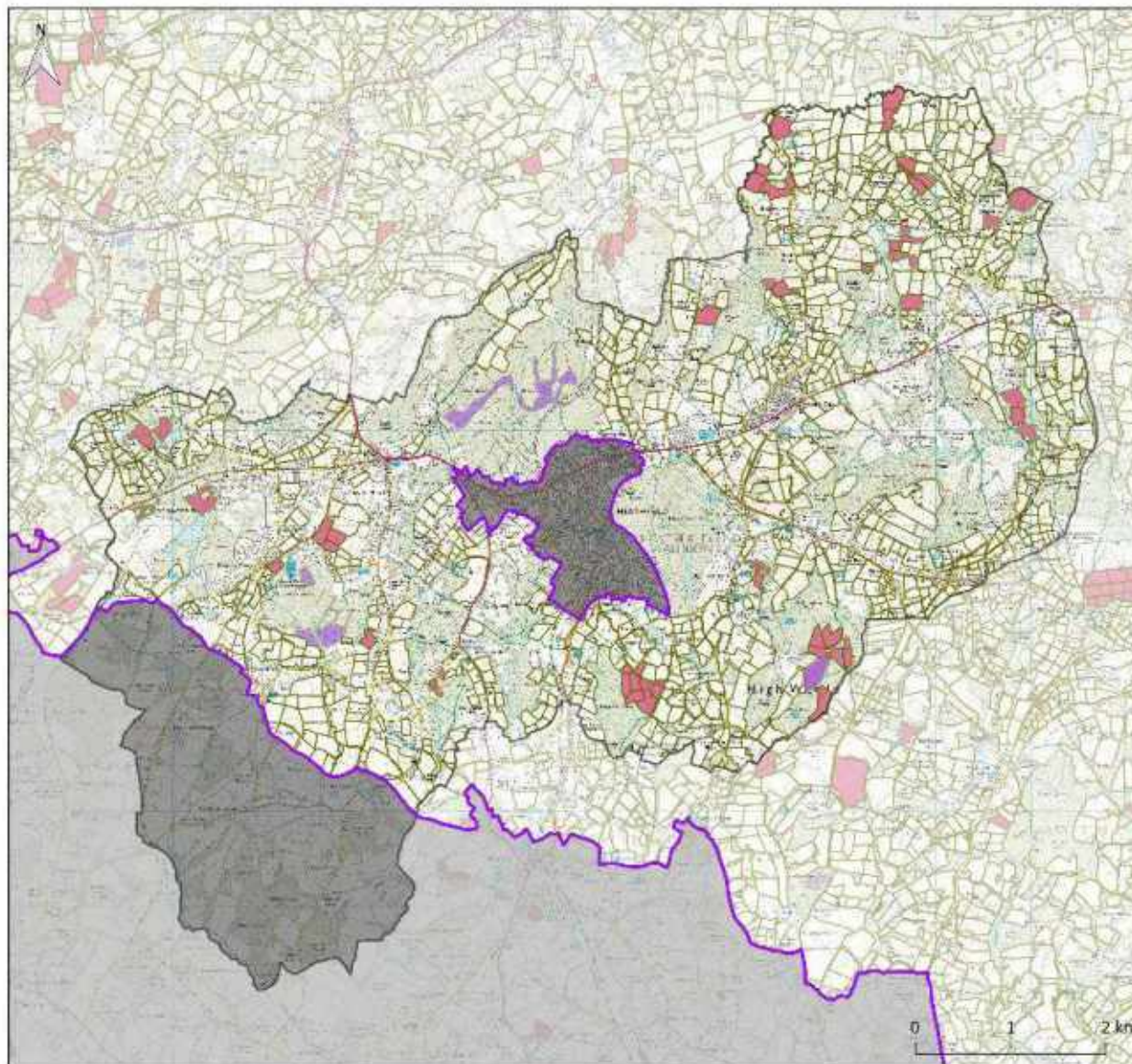


Figure 8. Vines Corner is in Local Landscape Character Area 6; Upper Rother Valley.





**High Weald AONB
Landscape Character:
Field & Heath
Heathfield and
Waldron Parish**

Key

- Historic fields boundaries (FH2)
- Heathland (FH3)
- Known wildflower meadows (FH3)
- Area of parish outside the High Weald AONB for which data is not displayed or not available [NB: only applicable where parishes straddle the AONB boundary]
- High Weald AONB boundary

Summary Character Description:
The High Weald AONB is characterised by small, irregularly shaped and productive fields often bounded by land forming a mosaic with hedgerows and small woodlands, and typically used for livestock grazing, small holdings, and a mix of arable agriculture, with which can be found distinctive areas of heath and lined river valleys.

- Management Plan Objectives**
- FH1 Objective: To secure agricultural production and for the fields of the High Weald, especially for local markets, as part of sustainable land management.*
 - FH2 Objective: To maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands.*
 - FH3 Objective: To enhance the ecological function of fields and heath as part of the complex mosaic of High Weald habitats.*
 - FH4 Objective: To protect the archaeology and historic assets of field and heath.*

For further info please refer to the High Weald AONB Management Plan, which may be downloaded from our website (see address below).

Researched and produced by the High Weald AONB Unit

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OS Grid: 11: 84531
S: 11: 84531 (E.A.)
ID: 11: 84531 (M14)


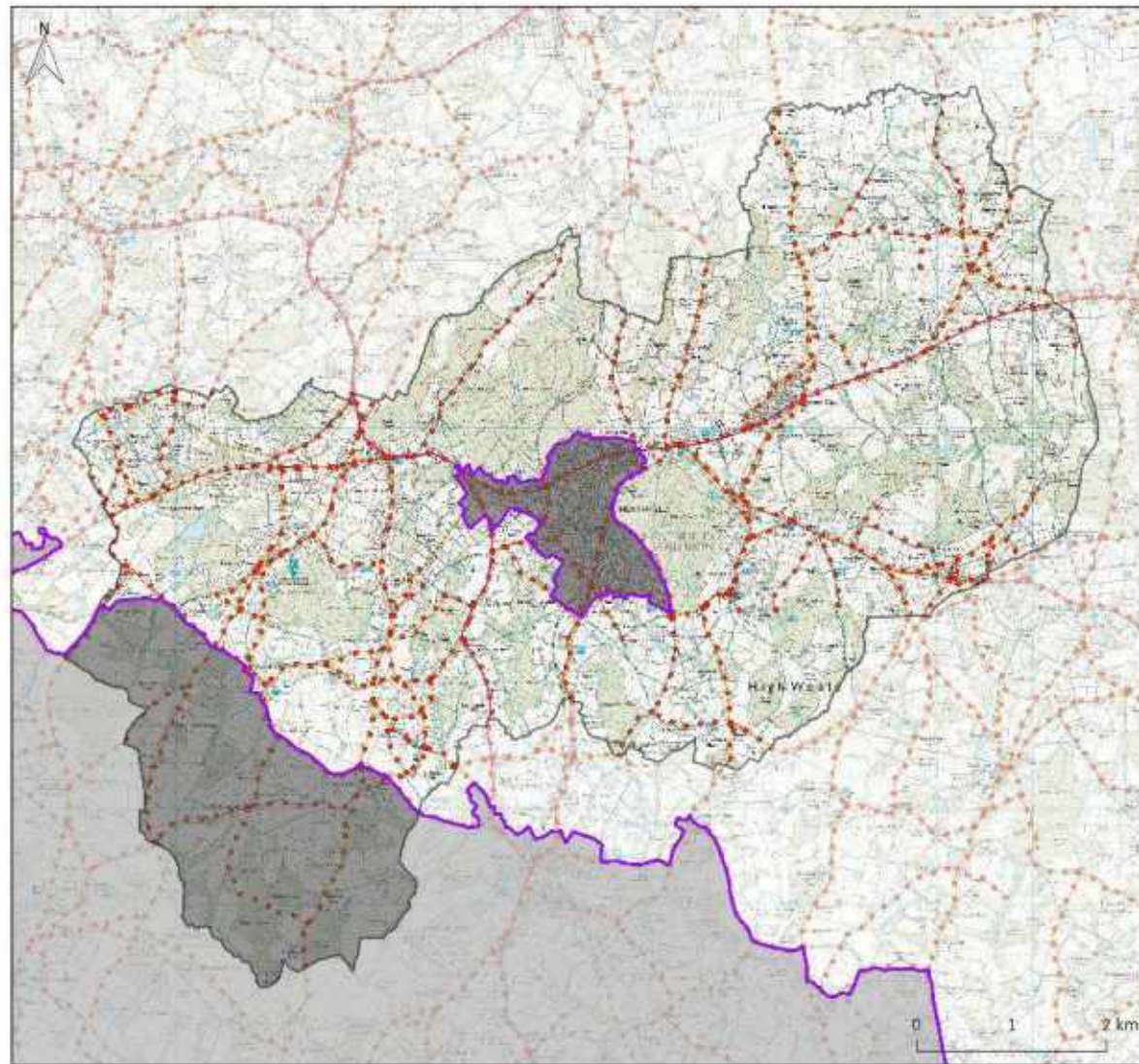


Figure 9; Ancient countryside-ancient field boundaries on all sites.



Figure 10; Marklye lane is a Historic Routeway; R2



High Weald AONB
Landscape Character:
Historic routeways
**Heathfield and
Waldron Parish**

Key

- Historic routeways (R1)
- Area of parish outside the High Weald AONB for which data is not displayed or not available (NB: only applicable where parishes straddle the AONB boundary)
- High Weald AONB boundary

Summary Character Description:
The High Weald AONB is characterised by ancient routeways (now roads, tracks and paths) in the form of ridge-top roads and a dense system of radiating droveways. Ancient routeways are often narrow, deeply sunken, and edged with hedges, hedges, wildflower-rich verges and boundary banks.

Management Plan Objectives
R1 Objective: To maintain the historic pattern and features of routeways.
R2 Objective: To enhance the ecological function of routeways.

For further info please refer to the High Weald AONB Management Plan, which may be downloaded from our website (see address below).

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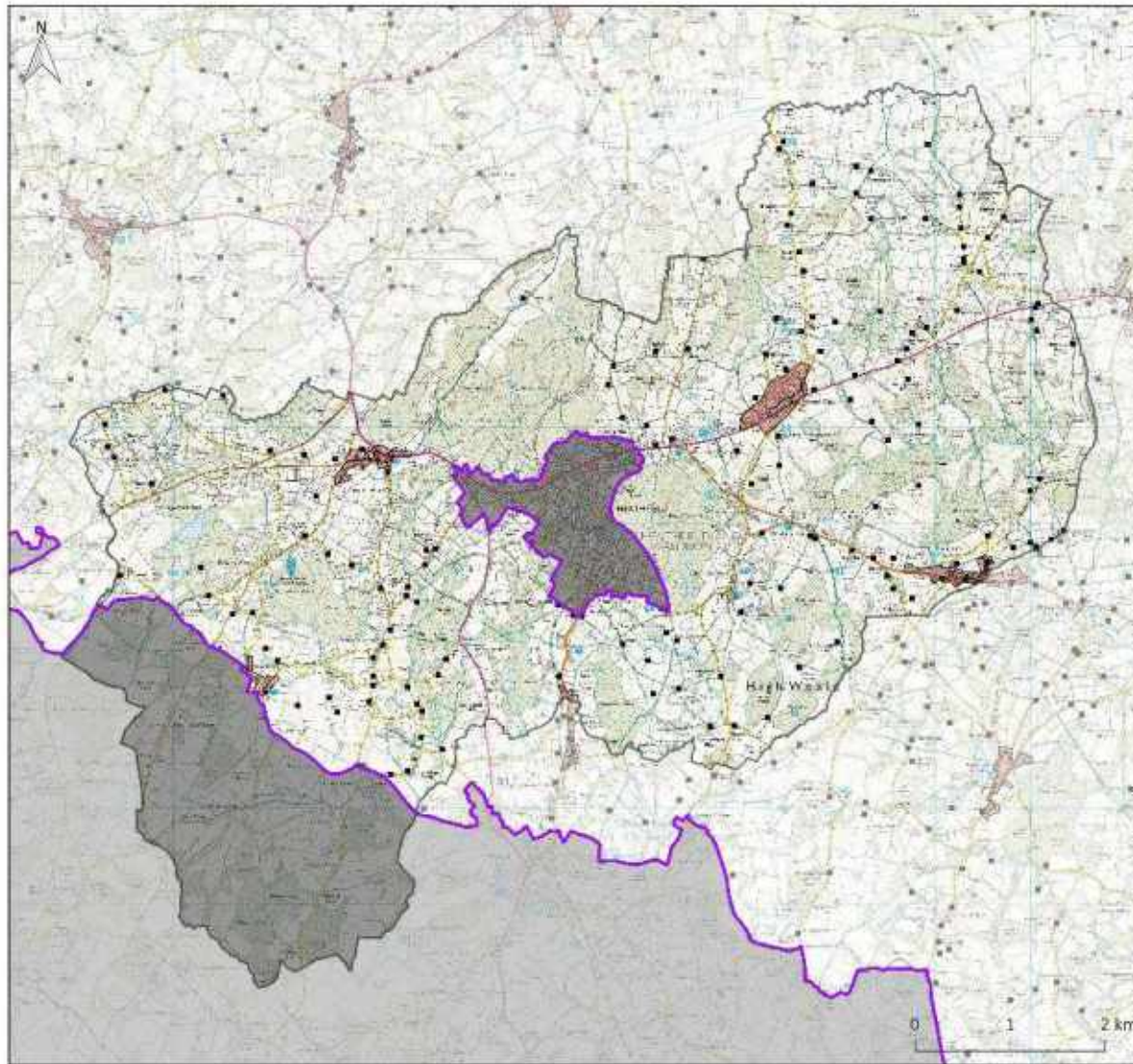
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Figure 11 Historic settlement- historic farmsteads along Marklye lane.



High Weald AONB
Landscape Character:
Historic settlement
**Heathfield and
Waldron Parish**

Key

- Historic farmsteads (S2)
- Historic settlement extent c.1860 (S2)
(NB: This data is not available for every parish)
- Area of parish outside the High Weald AONB for which data is not displayed or not available (NB: only applicable where parishes straddle the AONB boundary)
- High Weald AONB boundary

Summary Character Description:

The High Weald AONB is characterised by dispersed historic settlements of farmsteads and hamlets, and late medieval villages founded on trade and non-agricultural rural industries.

Management Plan Objectives

- S1 Objective: To reconnect settlements, residents and their supporting economic activity with the surrounding countryside.
- S2 Objective: To protect the historic pattern of settlement.
- S3 Objective: To enhance the architectural quality of the High Weald.

For further info please refer to the High Weald AONB Management Plan, which may be downloaded from our website (see below).

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High Weald AONB Unit

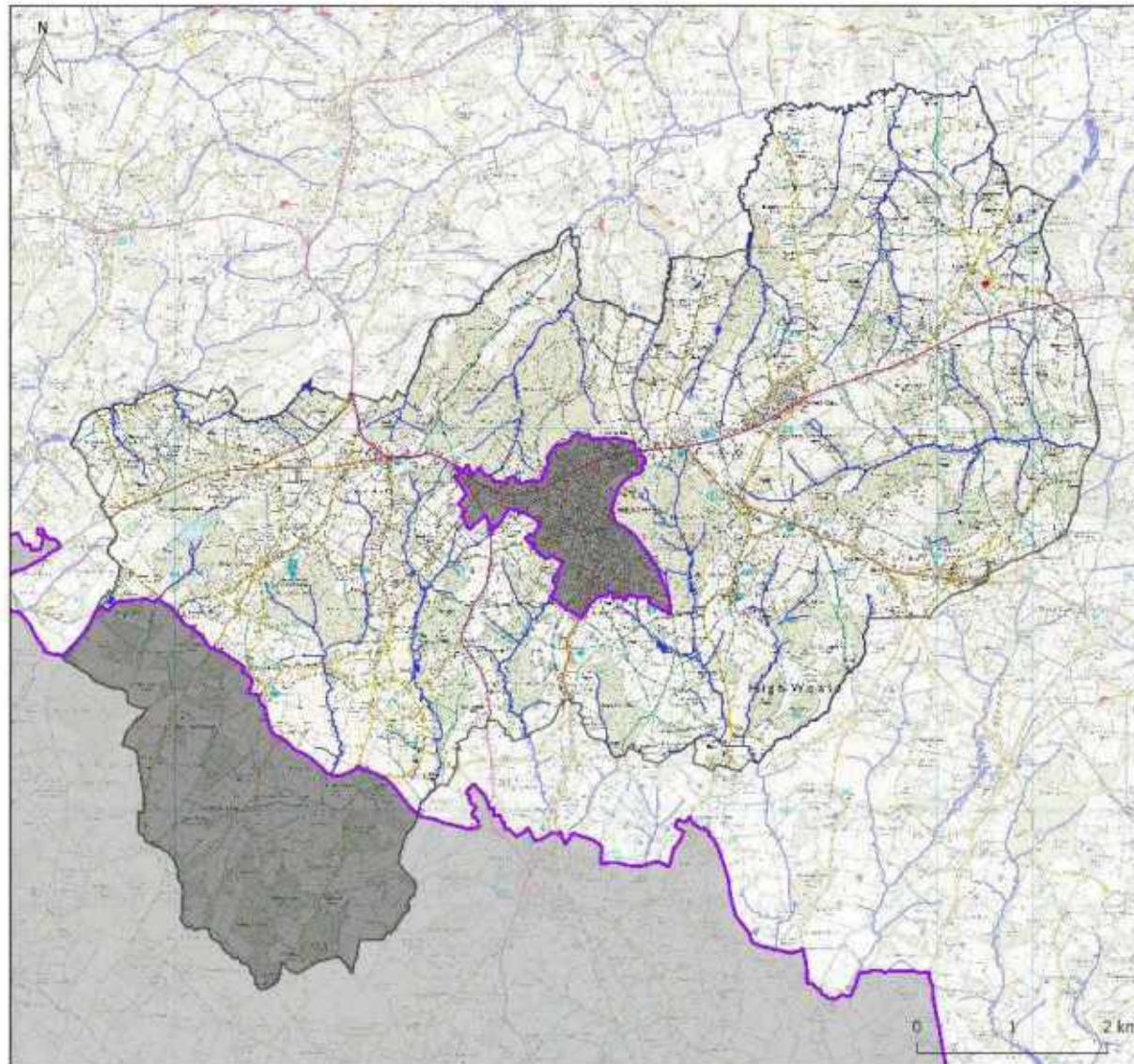


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Figure 12; Natural water features on sites 1 and 2, include seasonal pond, spring (site 1) and ghyll stream (site 2); sites are part of watershed, Upper River Rother water catchment.



High Weald AONB
Landscape Character:
Geology, landform, water
systems & climate

Heathfield and Waldron Parish

Key

- Water - ponds, reservoirs etc. (G1)
- Watercourses (G1)
- Sandstone outcrops (G2)
- Area of parish outside the high Weald AONB for which data is not displayed or not available (NB: only applicable where parishes straddle the AONB boundary)
- High Weald AONB boundary

Summary Character Description:

The High Weald AONB is characterised by a deeply incised, ridged and faulted landform of clays and sandstones. The ridges trend north-west, and form prominent summits, all streams that form the headwaters of rivers. Wide river valleys dominate the eastern part of the AONB. The landform and water systems are subject to, and influence, a local variant of the British sub-temperate climate.

Management Plan Objectives

G1 Objective: To restore the natural function of river catchments.

G2 Objective: To protect the sensitive outcrop and other important geological features of the AONB.

G3 Objective: Chronic conditions and issues of change which require continuous observation and enhancement of the High Weald's value landscape and habitats.

For further info please refer to the High Weald AONB Management Plan, which may be downloaded from our website (see address below).

Researched and produced by the
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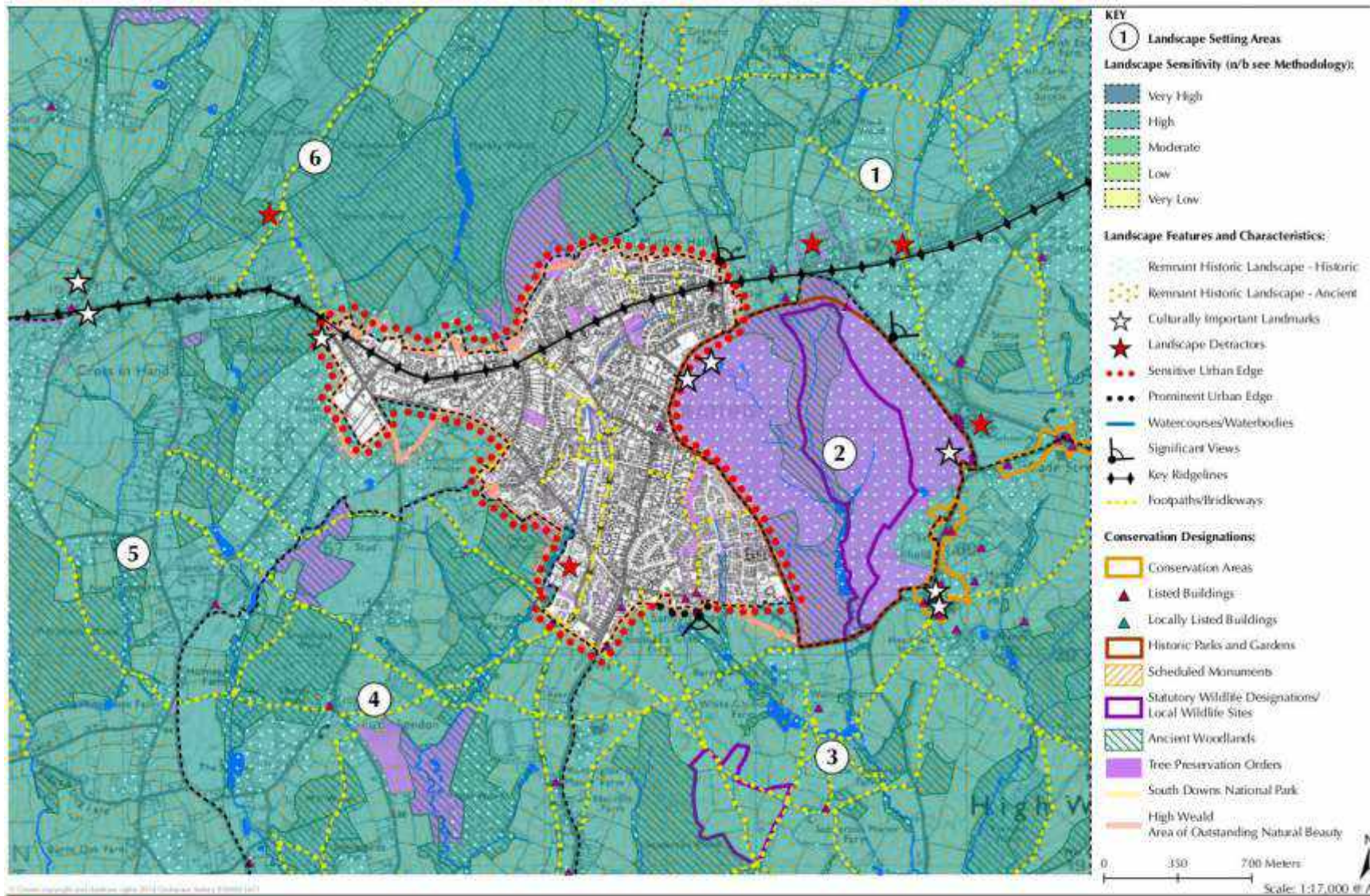


Figure 13; sites are all remnant historic landscape-ancient (not recent as proposed in LVIA by Harper LLP) and all 3 sites are also in a high landscape sensitivity landscape setting.

NB; Note Significant Views from Site 1.

FIGURE 4.20
LANDSCAPE SETTING OF HEATHFIELD



Figure 14. The 1610 Map of Sussex by John Speed showing “Heathfield” as an important settlement; an ancient settlement. This is thus not a recent or solely historic settlement (contrary to LVIA by Harper LLP.)

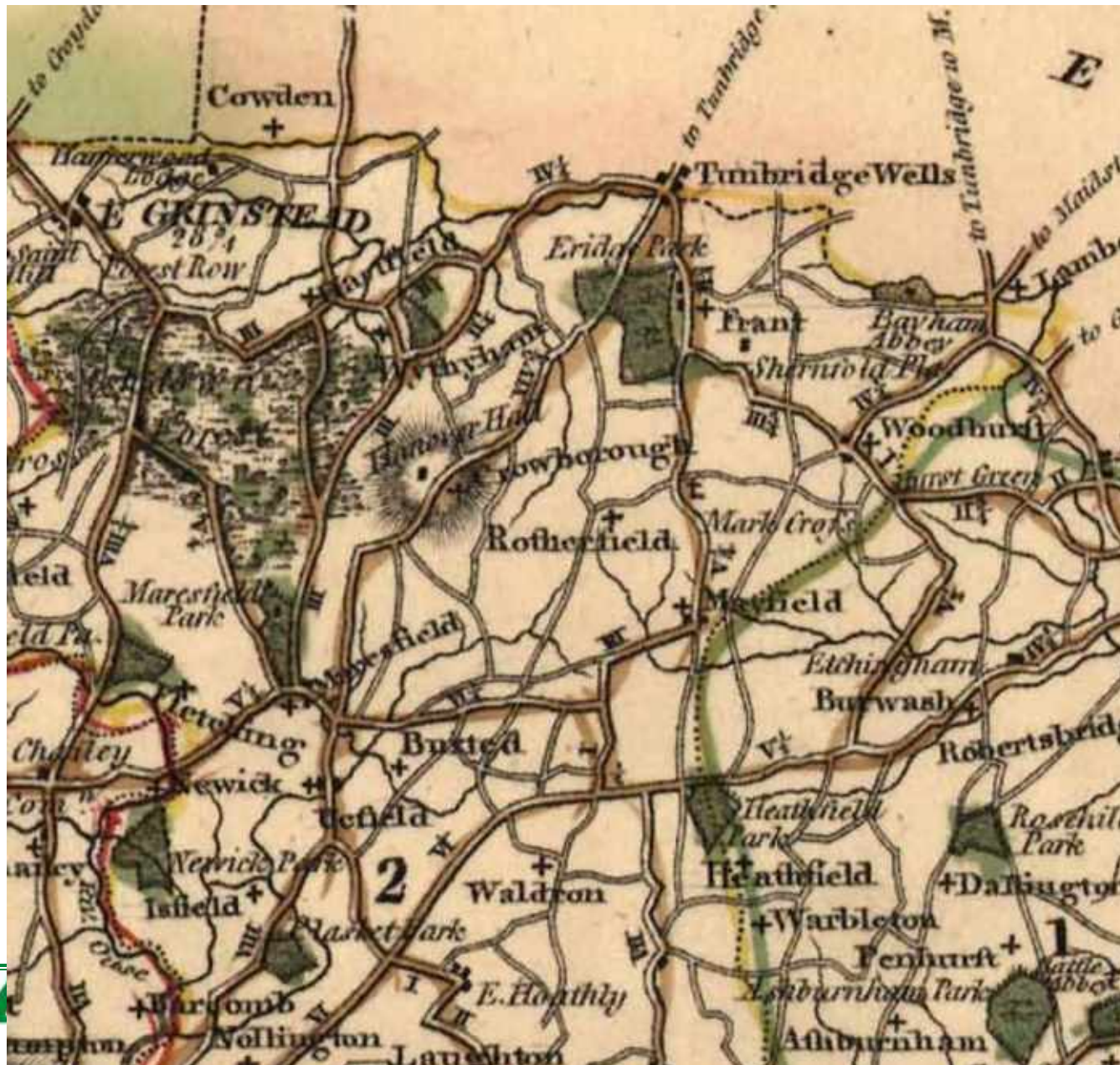


Figure 15. Cole Map 1808.

Marklye lane is clearly shown linking Heathfield and Heathfield Park to Mayfield, thence to Mark Cross; Marklye lane is thus shown as an Ancient Routeway. Heathfield Park is shown as including the whole of Site 3. Thus, site 3 was part of the wood pasture of the historic Heathfield Park landscape (Grade 2 listed.)

APPENDIX 3: GIS Zone of Theoretical Visibility

Figure 16. GIS Map showing extent of Potential Visibility (Methodology used follows 3rd edition LVIA Guidelines of Landscape Institute & IEMA.)
The proposed development on the three sites would be highly visible (height of houses proposed (16-18m) causing visual intrusion) in the wider AONB landscape due to ridgeline/skyline location.

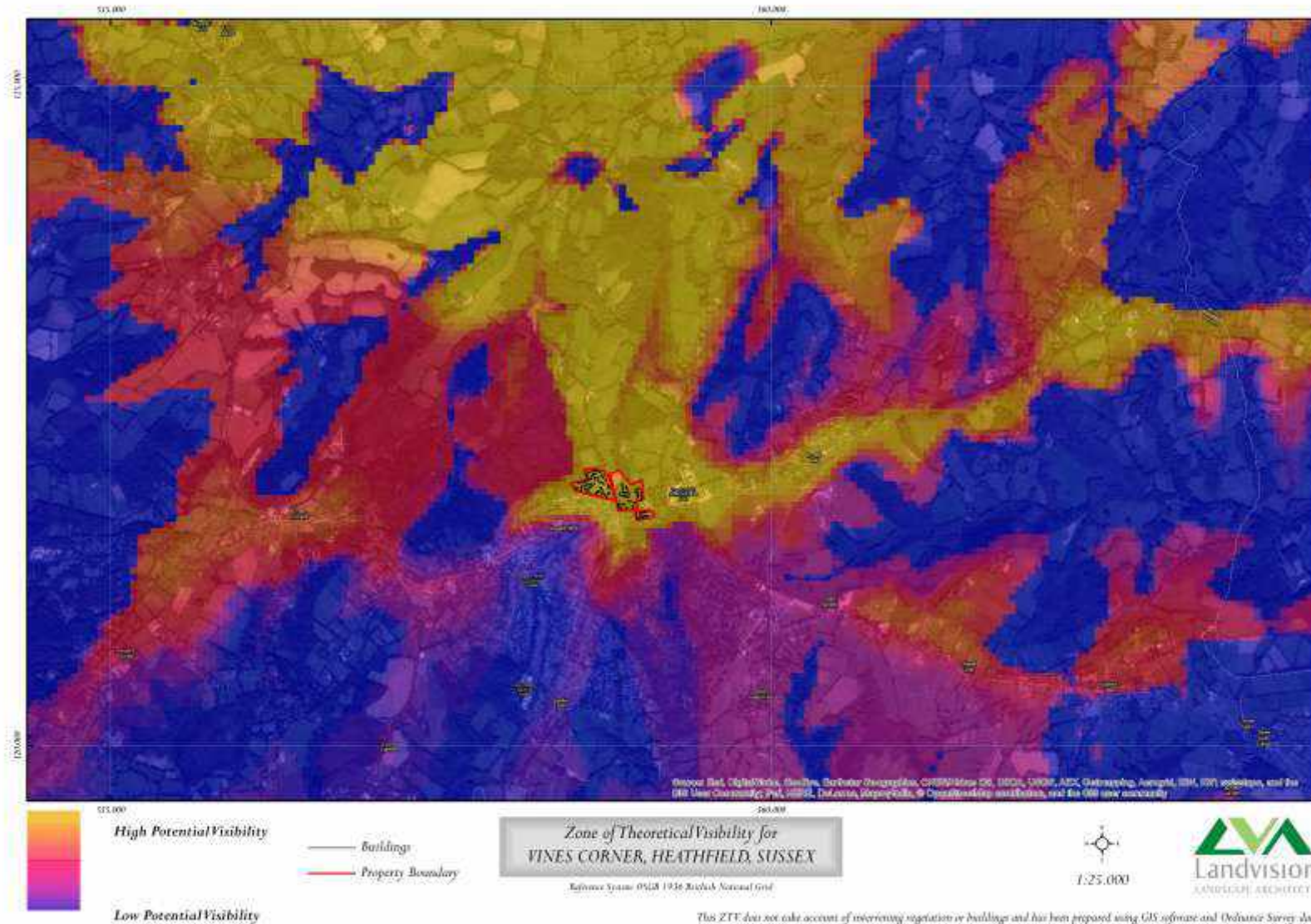
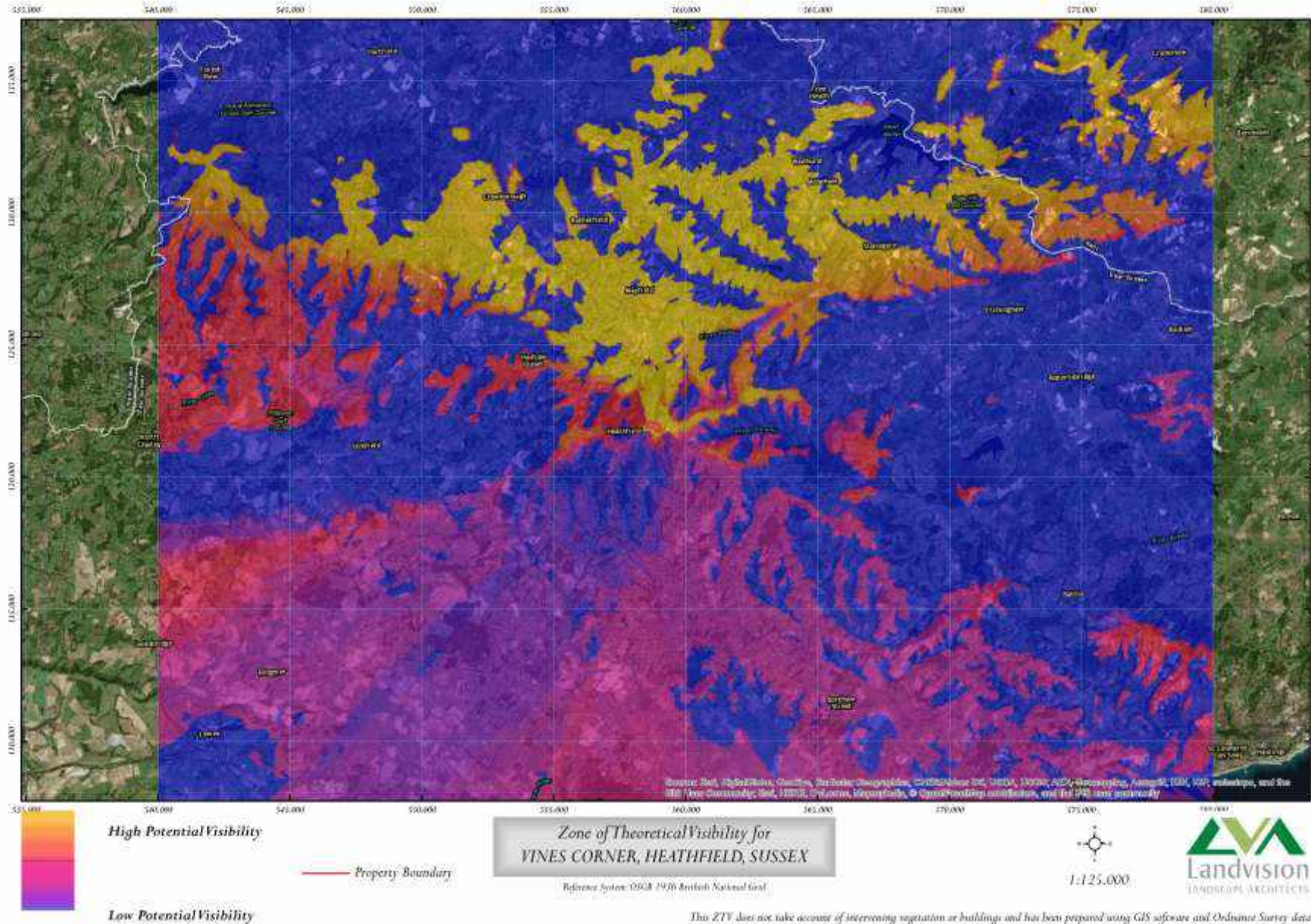


Figure 17 Large scale map showing extent of Potential Visibility; Methodology follows 3rd edition LVIA Guidelines of Landscape Institute and IEMA.



APPENDIX 4:History

Figure 18. Sites form part of a Valued landscape, shown on the painting of Heathfield Park previously called Bayley Park, owned by General Elliot, "Taken from the Hill on the Northwest", in 1784, by landscape artist, Samuel Grimm.





Figure 19; “Heathfield Vale” 1815 by JMW Turner. Associations of the High Weald landscape setting of Heathfield Park contribute to its high scenic beauty. Sites 1, 2 and 3 are part of this famous landscape setting of the AONB.

APPENDIX 5: Rebuttal of the LVIA (Harper LLP.)

THIS IS A DETAILED REBUTTAL OF THE LVIA BY HARPER LLP WHICH HAS BEEN SUBMITTED ON BEHALF OF THE PROPOSALS.

PARAGRAPH 2.11

“The development is split into three sites. All three sites are located North and South of Burwash Road (A265) to the North East of Heathfield. All three sites are in the High Weald AONB although Sites 1 and 2 directly abut Heathfield which is not part of the AONB. Site 3 is located 120m East of the boundary between the AONB and Heathfield.”

- Comment: Misleading as seeks to denigrate the AONB status- the sites are elevated above the AONB landscape and hence in a prominent position; an important green gap between the town and the neighbouring rural landscape. Also, no mention of Heathfield Park which it adjoins, an SSSI and wood pasture historic parkland. This is relevant to landscape character of LCA.

PARAGRAPH 2.13

“Between Broad Oak and Heathfield, Burwash Road follows the top of the Heathfield ridge line. The three sites are located just below this ridge line with Sites 1 and 2 on the North side and Site 3 on the South side”

- Comment: Dispute this. Sites 1 and 2 are on the ridge- this “just below the ridgeline” is a misleading comment. Most of Site 2 is definitely on the ridge- as is Site 3 and site 1 falls northwards, but the southern part is on the ridgeline too. They are in a highly elevated position (181-183 m AOD) above the surrounding rural AONB landscape to north of Burwash Road and have clear views of the AONB landscape to Mayfield to the north. See Landscape sensitivity Map in appendix (Chris Blandford Associates.)

PARAGRAPH 2.14” Site 1 is located on three agricultural fields and is 3.27 ha in area with levels that range from approximately 182m AOD in the South to approximately 160m AOD in the North. It is located North of Burwash Road and East of Marklye Lane. The three fields are described as follows,

The first is located adjacent to Burwash Road and is relatively flat and self-contained. This has two field gate access points, one to Burwash Road and one in to the second and adjacent field. Apart from these openings the boundaries have dense planted edges which create visual containment. The settlement edge of Heathfield, the Burwash Road and first floor and roof elevations of properties located at the South end of Marklye Lane are all partially visible from this field,

the second and third fields are separated by a tree and hedge boundary, both are on North facing slopes where there are; predominantly obscured, long distance views to the Rother Valley, from the upper slopes; and contained near distance views from the lower slopes,

the second field has dense hedge and tree planting to all boundary sides, it has steep slopes, marshy areas and the Old Golf House directly abuts its Western boundary, and



the third field has a densely planted Western boundary and is open on its other sides with views towards the Cart Barn, the Dairy, the Coach House, Tanyard Cottage and Northdown grade II Listed Building. It also has steep slopes and marshy areas.

- Comment: Only 160 m at the lowest point of Site 1- again misleading as most of the Sites 1 and 2 have elevated 182m AOD heights.

The land slopes north on Site 1 and this means that mitigation would be difficult to screen the development from wider views. On Site 2- the elevated nature of the site on the ridgeline means the development, with proposed building being 18m or 16m in height, it would be very difficult to mitigate for it would be visible above neighbouring vegetation.

PARAGRAPH 2.15

“Site 2 is a large agricultural field, 4.7 ha in area which is located north of the Mutton Hall area and West of Marklye Lane. Levels on the site range from 182m AOD in the South to 172m AOD in the North. The site has dense hedge and tree planting to all boundary sides (including Markly Wood to the West); it has steep slopes and marshy areas. The rear gardens of properties accessed off Ridgeway Close, Windmill Close and Whitegates abut the Site’s Southern boundary. To the South of the site there is a higher plateau area (See Figure 1, Aerial Photograph) which has long distance views across the Rother Valley as seen above and between trees at the Sites boundaries”

- Comment: Most of the site 182-181m falling away sharply on the northern edge. While the site does have hedge and tree planting to the west, north and east the height of the proposed buildings of 18 to 16 m high would make the development prominent feature in the High Weald AONB to the north. The marshy areas are actually remnants of wet heathland this is a nationally scarce heathland type and should be conserved.

PARAGRAPH 2.16

Site 3 is two agricultural fields, 0.77 ha in area, located south of Burwash Road in the vicinity of Parklands. Site levels range from approximately 182m AOD in the North to 177m AOD in the South. The Site has an entrance off Burwash Road to Parklands and a house located towards its centre. There is hedge and tree planting, to the North and East boundaries, which predominantly screens views in (except at the entrance). To the West side there are breaks in the boundary planting which allow framed views in from neighbouring properties of Redwood and High Timbers. Heathfield Park, Grade II Listed, Register of Parks and Gardens, is located South of the Site and medium and long distance views, in from the South, are predominantly screened by tree planting in the Park.

- Comment: SSSI and adjoins the site- with Risk Avoidance Zone encompassing the whole of Site 3

PARAGRAPH 2.21

“The Sites are located close to the brow of the Heathfield ridge line. This ridge, the tree planting on it and some buildings are prominent and visible as the horizon line for long distance views looking from the North ..To the South of the ridge line are the South Slopes of the High Weald which are orientated towards the Pevensey Levels and the South Downs National Park although...”



- Comment: Misleading; the sites are effectively located on the ridgeline, which is dissected by the Roman road A265. There are also many closer range views from properties and roads within the AONB and LCA, particularly across the Upper Rother Valley, LCA Area 6.

PARAGRAPH 2.22

Heathfield and Broad Oak are located West and East of the development respectively and linked by the Burwash Road which follows the ridge line. The distance between Heathfield and Broad Oak is approximately 1.2 km. The area between the settlements is not undeveloped Greenfield land and there are a number of landscape detractors including...

Comment: These detractors are all very well contained and well screened from the local landscape- many are not visible to receptors travelling along the Burwash road near the sites. Tower Street has historic views towards Heathfield Park- walls and gates- which are high quality and not detractors.

FIGURE 16 ANCIENT WOODLAND PLAN

“NB the three sites do not have Ancient Woodland within their curtilage or abutting their curtilage”

- Comment: Wood pasture is ancient woodland and is ancient countryside (Site 3) and there is rare ghyll woodland in Site 1 which is ancient. Also deciduous woodland is a BAP habitat. So even though not wooded this land is still considered to be ancient countryside within High Weald AONB. The hedge on the northern edge of site 2 has an old hedge bank which continues into the adjacent woodland. Hedge banks such as this are indicators of ancient woodland and landscapes.” It was the practice to make trenches, linear clearings each side of the road, to give travellers the appearance of security” (Rackham, 1986). The area around Heathfield is known to have been a hotspot for highwayman. “The main toll road from Heathfield to Burwash, now the A265 was a notorious haunt for highwayman”. Much of this will be lost due to highway sight lines at junction with the A265 road. Sites 1 and 3 are within the Woodland Priory Network area. See plan in Appendix Maps Woodland Priority Network.

PARAGRAPH 4.22

“Paragraph 56 (page 14 of the NPPF) relates to design is quoted as follows,

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.””

Paragraph 73 is quoted as follows,

“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.”

- Comment: Site 2 has been used for dog walking and informal recreation for many years. It is poor planning to allow this informal recreational use to stop. This application will have a negative impact on the local environment and thus will make it a worse place for people to live. This development is contrary to paragraph 56 of the NPPF.

PARAGRAPH 4.22



Paragraph 109 (page 25 of the NPPF) relates to the natural environment and bullet points 1, 2 and 3 are extracted, as follows,

“The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible.”

➤ Comment: The 3 sites are part of a Valued Landscape, all sites are within the High Weald AONB, and Site3 adjacent to the historic parkland of Heathfield Park, with its SSSI, there is no landscape plan or green infrastructure plan for site 3 within the LVIA. Site 2 is currently used as open space by the locals. It has some of the most outstanding views in the high weald. See Photos in Appendix Photos.

Site 1 has associations with the fairground. The springs on site 1 become a stream which runs into the Rother valley. Site 2 is “a water gathering ground”; a water catchment for the River Rother. (See 1957 application refusal.) The High Weald Management plan states:

“G1 Objective: To restore the natural function of river catchments. Rationale: *To protect the built-environment and human life by safe water conveyance within river catchments, whilst increasing the range of ecosystem goods and services (e.g. improving the aquatic ecosystems and water resource provision and mitigating the effects of increasingly frequent and highpeak flows) provided by the river catchments of the AONB*” (High Weald AONB Unit, 2014).

This stream runs into the Ghyll ancient semi natural Woodland which is a rare BAP habitat. There is no data available from the ecology reports on what plant species species are found in the wet meadow another rare BAP habitat.

This development would undoubtedly change the local hydrology and increase run-off rates during high peak flow events. This could increase flooding at lower levels and affect BAP protected species such as freshwater crayfish and water vole. The delicate ecology of the stream could also be affected by the run-off from salt in winter, car washing and pesticides used to control slugs and snails.

The wet heathland on site 2, which was not identified in the ecology reports, would be destroyed by the proposals. It is extremely likely that this land has BAP protected species such as grass snake and adder. The old hedge bank which runs through Markly Wood and along the northern and north-eastern edge of the site would be threatened by the new gardens.

The pond on site 2 was not adequately surveyed and the survey report on Great Crested Newts which accompanied the application cannot be relied upon as to the presence or absence of great crested newts in the pond.

Marklye Lane has its own character and natural beauty this along with the tranquillity of the Lane will be lost if the proposed development is built.

This proposal runs contrary to paragraph 109 of the NPPF; Sussex BAP protected species are likely to be put at risk due to insufficient data being gathered during the ecology site visits by Wildlife Matters. It is



impossible to say there will be net gains when the baseline data is unknown or circumspect. The application will have a detrimental effect on the landscape quality and ecology.

PARAGRAPH 4.22

“Paragraph 115 (page 26 of the NPPF) relates to Areas of Outstanding Beauty and is quoted as follows,

“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and 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, and should be given great weight in National Parks and the Broads.””

- **Comment:** The 3 sites are at one of the highest points in the High Weald with long range views. Thus the scenic beauty of the AONB would be diminished if the development is built. The height and size of the buildings are out to keeping for such a highly sensitive landscape setting. The mitigation suggested would be inadequate due to the landform dropping away to the north. (See figure 2 for a ground-level survey in the Landscape Visual Impact Assessment) with buildings up to 18 m high, which is a height of a fully mature large tree such as oak or lime.

PARAGRAPH 4.22

“Paragraph 118 (page 27 of the NPPF) relates to landscape and ecology, extracted as follows, “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

Opportunities to incorporate biodiversity in and around developments should be encouraged.””

- **Comment:** Misleading full text is:” 118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
 - if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
 - development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
 - opportunities to incorporate biodiversity in and around developments should be encouraged;
 - planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location



clearly outweigh the loss; and

- the following wildlife sites should be given the same protection as European sites:

- potential Special Protection Areas and possible Special Areas of Conservation;

- listed or proposed Ramsar sites;26 and

- sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”

- Comment: At the time of writing there is no information about alternative sites which could have less harmful impact without such information the LPA should not determine this planning application.
 - There is no information on site 3 about landscaping and other forms of mitigation
 - There is no Phase 2 Reptile Ecology report or
 - There is no Dawn – dusk Emergent Survey for bats there is a large fallen tree on site 3.
 - No Phase 1 Habitat map
 - Rare wet heathland BAP habitat not recorded
 - Rare wet meadow BAP habitat not recorded

Thus the application runs contrary to paragraph 118 of the NPPF.

PARAGRAPH 4.22

“Paragraph 125 (page 29 of the NPPF) relates to light pollution and is quoted as follows,

“By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.””

- Comment: the whole 3 sites are on an elevated position, with the land of sharply dropping away to the northern edge, within the High Weald AONB, with the proposed 215 houses it is hard to see how features such as street lighting, security lighting and general domestic lighting will not be seen from Mayfield, Crowborough, Wadhurst, Ticehurst and the large tracts of land between these communities. The development would contribute to light pollution not only locally, but on the larger scale within the AONB.

PARAGRAPH 4.42

“The Wealden District Council Core Strategy Local Plan for 2013 to 2027 Map shows the development is in the High Weald Area of Outstanding Natural Beauty (AONB) and there are no other significant environmental local planning designations. The Core Strategy policies, as relevant to the development and landscape matters, are described as follows,

- “SPO1 We will help manage countryside resources and assist in the development of the rural economy whilst protecting and enhancing recognised biodiversity and geodiversity attributes, in particular we will protect the internationally important sites of the Pevensy Levels and Ashdown Forest and other designated areas of bio and geodiversity. We will also protect, and will work with others to enhance and manage, the distinct landscapes of the District, particularly, but not exclusively, those nationally designated (page 21),”



SPO3 To help address the need for homes, to ensure the economic prosperity of the District and to support its residents and the changing requirements of residents in terms of size, type, tenure and location of homes, whilst protecting our valued environment we will provide for at least 9440 homes within Wealden from 2006 to 2027. The delivery of on average 450 dwellings per annum provides a realistic time frame for the market to deliver the housing and also better provides for the timely delivery of necessary infrastructure. The majority of new housing will be accommodated within, or as sustainable extensions to, existing towns, while allowing for limited growth within those villages capable of accommodating development in a sustainable fashion. Development will be focused in and around the settlements of Hailsham/ Hellingly, Polegate/ Willingdon/ Stone Cross and Uckfield to help stimulate investment in those centres, and, to varying but lesser degrees, in and around Crowborough and Heathfield to meet housing need (page 22),

- SPO7 We will encourage reduction of the need to travel by car by concentrating development where it can most closely relate to public transport opportunities, improving the offer of our towns in terms of retail, leisure and recreation and by making it easier to travel by more sustainable modes of transport. We want to see noticeable improvements in journey quality for those people making trips on foot, bicycle or by public transport (page 23),
- SPO8 We will maintain and where appropriate enhance through the encouragement of growth, the effective network of villages that will continue to support the day to day needs of our rural communities, and which will accommodate some additional growth where this would be sustainable (page 23)
- SPO9 We will ensure development takes full account (by mitigation or adaptation) of the likely forecast impacts of climate change including: minimising the emissions of greenhouse gases; the use of non-renewable energy and natural resources; and by encouragement of construction using sustainable techniques (page 23),
- SPO10 We will seek to ensure the safety of residents and reduce the economic impact of flooding events by avoiding the allocation of land for employment and housing growth in areas subject to medium and high flood risk, taking into account the predicted impact of climate change (page 23),
- SPO11 We recognise the shortfalls in open space, leisure and recreational facilities identified within the District and will work with others to enhance the District's geodiversity and biodiversity by creating a coherent network of green infrastructure, especially in and around our towns, that can better support wildlife and reduce the impact of climate change as well as improving human health through increased accessibility (page 23),
- SPO13 We will encourage the development of high quality, safe and attractive living environments for communities in both towns and villages, while promoting local distinctiveness through good design in all new development. We want future built development to create spaces and places which are sustainable, distinctive and durable places where people will want to live. These will be expected to make a real contribution to addressing climate change issues and addressing the needs of our ageing population (page 24),
- SPO14 We will maximise the use of previously developed land for new development wherever possible, and make the most efficient use of existing resources, for example by ensuring housing densities are compatible with the particular location and by utilising existing capacity in infrastructure, services and facilities (page 24)''



- Comment: SPO1 the proposed development would be detrimental to the High Weald AONB and the local biodiversity. BAP protected species have been found on site, and we believe that other BAP protected species are likely to use the sites. The mitigation proposed for species such as slow worm, frog, toads, and grass snake is insufficient. The seasonal pond on site 2 has a footpath adjacent and all the way round it with no buffer zone and children's play area very near. The proposed village green will not make up for the loss of tussock grass which currently makes up the field. These BAP protected species require longer grass than is found on village greens and having children's play areas near or adjacent is also unsatisfactory. On site 1 the proposals include housing adjacent to the Ancient Semi Natural Ghyll Woodland and stream in the AONB; this again is unsatisfactory and contrary to policy.

SPO3 the proposed development does not satisfy "whilst protecting our valued environment". The visual impact and landscape effects are detrimental to the environment.

SPO7. The proposed development will increase the number of car journeys taken from Heathfield. The town does not have a railway station and it suffers poor bus connections. There are a few opportunities the local employment within the town of Heathfield, therefore people are likely to commute by car to Tunbridge Wells, Eastbourne or park at a local railway station to commute to London. The proposed development does not encourage the use of bicycles by segregation of car traffic away from cycle traffic and is unimaginative about improving the use of bicycles. This is despite the fact that a national cycle network route dissects the site. Therefore the site does not comply with policy SPO7.

SPO11 the proposals will see a large number of trees removed with 20 trees marked for removal to facilitate construction and a further 7 to be removed due to health issues along with the removal of trees and hedges along the A265, along with the destruction of the ancient Highwayman's trench due to the highway sightlines. The proposed development would thus destroy green infrastructure and be contrary to SPO 11

PARAGRAPH 4.431

"Chapter 3, General Development Principles (see point 3.9, first two sentences of Appendix 3), described as follows,

"Development boundaries have full regard to the physical and landscape characteristics of the particular settlement. They are only drawn after a careful examination and consideration of such features on the ground."

- Comment: the development proposals have ignored the physical landscape characteristics and why the existing boundaries are in their present place. Site 1 and site 2 for example is extremely difficult to mitigate as it is in a high elevated position with a steep slope down to the northern boundary. The proposed height of the buildings makes it is impossible to mitigate the visual impact. While site 3 is on the edge of Heathfield Park historic parkland with a large tract of SSSI woodland.

PARAGRAPH 4.432

"Chapter 4, Environment (see Appendix 4) includes the following policies (the overriding subject for each is provided in brackets).

- EN 1 (Sustainable Development, opening paragraph on page 14), which quotes,



“EN1 the Council will pursue sustainable development, having regard to the principles contained in Government guidance and its own Strategy for the Environment, in considering the location, layout and design of development, renewable energy and waste management proposals and in assessing the effects of proposals on the environment, including on water and air quality.”

- EN 6 (Development in the High Weald, summary on page 19) which quotes,

“EN6 Development within the High Weald Area of Outstanding Natural Beauty, as defined on the Proposals Map, will only be permitted if it conserves or enhances the natural beauty and character of the landscape. Particular care will be paid to the siting, scale, layout and design of development. In considering any proposals, particular regard will be had to*:-

 - (1) the landscape characteristics of the subareas identified in the High Weald landscape assessment (discussed above at 4.3 Regional Planning Policy),
 - (2) the well-wooded appearance, especially Ancient Woodlands (see Figure 16), together with other woods, tree belts and hedges;
 - (5) undeveloped ridge positions and other visually exposed locations;
 - (7) the traditional settlement pattern, building styles and materials;
 - (8) The High Weald Management Plan.”

➤ Comment: the development will not conserve or enhance the natural beauty and character of the landscape; it is on undeveloped agricultural land, on a ridgeline position which is visually exposed. The height of the proposed buildings is unsympathetic to the landscape.

PARAGRAPH 4.432

- EN 12 (Retention of Trees and Woodland, summary on page 24), which quotes,

“EN12 the Council will seek to retain and enhance the contribution of trees and woodland areas to the landscape character of the District, including the amenity value of trees in built up areas. This will be promoted by*:-

 - (1) endorsement of the principles and guidelines contained in the Trees and Woodland Strategy for East Sussex;
 - (3) encouragement for woodland management through participation in tree and hedgerow planting schemes by farmers, voluntary organisations and others, and where appropriate, as part of development proposals;
 - (5) giving weight to proposals, including business proposals, that help to sustain and manage forestry and woodland areas when considering them against other policies of the Plan;
 - (6) Resisting development proposals which would result in the loss of trees which make a valuable contribution to the character of the landscape, a settlement or its setting.





APPENDIX 6: Rebuttal of Phase 1 Ecology Report By Wildlife Matters.

Executive Summary-

“Phase 2 surveys indicated reptiles in a small part of Field 2 only.”

- Comment: This is misleading as this site is an important site for reptiles as it contains at least three species; making it important in nature conservation terms. Population survey required before any decision made.

“Thirteen species of tree were present, mostly all within the hedgerows. All trees will be retained with the development and none will be removed.”

- Comment: Not true Tree report indicates 20 trees are to be removed because of development and another 7 due to health concerns none of these would be removed if fields were to remain agricultural. There will also be hedgerow removal due to highway site lines and site access roads. In fact we calculate a 44% tree of existing trees and hedges loss due Location of hedgerows in middle of site, Markyle Lane and site lines along Burwash Road. The hedgerows are important GI and link habitats for BAP species.

“95% of the total biodiversity of the proposal site is within the hedgerows”.

- Comment: Misleading there is no botanical survey of the grassland The grassland is the primary foraging habitat of all protected species of reptiles and amphibians as well as the protected birds such as Song Thrush; so is of high importance.

“The fields are species-poor and of low conservation importance.”

- Comment: This is very misleading- the sites actually have a mosaic of rough grassland, with stream side habitats and edged by Ancient woodland with hedgerows, all interconnected wildlife habitats and wildlife corridors – these are optimum habitats for the many BAP species present- the site is thus of HIGH conservation importance. Unimproved and semi-improved grasslands are often vulnerable and can be extremely susceptible to inappropriate management or loss. Given the local and national scarcity of this wet meadow habitat type, we may feel it is appropriate to seek further advice and guidance on whether the overall ecological value of this field is greater than suggested by the grassland’s plant species alone. Also, the Phase 1 Ecological Appraisal states the grassland is rough (ie a rough grassland habitat - the grass has grown unhindered for a period of time forming a tussocky grass sward) and this frequently undervalued habitat type is known to be very beneficial for many forms of wildlife such as barn owls, bats, swifts, swallows,
- Comment: There is no mention made of the adjoining ancient woodland which is an important habitat and should be at least mentioned as an important habitat to be protected by a 15 m buffer zone, this should be mentioned in this Phase 1 ecology report.

“The hedgerows are of medium conservation importance.”

- Comment: The grassland is also of high importance due to the BAP reptiles and the adjacent ASNW and stream. The ancient woodlands are of high importance and adjoin the sites.



Chapter 4 Background

4.4 “For Hazel Dormouse LSC stated that there were records for 2km around the site and that the species could be in the adjacent woodlands and network of hedgerows, not in the fields.”

- Comment: Connectivity of habitats means that Dormice are highly likely to be present on site/s in the hedgerows as they are present in the adjacent ASNW. Therefore a Phase 2 Dormice survey should be undertaken of all sites to ensure that their BAP habitats are protected A BAP species which should be included as likely to be present on the list.

4.5 “Apart from the possibility of ground-nesting birds, such as skylark, and species listed on the Sussex bird BAP list, such as song thrush, spotted flycatcher and tree sparrow, LSC noted no other potential protected species on site”

- Comment: Bats are likely to be present in the adjacent ASNW. Bats use the ancient drove road Marklye Lane for foraging. Therefore Phase 2 Bat surveys should be undertaken to ensure that suitable mitigation can be put in place and that their favourable nature conservation status will not be adversely affected.

Chapter 5. Site Visits.

“5.1 Site visits by this consultant were made on 21 December 2015, 20 January, 16 February, 1 March, 17 March, 31 May and 16 June 2016.”

- Comment: Lots of these visits were not undertaken at the time of year required for reptiles, amphibians, woodland flora, grassland flora and bats. Many species would be hibernating or flora would have died back so were under recorded? Ideally we should like to see more detail (Phase 2 surveys) for herpetiles and flora (including ferns, lichens and other vascular plants) and bats at appropriate time of year when not dormant/not hibernating. Photos taken in January.

Chapter 6. Methodology.

6.4 “Reptile methodology was to check for suitable habitats on site. This involved looking for good basking spots on logs, on ant hills, on wooden palings, in fact anywhere that warms up fast in the sun and provides suitable sites for Common Lizards (*Zootoca vivipara*). Checks were made for long grass, grass tussocks, compost heaps and adjacent light woodland in which slow worms (*Anguis fragilis*) could be found. So far as the grass snakes (*Natrix natrix*) and adders (*Vipera berus*) were concerned suitable hot grassy sites were sought. All reptile species are protected by UK and EU law (Technical Appendix WM02).”

- Comment: Scrubby vegetation is also a favoured habitat for adders and grass snakes are strongly associated with water and grassland. So, sunny bracken and heath land vegetation on edges of grassland likely to be favoured locations; plus stream in Site 1.

6.6 Bats were checked for by looking for likely places for roosting and entry points. Their characteristic droppings were sought on the ground where they might be roosting or feeding. All bats in the UK are protected (Technical Appendix WM03).

- Comment: No mention of effects of proposals on dark skies along Marklye Lane (See Dark Skies map which clearly shows the lane as dark.) There would be a likely adverse impact on the favourable nature conservation status of Bats as a result of the light pollution of the scale of the development. There is no



mention of ASNW adjacent and barns and houses that would support bats . No mention of effects of proposals on dark skies along Marklye Lane (See Dark Skies map which clearly shows the lane as dark.) There would be a likely adverse impact on the favourable nature conservation status of Bats as a result of the light pollution of the scale of the development.

6.8 “Hazel Dormouse methodology was checked according to criteria in *The Dormouse Conservation Handbook* (Technical Appendix WM05)”

- Comment: ASNW adjacent to sites could support Hazel Dormouse with overgrown hedgerows with links to adjacent woodland habitats. Good connectivity.

6.13 Freshwater crayfish, *Austropotamobius pallipes*, which is the UK’s only native crayfish which is UK protected, were checked by looking for the individuals in the stream and for discarded pieces of carapaces, legs and claws discarded by avian predators

- Comment: Freshwater crayfish is a National BAP species, known to be present in the downstream areas of the River Rother. Therefore, even though not obviously present on the sites, the connectivity of the water habitats and the water quality of the runoff from this upper water catchment of the site should be protected; see water quality, anti pollution advice in the Water Framework Directive. The Groundwater **Directive 2006/118/EC** has been developed in response to the requirements of Article 17 of the Water Framework Directive.

Table WM01 UK and EU protected species

“NB. Five species (highlighted in light blue) are dependent upon aquatic habitats”

- Comment: Results show that both Smooth and Palmate Newt on site. Also breeding frogs.

7.3 There are also hedgerows around the three fields, and these harbour most of the biodiversity of the site, conservatively estimated to be 95% of the total biodiversity of the proposal site.

- Comment: The hedgerows are also important wildlife corridors linking the woodland and grassland habitats to provide reptile and mammals foraging. They are however, not the sole habitat on site and it is misleading to suggest that they are the sole/ most important habitat- it is the combination of the hedgerows which combine with the woodlands and the mosaic of grassland habitats which includes the rough grassland, with a stream, which are important for foraging reptiles and which provide basking sites on sunny banks.

“7.34 The construction of houses on the fields will not have an adverse environmental effect on bats as no trees, hedgerows or buildings will need to be removed, in the opinion of this consultant. The construction of houses will not have an adverse environmental impact on any of the bat activity over the existing adjacent urban environment.

- Comment: Excellent bat habitats; would be affected by development due to increased light levels affecting feeding behaviour. There are ponds and streams on these fields which could attract bats. Hedgerow and 27 trees being removed would have adverse landscape effects on bats and ecology.

7.58 Three reptile species were recorded on site, Common lizard, Grass snake and Slow worm, all in Field 2, and not in the other fields.



- Comment: Nonetheless these reptiles (and amphibians) may be present in the other fields as suitable habitat exists in sites 1 and 3, with good connectivity to habitats beyond the sites (woodland, pasture, rough grassland and wet meadow habitats including fresh water stream in ancient ghyll woodland).

7.60 Three reptile species were recorded on site, Common lizard, Grass snake and Slow worm, all in Field 2, and not in the other fields.

- Comment: Nonetheless these reptiles (and amphibians) may be present in the other fields as suitable habitat exists with good connectivity to habitats beyond the sites (woodland, pasture, rough grassland and stream in ghyll woodland.) Grass snakes for example can travel several Km a day, so it would be highly surprising if they were not present on the other fields.

7.63 A Great Crested Newt survey was carried out from mid-March to mid-June and no GCNs were recorded.

Pond 4 was not surveyed (owner not contactable?) and the large pond on Site 2 though seasonal may have GCN- however the results of Survey cannot be relied upon as the bottle traps were smashed by vandals half way through the survey. The GCN survey data is thus incomplete, and this is why the data is inconclusive. GCN survey needs to be repeated and other suitable GCN ponds within 500m of the site (such as Pond 4) need to be surveyed.

7.65 It was concluded that GCNs are unlikely to be in the area.

- Comment: This cannot be relied upon as the GCN results are not conclusive. Results were recorded for ponds with fish (unsuitable HSI (habitat suitability Index) for GCN) or for too few occasions (due to vandalism of bottle traps.) The results thus are not conclusive.
- GCN favour rough pasture and are associated with water bodies found along Marklye lane, with good habitat connectivity to GCN record in north.
- Site 3 – Biodiversity records from Sussex wildlife Trust indicate that Grass snakes and GCN are recorded in Old Heathfield, not far from site 3.
- Common Lizard is found in Heathfield Park- thus they may be present on site 3. No Phase 2 reptile survey has been done for site 3.
- GCN may be present in adjacent habitats to sites 1, 2 and 3 and could use the site for foraging-
- Loss of these sites would adversely affect the favourable conservation status of reptiles and amphibians.

7.70 Two species are 'Red-listed' by RSPB for their declining populations: redwing and song thrush.

7.71 The song thrush is a Biodiversity Action Plan (BAP) species.

7.72 The song thrush is also a Schedule 1 Bird.

7.73 One species was 'Amber-listed' by the RSPB, meaning that their national populations are declining significantly: Black-backed gull.

- Comment: The rough grassland is habitat for Song Thrush and is a hunting habitat for Raptors such as Red Kites(2008, 2012), Hobby(2004), Owls.



- No mention of the SSSI Lichens of Heathfield Park, which site 3 borders on (SSSI Risk Avoidance Zone) and contains oak trees.
- A Phase 2 Flora survey has not been conducted of the ghyll woodland/wet meadow area of Site 1. This site needs to be revisited.
- Western European Hedgehog (BAP species) have been found (2015) at Downs View, several hundred metres south and west of the three sites; hedgehogs are protected by law and they likely to be present along Sites 1 and 2 boundaries and along site 3 boundaries, where suitable cover (mature hedgerows) and other habitats exist.

Rebuttal to 'Presence or Absence' survey for reptiles.

Table WM01 Meteorological information during visits, and results for Field 2.

- Comment: almost 50% of the recordings (9 visits out of 20) were made during non- optimum weather- ie, too cold, windy, raining or too hot. These are scientific studies and must be carried out in accordance with best practice for reptile surveys (Recommendations of Natural England/Froglife.) Otherwise the results cannot be relied upon- this is the case with these results.
- No time of day was recorded for the surveys visits; these reptiles are diurnal so visits should be early morning or late afternoon only. Nonetheless a Medium population was recorded for reptiles; which makes this site 2 important in terms of Nature Conservation Value within the AONB. High value site.

Table WM02 Meteorological information during visits, and results for Field 1.

- Comment: Half the site survey visits were during cold (less than 12 degrees) hot (more than 19 degrees) or wet, windy or other un optimum weather conditions. This time no reptiles were found- despite excellent habitat suitability for reptiles and amphibians (ghyll woodland and wet meadow.)
- In view of above, recommend that in according with best practice Mitigation guidelines of Natural England and Froglife sheet 10 Methodology, that this site (and the unsurveyed field 3) be surveyed in suitable weather conditions- next Spring or autumn 2017, before any planning decision can be made regarding this application.
- (Grass snakes known to be present in the grassy areas along Marklye lane, also likely presence of amphibians; site 1.)

7.7 Juvenile lizards were also found in Field 2, but no adults. This was very unusual. The probable explanation is that there must be high predation of adults by birds.

- Comment: If this is right then Birds of Prey will be preying on the adults. (Red Kites, Owls.)

8.1 Field surveys indicated that the population of reptiles on Field 2 was small.

- Comment: the population is likely to be larger because the weather conditions were not optimal. Also, use of public open space means that reptiles are likely to be on edges of the field, giving a lower record than actually present. This is likely to be a MAJOR site for reptiles- thus it has a HIGH nature conservation value.
- 8.2 The results of the surveys to establish the size of the population informs the mitigation proposed.



- Comment; the results do show presence of reptiles and the habitat is thus protected habitat. Housing is likely to have a major adverse impact on the favourable nature conservation status of the reptiles- due to cats and loss of habitats.

8.3 To put the reptile population in context, the reptiles were found only in one small part of one of the fields, and none in the other two fields.

- Comment: the reptiles are mobile and thus will be likely to be present on other parts of the wider site for foraging.

9.2 Essentially, the mitigation relies on leaving the reptile population where it is, collecting the few others that might be within the field area adjacent to the site, and securing their position during construction.

- Comment :The whole site is likely to be important for reptiles, not just one small part of it. Translocation is seldom effective as a form of mitigation.
- Comment :The addition of housing, roads and other garden paraphernalia would be likely to have an adverse impact on the favourable nature conservation status of the site 2 reptile population- Site 2 appears to be an important breeding site for amphibians and reptiles.

9.3 Once all the reptiles have been put within the area, they will be kept within that area secured behind permanent plastic fencework, until the end of construction, when they can be incorporated into the gardens of the houses.

- Comment: I feel that the mitigation proposed is grossly inadequate. The gardens would be likely to contain domestic cats which are a predator of lizards and reptiles as well as of amphibians (such as frogs.) This would have a likely adverse effect on the reptiles and their breeding status.
- More survey effort for all sites and for Phase 2 reptile surveys for sites 1 and 3, are required before adequate mitigation measures can be proposed or assessed.

Rebuttal :Great Crested Newt (GCN) Surveys.

6.7 These methods were used until 13 May 2016 when Paul Pendlebury's special bottle-traps were found criminally damaged at dusk on the 12 May. This was observed by Andrew Samuel.

- Comment: The results cannot therefore be relied upon as the survey was criminally tampered with by 5 or 6 people. Presumably these may be the same people also tampered with the reptile Phase 2 survey for Field 1 and 3? Thus making these surveys void.

Table WM02 Ponds, Issues and Springs

Comment: Why only 4 of these examined? With a pond at Tanyard Cottage only 150m away. The maps and name imply that this is an old dwelling with a pond on site? More survey effort for GCN for all sites and for Phase 2 reptile surveys for sites 1 and 3, are required.



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Technical Note No. 1

Client	Stop Vines Corner/Save Marklye Lane Action Group
Job Title	Proposed Residential Development Land at Vines Corner, Heathfield - WD/2016/2063/MEA and WD/2016/2064/MEA
Job Code	Heathfield/SVCSMLG/P/2016/01
Date	13 th October 2016
Subject	Highway Matters – Preliminary High Level Consideration

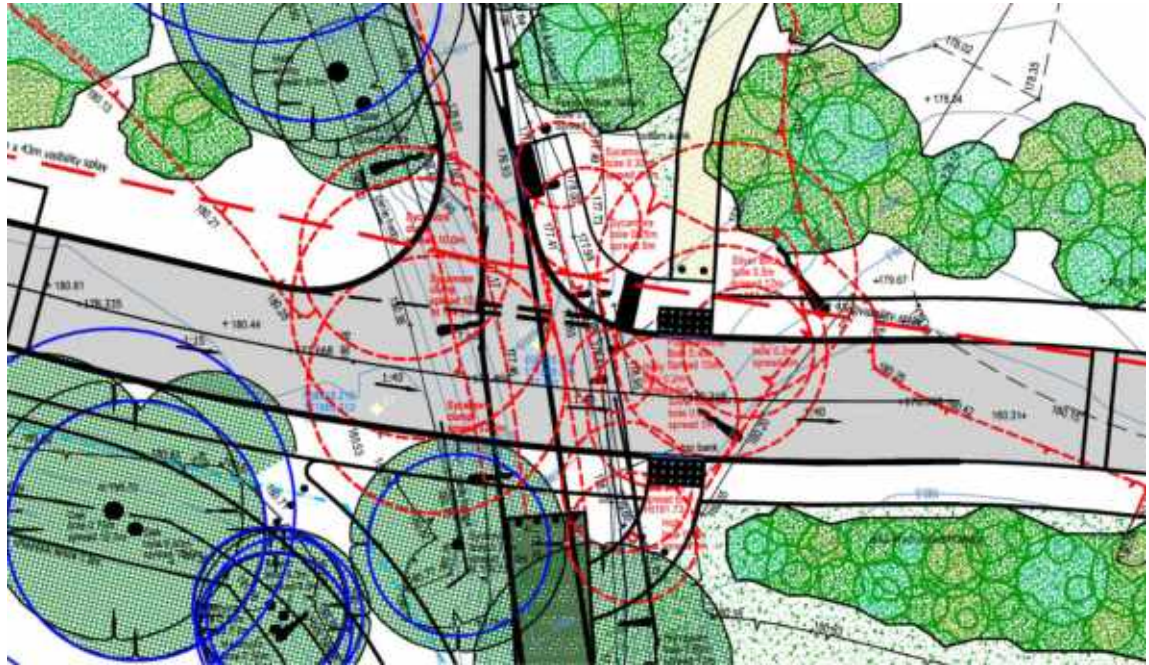
1.0 INTRODUCTION

- 1.1 We have been asked, by the Stop Vines Corner/Save Marklye Lane Action Group, to comment on highway matters in relation to sites for possible development in the Heathfield area near Vines Corner. This is with particular reference to the site proposed for 215 residential units north of the A265 but will also take in to account, where necessary, the impact of the proposed 20 unit site to the south of the A265 and adjacent to the large site. In highway terms, the impact of approved or currently proposed sites can not be taken in isolation and we can reasonably expect the Highway Authority (HA) to consider the cumulative impact of development. Not only in highway terms but logically, it is necessary to test and predict additional movements likely to be introduced to the local highway network by any approved and proposed sites along with any proposals for mitigation measures.
- 1.2 At this stage, this Technical Note will only summarise our findings of this current high level investigation. We may need to revisit any changes as the development proposal progresses or comment on matters introduced into the public domain.
- 1.3 This assistance is being led by David Bell. David has been engaged in road safety, traffic management, highway engineering, transportation and development engineering for about 40 years. Prior to entering the private sector, he was a local authority Chief Engineer and (along with other responsibilities) advised Planning and Highway Committees on the suitability of planning applications, local plans, development briefs and the like from a highway authority point of view.

2.0 FIRST IMPRESSIONS ADVICE

- 2.1 Our team knows the area and is well aware of the traffic problems (particularly in the traditional peak hours and the school afternoon peak) and the difficulties encountered along the A265 and at the junctions. These difficulties do not just affect motorists but also pedestrians, particularly school age children attempting to cross the road. We will expect the Applicants to prove beyond reasonable doubt that the highway network and any mitigation will cope with the existing and additional, cumulative development traffic.
- 2.2 We have significant concerns about the detrimental overall, cumulative effect that this level of proposed residential development will have on the Heathfield area and the nearby local highway network.
- 2.3 Taken as a whole, we recommend a good rule of thumb figure is that the proposals for a total of 235 new residential units are likely to generate at least in the region of 165 additional movements in the Heathfield area in one peak hour alone. The TA proposes 139 trips a.m. and 154 trips p.m. but we anticipate that this is due to TRICS site choice. We will examine the existing situation and then, using the information contained in the submitted Transportation Assessment (TA), assess whether or not the Applicant has satisfactorily considered the impact.
- 2.4 A good indicator, put simply, is that if the traffic queues now in peak periods then what robust mitigation measures can be outlined by the HA as likely requirements ? This applies not only to capacity at the A265 junctions but also to capacity and road safety in the commercial and residential areas and, in particular, for school age children where safer routes to school should be considered.
- 2.5 We have significant concerns about the severance aspect of Marklye Lane (a historic route) where the proposed estate road crosses and terminates it. Our concerns include the severance in principle (adverse visual and highway impact simply to facilitate development on a lowest cost basis), the turning head, the significant amount of earthworks needed (not only for this severance but also at the site in general to make it

developable), the significant impact on the existing trees and hedgerows to create adequate visibility and the potential lack of consideration with regard to the overall impact on the area of AONB.



Extract for comparison of levels

- 2.6 The extract above and the TA photographs illustrate that there is a clear 3 metre to 4 metre difference in levels between the Marklye Lane carriageway and the surrounding field levels. Whilst the “tadpoles” indicating the significant gradients down from the fields to the Marklye Lane carriageway are clear on this extract, there is not enough information to show the gradients required to support the proposed carriageway and footways (especially near the southern proposed “closure point”) or how these tie in with the existing levels. We have yet to find sufficient information presented in the application to demonstrate changes in levels so that the significant amount of earthworks across the site can be clearly understood. We have seen some long/cross-sections but, whilst these indicate major earthworks, they do not give sufficient information to form a comprehensive overview of the major changes planned for this area in relation to an application that seeks approval for means of access. This applies to several aspects of the means of access proposal where sufficient design work to give confidence appears to be absent.

- 2.7 By way of example, we are concerned about the ability to turn vehicles such as furniture delivery vehicles or the refuse freighter. To illustrate the problem we have tracked a medium size three axle refuse freighter at one of the proposed turning heads. Note: This is not the large refuse freighter and recycler that many authorities are moving towards.
- 2.8 The CAD tracking output is shown in the extract below, with the freighter shown in blue. This needs to be undertaken as part of the basic design wherever the refuse freighter can be deemed to need access and turn around. It is clear from this extract that the turning head is inadequate to the extent that the freighter would run across parking bays, private driveways, landscaping, kerbs and footway.



- 2.9 The implications of this are significant. It indicates, by inspection of the proposed layout, that it is very likely to arise at most locations across the site and, therefore, the information submitted is (at best) insufficient and demonstrates that the layout proposed is likely to be unworkable. These comments also apply to the southern side application, WD/2016/2064/MEA.

3.0 THE STARTING POINT AND WHAT WE CONSIDER IN THE TA

- 3.1 The GTA Civils Ltd TA sets out to examine the local highway network at Heathfield and has proposed a scope in discussion with the HA. Whilst this agrees the scope of the initial investigation it does not limit the outcome or any matters found for further investigation or mitigation. Whether or not additional development can be delivered without severe residual cumulative transport impacts, in accordance with the National Planning Policy Framework (NPPF) should be assessed within the report. We need to establish whether or not we agree with the modelling and conclusions. The robustness and appropriateness of the TA is a matter that we will consider.
- 3.2 We will now take a preliminary, high level look at the TA. For the avoidance of doubt, at this stage we will look at the investigation, consider the conclusions and comment. For example, we will interrogate TA traffic modelling and assumptions and comment but not re-run the modelling at this stage.
- 3.3 We know the area and infrastructure from a public user, technical and strategic point of view. The main matters with regard to sustainability and, in particular, highway infrastructure for this proposed total of 235 new residential units for the local area relate to the adequacy of the existing and proposed infrastructure or any proposed mitigation to cope, given the scale. This is a major development proposal proposed to be accessed off the A265.
- 3.4 Of particular concern with regard to significant additional traffic movements are the junctions at the A265 and in the vicinity east and west, impact on pedestrians (especially school age and more elderly and frail) and the ability or not to influence travel by modes other than the private car. This does not imply that we are content that the internal road system feeding into this strategic road is adequate as we are well aware of the difficulties encountered by vulnerable road users either walking or using non-motorised modes of travel.
- 3.5 In the TA Executive Summary it is suggested that:

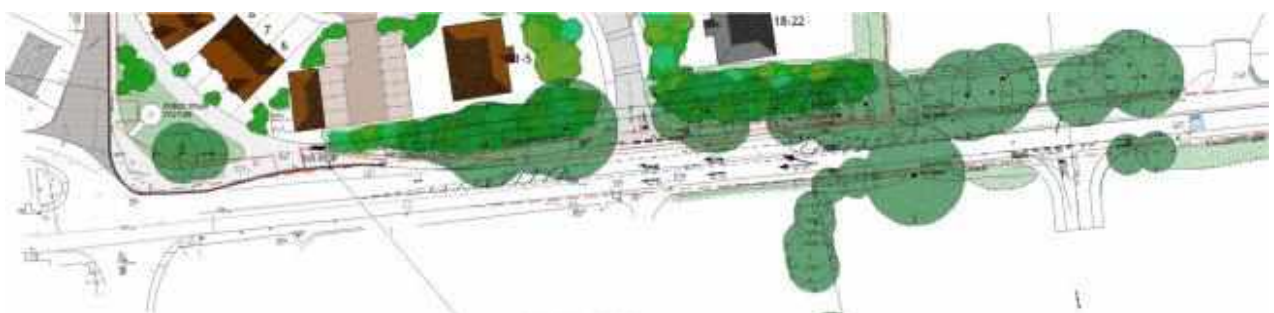
- *“The development traffic can be accommodated within the existing junction capacities and without unacceptable impacts at all junctions tested;”*
- *“At the Tower Street signals in the AM peak the junction will be operating close to capacity in 2021 although this is largely as a result of traffic growth other than the proposed development, and the junction’s performance under MOVA control would be an improvement on these predicted results.”*

3.6 Both of these statements are difficult to believe given the observed, significant amount of queuing that takes place in the existing scenario.

3.7 Other key points for consideration at this stage are the capability and desirability of the first section of the proposed northern access road (with traffic calming) to accommodate the agricultural vehicles and the significant amount of earthworks necessary for the landscape modelling proposed, as commented upon earlier. The agricultural vehicles are likely to be very intrusive to occupiers of the proposed housing. Muck spreaders, hgv supplies transport vehicles and the like may find it difficult to negotiate the calming and the tighter bends rather than the simple, appropriate and historic current means of access.

3.8 The works at the cutting in Marklye Lane (with significant level differences from the field levels around it), as commented upon earlier, are likely to be intrusive for the existing residents and the AONB. Both of these negative impacts, agricultural and earthworks, will be considered further in reports by others.

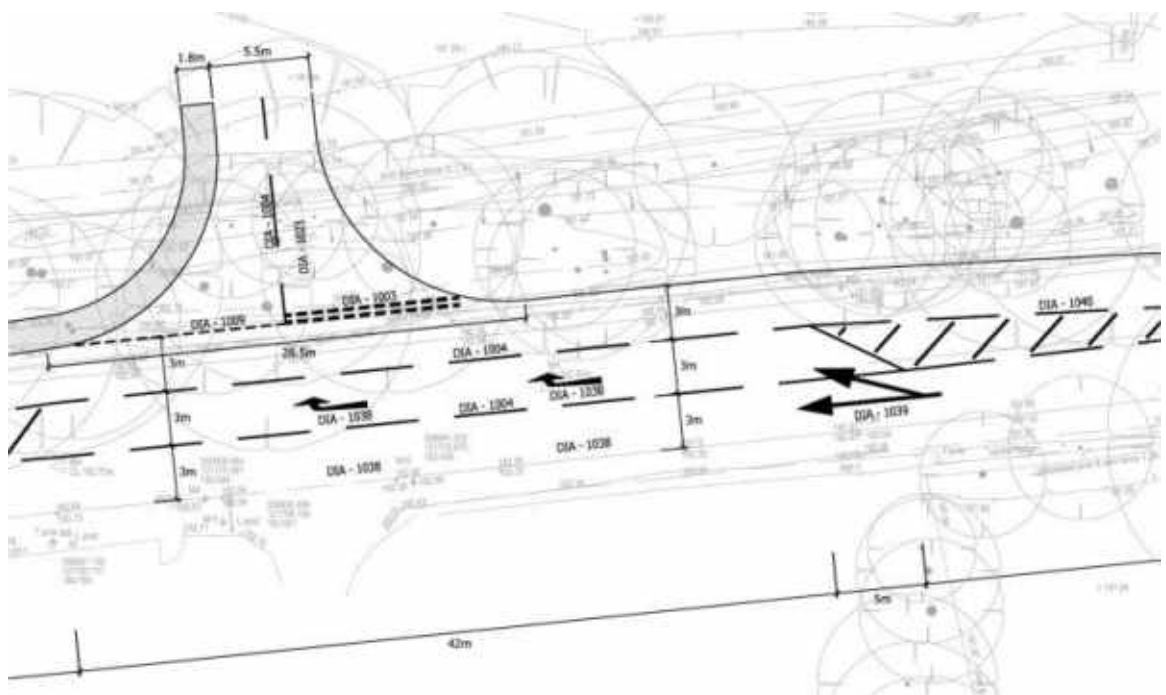
4.0 A BRIEF RUN THROUGH THE GTA CIVILS LTD TA



Extract from proposed layout drawing for ease of reference and comparison.

- 4.1 In TA paragraph 3.2.2, whilst an appeal rather than an application is referred to, comments are made in relation to transport related policies and it is implied that applications should be permitted if they:
- Improve strategic and local connectivity
 - Reduce congestion
 - Improve road safety
 - Improve health and well-being via encouragement of active travel
- 4.2 In TA paragraph 3.3.1 reference is made to Wealden DC LP Policy TR3. Included are references to permitting development proposals when criteria are met, including:
- The proposal does not create or perpetuate unacceptable traffic conditions
 - A satisfactory means of access (vehicular, cycle and pedestrian) is provided
- 4.3 We will return to these matters later to comment on suitability and appropriateness for these applications.
- 4.4 With this high level investigation, the bus and rail information seems acceptable at this stage with the exception of some Saturday and Sunday services to some destinations.

TA Section 5.0 – Site Access Strategy



Junction detail extract for ease of reference and comparison

- 4.5 The TA proposes a right turn bay into the site towards the north and a simple T-junction to access the southern site. The access towards the northern site is shown above. There is reference to a Road Safety Audit – which is not an “approval”.
- 4.6 We have concerns over:
- The length of the right turn bay in terms of deceleration and the ability to “stack” sufficient vehicles waiting to turn right, particularly when eastbound flows are steady/constant but not yet queuing.
 - There is no provision for a right turn bay into the site south of the A265, so only one vehicle waiting to turn right in peak periods is likely to exacerbate or cause congestion on the A265 and, potentially, block use of the junction into the site north of the A265. This should also be assessed in relation to the observed, significant queuing in the existing peaks if mitigation is not provided to address this.
- 4.7 There appears to be no footway provision proposed on the A265 leading towards the east or any form of pedestrian assistance to cross. This site can reasonably be expected to generate additional school children trips, probably unaccompanied, to access the Community School. This appears unmitigated to the extent that they are likely to walk along an unsuitable verge and attempt to cross the proposed three lanes of traffic whilst trying to judge coincident gaps in those three lanes of traffic. We conclude that such an exercise to cross is unlikely to be acceptable for adults or school age children without likely inherent risk. We have further considered the acceptability of mitigation such as central, pedestrian refuges. We conclude, at this stage, that we are uncomfortable with the road safety aspects of trying to operate a central refuge of minimal width in a right turn bay of minimum width in the A265 whilst it is crowded with school age children either in the a.m. peak or at the congested afternoon school peak hours. This aspect, in our opinion, is a significant risk that needs to be addressed should the application be recommended for approval. On a recent site inspection in the afternoon school peak it took over 25 minutes to travel by car from the Community School to the Tower Street junction, due to queuing traffic on both roads. Allowance also has to be made for the boisterousness and exuberance of school age children who, it can be observed, frequently forget about the potential dangers of traffic and, on some occasions, “spill out” into the carriageway. The choice of the style of access point (T-junction with right turn bay) is debatable for this site.

Trip Rates

- 4.8 It is argued in the TA that trips rates have been established by the use of the TRICS database, comparison with a 2014 site and in agreement with ESCC. This, of course, assumes that the TRICS data was appropriate for the 2014 site.
- 4.9 Looking at the TRICS printouts in the annex document shows that sites considered comparable with Heathfield have been chosen in the South East (Bedfordshire, and Essex), South West (Wiltshire), East Anglia (Suffolk), East Midlands (Lincolnshire and Nottinghamshire), West Midlands (Shropshire, West Midlands and Worcestershire, Yorkshire & North Lincolnshire (North Yorkshire), North West (Cheshire, Lancashire and Merseyside) and North (Cumbria and Tees Valley).
- 4.10 The main problem we find with TRICS is the low number of examples which forces comparison with sites far distant for the location being considered and, potentially, within a different socio-economic environment or rural/urban mix. For example, Workington, Crewe, Stanford-Le-Hope, Blackpool, Lincoln, Runcorn, Hartlepool and Boroughbridge are potentially different to Heathfield and the associated traffic situation in the south east. The latter site, Boroughbridge, is particularly well known to us as one of the team was born and raised about eight miles from there.
- 4.11 Our concern with the data used is that it may underestimate the traffic attraction and generation compared to other local sites. These assumptions are important as it may affect the safe operation (or not) of the right turn bay. Using an example from the southeast, Surrey County Council estimate that traffic flows on A-roads in Surrey can be more than 60% higher than the national average.
- 4.12 We have undertaken some basic calculations and, whilst agreeing that a right turn bay may be considered appropriate in terms of basic traffic flow considerations, consider that there are potential operational, road safety matters that indicate it is not appropriate as shown.

Junction Capacity

- 4.13 The TA explains in Section 9.2 that the peaks are 07:30 to 08:30 and 17:00 to 18:00hrs. This can be considered a reasonable assumption if the Community School traffic peak operates up to 08:30hrs in the morning peak but we consider that the HA should also require junction capacity assessments in the school p.m. peak. Our justification for this

is based on significant, observed congestion on the A265 and the impact on the local road network at the school afternoon peak.

- 4.14 On a technical note, the TA capacity assessments have been carried out using a flat profile. Despite the reasoning in the TA being that the proportion of hourly flow in each quarter is very similar, we recommend that a flat profile is not used. The “similar” flows may support our observations that the demand at the junctions is heavy and constant throughout the peaks. If the “similar” flows are very high and the junction is close to unacceptable in capacity terms in the peaks then flat “similar” flows may hide the peaks within the peaks and the real situation is likely to tip the balance where even a small increase may result in the observed situation where the junctions can not cope with existing flows, thereby resulting in prolonged congestion and queuing.
- 4.15 Turning to the capacity assessment output, we will first consider the A265/Tower Street junction as an example. The practical reserve capacity (PRC) of a traffic signal junction is a commonly used measure of available spare capacity and is related to the degree of saturation of the junction. A positive PRC indicates that a junction has spare capacity and may be able to accept more traffic. A negative PRC indicates that the junction is over capacity and is suffering from congestion which is likely to result in queuing and affect the operation of the junction.
- 4.16 Does the output for the Base Year match or come close to the observed conditions at the site ? The Tower Street LinSig assessment appears likely to be unrealistic for the 2015 Base Year and, therefore, we are not confident in the predictions. Considering junctions in isolation can lead to problems. Motorists in the area will recognise conditions such as “having a green light but nowhere to go due to the queue”. The report accepts that LinSig is a snapshot but MOVA can not have a significant impact where traffic is queued through the junctions, as has been observed on site.
- 4.17 Looking at another example, the junction of A265 and Battle Road gives further cause for concern and prompts thoughts about more detailed investigation including an assessment of the school afternoon peak.
- 4.18 TRL, the authors of the PICADY software, state:

“Generally values of 0.85 for unsignalled junctions have been used extensively and many modelling products pander to this by setting defaults that, of course, encourage it even more.

Although it is understandable why such values are popular, and genuinely have their place, there may be a tendency for these values to become the ONLY goal, at the expense of evaluating situations in a more thorough and useful way.

There are a number of reasons why you should not rely on just one single acceptable maximum value of RFC. For example, RFC values vary throughout a peak, and can rise and fall sharply or slowly. The consequences of a high RFC depend on the flow. An RFC value of 1.2 might not matter with a very low flow whereas a value of 0.8 might be disastrous with a high flow.”

- 4.19 Set against this advice from the authors of the software, we have a situation here where it can be extremely difficult to access the A265 from Battle Road and right turning traffic into Battle Road exacerbates the observed queuing on the A265.
- 4.20 Our evidence for the existing, unacceptable queuing situation and why the modelled output is likely to be unrealistic is demonstrated in the following photographic evidence sequences. We have illustrated the a.m. and school p.m. peaks only in order to keep file size down.

13th October 2016 - a.m. peak period.

Queue builds from stop line at Tower Street back to Battle Road.
(brake lights in the distance as second queue builds at Battle Road junction.)



Soon there are queues in both directions.



Still queuing in both directions.
Beginning to impact on Tower Street signals.



Still queuing in both directions and impacting on Tower Street signals.



Illustration of traffic stopped across the signal junction.



13th October 2016 - School p.m. peak period.

Traffic trying to exit Battle Road.



Exiting Battle Road, right turner holds up traffic and van exiting premises.



Queuing back from signals.

School children on footway. Would not be easy for them to cross 3 lanes.



- 4.21 Comparison with the actual situations on-site, i.e. the observed, existing peak hour traffic conditions, clearly contradicts the computer modelled output.
- 4.22 On balance, we recommend that the HA requests sensitivity testing at key junctions such as Tower Street and Battle Road so that a level of confidence in the predictions can be more robust – or even believable !. This is a reasonable request where the output in the Base Year does not appear to match the observed conditions.
- 4.23 Similar arguments apply to the Comparison of Highway Link Capacities in TA Table 26, where the Base Year and Forecast Years without and with development are considered in the TA to be capable of accommodating the existing traffic plus development traffic. A reasonable question from a layperson here is, why does the traffic back up and queue if (technically and theoretically) it can be claimed that there is no problem ?

Travel Plan

- 4.24 We have not commented on the Travel Planning in this high level review due to time constraints to respond to the Case Officer.

5.0 HIGH LEVEL ASSESSMENT CONCLUSIONS

- 5.1 It is accepted that this is a high level assessment. Nevertheless, it is crucial at this stage to get the basic assumptions and situation correct. To do otherwise is likely to mean that Heathfield may suffer traffic related problems for centuries to come with no means of the HA funding mitigation. Wealden DC and East Sussex CC have an interest in ensuring, on behalf of the residents and other highway users, that infrastructure is secured as part of any proposals as funding from the public purse is diminishing and even whole projects are being scrapped. This assumes that the proposals can be justified and appropriately mitigated.
- 5.2 On the whole (where congestion and pedestrian & traffic difficulties are observed and experienced to a significant degree at the moment) the TA does not make reassuring reading for development proposals of this size. Instead, it is a clear indication that not all appropriate matters have been identified, considered and compared with the site conditions.
- 5.3 **Road safety is paramount.** However, we find that it is very likely that pedestrians (especially school age) may be put at significant risk in attempting to walk from the proposed housing on the northern side of the A265, even if a central refuge is provided. Similarly, we have concerns that simply lowering a speed limit may not be enough when combined with a single, short right turn bay and minimal lane widths.
- 5.4 With regard to traffic modelling, we have interrogated the modelling output and have undertaken peak hour observations at some junctions and links. We find that the modelling utilises a “Flat” profile and, therefore, may not realistically and accurately model the peak flows. The effect of this is usually to flatten out the demand and hide the actual peaks within the peak hour. This may provide unrealistic modelled queue data.

The programmes predict no problems in the existing scenarios whereas the true existing picture is represented by observations on site. The junction and link modelling does not appear to reflect the existing a.m. and p.m. peak situations and we recommend the HA requires a further review with sensitivity testing and the inclusion of the school afternoon peak period.

- 5.5 On the basis of these findings it is a reasonable assumption that, if the modelled existing situation is not correct, there are likely to be knock on effects and this means the predicted, modelled output is very likely to be unreliable.
- 5.6 In relation to transport related policies, it is implied that applications should be permitted if they:
- Improve strategic and local connectivity
 - Reduce congestion
 - Improve road safety
 - Improve health and well-being via encouragement of active travel
- 5.7 These proposals currently fail to demonstrate improved strategic and local connectivity, they are likely to increase congestion at peak times, they introduce road safety issues and the combination of these can not be seen as conducive to encouragement of active travel.
- 5.8 With regard to Wealden DC LP Policy TR3, the policy proposes two yardsticks:
- The proposal does not create or perpetuate unacceptable traffic conditions
 - A satisfactory means of access (vehicular, cycle and pedestrian) is provided
- 5.9 The answer, as the proposals stand, is clearly negative on both WDC policy counts as it will at least perpetuate demonstrable and unacceptable traffic conditions and there are clear road safety issues still to be addressed.
- 5.10 The lack of sufficient detail to determine the acceptability or not of the proposed means of access (including the hgv unusable and unsuitable turning heads and missing level details), the negative impact of the significant amount of earth works required to construct the site and problems associated with access for existing agricultural vehicles

and existing residents plus the negative impact on the AONB must all be key considerations.

- 5.11 Having undertaken a high level review, we find that there are significant matters and areas of concern. It is our view that the TA modelling and investigation, not only for capacity reasons but also for road safety, does not demonstrate that the proposed sites will be without severe, residual, cumulative transport impacts. The proposals do not comply with either the WDC or transport related policies discussed in this high level review. There is insufficient detail to determine means of access.
- 5.12 We conclude and recommend that the proposals in road safety, highway and development construction terms are, therefore, not acceptable as they stand.



Desktop Biodiversity Report

Land North of Mutton Hall Lane + 1km radius

SxBRC/16/447

Prepared for Mike Gadd

3rd October 2016

Sussex Biodiversity Record Centre
desktop report regarding
Land North of Mutton Hall Lane + 1km radius
3rd October 2016

Prepared for Mike Gadd
SxBRC/16/447

The following information was requested:

Information Available	Requested	Format
Designated Sites, Habitats & Ownership Maps	Yes	PDF
Sussex Protected Species Register	Yes	PDF
Sussex Bat Inventory	Yes	PDF
Sussex Notable Bird Report	Yes	PDF
UK BAP Species Inventory	Yes	PDF
Sussex Rare Species Inventory	Yes	PDF
Sussex Invasive Alien Species	Yes	PDF
Full Species List	Yes	PDF
Environmental Survey Directory	Yes	PDF

The following designations are within the search area:

Local Wildlife Sites

None

Sites of Special Scientific Interest

Heathfield Park

Other Designations/Ownership

Area of Outstanding Natural Beauty

Environmental Stewardship Agreement

Important information regarding this report

It must not be assumed that this report contains the definitive species information for the site concerned.

The species data held by the Sussex Biodiversity Record Centre (SxBRC) is collated from the biological recording community in Sussex. However, there are many areas of Sussex where the records held are limited, either spatially or taxonomically.

A desktop biodiversity report from SxBRC will give the user a clear indication of what biological recording has taken place within the area of their enquiry. The information provided is a useful tool for making an assessment of the site, but should be used in conjunction with site visits and appropriate surveys before further judgements on the presence or absence of key species or habitats can be made. It may be that the content of this report guides the reader as to which surveys should be carried out on the site.

This report was compiled using data held at SxBRC at the time of production. SxBRC takes data validation very seriously, but cannot be held responsible for the accuracy of data included in this report.

Copyright

The Sussex Biodiversity Record Centre must be acknowledged in all documents containing any part of the information contained in this report. You can also use the whole of a SxBRC report (unedited) as an appendix in your own report.

The SxBRC operates as agent to the individuals and groups who provide their records free of charge. The data suppliers retain copyright on their data, while SxBRC retains copyright on its desktop biodiversity reports.

Data usage

The data contained within this report is for use in the project for which the data was requested. It is not to be shared with third parties for use in other projects, unless permission is granted from SxBRC.

The data may be used for 12 months, after which a replacement SxBRC report must be requested. This ensures the most up-to-date information is being used.

Ordnance Survey maps

Members of the public wishing to reproduce maps made by SxBRC under East and West Sussex County Council or Brighton and Hove City Council licences must use copying facilities that have been authorised by Ordnance Survey (OS). Further information can be found on the [OS website](#).

Impartiality

SxBRC functions as custodian of biological data. Our role is to collect, manage and disseminate wildlife and habitat data. As such, we have to remain impartial and cannot offer opinions on the biodiversity value of a given site. Similarly, we cannot put forward objections to planning applications or be involved in campaigns.

Supplying records

Our desktop biodiversity reports are only as good as the data we hold. We rely on the continuous submission of records to keep our database up-to-date. We are always grateful to receive records from ecological consultants and members of the public alike. We accept records in many different formats – please see our [website](#) for more details.

Confidential Records

The following species are not included in desktop biodiversity reports

Badgers

Badgers are one of our most recognisable native British mammals. They are not considered rare but are protected along with their setts under The Protection of Badgers Act 1992 and schedule 6 of the Wildlife and Countryside Act (1981, as amended).



It is an offence to kill, injure, or take a badger or interfere with a badger sett.

“Interference” is defined by section 3 of The Protection of Badgers Act and includes damaging or destroying a badger sett, obstructing any entrance to a sett and also disturbing a badger when it is occupying a sett. If you need to do any work near to a sett (within 30m) you must contact Natural England for guidance as your activities may require a licence.

With continued persecution of badgers, often for the most cruel and barbaric ‘sport’, badger records are not included in our species inventory reports, as it has been requested that they remain confidential.

If you need further information about badgers in your enquiry area please contact the Badger Trust Sussex. Contact details can be found on their website: www.badgertrust-sussex.org.uk

Otters

Otters are slowly making a return to Sussex after becoming extinct in the 1960s, but are nowhere near their former numbers and remain very vulnerable.

If there is a river or tributary within 1km of your enquiry area please be aware of the potential for otters in the vicinity, especially if you are undertaking operations that may impact potential otter habitat.



Otters are protected by European and UK law. It is an offence under the Wildlife and Countryside Act 1981 to kill, injure or take an otter from the wild without a licence; to damage or obstruct a holt; or disturb an otter in its resting place. Licences are required for checking holts or for carrying out work that may disturb otters, such as the management of trees that are known to be used as resting sites. Natural England are responsible for issuing these licences in England.

If you need to find out if otters have been recorded in your enquiry area, please get in touch with the Record Centre.

Wood White and Duke of Burgundy butterflies

These two rare butterfly species have a very restricted range in Sussex and records have been made confidential based on advice given from Butterfly Conservation Sussex Branch.

Other confidential records

SxBRC holds records of other species that are confidential. Confidentiality can be for a variety of reasons but is usually to benefit the site or the species. If you need to know if any confidential records have been recorded in your enquiry area, please get in touch with the Record Centre.

MAPS

There are three maps included in a standard desktop biodiversity report which show designated sites (statutory and non-statutory); habitats and natural features; and ownership and management.

The key on a map only shows those layers which are located within the enquiry area or immediate area. Below is a list of all layers which we currently show on our maps, with details of the data source. Citation sheets and further information on each layer can be found towards the back of the pdf report.

Designated sites	
Statutory	
Area of Outstanding Natural Beauty (AONB)	Downloaded from NE website.
Country Park	Downloaded from NE website.
Local Nature Reserve (LNR)	Downloaded from NE website.
Marine Conservation Zone (MCZ)	Downloaded from NE website.
Marine Site of Nature Conservation Importance (MSNCI)	Supplied by ESCC in 2005.
National Nature Reserve (NNR)	Downloaded from NE website.
National Park	Downloaded from NE website.
Ramsar	Downloaded from NE website.
Site of Special Scientific Interest (SSSI)	Downloaded from NE website.
Special Area of Conservation (SAC)	Downloaded from NE website.
Special Protection Area (SPA)	Downloaded from NE website.
Non-Statutory	
Local Geological Site (LGS)	Originally supplied as hand drawn maps by the Booth Museum (Brighton) in 2009, LGS boundaries were digitised by SxBRC. Site boundaries are now administered by SxBRC and the Sussex Geodiversity Partnership and have been further improved as a result of ground surveys between 2010 to 2012.
Local Wildlife Site (LWS), formerly SNCI	Supplied by WSCC, ESCC & BHCC.
Notable Road Verge	Owned and provided by ESCC and WSCC.
Habitats and natural features	
Ancient/veteran tree	Merged dataset created in July 2009. Data from Ancient Tree Hunt (national survey carried out in 2007/2008) and Tree Register of the British Isles (a charity which collates and updates data on notable trees).
Ancient woodland	Downloaded from NE website.
Black poplar	Created by SxBRC based upon species records arising from Sussex Wetland Landscapes Project.
Chalk stream	Created and owned by SWLP and SxBRC.
Coastal & floodplain grazing marsh	Downloaded from NE website.
Coastal saltmarsh	Supplied by EA, based on data from the SRCMP Habitat Mapping Project.
Coastal sand dune	Supplied by EA, based on data from the SRCMP Habitat Mapping Project.
Coastal vegetated shingle	Downloaded from NE website.
Ghyll woodland	Boundaries drawn on paper maps by Dr Francis Rose which were then digitised by SxBRC. Not ground-truthed.
Intertidal chalk	Supplied by EA, based on data from the SRCMP Habitat Mapping Project.

Intertidal mudflat	Supplied by EA, based on data from the SRCMP Habitat Mapping Project.
Lowland calcareous grassland	Merged dataset from NE and SDJC sources, created in 2005. Administered by SxBRC.
Lowland fen	Created by SxBRC in June 2011. Layer is an amalgamation of all the fen data currently available to SxBRC.
Lowland heathland	High Weald Heathland data created by the High Weald Unit in 2006. The rest of Sussex Heathland data was created by SxBRC, with funding from WSCC and RSPB in 2007.
Lowland meadow	Downloaded from NE website.
Maritime cliff and slope	Supplied by EA, based on data from the SRCMP Habitat Mapping Project.
Open water	Derived from OS mapping. This includes inland and tidal, running and standing water.
Reedbed	Created by SxBRC in June 2011. Layer is an amalgamation of all the reedbed data currently available to SxBRC.
Saline lagoon	Created by SxBRC.
Traditional orchard	Downloaded from NE website.
Wood-pasture & parkland	Downloaded from NE website.
Ownership and management	
Environmental Stewardship Agreement	Downloaded from NE website.
National Trust property	Owned and provided by National Trust.
RSPB reserve	Owned and provided by RSPB. Downloadable from their website.
Sussex Wildlife Trust reserve	Created and maintained by SxBRC on behalf of SWT.
Woodland Trust site	Owned and provided by the Woodland Trust.

Abbreviations

BHCC	Brighton and Hove City Council
EA	Environment Agency
ESCC	East Sussex County Council
NE	Natural England
PTES	People's Trust for Endangered Species
RSPB	Royal Society for the Protection of Birds
SDJC	South Downs Joint Committee
SRCMP	Strategic Regional Coastal Monitoring Programme
SxBRC	Sussex Biodiversity Record Centre
SWLP	Sussex Wetland Landscapes Project
SWT	Sussex Wildlife Trust
WSCC	West Sussex County Council

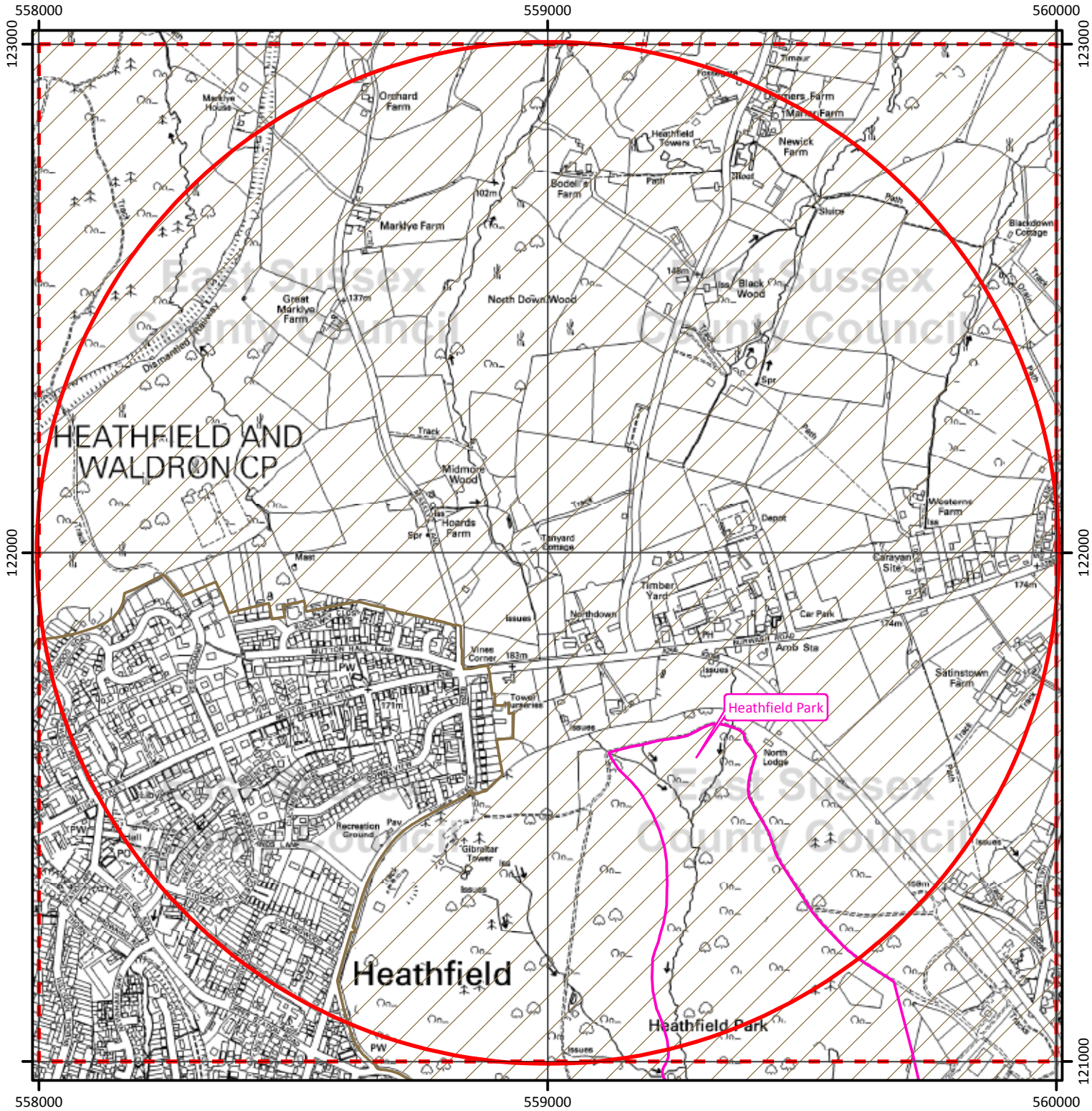
Natural England datasets

These are available for anyone to download and use in their own Geographical Information System (GIS). Visit www.gis.naturalengland.org.uk for more information and register as a user.





Designated Site Map (SxBRC/16/447)

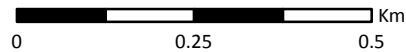
Land north of Mutton Hall Lane + 2km radius

Prepared for Mike Gadd - 03/10/2016



Key to Map:

-  Enquiry area
-  Species search area
-  Site of Special Scientific Interest
-  Area of Outstanding Natural Beauty



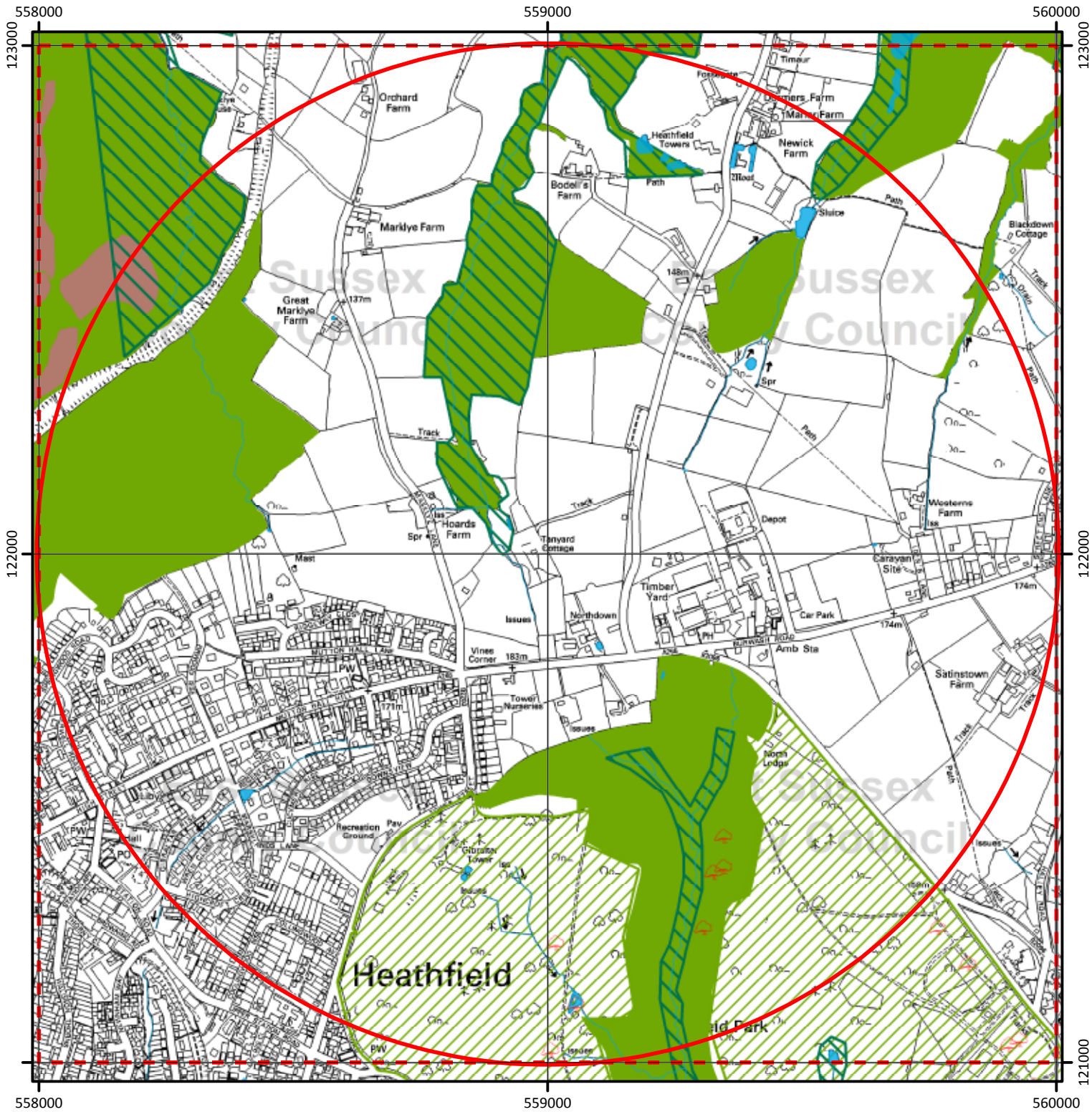
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Ramsar, Special Area of Conservation (SAC), Special Protection Area (SPA), National Park, Area of Outstanding Natural Beauty (AONB), National Nature Reserve (NNR), Site of Special Scientific Interest (SSSI), Local Nature Reserve (LNR) and Country Park data reproduced with permission of Natural England. Local Wildlife Site (LWS) data provided by East and West Sussex County Councils, and Brighton & Hove City Council. Notable Road Verge data supplied by East and West Sussex County Councils. Local Geological Site (LGS) data created by SxBRC in partnership with Sussex Geodiversity Group. © Crown Copyright. All rights reserved 2016.


Habitat & Natural Features Map (SxBRC/16/447)

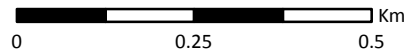
Land north of Mutton Hall Lane + 2km radius

Prepared for Mike Gadd - 03/10/2016



Key to Map:

-  Enquiry area
-  Species search area
-  Ancient/veteran tree
-  Open Water
-  Ghyll woodland
-  Wood-pasture & parkland
-  Lowland heathland
-  Ancient woodland



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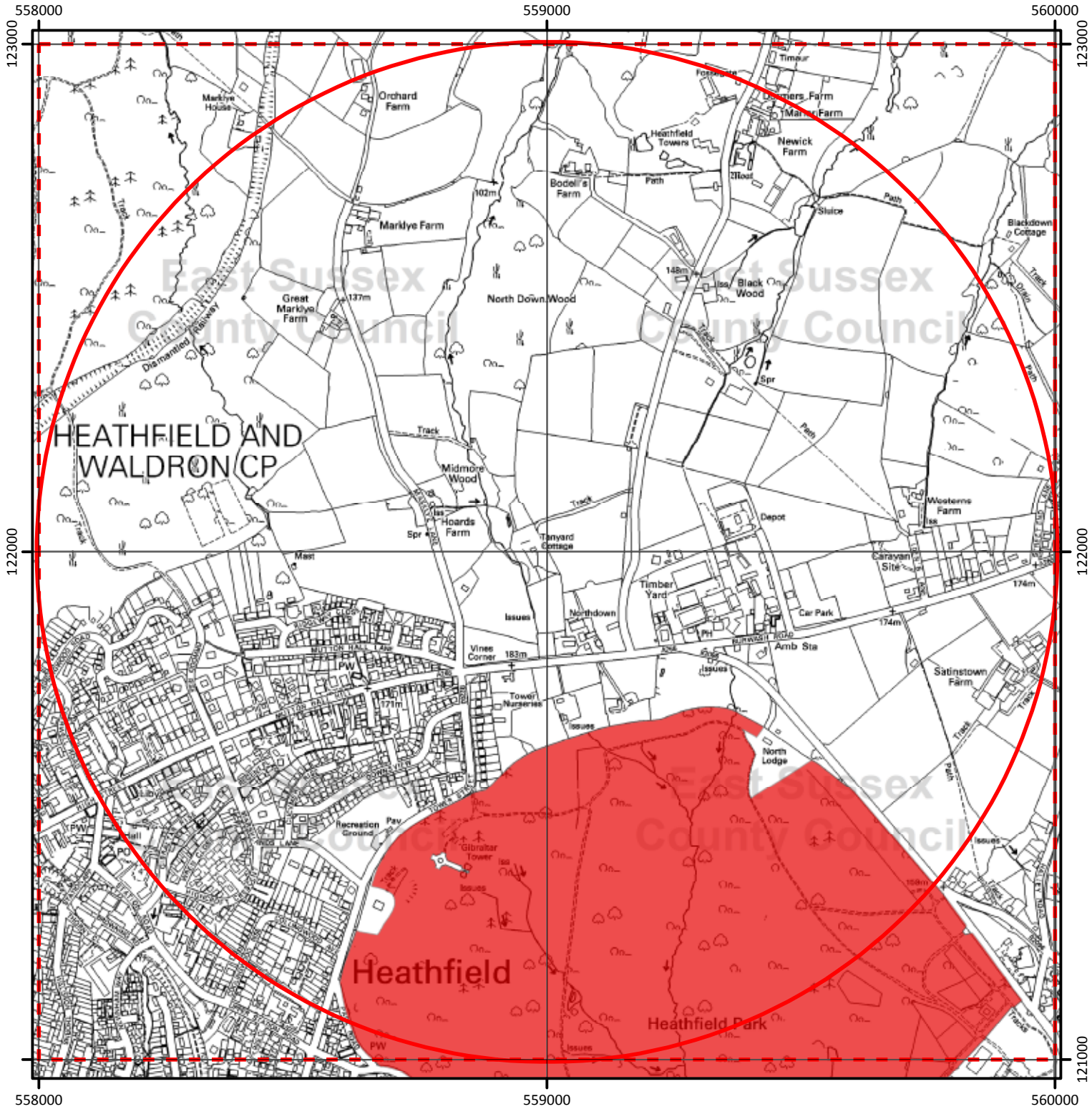
Ancient woodland, traditional orchards, woodpasture and parkland, vegetated shingle and saline lagoon data reproduced with permission of Natural England. Revised coastal and floodplain grazing marsh data remains provisional and is also reproduced with permission of Natural England. Chalk grassland data supplied by Natural England and South Downs Conservation Board. Black Poplar data supplied by Sussex Wetland Landscapes Project. Ghyll woodland data supplied by Dr Francis Rose. Reedbed data funded by Environment Agency and West Sussex County Council is provided by Sussex Biodiversity Record Centre and maintained by RSPB. Heathland data funded by West Sussex County Council, RSPB and High Weald AONB Unit. Ancient/veteran tree data derived from results of the Ancient Tree Hunt Project and the Tree Register of the British Isles (TROBI). South East Coastal Habitat Mapping data reproduced with permission of Environment Agency. © Crown Copyright. All rights reserved 2016.

Habitat data held by Sussex Biodiversity Record Centre (SxBRC) are created in-house or obtained from a variety of dataset providers. SxBRC continually strive to further improve and update these data wherever possible. However, this map should be treated as indicative rather than definitive: data may be generated from a range of field survey and/or predictive methods, each of which may have its own inherent limitations. In some situations a recent ground survey may be required to establish definitively the current status of a particular habitat at a specific location.



Ownership & Management Map (SxBRC/16/447)

Land north of Mutton Hall Lane + 2km radius






Prepared for Mike Gadd - 03/10/2016

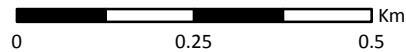


Key to Map:

-  Enquiry area
-  Species search area

Environmental Stewardship Agreements:

-  Higher Level Stewardship (HLS)
-  Entry Level Stewardship (ELS)
-  Organic ELS
-  Organic ELS plus HLS
-  ELS plus HLS



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SUMMARY REPORT

Land north of Mutton Hall Lane + 2km radius

03 October 2016 SxBRC/16/4 Search Area: TQ5821 to TQ5922

Prepared for Mike Gadd

Protected Species Register (not including bats, badgers, otters or birds)

Number of species recorded	2
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European Protected Species

Number of species recorded	4
----------------------------	---

Bats

Number of species recorded	3
----------------------------	---

Birds

Number of species recorded	70
----------------------------	----

Number of BoCC Red list species recorded	13
--	----

Number of BoCC Amber list species recorded	15
--	----

Number of W&CA Schedule 1 species recorded	10
--	----

Number of significant breeding bird records	1
---	---

BAP species (not including bats or birds)

Number of species recorded	12
----------------------------	----

Rare Species (not including bats, birds or otters)

Number of species recorded	11
----------------------------	----

Invasive Alien Species

Number of species recorded	12
----------------------------	----

SUSSEX PROTECTED SPECIES REGISTER

**The Protected Species Register does not include bat, bird, badger or otter records.
Bat and bird records are included in separate inventories, while badger and otter records are not included in SxBRC reports.**

The Sussex Protected Species Register (PSR) consists of species of plants, fungi and animals that are protected under Schedules 5, 6 and 8 of the Wildlife and Countryside Act 1981 and other legislation.

Please note the following limitations to the PSR:

- PSR records are labelled so that only one record per species per grid reference is included in a SxBRC report. This will usually be the most up to date record.
- If a protected species record appears in a SxBRC biodiversity report it does not mean that the species is still present. It means that the protected species was recorded last at that time and place by the recorder listed. The implications of the record should be further evaluated, and a survey to establish the current status of the species may be required.
- If there is no record of any particular protected species, this does not confirm that the species is absent from the site in question. It may mean that it has not been recorded, that the site has not been surveyed for this species, or that the Record Centre has not been informed of its presence.
- Some sites are part of the National Dormouse Monitoring Programme (NDMP) and therefore we are likely to hold historic records/more detailed information. If NDMP is mentioned in the location name of a record and you would like the historic dormouse data for that site, please contact the SxBRC.

Wildlife Protection Legislation in England

Legislation that protects wildlife in England exists at the European and national level.

European law

Legislation produced at a European level is an EU Directive, produced to have an effect at national level as regulations. The most relevant regulation for biodiversity is the 'Conservation of Habitats & Species Regulations 2010 (informally known as 'The Habitats Directive'). Further information can be found here: www.naturenet.net/law/habsregs.html

National law

The Wildlife and Countryside Act (WCA) 1981 (as amended), strengthened by the Countryside and Rights of Way Act 2000, are together the most important legislation aimed at protecting wildlife in England. The Wildlife and Countryside Act is divided into four parts, details of which are available from: www.naturenet.net/law/wcagen.html

Species protection is provided under Schedules 1, 5, 6 and 8 of the WCA:

Schedule 1: Birds – Please refer to the Sussex Bird Inventory results and explanation sheet in your SxBRC biodiversity report.

Schedule 5: Protected animals (other than birds)

Intentional or reckless killing, injuring, taking, possessing, disturbing and selling (including parts and derivatives) as well as damaging, destroying or obstructing access to any structure or place of refuge etc. are prohibited. N.B. Protection of some species is limited to certain sections of the Act, which are indicated in the lists as follows:

Section 9(1) Protection limited to intentional killing, injury or taking.

Section 9(2) Protection limited to possessing and controlling.

- Section 9(4a)** Protection limited to damaging, destroying or obstructing access to any structure or place used by the animal for shelter or protection.
- Section 9(4b)** Protection limited to disturbing the animal while it is occupying any structure or place which it uses for shelter or protection.
- Section 9(5a)** Protection limited to selling, offering for sale, possessing or transporting for the purpose of sale (live or dead animal, part or derivative).
- Section 9(5b)** Protection limited to advertising for buying or selling such things.

Schedule 6: Animals which may not be killed or taken by certain methods

Methods include traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Even humane trapping for research requires a licence.

Schedule 8: Protected plants and fungi

Intentional picking, uprooting, destroying, trading (including parts and derivatives) etc. are prohibited. Under the Wildlife and Countryside Act, all wild plants in Britain are protected from intentional uprooting by an unauthorised person. Land owners, land occupiers, persons authorised by either of these, or persons authorised in writing by the Local Authority for the area are however exempt from this, except for Schedule 8 species which you can see on this website: www.naturenet.net/law/sched8.html

Legislation protecting bats

Please refer to the explanation sheet of the Sussex Bat Inventory within your SxBRC biodiversity report, or visit the [SxBRC website](#).

Legislation protecting badgers and otters

Please refer to the 'Confidential Records' sheet at the start of the report for information on badger and otter records in Sussex.

SUSSEX PROTECTED SPECIES REGISTER REPORT

Please note that bat, bird, badger and otter records are not included in this report.

Land north of Mutton Hall Lane + 2km radius

03 October 2016 SxBRC/16/447 Search Area: TQ5821 to TQ5922

Prepared for Mike Gadd

Natrix natrix

Grass Snake

Reptile

A widespread, but legally protected, snake with a normally olive body flecked with black and a distinctive yellow collar. Frequent in Sussex near places where its food, largely frogs, is readily available. Like most reptiles and amphibians, grass snakes have declined considerably and need protection wherever they occur.

Designations

Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec; Sussex Biodiversity Action Plan; Sussex Protected Species Register; UK Biodiversity Action Plan priority species; Wildlife and Countryside Act 1981 Schedule 5 Sections (9.1 killing/injuring; 9.5a; 9.5b)

Grid Reference	Recorder	Date	Locality
TQ5821	SARG Sussex Amphibian & Reptile Grp; Dennis Dey	04/09/1997	Mutton Hall Lane, Heathfield, East Sussex (VC14)
TQ5921	SARG Sussex Amphibian & Reptile Grp	19/09/1998	Quakers, Broad Oak, Heathfield, East Sussex (VC14)

Muscardinus avellanarius

Hazel Dormouse

Terrestrial mammal

A nocturnal species of woodland and overgrown hedgerows. Dormice spend much of their time climbing among branches in search of fruit, nuts, insects and other food. They sleep in nests during the day in hollow trees, unoccupied bird or bat boxes and similar places and hibernate in winter. Dormice occur mainly in southern England in this country and are widespread in suitable habitats in Sussex.

Designations

European Protected Species; Habitats Directive Annex 4; Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec; Sussex Biodiversity Action Plan; Sussex Protected Species Register; UK Biodiversity Action Plan priority species; Wildlife and Countryside Act 1981 Schedule 5 Sections (9.4b; 9.5a; 9.5b; Schedule 5)

Grid Reference	Recorder	Date	Locality
TQ585210	People's Trust for E Species	10/11/2014	Unspecified location within the parish of Heathfield And Waldron

Bat species

There are 18 species of bat which are resident in the UK (17 of which are known to be breeding here), all of which have been recorded in Sussex:

Barbastella barbastellus **Barbastelle**
Eptesicus serotinus **Serotine**
Myotis alcathoe **Alcathoe**
Myotis bechsteinii **Bechstein's**
Myotis brandtii **Brandt's**
Myotis daubentonii **Daubenton's**
Myotis myotis **Greater mouse-eared**
Myotis mystacinus **Whiskered**
Myotis nattereri **Natterer's**

Nyctalus leisleri **Leisler's**
Nyctalus noctula **Noctule**
Pipistrellus nathusii **Nathusius's pipistrelle**
Pipistrellus pipistrellus **Common pipistrelle**
Pipistrellus pygmaeus **Soprano pipistrelle**
Plecotus auritus **Brown long-eared**
Plecotus austriacus **Grey long-eared**
Rhinolophus ferrumequinum **Greater horseshoe**
Rhinolophus hipposideros **Lesser horseshoe**

Four other bat species have been recorded in Sussex as vagrants: Savi's pipistrelle (*Hypsugo savii*), Kuhl's pipistrelle (*Pipistrellus kuhlii*), parti-coloured bat (*Vespertilio murinus*) and Geoffroy's bat (*Myotis emarginatus*).

Five species are included in Annex II of the EU Habitats Directive: Barbastelle, Bechstein's, greater mouse-eared, greater horseshoe and lesser horseshoe. All 18 species are included in Annex IV.

Seven species are included in the UK Biodiversity Action Plan: Barbastelle, Bechstein's, brown long-eared, greater horseshoe, lesser horseshoe, noctule and soprano pipistrelle.

Background

Bats are the only mammals capable of true flight. Those found in the UK feed exclusively on insects and use a sophisticated form of sonar to navigate and catch their prey at night. In late spring and summer, female bats form maternity colonies to raise their young. This is when they are most obvious to us, as they leave the roost at or after sunset in search of food. Bats hibernate during the winter when insects are scarce, usually at a different site to the maternity roost where a constant cool temperature can be found i.e. in underground sites or within deep crevices in trees or buildings. **Bats return to the same roost sites every year, so even if the animals themselves are not present, the roost is still legally protected.**

Unfortunately there are many misconceptions about bats. They are in fact sociable, intelligent, clean animals that rarely come into contact with humans. They do not build nests and very rarely cause structural damage to buildings.

Current status and threats

Bat populations have suffered huge declines in the last century. The common pipistrelle (*Pipistrellus pipistrellus*) and soprano pipistrelle (*Pipistrellus pygmaeus*) remain the most abundant and widespread species of bat, but are thought to have suffered from a huge reduction in numbers. Estimates from a National Bat Colony Survey suggest a population decline of around 70% between 1978 and 1993.

This reduction in bat numbers is largely due to their roosts being disturbed or destroyed, a loss of suitable feeding and flightline habitat (e.g. hedgerows) and a reduction in insect numbers (e.g. through farming intensification and the use of pesticides). A number of species are now included in the National Bat Monitoring Programme (NBMP), run by the Bat Conservation Trust (BCT), which gives up-to-date information on population trends.

Bats are also particularly vulnerable to human interference for the following reasons:

- They have a low reproductive rate; generally one pup a year.
- They require specific conditions for each of their roost types.
- They are very secretive and often go unnoticed until discovered by building works or home improvements.

Consequently, bats and their roosts receive some of the highest levels of legal protection.

Bats and the law

All species of bat and their roosts are protected by UK and European law. Bats and their roosts may also be protected by site designations, for example if their roost site or feeding grounds are notified as a Special Area of Conservation (SAC) or a Site of Special Scientific Interest (SSSI).

You could be committing a criminal offence if you:

1. Deliberately capture, injure or kill a bat
2. Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats
3. Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time)
4. Intentionally or recklessly obstruct access to a bat roost
5. Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat

It is not illegal to:

Tend/care for a bat solely for the purpose of restoring it to health and subsequent release. (This should always be done by an experienced bat handler, contact details of which can be found through the Sussex Bat Group.)

Licensing

If you have a bat roost in your property, it does not necessarily mean that building work cannot take place. Work can be planned so as not to interfere with the roost and at a time that bats may be absent. If you are planning any sort of work that may interfere with bats, advice must be sought first from Natural England (see contact details below). Similarly, if you discover bats after work has begun, you must stop and contact Natural England for their advice before continuing.

Licences to permit illegal activities relating to bats and their roost sites can be issued for specific purposes. It is an offence not to comply with the terms and conditions of such a licence. If you carry out work affecting bats or roosts without a licence, you will be breaking the law.

Further advice and information:

Bat Conservation Trust

The national charity working for bat conservation.

Website: www.bats.org.uk

Bat helpline: 0845 1300 228

Email: enquiries@bats.org.uk

Natural England

The government body responsible for issuing licences for work that may affect bats or their roosts.

Website: www.naturalengland.org.uk/ourwork/regulation/wildlife/species/bats.aspx

General and licensing enquiries. Tel: 0845 601 4523 (local rate).

Sussex Bat Group

A local voluntary group working for the conservation of bats in Sussex.

Website: www.sussexbatgroup.org.uk

Email: contact@sussexbatgroup.org.uk

SUSSEX BAT INVENTORY REPORT SUMMARY

Please note that all species of bat and their roosts are protected by UK and European law, under the Wildlife and Countryside Act 1981 (WCA) in the UK and the Habitats Directive in the EU. Bats and their roosts may also be protected by site designations, for example if their roost site or feeding grounds are notified as Special Area of Conservation (SAC) or a Site of Special Scientific Interest (SSSI).

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Key to Indicators

M/S Mating/Swarming
H Hibernaculum
FR Feeding Roost
MR Maternity Roost
UR Unspecified Roost
D Droppings

Land north of Mutton Hall Lane + 2km radius

03 October 2016 SxBRC/16/447 **Search Area:** TQ5821 to TQ5922

Prepared for Mike Gadd

Common Name	Latin Name	No of Records	Key to Indicators					
			M/S	H	FR	MR	UR	D
Bat sp.	<i>Chiroptera</i>	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Natterer's Bat	<i>Myotis nattereri</i>	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pipstrelle sp.	<i>Pipistrellus</i>	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

SUSSEX BAT INVENTORY REPORT

Please note that all species of bat and their roosts are protected by UK and European law, under the Wildlife and Countryside Act 1981 (WCA) in the UK and the Habitats Directive in the EU. Bats and their roosts may also be protected by site designations, for example if their roost site or feeding grounds are notified as Special Area of Conservation (SAC) or a Site of Special Scientific Interest (SSSI).

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H Hibernaculum
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Prepared for Mike Gadd

Chiroptera

Bat sp.

BAP

Chiroptera (from the ancient Greek for 'wing hand') is the natural group, or order, that covers all the bats. In Britain we have 18 bat species and all have the highest level of legal protection. Many people simply record bats in general when they are not able to assign them to a particular species and these are then included under Chiroptera in our reports.

Date	Location	Grid Reference	Recorder	Sampling Method	M/S	H	FR	MR	UR	D	Abundance	Notes
24/09/1992	State Hall, Station Road, Heathfield, East Sussex (VC14)	TQ581214	NE Bat Worker	Visual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6 Present	Found under floorboards.
21/09/1992	State Hall, Station Road, Heathfield, East Sussex (VC14)	TQ581214	NE Bat Worker	Building Inspection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	20 Present	

*Myotis nattereri***Natterer's Bat**

A medium-sized bat with long ears inhabiting woodland and mixed farmland, often flying near water. In summer it roosts in old buildings, barns and hollow trees and it hibernates in caves, mines and other underground places. Found throughout much of the British Isles, but generally scarce. The UK population of Natterer's bats may be of international importance and it is widespread in Sussex.

Date	Location	Grid Reference	Recorder	Sampling Method	M/S	H	FR	MR	UR	D	Abundance	Notes
15/01/2004	Heathfield Tunnel, Station Road, Heathfield, East Sussex (VC14)	TQ580213	NE Bat Worker	Building Inspection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2 Present	
11/04/1999	Heathfield Tunnel, Heathfield, East Sussex (VC14)	TQ580213	NE Bat Worker	Building Inspection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	9 Present	

*Pipistrellus***Pipstrelle sp.****BAP**

There are three species of Pipistrelle bat found in the UK; common (*Pipistrellus pipistrellus*), soprano (*P. pygmaeus*) and Nathusius (*P. Nathusii*). Common and soprano pipistrelles were previously recorded as one species, but they are now recognised as separate species, with a peak frequency echolocation at 45 kHz and 55 kHz respectively. The following records refer to an aggregate of the two species, where the audio frequency or specific species is undetermined. Little is known about the Nathusius pipistrelle, but the other two species are found in all types of countryside (except very exposed areas) as well as in towns and suburbs. Summer roosts are usually in buildings, though tree holes and bat boxes are also used. Hibernation sites are in buildings and tree holes. Both common and soprano pipistrelles are widespread in Sussex, while Nathusius' is much rarer.

Date	Location	Grid Reference	Recorder	Sampling Method	M/S	H	FR	MR	UR	D	Abundance	Notes
01/07/1999	4 Willow Close, Heathfield, TN21 8NA, East Sussex (VC14)	TQ586216	NE Bat Worker	Building Inspection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		

SUSSEX BIRD INVENTORY



The SxBRC holds nearly 1.5 million bird records provided by the Sussex Ornithological Society (SOS), ranging from 1990 onwards. Records within the breeding season of species classed as sensitive in Sussex are not included in the Bird Inventory report. Any breeding season records of these species within your search area will be flagged up at the top of the report. It is recommended that the SOS is contacted directly for further information as the birds in question will be protected by law and may be affected if potentially damaging operations are to be carried out. The list of withheld species is available on [our website](#).

Icons used in the Bird Inventory:



Schedule 1 birds

Schedule 1 of the Wildlife and Countryside Act 1981 provides an additional tier of protection so that rare species are specially protected by increased penalties and cannot be intentionally or recklessly disturbed when nesting. **Schedule 1 status also infers a right of arrest** by a police officer if someone is suspected of committing certain offences against one of these species.

BAP Biodiversity Action Plan Species (UK BAP)

Twenty-six species of bird are identified as Priority Species in the UK Biodiversity Action Plan (UK BAP), each the subject of a dedicated action plan which seeks to reverse their declines and protect vulnerable populations. Any Priority Species recorded within your enquiry area will be indicated in the species information of the bird report. Further details of BAP bird species can be found on the [JNCC website](#).



Natural Environment & Rural Communities (NERC) Act

There are 49 bird species on the England Biodiversity List which was drawn up to meet the requirements of Section 41 of the Act. Further details of the NERC Act can be found on the [Natural England website](#).

Birds of Conservation Concern 3 (2009)

Every five years the leading governmental and non-governmental conservation organisations in the UK review the population status of the 247 species of bird that are regularly found in the UK. There are three lists – Red, Amber and Green - into which each of the species has been placed. 40 species are Red-listed, 121 are Amber-listed and 86 are Green-listed. The status decisions are based on several factors which include: the species' global and European conservation status; recent and historical decline; whether it is a rare breeder; if it is only confined to a few sites in the UK; and if the species is of international importance.



Red List species are those that are **Globally Threatened** according to IUCN criteria; those whose population or range has decline rapidly in recent years; and those that have declined historically and not shown a substantial recent recovery.



Amber List species are those with **Unfavourable Conservation Status** in Europe; those whose population or range has declined moderately in recent years; those whose population has declined historically but made a substantial recent recovery; rare breeders; and those with internationally important or localised populations.

Green List species are those that do not fulfil any of the above criteria. Some of these species are however protected by law and the list includes some Schedule 1 species which have the highest level of protection. A green icon will not appear in our reports.

This information has been obtained from '**Birds of Conservation Concern 3' (BoCC3)** which can be downloaded from the [RSPB website](#).

Other bird legislation and conservation measures:

Wildlife and Countryside Act (WCA) 1981

All British birds, their nests and eggs are protected by UK law. It is an offence to take, kill or injure any wild bird or to take, damage, destroy any nest or egg of any wild bird under Part 1 of the Wildlife and Countryside Act 1981, Schedules 1-4.

Hedgerow removal and birds

It is advisable not to trim, cut or remove hedgerows during the bird nesting season. You will be violating the Wildlife and Countryside Act if there are birds nesting within it due to the disturbance or destruction of their habitat whilst nesting. The Hedgerows Regulations were introduced in 1997 to protect important hedgerows in the countryside. The regulations state that it is a criminal offence, unless an exception applies, to deliberately remove or otherwise destroy a hedgerow without permission. Please apply to your local planning authority for a Hedgerow Removal Application. Domestic hedges are not included in this regulation, however it is still illegal to cut or remove any hedges if birds are suspected to be nesting in it.

Birds in roofs

There are various species that may nest in roofs. Unless they are causing a health hazard, the nests, eggs and chicks are protected by law. The parent birds must not be prevented from gaining access to their nest. Many of the birds that use roof spaces are now species of conservation concern because of their population decline over the past 25 years. Starlings and House Sparrows are Red-listed, while Barn Owls, House Martins and Swallows are Amber-listed (see next page for details). Roofs are also important for Swifts.

Further information about birds and the law can be found on the [RSPB website](#).

Environmental Stewardship Target Species

Farmland birds are one of the key targets of which a landowner can be awarded points through the Higher Level Stewardship scheme. Each Joint Character Area (e.g. High Weald, South Downs, South Coast Plain etc.) has specific key bird species whose populations must be maintained or enhanced to gain points as part of the land owner's 'Farm Environment Plan'. This can be done through a combination of management practices which should provide year round habitat requirements, in locations where these birds are known to be present or within 2km of such sites. If a key farmland bird species appears in your report, it will show to which Joint Character Area it is linked.

Further information about agri-environment schemes can be found on the [RSPB website](#).

EU Birds Directive

The Birds Directive addresses the conservation of all wild birds throughout the European Union, including marine areas, and covers their protection, management, control and exploitation. It applies to the birds, their eggs, nests and habitats. It places a broad requirement on Member States to take necessary measures to maintain the populations of all wild birds at levels determined by ecological, scientific and cultural needs. In doing so, Member States must also consider economic and recreational needs.

The Directive divides into two main parts: **habitat conservation** and **species protection**. In summary, it requires Member States to preserve, maintain and re-establish sufficient diversity and area of habitats for all wild birds.

Annex 1:

Species listed in Annex 1 of the Birds Directive are the subject of special conservation measures concerning their habitat to ensure their survival and reproduction. This includes the designation of areas as Special Protection Areas (SPAs).

Annex 2:

Annex 2 of the Birds Directive lists birds that can be hunted under the legislation of the Member States. The Directive bans certain non-selective methods of hunting and defines the limits within which Member States can set the hunting season.

Further information about the EU Birds Directive can be found on the [BirdLife website](#).

IUCN Red List

The World Conservation Union (IUCN) has been assessing the conservation status of species, subspecies, varieties and even selected sub-populations on a global scale in order to highlight taxa threatened with extinction, and therefore promote their conservation. The IUCN Red List (different from the previously mentioned Red List) is the world's most comprehensive inventory of the global conservation status of plant and animal species. It uses a set of criteria to evaluate the extinction risk of thousands of species and subspecies. These criteria are relevant to all species and all regions of the world. With its strong scientific base, the IUCN Red List is recognized as the most authoritative guide to the status of biological diversity.

Further information about the Red List can be found on the [IUCN website](#).

SUSSEX BIRD INVENTORY REPORT SUMMARY

N.B. The breeding season records of 15 Schedule 1 birds and three other species which are classed as sensitive in Sussex are not included in our biodiversity reports (see www.sxbrc.org.uk/data-requests/SOS-excluded-data.pdf for list of excluded species). 1 such records have been flagged up in this search. The Sussex Ornithological Society (SOS) should be contacted directly for more information on these records if potentially damaging operations are to occur in the enquiry area. Email: conservation@sos.org.uk

Land north of Mutton Hall Lane + 2km radius

03 October 2016 SxBRC/16/447 Search Area: TQ5821 to TQ5922

Prepared for Mike Gadd

Common Name	Latin Name	First Date	Last Date	No. of Rec's	Total Abundance	Max. Abundance
Canada Goose	<i>Branta canadensis</i>	02/05/2009	-	1	6	6
White-fronted Goose	<i>Anser albifrons</i>	04/01/1963	-	1	90	90
Mandarin Duck	<i>Aix galericulata</i>	19/12/2008	-	1	6	6
Teal	<i>Anas crecca</i>	19/12/2008	-	1	6	6
Mallard	<i>Anas platyrhynchos</i>	02/11/2008	02/05/2009	3	13	6
Night-heron	<i>Nycticorax nycticorax</i>	15/09/1892	-	1	1	1
Grey Heron	<i>Ardea cinerea</i>	02/04/2007	14/02/2009	2	2	1
Purple Heron	<i>Ardea purpurea</i>	16/05/1887	-	1	1	1
Pheasant	<i>Phasianus colchicus</i>	02/11/2008	13/06/2009	4	24	13
Black-necked Grebe	<i>Podiceps nigricollis</i>	29/09/1986	-	1	1	1
Sparrowhawk	<i>Accipiter nisus</i>	01/01/2007	24/12/2007	8	8	1
Buzzard	<i>Buteo buteo</i>	02/11/2008	02/05/2009	3	6	3
Osprey	<i>Pandion haliaetus</i>	02/10/1998	-	1	1	1
Kestrel	<i>Falco tinnunculus</i>	11/01/1992	02/05/2009	3	3	1
Moorhen	<i>Gallinula chloropus</i>	02/05/2009	-	1	2	2
Woodcock	<i>Scolopax rusticola</i>	21/02/1981	13/06/2004	12	78	29
Rock Dove	<i>Columba livia</i>	14/02/2009	13/06/2009	2	3	2
Woodpigeon	<i>Columba palumbus</i>	02/11/2008	13/06/2009	4	333	290
Collared Dove	<i>Streptopelia decaocto</i>	22/12/1994	13/06/2009	3	4	2
Cuckoo	<i>Cuculus canorus</i>	02/05/2009	-	1	2	2
Tawny Owl	<i>Strix aluco</i>	13/06/2004	-	1	2	2

Ownership of this data remains with the original recorder whilst copyright of this material remains property of the Sussex Biodiversity Records Centre.

Common Name	Latin Name	First Date	Last Date	No. of Rec's	Total Abundance	Max. Abundance
Nightjar	<i>Caprimulgus europaeus</i>	01/06/1999	13/06/2004	2	7	6
Swift	<i>Apus apus</i>	03/05/2006	13/06/2009	2	30	20
Hoopoe	<i>Upupa epops</i>	17/04/1957	08/06/1975	4	4	1
Green Woodpecker	<i>Picus viridis</i>	12/04/1992	13/06/2009	5	6	2
Great Spotted Woodpecker	<i>Dendrocopos major</i>	30/06/1981	13/06/2009	14	19	6
Chiffchaff	<i>Phylloscopus collybita</i>	07/04/2008	13/06/2009	3	16	8
Swallow	<i>Hirundo rustica</i>	02/05/2009	13/06/2009	2	33	18
House Martin	<i>Delichon urbicum</i>	01/06/2006	13/06/2009	2	8	7
Tree Pipit	<i>Anthus trivialis</i>	01/06/1999	-	1	1	1
Grey Wagtail	<i>Motacilla cinerea</i>	01/06/1965	12/05/1999	4	8	2
Pied Wagtail	<i>Motacilla alba</i>	14/02/2009	13/06/2009	3	17	7
Pied Wagtail	<i>Motacilla alba subsp. yarrellii</i>	02/04/2007	-	1	1	1
Waxwing	<i>Bombycilla garrulus</i>	11/02/1996	26/12/2012	3	17	15
Wren	<i>Troglodytes troglodytes</i>	02/11/2008	13/06/2009	4	16	8
Dunnock	<i>Prunella modularis</i>	02/11/2008	13/06/2009	4	41	14
Robin	<i>Erithacus rubecula</i>	02/11/2008	13/06/2009	4	68	27
Black Redstart	<i>Phoenicurus ochruros</i>	23/10/2010	-	1	1	1
Stonechat	<i>Saxicola rubicola</i>	01/06/1999	-	1	5	5
Blackbird	<i>Turdus merula</i>	02/11/2008	13/06/2009	4	72	26
Fieldfare	<i>Turdus pilaris</i>	23/03/1992	14/02/2009	2	41	40
Song Thrush	<i>Turdus philomelos</i>	19/02/2007	13/06/2009	9	25	10
Redwing	<i>Turdus iliacus</i>	19/12/2008	14/02/2009	2	13	10
Spotted Flycatcher	<i>Muscicapa striata</i>	13/04/1992	-	1	3	3
Blackcap	<i>Sylvia atricapilla</i>	18/06/2007	13/06/2009	6	12	4
Whitethroat	<i>Sylvia communis</i>	02/05/2009	-	1	1	1
Goldcrest	<i>Regulus regulus</i>	02/11/2008	-	1	11	11
Long-tailed Tit	<i>Aegithalos caudatus</i>	21/03/1994	13/02/2010	4	31	13
Blue Tit	<i>Cyanistes caeruleus</i>	02/11/2008	13/06/2009	4	112	33
Great Tit	<i>Parus major</i>	02/11/2008	13/06/2009	4	58	25
Coal Tit	<i>Parus ater</i>	08/01/2007	02/11/2008	12	13	2
Willow Tit	<i>Poecile montana</i>	18/03/1992	-	1	1	1
Marsh Tit	<i>Poecile palustris</i>	08/11/1993	13/06/2009	4	7	3
Nuthatch	<i>Sitta europaea</i>	08/04/1992	13/06/2009	15	28	8
Treecreeper	<i>Certhia familiaris</i>	19/02/2007	14/02/2009	2	2	1
Golden Oriole	<i>Oriolus oriolus</i>	22/06/1908	-	1	1	1
Red-backed Shrike	<i>Lanius collurio</i>	12/06/1981	-	1	2	2
Jay	<i>Garrulus glandarius</i>	02/11/2008	13/06/2009	3	6	4
Magpie	<i>Pica pica</i>	02/11/2008	13/06/2009	4	24	13
Jackdaw	<i>Corvus monedula</i>	02/11/2008	13/06/2009	3	5	3

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Common Name	Latin Name	First Date	Last Date	No. of Rec's	Total Abundance	Max. Abundance
Rook	<i>Corvus frugilegus</i>	01/04/1975	02/05/2009	4	53	30
Carrion Crow	<i>Corvus corone</i>	02/11/2008	13/06/2009	4	134	54
Starling	<i>Sturnus vulgaris</i>	02/11/2008	02/05/2009	3	92	70
House Sparrow	<i>Passer domesticus</i>	02/11/2008	13/06/2009	4	30	14
Siskin	<i>Spinus spinus</i>	12/03/2007	-	1	1	1
Chaffinch	<i>Fringilla coelebs</i>	02/11/2008	26/03/2010	5	117	34
Brambling	<i>Fringilla montifringilla</i>	05/02/2006	05/03/2006	2	2	1
Greenfinch	<i>Carduelis chloris</i>	02/11/2008	13/06/2009	4	14	5
Goldfinch	<i>Carduelis carduelis</i>	21/05/2007	13/06/2009	5	16	12
Bullfinch	<i>Pyrrhula pyrrhula</i>	30/05/1992	13/02/2010	21	28	5

SUSSEX BIRD INVENTORY REPORT

Land north of Mutton Hall Lane + 2km radius

03 October 2016 SxBRC/16/447 Search Area: TQ5821 to TQ5922

Prepared for Mike Gadd

Please note that all British birds, their nests and eggs are protected in British law. It is an offence to deliberately take, kill or injure any wild bird or to take, damage, or destroy any nest or egg of any wild bird under Part 1 of the Wildlife and Countryside Act 1981 (as amended). However, Schedule 1 of this act provides an additional tier of protection so that rare species are specially protected by increased penalties and cannot be intentionally or recklessly disturbed when nesting. Schedule 1 status also infers a right of arrest by a police officer if someone is suspected of committing certain offences against one of these species. Other statuses listed below can be referenced in the attached sheets.

Branta canadensis

Canada Goose

A common introduced resident and partial migrant, showing a grey/brown body and black neck and cap. The Canada goose was introduced around 300 years ago but was not much seen outside waterfowl collections until after World War II when it started to spread. Now the most familiar goose in the British countryside. Canada geese are a complex group of species, subspecies and hybrids. It feeds on vegetation: roots, grass, leaves and seeds.

Birds Directive Annex 2.1; Convention on Migratory Species; Appendix 2

First Date	Last Date	No. of Records
02/05/2009	-	1

Anser albifrons

White-fronted Goose

BAP N

A scarce winter visitor and passage migrant mainly in the east of the county. It is a grey goose which feeds on grass, clover, grain, winter wheat and potatoes. European race (*A. a. albifrons*) is red listed species of high conservation concern.

Birds Directive Annex 2.2; Convention on Migratory Species; Appendix 2; Nerc Act 2006; UK Biodiversity Action Plan priority species

First Date	Last Date	No. of Records
04/01/1963	-	1

Aix galericulata

Mandarin Duck

Scarce introduced resident in Sussex. This ornate eastern Asian duck can be found on lakes and slow-flowing rivers with plenty of surrounding vegetation. It breeds in tree holes.

Convention on Migratory Species; Appendix 2

First Date	Last Date	No. of Records
19/12/2008	-	1

Anas crecca**Teal**

This small duck is a rare breeder and a scarce summering non-breeder; a fairly common winter visitor to Sussex and fairly common on observed passage. It feeds on small invertebrates and seeds, and both male and female show bright green wing patches in flight. The Arun valley is a particularly important overwintering site. It is often present in summer in places such as Rye Harbour, Pagham Harbour and the Arun Valley.

Bird Population Status - amber; Birds Directive Annex 2.1; Convention on Migratory Species; Appendix 2; EC CITES Annex C

First Date	Last Date	No. of Records
19/12/2008	-	1

Anas platyrhynchos**Mallard**

A large common duck found throughout the British Isles both as a breeding resident and winter visitor. Can be seen in most wetland habitats including ponds in urban areas. It feeds on seeds, acorns and berries, plants, insects and shellfish. The population is supplemented each year with birds captive bred for shooting.

Bird Population Status - amber; Birds Directive Annex 2.1; Convention on Migratory Species; Appendix 2

First Date	Last Date	No. of Records
02/11/2008	02/05/2009	3

Nycticorax nycticorax**Night-heron**

This medium-sized heron is a rare vagrant. It is a mostly nocturnal feeder and primarily eats small fish, crustaceans, frogs, aquatic insects, and small mammals. During the day it rests in trees or bushes.

Bern Convention Appendix 2; Birds Directive Annex 1

First Date	Last Date	No. of Records
15/09/1892	-	1

Ardea cinerea**Grey Heron**

A fairly common resident, the Grey Heron is increasing in numbers and can be found in most wetland areas standing silently at the water's edge waiting for fish prey. Breeds colonially in tall trees near to plentiful fish supplies.

First Date	Last Date	No. of Records
02/04/2007	14/02/2009	2

Ardea purpurea**Purple Heron**

This large bird is a rare vagrant. It feeds in shallow water, on fish, frogs or insects. (see details at www.sos.org.uk).

Bern Convention Appendix 2; Birds Directive Annex 1; Wildlife and Countryside Act 1981 (Schedule 1 Part 1)

First Date	Last Date	No. of Records
16/05/1887	-	1

Phasianus colchicus**Pheasant**

A very common introduced resident only absent from places like the Pevensey Levels, probably because there is little cover. The population is augmented annually by shooting estates from captive bred stock. The male is unmistakable with its long tail-feathers and rich chestnut colour. Feeds on seeds, grain and shoots.

Birds Directive Annex 2.1

First Date	Last Date	No. of Records
02/11/2008	13/06/2009	4

Podiceps nigricollis**Black-necked Grebe**

In most years a very scarce winter visitor and passage migrant. Recorded in exceptional numbers in 2002. This small grebe feeds on insects, crustaceans and small fish.

Bern Convention Appendix 2; Bird Population Status - amber; Wildlife and Countryside Act 1981 (Schedule 1 Part 1)

First Date	Last Date	No. of Records
29/09/1986	-	1

Accipiter nisus**Sparrowhawk**

The Sparrowhawk is a common resident and passage migrant. A bird that decreased substantially in the middle of the last century following the widespread use of organochlorine pesticides. It has now made a good recovery and is the second commonest Sussex raptor. The Sparrowhawk's tail and wings are adapted for fast low flying through trees and branches where it catches small bird prey. It nests in trees and hedges, and they are now regular garden visitors.

Convention on Migratory Species; Appendix 2; EC CITES Annex A

First Date	Last Date	No. of Records
01/01/2007	24/12/2007	8

Buteo buteo**Buzzard**

A fairly common but localised resident and passage migrant and possible winter visitor. Probably much more frequent before persecution reduced its numbers. Well-established in Ashdown Forest and central West Sussex with occasional records from elsewhere. It feeds on small mammals, birds and carrion.

Convention on Migratory Species; Appendix 2; EC CITES Annex A

First Date	Last Date	No. of Records
02/11/2008	02/05/2009	3

Pandion haliaetus**Osprey**

This impressive black and white bird of prey is a scarce passage migrant, identified by its uniquely shaped wings which kink at the wrist to make an "M" shape. This is a species that has increased steadily over the last fifty years with records from the coast and reservoirs inland. It can be seen hovering over water before it plunges in, feet first, to catch its fish prey.

Bird Population Status - amber; Birds Directive Annex 1; Convention on Migratory Species; Appendix 2; EC CITES Annex A; Wildlife and Countryside Act 1981 (Schedule 1 Part 1)

First Date	Last Date	No. of Records
02/10/1998	-	1

Falco tinnunculus**Kestrel**

This well-known bird of prey is a fairly common resident and passage migrant, which can often be seen hovering over roadside verges, open country, parks and towns looking for small mammal prey. It is our commonest raptor and it is widespread in Sussex. The Kestrel has characteristic pointed wings, long tail and chestnut colour. They have been recently declining as a result of habitat degradation due to continuing intensive management of farmland.

Bern Convention Appendix 2; Bird Population Status - amber; Convention on Migratory Species; Appendix 2; EC CITES Annex A

First Date	Last Date	No. of Records
11/01/1992	02/05/2009	3

Gallinula chloropus**Moorhen**

This ground-dwelling medium-sized bird is a very common resident, possibly fairly common winter visitor but status uncertain. It is found all year round in virtually all freshwater habitats across Sussex, where it feeds on water plants, seeds, fruit, grasses, insects, snails and worms. It is slate grey, brown and white with a striking red and yellow bill.

Birds Directive Annex 2.2; Convention on Migratory Species; Appendix 2

First Date	Last Date	No. of Records
02/05/2009	-	1

Scolopax rusticola**Woodcock**

The Woodcock is a large bulky wading bird with short legs and a long tapered bill used for probing the earth for worms, beetles, spiders, caterpillars, fly larvae and small snails. It is probably a fairly common resident and winter visitor, which is found mainly in the more heavily wooded parts of The Weald as it needs large areas of moist woodland with rides, dense undergrowth and damp areas for feeding. It is well known for its "Roding" display flight when it makes lots of croak and whistle sounds while flying slowly around its territory.

Bird Population Status - amber; Birds Directive Annex 2.1; Convention on Migratory Species; Appendix 2

First Date	Last Date	No. of Records
21/02/1981	13/06/2004	12

Columba livia**Rock Dove**

The Feral Pigeon comes in many different shades and is a common resident especially in urban areas; where the numbers are allowed to increase it can become a pest. This is the same species as the rock dove (not found wild in our area) and originally kept to provide food. Often under recorded but widespread in Sussex. Feeds on grain and cereals.

Birds Directive Annex 2.1; EC CITES Annex A

First Date	Last Date	No. of Records
14/02/2009	13/06/2009	2

Columba palumbus**Woodpigeon**

This is the UK's largest and most common pigeon and is an abundant resident and winter visitor. Found in woodland, farmland and urban areas, and can be seen in large flocks in fields in the winter. Feeds on crops like cabbages, sprouts, peas and grain. Also buds, shoots, seeds, nuts and berries.

Birds Directive Annex 2.1

First Date	Last Date	No. of Records
02/11/2008	13/06/2009	4

Streptopelia decaocto**Collared Dove**

This species is a very common resident closely associated with human habitation and can be found on farms, in gardens and in parks where it can feed on seeds and grain. After spreading across Europe, this species first bred in Britain in 1955 and arrived in Sussex in 1958; it is now found throughout the area. It has a distinctive buff plumage with a black neck collar and is usually seen in pairs. It is well known for its monotonous cooing.

Birds Directive Annex 2.2

First Date	Last Date	No. of Records
22/12/1994	13/06/2009	3

Cuculus canorus**Cuckoo****BAP N**

The Cuckoo is a fairly common but declining summer visitor though usually absent from urban areas and has one of the best known voices of a bird in the UK. The species has shown a moderate decline. They are well-known brood parasites, the females laying their eggs in the nests of other birds. It breeds in a variety of habitats including farmland, wetland and woodland where its familiar call can be heard. It's diet consists of insects, especially hairy caterpillars.

Bird Population Status - red; Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec; UK Biodiversity Action Plan priority species)

First Date	Last Date	No. of Records
02/05/2009	-	1

Strix aluco**Tawny Owl**

This is the UK's most abundant owl and is a fairly common or common resident in Sussex, particularly in the more wooded areas. Found in deciduous and coniferous woodland, and also farmland, parks and churchyards, it is scarce or absent from more treeless areas near the coast. It is more often heard than seen, recognised by its characteristic hooting. It feeds on a varied diet of small mammals, small birds, frogs, fish, insects and worms.

Bern Convention Appendix 2; EC CITES Annex A

First Date	Last Date	No. of Records
13/06/2004	-	1

Caprimulgus europaeus**Nightjar****BAP N**

This brown hawk-like bird is recorded as a breeding species from many commons, heaths and open woods across both East and West Sussex but is a declining species due mainly to habitat loss, afforestation and fragmentation. This nocturnal species feeds on insects and moths and its churring song is an evocative sound of the summer. It is a fairly common but localised summer visitor which is rarely seen on migration.

Bern Convention Appendix 2; Bird Population Status - red; Birds Directive Annex 1; Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec; UK Biodiversity Action Plan priority species)

First Date	Last Date	No. of Records
01/06/1999	13/06/2004	2

Apus apus**Swift**

A well-known common summer visitor and passage migrant, widely distributed in Sussex. This sickle-shaped medium-sized dark aerial bird only stops flying when at the nest, it even sleeps on the wing! Many towns and villages have breeding populations. Very large migration movements are sometimes recorded with many thousands of birds involved. Can be seen in large screaming parties speeding around rooftops. They feed on flying insects and airborne spiders.

Bird Population Status - amber

First Date	Last Date	No. of Records
03/05/2006	13/06/2009	2

Upupa epops**Hoopoe**

Very scarce spring and autumn passage migrant which has bred in Sussex. This exotic-looking black, white and orange bird has a crest and it has been recorded from both coastal and inland locations including garden lawns where it feeds on insects and spiders.

Bern Convention Appendix 2; Wildlife and Countryside Act 1981 (Schedule 1 Part 1)

First Date	Last Date	No. of Records
17/04/1957	08/06/1975	4

Picus viridis**Green Woodpecker**

This is the largest of the three resident British woodpeckers and is fairly common or common; its presence is usually announced by its laughing "yaffle" call. This striking green woodpecker has a red crown stripe and requires mature trees for nesting and open areas for feeding, such as orchards, parks and farmland where it can feed on insects, especially ants; however most records are from wooded areas. Numbers can fall in hard winters and recovery is slow.

Bern Convention Appendix 2; Bird Population Status - amber

First Date	Last Date	No. of Records
12/04/1992	13/06/2009	5

Dendrocopos major**Great Spotted Woodpecker**

A striking red, black and white medium-sized bird which is a common resident especially near large trees with suitable holes for nesting, especially in woodland and parkland. Often recorded from suburban gardens where it feeds at peanut feeders and bird tables. It also feeds on insects, seeds and nuts. It tends to be rarely recorded from much of the coastal plain. Its presence is often announced by its loud call or by its distinctive spring 'drumming' display.

Bern Convention Appendix 2

First Date	Last Date	No. of Records
30/06/1981	13/06/2009	14

Phylloscopus collybita**Chiffchaff**

A very common summer visitor and passage migrant, with small numbers wintering, this is a well-known bird which is named after its call. This small olive-brown warbler favours deciduous and mixed woodland, stands of trees, parks and mature gardens where there is thick undergrowth. It feeds on insects and is widespread across Sussex.

First Date	Last Date	No. of Records
07/04/2008	13/06/2009	3

Hirundo rustica**Swallow**

Our familiar swallow with long tail streamers is a common summer visitor and abundant passage migrant. They are agile in flight and spend most of their time on the wing hunting. They often breed in quiet farm buildings with nearby ponds and open pasture especially near cattle where they can feed on plentiful insects. Reedbeds are used as pre-migration roosts in late summer and early autumn.

Bern Convention Appendix 2; Bird Population Status - amber

First Date	Last Date	No. of Records
02/05/2009	13/06/2009	2

Delichon urbicum**House Martin**

A distinctive hirundine with a forked tail and white rump, it is a common summer visitor and abundant passage migrant. It is more abundant in urban areas than in the countryside because of the availability of suitable nesting sites in the eaves of buildings, but it will feed on around insects that it finds on agricultural land and around water.

Bern Convention Appendix 2; Bird Population Status - amber

First Date	Last Date	No. of Records
01/06/2006	13/06/2009	2

Anthus trivialis**Tree Pipit****BAP N**

This pipit is a fairly common but local summer visitor and fairly common passage migrant, with most records coming from the Ashdown Forest area and from the heaths in West Sussex. It nests on the ground in open woodland, including young conifer plantations and heaths where there are suitable song-posts from which males can display. It feeds mainly on small invertebrates, and some plant matter, especially berries, in autumn. Numbers have seen a moderate decline in the past 25 years.

Bern Convention Appendix 2; Bird Population Status - red; Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec; UK Biodiversity Action Plan priority species

First Date	Last Date	No. of Records
01/06/1999	-	1

Motacilla cinerea**Grey Wagtail**

This small grey and yellow bird is a fairly common resident, passage migrant and winter visitor. This species has gradually increased its range in the past 150 years and has expanded into the English lowlands from the northern and western uplands. It has suffered recent moderate declines. It can be found on flowing freshwater, nesting on bridge supports and other constructions, and also at sewage farms, farmyards, lakes and canals where they can catch insects to feed on.

Bern Convention Appendix 2; Bird Population Status - amber

First Date	Last Date	No. of Records
01/06/1965	12/05/1999	4

Motacilla alba**Pied Wagtail**

A common resident, passage migrant and winter visitor. Pied wagtails prefer habitats near water - river banks or lake edges with a stony or gravelly shore as well as moorland, farmland, coasts, estuaries, parks and gardens. Widespread across Sussex. *Motacilla alba yarrellii* is the main subspecies of the British Isles and is generally darker than the subspecies commoner in mainland Europe *Motacilla alba alba*. It feeds on insects and can be found in large roosts in urban areas during the winter.

Bern Convention Appendix 2

First Date	Last Date	No. of Records
14/02/2009	13/06/2009	3

Motacilla alba subsp. yarrellii**Pied Wagtail**

Bern Convention Appendix 2

First Date	Last Date	No. of Records
02/04/2007	-	1

Bombycilla garrulus**Waxwing**

In most years this plump colourful bird is a very scarce winter visitor to Britain, including Sussex. Sometimes the birds appear in large numbers when food sources in Scandinavia are low. They are recorded widely both inland and on the coast, and can be found in parks and gardens, or anywhere with berry-bearing trees and bushes, particularly rowan and hawthorn, but also cotoneaster and rose.

Bern Convention Appendix 2

First Date	Last Date	No. of Records
11/02/1996	26/12/2012	3

Troglodytes troglodytes**Wren**

This tiny red-brown bird is an abundant resident, breeding in Sussex wherever there is available cover, particularly in dense undergrowth. It is found in most habitats ranging from gardens to woodland and orchards to hedgerows. Often seen moving about like a mouse looking for insect and spider prey. It can decline significantly after hard winters, especially in more exposed places. It has a beautiful loud trilling song.

Bern Convention Appendix 2

First Date	Last Date	No. of Records
02/11/2008	13/06/2009	4

Prunella modularis**Dunnock****BAP N**

A very common resident, the Dunnock needs areas with thick vegetation - thickets, brambles, hedges, woodland edges. Readily uses man-made habitats like parks, gardens and churchyards. It is inclined to suffer in hard winters. This grey and brown bird is quite shy and inconspicuous, and creeps about on the ground in the undergrowth, looking for insects, spiders, worms and seeds.

Bern Convention Appendix 2; Bird Population Status - amber; Nerc Act 2006; UK Biodiversity Action Plan priority species

First Date	Last Date	No. of Records
02/11/2008	13/06/2009	4

Erithacus rubecula**Robin**

The quintessential British bird, the Robin "redbreast" is an abundant and well-known resident, probably common passage migrant, mainly in autumn. Its status as a winter visitor is uncertain. It favours woodlands, parks and gardens with plenty of undergrowth where it can find worms and seeds, fruits and insects.

Bern Convention Appendix 2

First Date	Last Date	No. of Records
02/11/2008	13/06/2009	4

Phoenicurus ochruros**Black Redstart**

Rare resident; fairly common passage migrant and scarce winter visitor. A recent colonist of the British Isles and first recorded as breeding on the cliffs near Hastings (1923). This robin-sized bird can be found in coastal area where it feeds on insects, spiders, berries and seeds.

Bern Convention Appendix 2; Bird Population Status - amber; Wildlife and Countryside Act 1981 (Schedule 1 Part 1)

First Date	Last Date	No. of Records
23/10/2010	-	1

Saxicola rubicola**Stonechat**

A robin-sized bird which is a fairly common resident and partial migrant. It shows a marked preference for heathland with scattered clumps of gorse as well as some downland plantations, where you can hear its loud "tacc tacc" call like two stones being tapped together. Widespread in our area. Feeds on invertebrates, seeds and fruit (e.g. blackberries).

Bern Convention Appendix 2

First Date	Last Date	No. of Records
01/06/1999	-	1

Turdus merula**Blackbird**

An abundant breeding resident, very common or abundant winter visitor but its status as a passage migrant is unknown. One of the commonest and well-known British birds of woodland, farmland, gardens and parks where they like areas with bushes, shrubs and trees and nearby open ground with short grass where they can feed on insects, worms and berries.

Birds Directive Annex 2.2

First Date	Last Date	No. of Records
02/11/2008	13/06/2009	4

Turdus pilaris**Fieldfare**

This large, colourful thrush is a common, occasionally very common, passage migrant and winter visitor usually seen in flocks of anything from a dozen or two to several hundred. They feed on insects, worms and berries and can be seen in open countryside with grass fields, and berry-bearing hedgerows, especially hawthorn. Also frequent visitors to orchards, gardens and parks especially ones with apple trees. They will come into towns and feed in parks and on playing fields too.

Bird Population Status - red; Birds Directive Annex 2.2; Wildlife and Countryside Act 1981 (Schedule 1 Part 1)

First Date	Last Date	No. of Records
23/03/1992	14/02/2009	2

Turdus philomelos**Song Thrush****BAP N**

Decreasing resident and partial migrant; common passage migrant and winter visitor. A species which is declining throughout the UK with an estimated reduction of 73% in farmland and 49% in woodland habitats. Still widespread in Sussex. It has a spotted breast and a repetitive song and feeds on worms, snails and fruits.

Bird Population Status - red; Birds Directive Annex 2.2; Nerc Act 2006; UK Biodiversity Action Plan priority species

First Date	Last Date	No. of Records
19/02/2007	13/06/2009	9

Turdus iliacus**Redwing**

The smallest of the region's thrushes with conspicuous red flanks, it is a very common, occasionally very common, passage migrant and winter visitor. It is often seen in the wider countryside and sometimes visits parks and gardens, especially in cold, snowy weather. They feed in fields and hedgerows on berries and worms. Sometimes seen in flocks with Fieldfares.

Bird Population Status - red; Birds Directive Annex 2.2; Wildlife and Countryside Act 1981 (Schedule 1 Part 1)

First Date	Last Date	No. of Records
19/12/2008	14/02/2009	2

Muscicapa striata**Spotted Flycatcher****BAP N**

A fairly common but declining summer visitor, which is a scarce passage migrant in spring and fairly common in the autumn. It prefers open woodland with ample clearings and prominent perches, but can adapt well to gardens and parks which provide similar feeding opportunities. It feeds on insects, which it catches by flying from a perch. This species has suffered recent dramatic population declines.

Bern Convention Appendix 2; Bird Population Status - red; Convention on Migratory Species; Appendix 2; Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec); UK Biodiversity Action Plan priority species

First Date	Last Date	No. of Records
13/04/1992	-	1

Sylvia atricapilla**Blackcap**

A very common summer visitor and passage migrant, and a scarce winter visitor. Males have a black cap and females and juveniles a red brown cap on otherwise grey plumage. Although primarily a summer visitor birds from Germany and north-east Europe are increasingly spending the winter in the UK. It favours woodland with tall trees and undergrowth as well as parks and mature gardens, where it can feed on insects and berries.

First Date	Last Date	No. of Records
18/06/2007	13/06/2009	6

Sylvia communis**Whitethroat**

A medium-sized warbler which is a very common summer visitor and passage migrant. Favours open areas including hedges, scrub, coastal clifftops and young deciduous woods and woodland edges. Widespread across Sussex, avoiding urban areas. It feeds on insects, and berries and fruit in the autumn.

Bird Population Status - amber

First Date	Last Date	No. of Records
02/05/2009	-	1

Regulus regulus**Goldcrest**

The Goldcrest is the UK's smallest songbird and is a very common breeding resident, common passage migrant and winter visitor. It is predominantly a bird of coniferous forests and may also take up residence in deciduous woodland, suburban parks and large gardens where there are conifers nearby. They feed on insects and can often be found in tit flocks. Inclined to suffer in hard winters.

Bern Convention Appendix 2

First Date	Last Date	No. of Records
02/11/2008	-	1

Aegithalos caudatus**Long-tailed Tit**

This charming small bird is a very common resident found in woodland, farmland hedgerows, scrubland, parks and gardens. In winter they form flocks with other tit species. They are widespread across Sussex. It is easily recognised as it has a very long tail, and distinctive pink, white and black colouration. It feeds on insects and sometimes seed during the autumn and winter.

First Date	Last Date	No. of Records
21/03/1994	13/02/2010	4

Cyanistes caeruleus**Blue Tit**

This colourful small bird is an abundant resident found mainly in deciduous woodland. It has adapted to gardens with mature trees or nestboxes and is also found in parkland, hedgerows and conifers. Recorded almost everywhere in Sussex. It feeds on insects, caterpillars, seeds and nuts, and is a regular visitors to garden birdfeeders.

Bern Convention Appendix 2

First Date	Last Date	No. of Records
02/11/2008	13/06/2009	4

Parus major**Great Tit**

This is the UK's largest tit, and is an abundant resident. It is a woodland bird which has readily adapted to man-made habitats and is a familiar garden visitor. It feeds on insects, seeds and nuts and will readily visit garden birdfeeders and use nestboxes. It can also be found along hedgerows and in parks and coniferous woodland. Recorded almost everywhere in Sussex.

Bern Convention Appendix 2

First Date	Last Date	No. of Records
02/11/2008	13/06/2009	4

Periparus ater**Coal Tit**

A small bird that is a very common resident that favours woodland, especially conifer woods, parks and gardens. It feeds on insects, seeds and nuts and is a regular visitor to peanut feeders in gardens. It is widespread in Sussex. In winter it joins with other tits to form feeding flocks.

Bern Convention Appendix 2

First Date	Last Date	No. of Records
08/01/2007	02/11/2008	12

Poecile montana**Willow Tit****BAP N**

A very scarce and declining resident that favours damp woodland close to rivers, streams and gravel pits. It also likes undergrowth in broadleaved woodland and is sometimes found well away from water in marginal habitat not so suitable for other Tit species. This species has suffered recent population declines. It has a large sooty-black cap extending to the back of the neck and a small untidy black bib; it feeds on insects, seeds and berries.

Bern Convention Appendix 2; Bird Population Status - red; Nerc Act 2006; UK Biodiversity Action Plan priority species

First Date	Last Date	No. of Records
18/03/1992	-	1

Poecile palustris**Marsh Tit****BAP N**

A smart looking bird with a black bib and glossy black cap. It is a scarce resident preferring woodland areas, normally away from the coast. Also found in orchards, mature gardens and parkland. It feeds on insects and seeds. It has seen recent population declines.

Bern Convention Appendix 2; Bird Population Status - red; Nerc Act 2006; UK Biodiversity Action Plan priority species

First Date	Last Date	No. of Records
08/11/1993	13/06/2009	4

Sitta europaea**Nuthatch**

A small plump colourful bird which is a common resident of mature deciduous woods, especially large oakwoods, wooded parks and gardens. It is widespread across Sussex except on the coastal plain. It feeds on a varied diet of insects, hazel nuts, acorns, beechmast and other nuts and seed.

Bern Convention Appendix 2

First Date	Last Date	No. of Records
08/04/1992	13/06/2009	15

Certhia familiaris**Treecreeper**

A small brown and white bird which is a common resident frequenting coniferous and deciduous woods, small copses, parks and gardens with mature trees. It can also be found in thick hedges in winter. It is widespread in woodland areas across Sussex. It moves like a mouse moving up tree trunks looking for insects and spiders.

Bern Convention Appendix 2

First Date	Last Date	No. of Records
19/02/2007	14/02/2009	2

Oriolus oriolus**Golden Oriole**

This beautiful bird is a very scarce passage migrant and summer visitor; which may have bred. Mainly recorded on the coast. Breeding birds frequent woodland edges, orchards and, in Britain, poplar plantations. Has a distinctive fluting whistle and feeds on insects.

Bern Convention Appendix 2; Bird Population Status - red; Wildlife and Countryside Act 1981 (Schedule 1 Part 1)

First Date	Last Date	No. of Records
22/06/1908	-	1

Lanius collurio**Red-backed Shrike****BAP**

A very scarce passage migrant that used to breed widely in Sussex. The last recorded breeding pair was in 1968. More recent occasional sightings have been mainly in August and September. Often seen sitting on prominent branches and feeds on insects, small birds and mammals.

Bern Convention Appendix 2; Bird Population Status - red; Birds Directive Annex 1; UK Biodiversity Action Plan priority species; Wildlife and Countryside Act 1981 (Schedule 1 Part 1)

First Date	Last Date	No. of Records
12/06/1981	-	1

Garrulus glandarius**Jay**

The most colourful of the regions crow family, the Jay is a very common resident of broad-leaved and coniferous woodland. It has also moved into parks, cemeteries and gardens where there are mature trees. They are secretive birds that usually only make their presence known with a screaming call. Widespread across Sussex but absent or less frequent in the coastal plain. They feed on acorns, nuts, seeds and insects; burying some acorns for retrieval later on in the winter.

Birds Directive Annex 2.2

First Date	Last Date	No. of Records
02/11/2008	13/06/2009	3

Pica pica**Magpie**

This well-known black and white bird is a very common resident of woodland, farmland, parks and gardens - though they prefer grassland with thick hedges or scattered trees. Frequent in towns and widespread across Sussex. Often seen in small flocks; they are omnivorous scavengers.

Birds Directive Annex 2.2

First Date	Last Date	No. of Records
02/11/2008	13/06/2009	4

Corvus monedula**Jackdaw**

This small black and grey crow is a very common resident of woodland, parks and gardens with areas of grassland, often seen in pairs or small flocks. In towns it will nest in roofs and chimneys which simulate its more natural tree hole sites. In winter it spends time in stubble and ploughed fields and pasture, often in the company of Rooks. It feeds on insects, seeds and scraps.

Birds Directive Annex 2.2

First Date	Last Date	No. of Records
02/11/2008	13/06/2009	3

Corvus frugilegus**Rook**

This large black crow with a prominent white beak is a very common resident of lowland farmland of open fields, especially grassland with tall trees close by where they build their nests. Nearly always found in gregarious flocks, and regularly with Jackdaws. Widespread in Sussex though less so in the north east Weald. The Rook feeds on worms, grain and insects.

Birds Directive Annex 2.2

First Date	Last Date	No. of Records
01/04/1975	02/05/2009	4

Corvus corone**Carrion Crow**

This all black crow is a very common resident found almost everywhere, from the centre of cities to heathland and from woodlands to the seashore, using trees, cliffs and buildings as nest sites. It feeds on carrion, insects, worms, seeds, fruit and any scraps. Recorded almost everywhere in Sussex.

Birds Directive Annex 2.2

First Date	Last Date	No. of Records
02/11/2008	13/06/2009	4

Sturnus vulgaris**Starling****BAP N**

This beautiful glossy black bird is a common but declining resident, and very common to abundant winter visitor. It favours open woodland and woodland edges, hedgerows, parks and gardens and winters in arable fields, pasture, gardens, parks and on the seashore. It feeds on insects and fruit. Large noisy feeding flocks can collect into even larger roosting flocks. Still one of the commonest of garden birds, its decline elsewhere makes it a Red List species of conservation concern.

Bird Population Status - red; Birds Directive Annex 2.2; Nerc Act 2006; UK Biodiversity Action Plan priority species

First Date	Last Date	No. of Records
02/11/2008	02/05/2009	3

Passer domesticus**House Sparrow****BAP N**

This well-known noisy and gregarious bird is a very common, but possibly declining resident, recorded almost everywhere in Sussex. Found both in urban areas and the countryside, it normally feeds and breeds near people. It feeds on seeds and scraps. Although vanishing from the centre of many cities, it is not uncommon in most towns and villages, though it is declining. This has earned it a place on the Red List of species of conservation concern.

Bird Population Status - red; Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec); UK Biodiversity Action Plan priority species

First Date	Last Date	No. of Records
02/11/2008	13/06/2009	4

Spinus spinus**Siskin**

A yellow-green and black bird that is a common winter visitor and passage migrant and a very scarce breeder mainly in mature conifer woods close to heathlands. There are many coastal records and it is often seen feeding on alder seeds along rivers. There is an increasing tendency to visit peanut feeders in gardens.

Bern Convention Appendix 2

First Date	Last Date	No. of Records
12/03/2007	-	1

Fringilla coelebs**Chaffinch**

This colourful finch is an abundant resident, and probably very common passage migrant and winter visitor. It is Britain's second commonest breeding bird favouring places with trees and bushes, including coniferous and deciduous woodland, farmland hedgerows, parks and rural and suburban gardens where it can feed on seeds and insects. It is recorded almost everywhere in Sussex.

First Date	Last Date	No. of Records
02/11/2008	26/03/2010	5

Fringilla montifringilla**Brambling**

This finch is a fairly common winter visitor and passage migrant of fields, woodland edges, beech woods, parks and gardens. It often forms large feeding flocks with other finches feeding on seeds.

Wildlife and Countryside Act 1981 (Schedule 1 Part 1)

First Date	Last Date	No. of Records
05/02/2006	05/03/2006	2

Carduelis chloris**Greenfinch**

This finch has distinctive green-yellow wing patches and is very common resident, and possibly fairly common passage migrant and scarce winter visitor. It can be found anywhere in Sussex with tall, fairly dense trees and plenty of seeds and insects. In winter it tends to feed in fields, gardens and along the seashore, often joining with flocks of other finches and buntings.

Bern Convention Appendix 2

First Date	Last Date	No. of Records
02/11/2008	13/06/2009	4

Carduelis carduelis**Goldfinch**

A colourful finch which is a probably fairly common resident, common summer visitor and passage migrant, and fairly common winter visitor. It likes trees and bushes with areas of tall weeds nearby and often breeds in parks, gardens, nurseries, orchards and churchyards as well as in the wider countryside. Its diet consists of insects and seeds, particularly thistle and teasel, and it is often seen in social flocks.

Bern Convention Appendix 2

First Date	Last Date	No. of Records
21/05/2007	13/06/2009	5

Pyrrhula pyrrhula**Bullfinch****BAP N**

A fairly common and widespread resident species found in woodland, in orchards and on farmland, where it is closely associated with dense shrubs, scrub and untrimmed hedges. It is a stout finch which feeds on seeds, buds and insects (for its young). It has declined substantially in recent years mainly due to habitat changes.

Bird Population Status - amber; Nerc Act 2006; UK Biodiversity Action Plan priority species

First Date	Last Date	No. of Records
30/05/1992	13/02/2010	21

BIODIVERSITY ACTION PLAN SPECIES INVENTORY

The BAP Species Inventory does not include bat, bird or otter records.

Bat and bird records are included in separate inventories, while otter records are not included in SxBRC reports.

The UK Biodiversity Action Plan (BAP), published in 1994, was the UK Government's response to signing the Convention on Biological Diversity (CBD) at the 1992 Rio Earth Summit. The new **UK post-2010 Biodiversity Framework** replaces the previous UK level BAP, though the lists of priority species agreed under the UK BAP still form the basis of much biodiversity work in the UK. The current strategy for England is '**Biodiversity 2020: A Strategy for England's wildlife and ecosystem services**'. Although the UK BAP has been succeeded, Species Action Plans (SAPs) developed under the UK BAP still remain important and valuable reference sources for background information on Priority Species under the UK Post-2010 Biodiversity Framework.

The new framework includes five internationally agreed strategic goals and supporting targets to be achieved by 2020. The five strategic goals agreed were:

- **Strategic Goal A:** Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society
- **Strategic Goal B:** Reduce the direct pressures on biodiversity and promote sustainable use
- **Strategic Goal C:** To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity
- **Strategic Goal D:** Enhance the benefits to all from biodiversity and ecosystem services
- **Strategic Goal E:** Enhance implementation through participatory planning, knowledge management and capacity building.

Further information on the UK BAP and details of the species and habitat action plans can be found on the [JNCC website](#).

BAP species within this report

- BAP records are labelled so that only one record per species per grid reference is included in a SxBRC report. This will usually be the most up to date record.
- Species which appear in the 'England Biodiversity List' to meet the requirements of Section 41 of the NERC Act (2006)* are labelled with the symbol **N**.

* Natural Environment & Rural Communities (NERC) Act

The NERC Act (2006) was established with the intention to help ensure that biodiversity becomes an integral consideration in the development of policies, and that decisions of public bodies work with nature and not against it.

The England Biodiversity List has been drawn up to meet the requirements of Section 41 of the Act. The S41 list consists of **943 species** and **56 habitats** of principal importance in England and will be 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.

Further details of the NERC Act can be found on the [Natural England website](#).

UK BIODIVERSITY ACTION PLAN SPECIES INVENTORY REPORT

Please note that bat, bird and otter records are not included in this report

Land north of Mutton Hall Lane + 2km radius

03 October 2016 SxBRC/16/447 Search Area: TQ5821 to TQ5922

Prepared for Mike Gadd

Viola lactea

Pale Dog-violet

N

Flowering plant

A perennial herb of dry, well-drained soils in heathland habitats. Once known from suitable localities in East and West Sussex but now thought to be extinct in both.

Designations

IUCN (2001) - Vulnerable, Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec, Sussex Biodiversity Action Plan, Sussex Rare Species Inventory, UK Biodiversity Action Plan priority species)

Grid Reference	Recorder	Date	Locality
TQ581211	Anon @ Monks Wood	1950	W of Heathfield railway station, East Sussex (VC14)

Pyrenula nitida

N

Lichen

A lichen that occurs on the smooth, shaded bark of old deciduous trees, especially hornbeam and beech. Found in the British Isles only in southern and south eastern England. Recorded in our area only from an unspecified West Sussex location before 1900.

Designations

IUCN (2001) - Vulnerable, Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec, Sussex Biodiversity Action Plan, Sussex Rare Species Inventory, UK Biodiversity Action Plan priority species)

Grid Reference	Recorder	Date	Locality
TQ5921	Francis Rose	15/01/1968	Heathfield Park

Varicellaria hemisphaerica

N

Lichen

A lichen that occurs on the rough bark or sheltered, well-lit mature trees, especially beech, oak and ash in ancient woodlands and parklands. Found in the British Isles in Southern England, Wales and Ireland.

Designations

IUCN (2001) - Vulnerable, Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec, Sussex Biodiversity Action Plan, UK Biodiversity Action Plan priority species)

Grid Reference	Recorder	Date	Locality
TQ5921	Simon Davey	May 1991	Heathfield Park

Orthosia gracilis

Powdered Quaker

N

Insect - moth

An early-flying noctuid moth attracted to sallow blossom and other flowers in April and May. Larvae usually on sallow in southern Britain. Widespread in Sussex.

Designations

Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec, Sussex Biodiversity Action Plan, UK Biodiversity Action Plan priority species)

Grid Reference	Recorder	Date	Locality
TQ586211	Marcus Oldfield	23/03/1952	Heathfield, N of Hailsham, E Sussex
TQ589215	Marcus Oldfield	03/04/1952	Heathfield, N of Hailsham, E Sussex

Erynnis tages

Dingy Skipper

N

Insect - butterfly

The butterfly occurs in discrete colonies, frequenting downland, dunes, heaths, embankments, woodland rides and occasionally damper areas. The larva feeds on birdsfoot trefoils, *Lotus corniculatus* and *L. uliginosus*. Southern Britain and Wales, being more local further north. Widespread but declining in Sussex Weald. More stable on the South Downs. Recorded under both *Erynnis tages* and as the nominate subspecies *Erynnis tages tages*.

Designations

IUCN (2001) - Vulnerable, Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec, Sussex Biodiversity Action Plan, UK Biodiversity Action Plan priority species)

Grid Reference	Recorder	Date	Locality
TQ582215	Eric Mockford	27/05/1997	Cuckoo Line, Heathfield

Pyrgus malvae

Grizzled Skipper

N

Insect - butterfly

A butterfly of sheltered meadows, downland and open woodland rides. Larva on *Potentilla*, *Fragaria vesca* and *Agrimonia eupatoria*. Commonest in central southern England, Wales and the Midlands up to Yorkshire. Still widespread on the Downs but less common than it was in the Weald.

Designations

IUCN (2001) - Vulnerable, Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec, Sussex Biodiversity Action Plan, UK Biodiversity Action Plan priority species)

Grid Reference	Recorder	Date	Locality
TQ582215	Eric Mockford	27/05/1997	Cuckoo Line, Heathfield

Limenitis camilla

White Admiral

N

Insect - butterfly

A fairly widespread woodland butterfly that has increased a little in numbers and range in Sussex in recent decades. The larvae are found on honeysuckle.

Designations

IUCN (2001) - Vulnerable, Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec, Sussex Biodiversity Action Plan, UK Biodiversity Action Plan priority species)

Grid Reference	Recorder	Date	Locality
TQ5821	Jim Barrett	10/08/2013	Beckley Woods, Peasmarsh

Coenonympha pamphilus

Small Heath

N

Insect - butterfly

A small grassland butterfly that is fairly widespread in Sussex, especially on the Downs. The species has become much less common than it used to be in many areas in recent decades.

Designations

IUCN (2001) - Lower risk - near threatened, Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec, Sussex Biodiversity Action Plan, UK Biodiversity Action Plan priority species)

Grid Reference	Recorder	Date	Locality
TQ582212	Eric Mockford	14/08/1998	Heathfield
TQ582215	Eric Mockford	07/06/1997	Cuckoo Line, Heathfield

Bufo bufo

Common Toad

N

Amphibian

Still a widespread species in Sussex but declining due to loss of habitat and other factors. Toads tend to have large populations centred on particular breeding sites and they may become locally extinct if these are damaged or destroyed. Common toads are legally protected against sale.

Designations

Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec, Sussex Biodiversity Action Plan, UK Biodiversity Action Plan priority species, Wildlife and Countryside Act 1981 (Schedule 5 Section 9.5a), Wildlife and Countryside Act 1981 (Schedule 5 Section 9.5b)

Grid Reference	Recorder	Date	Locality
TQ589213	Keith Stevenson	03/06/2013 - 05/06/2013	Heathfield

Natrix natrix

Grass Snake

N

Reptile

A widespread, but legally protected, snake with a normally olive body flecked with black and a distinctive yellow collar. Frequent in Sussex near places where its food, largely frogs, is readily available. Like most reptiles and amphibians, grass snakes have declined considerably and need protection wherever they occur.

Designations

Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec, Sussex Biodiversity Action Plan, Sussex Protected Species Register, UK Biodiversity Action Plan priority species, Wildlife and Countryside Act 1981 (Schedule 5 Section 9.1 (killing/injuring)), Wildlife and Countryside Act 1981 (Schedule 5 Section 9.5a), Wildlife and Countryside Act 1981 (Schedule 5 Section 9.5b)

Grid Reference	Recorder	Date	Locality
TQ5821	SARG Sussex Amphibian & Reptile Grp; Dennis Dey	04/09/1997	Mutton Hall Lane, Heathfield, East Sussex (VC14)
TQ5921	SARG Sussex Amphibian & Reptile Grp	19/09/1998	Quakers, Broad Oak, Heathfield, East Sussex (VC14)

Erinaceus europaeus

West European Hedgehog

N

Terrestrial mammal

The hedgehog is one of our most familiar and endearing small mammals and it is still widespread in Sussex and Britain. However, hedgehog numbers have been adversely affected by changes in agriculture with less permanent pasture and fewer hedgerows. Climate change may also affect the availability of earthworms, one of their main foods, during hot, dry summers. There is some survey evidence that hedgehogs are most common where badgers are rarer and badgers do, of course, prey on them.

Designations

Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec, Sussex Biodiversity Action Plan, UK Biodiversity Action Plan priority species

Grid Reference	Recorder	Date	Locality
TQ5821	People's Trust for E Species	2005	Unspecified Location Within Heathfield And Waldron CP
TQ586213	People's Trust for E Species	2015	Unspecified Location Within Heathfield And Waldron CP
TQ588217	People's Trust for E Species	2013	Unspecified Location Within Heathfield And Waldron CP
TQ5921	E J Ashton	1965	VC14 East Sussex, East Sussex (VC14)

Muscardinus avellanarius

Hazel Dormouse

N

Terrestrial mammal

A nocturnal species of woodland and overgrown hedgerows. Dormice spend much of their time climbing among branches in search of fruit, nuts, insects and other food. They sleep in nests during the day in hollow trees, unoccupied bird or bat boxes and similar places and hibernate in winter. Dormice occur mainly in southern England in this country and are widespread in suitable habitats in Sussex.

Designations

European Protected Species, Habitats Directive Annex 4, Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec, Sussex Biodiversity Action Plan, Sussex Protected Species Register, UK Biodiversity Action Plan priority species, Wildlife and Countryside Act 1981 (Schedule 5 Section 9.4b), Wildlife and Countryside Act 1981 (Schedule 5 Section 9.5a), Wildlife and Countryside Act 1981 (Schedule 5 Section 9.5b), Wildlife and Countryside Act 1981 (Schedule 5)

Grid Reference	Recorder	Date	Locality
TQ585210	People's Trust for E Species	10/11/2014	Unspecified location within the parish of Heathfield And Waldron

SUSSEX RARE SPECIES INVENTORY

The Rare Species Inventory does not include bat, bird or otter records.
Bat and bird records are included in separate inventories, while otter records are not included in SxBRC reports.

The Sussex Rare Species Inventory (RSI) contains over 3,400 species. These species are selected according to strict criteria of rarity associated with their occurrence in Sussex.

The criteria for selection of species are listed below:

- All species in the British Red Data Books including all Notable fauna and Nationally Scarce flora and British endemic taxa which have ever occurred in Sussex whether extinct or not.
- Species included in the UK Biodiversity Action Plan (BAP species).
- Internationally rare taxa cited in the Bern Convention, IUCN Red Data lists, or EU Habitats Directive which are not covered by any of the above.

The RSI has been designed to be comprehensive for species but representative for records. This is managed in several ways:

- RSI records are labelled so that only one record per species per grid reference gets flagged up. This will usually be the most up to date record.
- SxBRC does not hold marine information other than coastal species and cetaceans.
- The following species are relatively common in Sussex but are in the RSI because they are Notable or Nationally Scarce. Only *one* record of these species is labelled per 2km tetrad:

Round-headed Rampion	<i>Phyteuma orbiculare</i>
Frogbit	<i>Hydrocharis morus-ranae</i>
Adonis Blue	<i>Lysandra bellargus</i>
Long-winged Conehead	<i>Conocephalus discolor</i> (syn. <i>C. fuscus</i>)
Variable Damselfly	<i>Coenagrion pulchellum</i>
Downy Emerald	<i>Cordulea aenea</i>

For records of rare vascular plants, bryophytes and lichens the Record Centre recommends the Sussex Rare Plant Register, compiled by the Sussex Botanical Recording Society. This gives information on the distribution and status of over 400 Sussex Rare Plants, putting data from RSI reports into a Sussex-wide context. Please see [our website](#) for more information.

IUCN Categories of Rarity

The following is a summary of the IUCN categories of rarity. For further information visit the [IUCN website](#).

Extinct (EX)

A taxon is Extinct when there is no reasonable doubt that the last individual has died.

Extinct in the Wild (EW)

A taxon is Extinct in the Wild when it is known only to survive in cultivation, in captivity or as a naturalized population (or populations) well outside the past range.

Critically Endangered (CR)

A taxon is Critically Endangered when it is considered to be facing an extremely high risk of extinction in the wild.

Endangered (EN)

A taxon is Endangered when it is considered to be facing a very high risk of extinction in the wild.

Vulnerable (VU)

A taxon is Vulnerable when it is considered to be facing a high risk of extinction in the wild.

Near Threatened (NT)

A taxon is Near Threatened when it is close to qualifying for or is likely to qualify for a threatened category in the near future.

Least Concern (LC)

A taxon is Least Concern when it has been evaluated against the criteria and does not qualify for Critically Endangered, Endangered, Vulnerable or Near Threatened.

Data Deficient (DD)

A taxon is Data Deficient when there is inadequate information to make a direct, or indirect, assessment of its risk of extinction based on its distribution and/or population status.

Not Evaluated (NE)

A taxon is Not Evaluated when it has not yet been evaluated against the criteria.

Regionally Scarce (NR)

Occurs in 5 or fewer 10km squares in a particular region of Britain. Locally determined.

SUSSEX RARE SPECIES INVENTORY REPORT

Please note that bat, bird and otter records are not included in this report

Land north of Mutton Hall Lane + 2km radius

03 October 2016

SxBRC/16/447

Search Area: TQ5821 to TQ5922

Prepared for Mike Gadd

Pyrola minor

Common Wintergreen

Flowering plant

A perennial evergreen herb found, in southern England, in damp woodlands with deep litter. Always been rare in our area, especially in East Sussex. Currently recorded from one site in West Sussex and, as a garden escape, from one in East Sussex.

Designations

Sussex Rare Species Inventory

Grid Reference	Recorder	Date	Locality
TQ5821222407	Rachel Nicholson	August 2006	East Sussex (VC14)

Sibthorpia europaea

Cornish Moneywort

Flowering plant

A procumbent perennial of damp, shady places on acid soils mostly in the West Country. Only known in our area in a few localities in East Sussex and apparently decreasing.

Designations

Sussex Rare Species Inventory

Grid Reference	Recorder	Date	Locality
TQ5908221131	Alan Knapp;K.A. Knapp	05/08/2007	East Sussex (VC14)
TQ591217	Chris Chris Blandford Associates	1991	Heathfield Park
TQ5930721654	Helen Proctor et al	05/08/2007	East Sussex (VC14)
TQ59352115	Anon	01/10/1970	Heathfield Park

Eleogiton fluitans

Floating Club-rush

Flowering plant

Never common in Sussex, this species of shallow ponds on sandy or peaty soils is now largely confined to Ashdown Forest in East Sussex. In the West it is very rare although it was formerly widespread in St Leonard's Forest.

Designations

Sussex Rare Species Inventory

Grid Reference	Recorder	Date	Locality
TQ5904021106	Alan Knapp;K.A. Knapp	05/08/2007	East Sussex (VC14)

Dryopteris aemula

Hay-scented Buckler-fern

Fern

In the Weald a fern of in deep, steep-sided wooded gills. Very rare in West Sussex but locally frequent in the High Weald area of East Sussex. This species is one for which Britain has special responsibility.

Designations

Sussex Rare Species Inventory

Grid Reference	Recorder	Date	Locality
TQ5822	Francis Rose	19/08/1961	Wood S of Old Mill Farm, 2 miles S of Mayfield

Viola lactea

Pale Dog-violet

Flowering plant

A perennial herb of dry, well-drained soils in heathland habitats. Once known from suitable localities in East and West Sussex but now thought to be extinct in both.

Designations

IUCN (2001) - Vulnerable; Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec; Sussex Biodiversity Action Plan; Sussex Rare Species Inventory; UK Biodiversity Action Plan priority species

Grid Reference	Recorder	Date	Locality
TQ581211	Anon @ Monks Wood	1950	East Sussex (VC14)

*Lecanactis subabietina***Lichen**

A lichen that grows low down on the dry bark of old oak trees and sometimes birch or pine. Also on ivy trunks old fern and heather stems and dry rock underhangs. Mainly in the south and west of England from Hampshire to Cornwall. Scattered elsewhere and with a handful of records across East and West Sussex. 1967-1997.

Designations

Sussex Rare Species Inventory

Grid Reference	Recorder	Date	Locality
TQ5921	Simon Davey	May 1991	Heathfield Park

*Pyrenula nitida***Lichen**

A lichen that occurs on the smooth, shaded bark of old deciduous trees, especially hornbeam and beech. Found in the British Isles only in southern and south eastern England. Recorded in our area only from an unspecified West Sussex location before 1900.

Designations

IUCN (2001) - Vulnerable; Natural Environment and Rural Communities Act 2006 - Species of Principal Importance in England (sec; Sussex Biodiversity Action Plan; Sussex Rare Species Inventory; UK Biodiversity Action Plan priority species

Grid Reference	Recorder	Date	Locality
TQ5921	Francis Rose	15/01/1968	Heathfield Park

Buellia disciformis

Lichen

A lichen found on the smooth bark of trees, particularly beech. Mainly in north and west Britain but recorded from seven locations in ancient woodland across Sussex. 1805-1991

Designations

Sussex Rare Species Inventory

Grid Reference	Recorder	Date	Locality
TQ593215	SAMLL	1968	Heathfield Park

Lecanora jamesii

Lichen

A lichen of smooth-barked trees, especially sallows, in damp situations. A mainly northern and western species in the British Isles. Recorded from several sites in West Sussex and Heathfield Park in East Sussex. 1970-1991.

Designations

Sussex Rare Species Inventory

Grid Reference	Recorder	Date	Locality
TQ5921	Simon Davey	May 1991	Heathfield Park

Mycoblastus caesius

Lichen

A woodland lichen of acid bark and occasionally rocks. Common in western Britain but very rare elsewhere. In our area recorded from several sites in both East and West Sussex.

Designations

Sussex Rare Species Inventory

Grid Reference	Recorder	Date	Locality
TQ5921	Simon Davey	May 1991	Heathfield Park

Fuscidea lightfootii

Lichen

A variable lichen of horizontal boughs and twigs, especially of ash and willow, overhanging streams and rivers and in boggy places. Frequent, mainly in the north and west of the British Isles. In our area recorded from Buckhurst Park, Wiligh Park, Dallington Forest and Sheffield Park in East Sussex and Parham Park and North Marden Down in West Sussex. 1968-1991.

Designations

Sussex Rare Species Inventory

Grid Reference	Recorder	Date	Locality
TQ5921	Francis Rose	15/01/1968	Heathfield Park

SUSSEX INVASIVE ALIEN SPECIES REPORT

The Sussex Invasive Alien Species Report is produced in order to help minimise the threat posed by invasive alien species in Sussex. Records are labelled so that only one record per species per grid reference is included - this will usually be the most up to date record.

Most alien species pose no threat to native species, and indeed many naturalised non-natives represent important additions to our flora and fauna. An older record of an alien invasive species may denote that there was once a problem at this site, but it has subsequently been dealt with. However, the problem may still persist but no up to date information is available.

What is an Invasive Alien Species?

The term alien is synonymous with the term non-native. An invasive alien is defined as an alien species whose introduction and/or spread threatens biological diversity. Invasive alien species are referred to by several names, which are often used interchangeably: non-natives, introduced, non-indigenous, exotic, foreign, noxious, aggressive, pest or harmful species.

What's the problem?

With no natural predators and a benign climate, invasive alien species can out-compete our native plant and animal species. For example, some invasive alien plants species can change light levels, decrease dissolved oxygen in water, change soil chemistry and its structure, and increase surface run-off and soil erosion. On a more subtle level, invasive alien species can affect ecosystem processes such as nutrient cycling, pollination and regeneration of soils. Invasive fauna can compete with native species, displace them, consume them, act as parasites or transmit diseases, reduce growth and survival rates, cause the decline or extinction of local populations or even entire species.

What control is in place?

Section 14 of The Wildlife and Countryside Act (1981) is the principal legislation dealing with the release of non-native species. This has been amended by the Natural Environment and Rural Communities (NERC) Act (2006) in England and Wales. Section 14 of the Act makes it illegal to allow any animal which is not ordinarily resident in Great Britain, or is listed on Schedule 9 of the Act, to escape into the wild, or to release it into the wild. It is also illegal to plant or otherwise cause to grow in the wild any plant listed on Schedule 9 of the Act.

What to do if there is an invasive alien species on your site

If you have any of the species listed in this report on your site, firstly investigate the recommended control for the particular species. You can search by species name on the [GB non-native species secretariat website](#) for further advice.

If there are invasive alien species at your site that are not in this report please contact us on sxbrc@sussexwt.org.uk or 01273 497521 so that we can update our database.

SUSSEX INVASIVE ALIEN SPECIES REPORT

Please note that bird records are not included in this report.

Land north of Mutton Hall Lane + 2km radius

03 October 2016 SxBRC/16/447 Search Area: TQ5821 to TQ5922

Prepared for Mike Gadd

Elodea nuttallii

Nuttall's Waterweed

Flowering plant

First recorded as naturalised in Oxford in 1966. Grows in still or slow flowing waters. Due to increased eutrophication it has replaced *Elodea canadensis* at many sites and in turn is being replaced by *Lagarosiphon major*. It is often found in species poor plant communities subject to boat traffic, management and in eutrophic drainage ditches. Widespread in Sussex.

Grid Reference	Recorder	Date	Locality
TQ52W	R.P. Wells	30/10/2010	N of Heathfield

Fallopia japonica

Japanese Knotweed

Flowering plant

Listed on Schedule 9 Part II of the Wildlife & Countryside Act (1981). It is an offence to plant or otherwise cause to grow the species in the wild. Described as the most pernicious weed in Britain by Plantlife, Japanese knotweed was introduced in the UK in the mid-19th century as an ornamental plant. It is now a problem invasive perennial throughout Europe. It is an offence to plant, or otherwise cause to grow, the species in the wild. Landowners are liable to prosecution if they allow the plant to spread from their land.

Grid Reference	Recorder	Date	Locality
TQ52W	Rachel Nicholson	2006	N of Heathfield, East Sussex (VC14)

Rhododendron ponticum

Rhododendron

Flowering plant

A naturalised, purple-flowered shrub introduced in 1763. Most UK plants derive from Spanish stock. A highly invasive species that suppresses native vegetation and its associated flora and fauna.

Grid Reference	Recorder	Date	Locality
TQ52W	Nick Sturt;Elizabeth Sturt	07/04/2006	Marklye, East Sussex (VC14)

Lamium galeobdolon subsp. argentatum Yellow Archangel

Flowering plant

Often listed just as *Lamiastrum galeobdolon montanum*. However, the New Atlas of the British Flora and other sources point out that *L. g. montanum* is the widespread yellow archangel of the British countryside and that the nominate subspecies *L. g. ssp. galeobdolon* is a rare plant confined as a native to Lincolnshire and Kirkcudbrightshire. Some authorities position the variegated invasive alien yellow archangel as *L. g. ssp. montanum*, others as *L. g. ssp. argentatum*. This latter form is thought to have been introduced in the late 1960s and is spreading rapidly. It is widespread in Sussex and listed on Schedule 9 of the Wildlife & Countryside Act 1981.

Grid Reference	Recorder	Date	Locality
TQ52W	Rachel Nicholson	2006	N of Heathfield, East Sussex (VC14)

Prunus laurocerasus

Cherry Laurel

Flowering plant

From eastern Europe and western Asia a now widely planted and often self-sown shrub in many woods in Britain. In some cases it makes up the whole of the lower canopy, effectively shading out any ground flora and preventing the natural regeneration of trees and shrubs. Widespread and increasing in Sussex.

Grid Reference	Recorder	Date	Locality
TQ52W	Rachel Nicholson	2006	N of Heathfield, East Sussex (VC14)

Cotoneaster horizontalis

Wall Cotoneaster

Flowering plant

A small shrub from western China now widely naturalised in the British Isles and often highly invasive, especially on chalk slopes. Recorded from many places in East and West Sussex. Listed on schedule 9 of the Wildlife & Countryside Act 1981.

Grid Reference	Recorder	Date	Locality
TQ52W	Jean Byatt	01/07/2009	NE of Heathfield, East Sussex (VC14)

Cotoneaster simonsii

Himalayan cotoneaster

Flowering plant

A shrub up to 4m tall from the Himalayas widely naturalised in the British Isles. Well-established across East and West Sussex. Listed on schedule 9 of the Wildlife & Countryside Act 1981.

Grid Reference	Recorder	Date	Locality
TQ588218	R.P. Wells	30/10/2010	Heathfield

Campylopus introflexus

Heath Star Moss

Moss

A now widespread moss introduced from the Southern Hemisphere. First British record was from Heath Common, Sullington in 1941. Tends to overwhelm native moss species and now very widespread in Sussex.

Grid Reference	Recorder	Date	Locality
TQ592212	Tom Ottley	12/03/2014	Heathfield Park, East Sussex (VC14)

Crocasmia pottsii x *aurea* = *C. x crocosmiiflora*

Montbretia

Flowering plant

A well-known garden escape with orange flowers from South Africa. Widespread across Sussex. Listed on Schedule 9 of the Wildlife & Countryside Act 1981.

Grid Reference	Recorder	Date	Locality
TQ52W	Rachel Nicholson	2006	N of Heathfield, East Sussex (VC14)

Allium triquetrum

Three-cornered Garlic

Flowering plant

This perennial bulbous plant was introduced from the Mediterranean region and established in Britain by the mid 19th C. It spreads rapidly by ant-dispersed seed and is increasing its range here partly in response to milder climatic conditions. It can displace bluebells and other native flora in woodlands and along verges. Widespread and increasing in Sussex.

Grid Reference	Recorder	Date	Locality
TQ582213	Rachel Nicholson	01/05/2006	Heathfield

Petasites fragrans

Winter Heliotrope

Flowering plant

A large-leaved, rampant perennial plant from the Far East spreading by means of underground stems by up to 1 metre per year. Very invasive, often forming large wayside colonies to the exclusion of all other species. Sweet scented mauve pink spikes of flower in winter.

Grid Reference	Recorder	Date	Locality
TQ52W	Nick Sturt;Elizabeth Sturt	07/04/2006	Marklye, East Sussex (VC14)

Harmonia axyridis

Harlequin Ladybird

Insect - beetle (Coleoptera)

A native of the Far East this was first recorded in Britain in 2004 and in Sussex near Icklesham in May 2005; widespread in East and West Sussex by 2006. It is larger and more voracious than our native ladybirds and may compete with them and attack other invertebrates. Can also damage fruit and be a nuisance when hibernating in large aggregations in houses.

Grid Reference	Recorder	Date	Locality
TQ58012124	anon @ iRecordLadybirds	03/06/2015	6 Waldron Thorns

FULL SPECIES LIST (Excluding Birds)

Land north of Mutton Hall Lane + 2km radius

03 October 2016 SxBRC/16/447 Search Area: TQ5821 to TQ5922

Prepared for Mike Gadd

Latin Name	Common Name	Taxon Group	First Date	Last Date	No. of Rec's
<i>Arthonia punctiformis</i>		fungus	31/05/1991	-	1
<i>Stenocybe septata</i>		fungus	15/01/1968	31/05/1991	3
<i>Collybia confluens</i>	Clustered Toughshank	fungus	04/03/1957	-	1
<i>Lecanora chlarotera</i>		lichen	15/01/1968	31/05/1991	5
<i>Lecidella stigmatæa</i>		lichen	23/02/1969	-	1
<i>Lecidella elaeochroma</i>		lichen	15/01/1968	-	1
<i>Lecanora sulphurea</i>		lichen	23/02/1969	-	1
<i>Lecanora jamesii</i>		lichen	31/05/1991	-	1
<i>Lecanora expallens</i>		lichen	15/01/1968	31/05/1991	2
<i>Tephromela atra</i>	Black Shields	lichen	23/02/1969	-	1
<i>Lecanora conizaeoides</i>		lichen	15/01/1968	31/05/1991	3
<i>Anaptychia ciliaris</i>		lichen	15/01/1968	-	1
<i>Lecanora campestris</i>		lichen	23/02/1969	-	1
<i>Cladonia portentosa</i>	Reindeer Moss	lichen	31/05/1991	-	1
<i>Cladonia polydactyla</i>		lichen	15/01/1968	-	1
<i>Cladonia parasitica</i>		lichen	31/05/1991	-	1
<i>Cladonia digitata</i>		lichen	15/01/1968	-	1
<i>Usnea subfloridana</i>		lichen	15/01/1968	31/05/1991	2
<i>Punctelia subrudecta</i>		lichen	15/01/1968	31/05/1991	4
<i>Lecanora dispersa</i>		lichen	23/02/1969	-	1
<i>Bacidia chlorotricula</i>		lichen	15/01/1968	-	1
<i>Caloplaca saxicola</i>		lichen	23/02/1969	-	1
<i>Caloplaca flavovirescens</i>		lichen	31/05/1991	-	1
<i>Caloplaca flavescens</i>		lichen	23/02/1969	-	1
<i>Caloplaca citrina</i>		lichen	23/02/1969	-	1
<i>Caloplaca aurantia</i>		lichen	23/02/1969	-	1
<i>Lepraria incana</i>		lichen	15/01/1968	31/05/1991	5
<i>Ramalina fastigiata</i>		lichen	15/01/1968	-	1

Latin Name	Common Name	Taxon Group	First Date	Last Date	No. of Rec's
<i>Pyrrhospora quernea</i>		lichen	15/01/1968	31/05/1991	4
<i>Cliostomum griffithii</i>		lichen	15/01/1968	31/05/1991	7
<i>Mycoblastus caesius</i>		lichen	31/05/1991	-	1
<i>Micarea prasina</i>		lichen	31/05/1991	-	1
<i>Rinodina roboris</i>		lichen	15/01/1968	-	2
<i>Physconia distorta</i>		lichen	15/01/1968	-	1
<i>Physcia caesia</i>		lichen	23/02/1969	-	1
<i>Physcia adscendens</i>		lichen	23/02/1969	-	1
<i>Phaeophyscia orbicularis</i>		lichen	23/02/1969	-	1
<i>Parmotrema reticulatum</i>		lichen	15/01/1968	-	1
<i>Ramalina farinacea</i>		lichen	15/01/1968	-	2
<i>Schismatomma cretaceum</i>		lichen	31/05/1991	-	1
<i>Verrucaria glaucina</i>		lichen	23/02/1969	-	1
<i>Verrucaria baldensis</i>		lichen	23/02/1969	-	1
<i>Pyrenula nitida</i>		lichen	15/01/1968	-	1
<i>Pyrenula chlorospila</i>		lichen	31/05/1991	-	1
<i>Acrocordia gemmata</i>		lichen	31/05/1991	-	1
<i>Schismatomma quercicola</i>		lichen	31/05/1991	-	1
<i>Punctelia reddenda</i>		lichen	15/01/1968	-	2
<i>Schismatomma decolorans</i>		lichen	15/01/1968	31/05/1991	6
<i>Verrucaria nigrescens</i>		lichen	23/02/1969	-	1
<i>Opegrapha atra</i>		lichen	15/01/1968	31/05/1991	2
<i>Lecanactis subabietina</i>		lichen	31/05/1991	-	1
<i>Lecanactis abietina</i>		lichen	15/01/1968	31/05/1991	3
<i>Enterographa crassa</i>		lichen	15/01/1968	31/05/1991	7
<i>Cresponea premnea</i>		lichen	15/01/1968	-	1
<i>Chrysothrix candelaris</i>		lichen	15/01/1968	31/05/1991	2
<i>Arthonia spadicea</i>		lichen	15/01/1968	-	1
<i>Schismatomma niveum</i>		lichen	31/05/1991	-	1
<i>Flavoparmelia caperata</i>		lichen	03/08/1967	31/05/1991	11
<i>Cladonia coniocraea</i>		lichen	15/01/1968	31/05/1991	4
<i>Parmotrema perlatum</i>		lichen	15/01/1968	31/05/1991	8
<i>Parmelia sulcata</i>	Netted Shield Lichen	lichen	15/01/1968	31/05/1991	6
<i>Parmelia saxatilis</i>		lichen	15/01/1968	31/05/1991	5
<i>Melanelixia subaurifera</i>		lichen	15/01/1968	31/05/1991	2
<i>Melanelixia glabrata</i>		lichen	15/01/1968	31/05/1991	7
<i>Hypotrachyna revoluta</i>		lichen	15/01/1968	31/05/1991	5
<i>Verrucaria hochstetteri</i>		lichen	23/02/1969	-	1
<i>Hypogymnia physodes</i>	Dark Crottle	lichen	15/01/1968	31/05/1991	8
<i>Verrucaria muralis</i>		lichen	23/02/1969	-	1
<i>Evernia prunastri</i>	Oak Moss	lichen	15/01/1968	31/05/1991	5
<i>Trapeliopsis granulosa</i>		lichen	15/01/1968	-	1
<i>Diploicia canescens</i>		lichen	15/01/1968	23/02/1969	2
<i>Calicium viride</i>		lichen	31/05/1991	-	1

Latin Name	Common Name	Taxon Group	First Date	Last Date	No. of Rec's
<i>Buellia disciformis</i>		lichen	31/12/1968	-	1
<i>Amandinea punctata</i>		lichen	15/01/1968	-	1
<i>Platismatia glauca</i>		lichen	15/01/1968	31/05/1991	2
<i>Hypogymnia tubulosa</i>		lichen	31/05/1991	-	1
<i>Pertusaria pertusa</i>		lichen	15/01/1968	-	5
<i>Violella fucata</i>		lichen	31/05/1991	-	1
<i>Usnea cornuta</i>		lichen	15/01/1968	31/05/1991	2
<i>Candelariella vitellina</i>		lichen	23/02/1969	-	1
<i>Hypocenomyce scalaris</i>		lichen	15/01/1968	-	1
<i>Fuscidea lightfootii</i>		lichen	15/01/1968	-	1
<i>Rhizocarpon lavatum</i>		lichen	23/02/1969	-	1
<i>Pertusaria multipuncta</i>		lichen	15/01/1968	-	3
<i>Pertusaria leioplaca</i>		lichen	31/05/1991	-	1
<i>Pertusaria hymenea</i>		lichen	15/01/1968	31/05/1991	5
<i>Pertusaria coccodes</i>		lichen	15/01/1968	-	3
<i>Pertusaria amara</i>		lichen	15/01/1968	-	4
<i>Varicellaria hemisphaerica</i>		lichen	15/01/1968	31/05/1991	5
<i>Pachyphiale carneola</i>		lichen	15/01/1968	31/05/1991	2
<i>Dimerella pineti</i>		lichen	31/05/1991	-	1
<i>Toninia aromatica</i>		lichen	23/02/1969	-	1
<i>Ochrolechia subviridis</i>		lichen	15/01/1968	31/05/1991	2
<i>Phaeographis dendritica</i>		lichen	15/01/1968	31/05/1991	3
<i>Graphis elegans</i>		lichen	15/01/1968	31/05/1991	4
<i>Phlyctis argena</i>		lichen	15/01/1968	31/05/1991	6
<i>Thelotrema lepadinum</i>		lichen	15/01/1968	31/05/1991	6
<i>Placynthium asperellum</i>		lichen	04/03/1957	-	1
<i>Aspicilia calcarea</i>		lichen	23/02/1969	-	1
<i>Ochrolechia androgyna</i>		lichen	31/05/1991	-	1
<i>Ochrolechia parella</i>	Parella	lichen	23/02/1969	-	1
<i>Graphis scripta</i>	Script Lichen	lichen	15/01/1968	31/05/1991	4
<i>Scapania undulata</i>	Water Earwort	liverwort	04/03/1957	12/03/2014	2
<i>Scapania nemorea</i>	Grove Earwort	liverwort	04/03/1957	-	1
<i>Chiloscyphus polyanthos</i>	St Winifrid's Moss	liverwort	12/03/2014	-	1
<i>Diplophyllum albicans</i>	White Earwort	liverwort	04/03/1957	12/03/2014	2
<i>Cephaloziella divaricata</i>	Common Threadwort	liverwort	12/03/2014	-	1
<i>Cephalozia bicuspidata</i>	Two-horned Pincerwort	liverwort	04/03/1957	12/03/2014	2
<i>Chiloscyphus polyanthos</i> var. <i>polyanthos</i>		liverwort	04/03/1957	-	1
<i>Lophocolea bidentata</i>	Bifid Crestwort	liverwort	04/03/1957	-	1
<i>Lepidozia reptans</i>	Creeping Fingerwort	liverwort	12/03/2014	-	1
<i>Frullania tamarisci</i>	Tamarisk Scalewort	liverwort	15/01/1968	-	2
<i>Pellia epiphylla</i>	Overleaf Pellia	liverwort	04/03/1957	12/03/2014	2
<i>Conocephalum conicum</i>	Great Scented Liverwort	liverwort	12/03/2014	-	1
<i>Calypogeia arguta</i>	Notched Pouchwort	liverwort	12/03/2014	-	1
<i>Microlejeunea ulicina</i>	Fairy Beads	liverwort	15/01/1968	12/03/2014	2

Latin Name	Common Name	Taxon Group	First Date	Last Date	No. of Rec's
<i>Metzgeria furcata</i>	Forked Veilwort	liverwort	15/01/1968	12/03/2014	2
<i>Frullania dilatata</i>	Dilated Scalewort	liverwort	04/03/1957	-	1
<i>Mnium hornum</i>	Swan's-neck Thyme-moss	moss	04/03/1957	12/03/2014	2
<i>Didymodon insulanus</i>	Cylindric Beard-moss	moss	12/03/2014	-	1
<i>Tortula marginata</i>	Bordered Screw-moss	moss	12/03/2014	-	1
<i>Tortula muralis</i>	Wall Screw-moss	moss	23/02/1969	12/03/2014	2
<i>Zygodon conoideus var. conoideus</i>		moss	12/03/2014	-	1
<i>Ulota crispa</i>		moss	04/03/1957	15/01/1968	2
<i>Thuidium tamariscinum</i>	Common Tamarisk-moss	moss	04/03/1957	12/03/2014	2
<i>Bryum capillare</i>	Capillary Thread-moss	moss	12/03/2014	-	1
<i>Campylopus introflexus</i>	Heath Star Moss	moss	12/03/2014	-	1
<i>Rhizomnium punctatum</i>	Dotted Thyme-moss	moss	04/03/1957	12/03/2014	2
<i>Eurhynchium praelongum</i>	Common Feather-moss	moss	04/03/1957	12/03/2014	2
<i>Plagiomnium undulatum</i>	Hart's-tongue Thyme-moss	moss	12/03/2014	-	1
<i>Orthodontium lineare</i>	Cape Thread-moss	moss	12/03/2014	-	1
<i>Hookeria lucens</i>	Shining Hookeria	moss	04/03/1957	31/12/2010	2
<i>Cratoneuron filicinum</i>	Fern-leaved Hook-moss	moss	12/03/2014	-	1
<i>Plagiothecium undulatum</i>	Waved Silk-moss	moss	12/03/2014	-	1
<i>Fissidens bryoides</i>	Lesser Pocket-moss	moss	04/03/1957	12/03/2014	2
<i>Sphagnum denticulatum</i>		moss	04/03/1957	-	1
<i>Sphagnum denticulatum</i>	Cow-horn Bog-moss	moss	12/03/2014	-	1
<i>Sphagnum palustre</i>	Blunt-leaved Bog-moss	moss	04/03/1957	-	1
<i>Atrichum undulatum</i>	Common Smoothcap	moss	04/03/1957	-	1
<i>Atrichum undulatum var. undulatum</i>		moss	12/03/2014	-	1
<i>Pogonatum aloides</i>	Aloe Haircap	moss	12/03/2014	-	1
<i>Barbula unguiculata</i>	Bird's-claw Beard-moss	moss	12/03/2014	-	1
<i>Funaria hygrometrica</i>	Common Cord-moss	moss	12/03/2014	-	1
<i>Barbula convoluta</i>	Lesser Bird's-claw Beard-moss	moss	12/03/2014	-	1
<i>Fissidens pusillus</i>	Petty Pocket-moss	moss	04/03/1957	12/03/2014	2
<i>Dichodontium pellucidum</i>	Transparent Fork-moss	moss	04/03/1957	31/12/2009	2
<i>Dicranoweisia cirrata</i>	Common Pincushion	moss	15/01/1968	12/03/2014	2
<i>Dicranella heteromalla</i>	Silky Forklet-moss	moss	12/03/2014	-	1
<i>Dicranum scoparium</i>	Broom Fork-moss	moss	04/03/1957	12/03/2014	2
<i>Campylopus flexuosus</i>	Rusty Swan-neck Moss	moss	12/03/2014	-	1
<i>Ulota bruchii</i>	Bruch's Pincushion	moss	04/03/1957	12/03/2014	2
<i>Polytrichum formosum</i>	Bank Haircap	moss	04/03/1957	12/03/2014	2
<i>Calliergonella cuspidata</i>	Pointed Spear-moss	moss	04/03/1957	12/03/2014	2
<i>Eurhynchium striatum</i>	Common Striated Feather-moss	moss	04/03/1957	-	1
<i>Rhynchostegium riparioides</i>	Long-beaked Water Feather-moss	moss	04/03/1957	12/03/2014	2
<i>Rhynchostegiella curviseta</i>	Curve-stalked Feather-moss	moss	04/03/1957	-	1
<i>Oxyrrhynchium hians</i>	Swartz's Feather-moss	moss	12/03/2014	-	1
<i>Sciuro-hypnum plumosum</i>	Rusty Feather-moss	moss	04/03/1957	31/12/2010	2
<i>Brachythecium rivulare</i>	River Feather-moss	moss	04/03/1957	12/03/2014	2
<i>Brachythecium rutabulum</i>	Rough-stalked Feather-moss	moss	04/03/1957	12/03/2014	2

Latin Name	Common Name	Taxon Group	First Date	Last Date	No. of Rec's
<i>Scleropodium purum</i>	Neat Feather-moss	moss	12/03/2014	-	1
<i>Pseudotaxiphyllum elegans</i>	Elegant Silk-moss	moss	04/03/1957	12/03/2014	2
<i>Homalothecium sericeum</i>	Silky Wall Feather-moss	moss	15/01/1968	-	1
<i>Hypnum andoi</i>	Mamillate Plait-moss	moss	15/01/1968	12/03/2014	2
<i>Hypnum cupressiforme</i>		moss	15/01/1968	-	1
<i>Hypnum cupressiforme var. cupressiforme</i>		moss	04/03/1957	12/03/2014	3
<i>Zygodon rupestris</i>	Park Yoke-moss	moss	15/01/1968	-	1
<i>Hyocomium armoricum</i>	Flagellate Feather-moss	moss	04/03/1957	31/12/2010	2
<i>Rhytidiadelphus squarrosus</i>	Springy Turf-moss	moss	04/03/1957	-	1
<i>Plagiothecium laetum</i>	Bright Silk-moss	moss	04/03/1957	-	1
<i>Plagiothecium latebricola</i>	Alder Silk-moss	moss	31/12/2010	-	1
<i>Plagiothecium succulentum</i>	Juicy Silk-moss	moss	12/03/2014	-	1
<i>Brachytheciastrum velutinum</i>	Velvet Feather-moss	moss	12/03/2014	-	1
<i>Isothecium alopecuroides</i>	Larger Mouse-tail Moss	moss	04/03/1957	-	1
<i>Isothecium myosuroides</i>	Slender Mouse-tail Moss	moss	04/03/1957	15/01/1968	3
<i>Hypnum cupressiforme var. resupinatum</i>	Supine Plait-moss	moss	15/01/1968	-	2
<i>Isothecium myosuroides var. myosuroides</i>		moss	12/03/2014	-	1
<i>Neckera complanata</i>	Flat Neckera	moss	15/01/1968	-	1
<i>Equisetum arvense</i>	Field Horsetail	horsetail	31/12/2006	-	1
<i>Dryopteris affinis</i>	Scaly Male-fern	fern	19/08/1961	07/04/2006	2
<i>Dryopteris carthusiana</i>	Narrow Buckler-fern	fern	19/08/1961	-	1
<i>Dryopteris dilatata</i>	Broad Buckler-fern	fern	19/08/1961	07/04/2006	2
<i>Dryopteris filix-mas</i>	Male-fern	fern	19/08/1961	31/12/2006	2
<i>Polypodium vulgare</i>	Polypody	fern	19/08/1961	30/10/2010	2
<i>Dryopteris aemula</i>	Hay-scented Buckler-fern	fern	04/03/1957	19/08/1961	2
<i>Asplenium adiantum-nigrum</i>	Black Spleenwort	fern	07/04/2006	-	1
<i>Blechnum spicant</i>	Hard-fern	fern	19/08/1961	07/04/2006	2
<i>Phyllitis scolopendrium</i>	Hart's-tongue	fern	07/04/2006	-	1
<i>Asplenium ruta-muraria</i>	Wall-rue	fern	23/02/1969	-	1
<i>Athyrium filix-femina</i>	Lady-fern	fern	19/08/1961	31/12/2006	2
<i>Pteridium aquilinum</i>	Bracken	fern	19/08/1961	07/04/2006	2
<i>Pinus sylvestris</i>	Scots Pine	conifer	07/04/2006	-	1
<i>Taxus baccata</i>	Yew	conifer	02/11/2009	-	1
<i>Pinus nigra</i>	Corsican Pine	conifer	31/12/2006	-	1
<i>Phleum bertolonii</i>	Smaller Cat's-tail	flowering plant	01/07/2009	-	1
<i>Alopecurus pratensis</i>	Meadow Foxtail	flowering plant	01/07/2009	-	1
<i>Dactylis glomerata</i>	Cock's-foot	flowering plant	07/04/2006	-	1
<i>Holcus lanatus</i>	Yorkshire-fog	flowering plant	19/08/1961	31/12/2006	2
<i>Agrostis stolonifera</i>	Creeping Bent	flowering plant	01/07/2009	-	1
<i>Anthoxanthum odoratum</i>	Sweet Vernal-grass	flowering plant	19/08/1961	31/12/2006	2
<i>Holcus mollis</i>	Creeping Soft-grass	flowering plant	01/07/2009	-	1
<i>Deschampsia flexuosa</i>	Wavy Hair-grass	flowering plant	31/12/2006	-	1
<i>Poa pratensis</i>	Smooth Meadow-grass	flowering plant	01/07/2009	-	1
<i>Deschampsia cespitosa</i>	Tufted Hair-Grass	flowering plant	19/08/1961	31/12/2006	2

Latin Name	Common Name	Taxon Group	First Date	Last Date	No. of Rec's
<i>Arrhenatherum elatius</i>	False Oat-grass	flowering plant	31/12/2006	-	1
<i>Phleum pratense</i>	Timothy	flowering plant	31/12/2006	-	1
<i>Cardamine hirsuta</i>	Hairy Bitter-cress	flowering plant	31/12/2006	-	1
<i>Poa trivialis</i>	Rough Meadow-grass	flowering plant	19/08/1961	07/04/2006	2
<i>Bromus sterilis</i>	Barren Brome	flowering plant	31/12/2006	-	1
<i>Brachypodium sylvaticum</i>	False-brome	flowering plant	19/08/1961	07/04/2006	2
<i>Elytrigia repens</i>	Common Couch	flowering plant	31/12/2006	-	1
<i>Molinia caerulea</i>	Purple Moor-grass	flowering plant	07/04/2006	-	1
<i>Ribes rubrum</i>	Red Currant	flowering plant	19/08/1961	-	1
<i>Ribes uva-crispa</i>	Gooseberry	flowering plant	30/10/2010	-	1
<i>Chrysosplenium oppositifolium</i>	Opposite-leaved Golden-saxifrage	flowering plant	19/08/1961	-	1
<i>Reseda luteola</i>	Weld	flowering plant	31/12/1999	-	1
<i>Capsella bursa-pastoris</i>	Shepherd's-purse	flowering plant	02/11/2009	-	1
<i>Cardamine flexuosa</i>	Wavy Bitter-cress	flowering plant	19/08/1961	31/12/2006	2
<i>Cardamine pratensis</i>	Cuckooflower	flowering plant	19/08/1961	-	1
<i>Alliaria petiolata</i>	Garlic Mustard	flowering plant	07/04/2006	-	1
<i>Callitriche stagnalis</i>	Common Water-starwort	flowering plant	19/08/1961	-	1
<i>Poa annua</i>	Annual Meadow-grass	flowering plant	31/12/2006	-	1
<i>Cardamine amara</i>	Large Bitter-cress	flowering plant	19/08/1961	-	1
<i>Veronica montana</i>	Wood Speedwell	flowering plant	19/08/1961	-	1
<i>Scrophularia nodosa</i>	Common Figwort	flowering plant	30/10/2010	-	1
<i>Erica cinerea</i>	Bell Heather	flowering plant	07/04/2006	-	1
<i>Vaccinium myrtillus</i>	Bilberry	flowering plant	19/08/1961	-	1
<i>Pyrola minor</i>	Common Wintergreen	flowering plant	31/08/2006	-	1
<i>Fraxinus excelsior</i>	Ash	flowering plant	31/12/2006	-	1
<i>Ligustrum vulgare</i>	Wild Privet	flowering plant	31/12/2006	-	1
<i>Plantago lanceolata</i>	Ribwort Plantain	flowering plant	31/12/2006	-	1
<i>Plantago major</i>	Greater Plantain	flowering plant	07/04/2006	-	1
<i>Digitalis purpurea</i>	Foxglove	flowering plant	19/08/1961	31/12/2006	2
<i>Veronica arvensis</i>	Wall Speedwell	flowering plant	02/11/2009	-	1
<i>Rhododendron ponticum</i>	Rhododendron	flowering plant	07/04/2006	-	1
<i>Veronica chamaedrys</i>	Germander Speedwell	flowering plant	31/12/2006	-	1
<i>Anagallis arvensis</i>	Scarlet Pimpernel	flowering plant	01/07/2009	-	1
<i>Veronica officinalis</i>	Heath Speedwell	flowering plant	07/04/2006	-	1
<i>Veronica serpyllifolia</i>	Thyme-leaved Speedwell	flowering plant	01/07/2009	-	1
<i>Sibthorpia europaea</i>	Cornish Moneywort	flowering plant	01/10/1970	05/08/2007	4
<i>Kickxia spuria</i>	Round-leaved Fluellen	flowering plant	02/11/2009	-	1
<i>Linaria purpurea</i>	Purple Toadflax	flowering plant	30/10/2010	-	1
<i>Callitriche stagnalis</i>	Common Water-Starwort	flowering plant	31/12/2006	-	1
<i>Ulex europaeus</i>	Orchard Broomrape	flowering plant	07/04/2006	-	1
<i>Scrophularia auriculata</i>	Water Figwort	flowering plant	19/08/1961	07/04/2006	2
<i>Stachys arvensis</i>	Field Woundwort	flowering plant	02/11/2009	-	1
<i>Stachys officinalis</i>	Betony	flowering plant	31/12/2006	-	1
<i>Stachys sylvatica</i>	Hedge Woundwort	flowering plant	19/08/1961	31/12/2006	2

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<i>Veronica beccabunga</i>	Brooklime	flowering plant	31/12/2006	-	1
<i>Moehringia trinervia</i>	Three-nerved Sandwort	flowering plant	19/08/1961	-	1
<i>Arum maculatum</i>	Lords-and-Ladies	flowering plant	19/08/1961	07/04/2006	2
<i>Elodea nuttallii</i>	Nuttall's Waterweed	flowering plant	30/10/2010	-	1
<i>Potamogeton natans</i>	Broad-leaved Pondweed	flowering plant	05/08/2007	-	1
<i>Persicaria hydropiper</i>	Water-pepper	flowering plant	19/08/1961	-	1
<i>Persicaria lapathifolia</i>	Pale Persicaria	flowering plant	19/08/1961	-	1
<i>Persicaria maculosa</i>	Redshank	flowering plant	31/12/2006	-	1
<i>Polygonum aviculare</i>	Knotgrass	flowering plant	01/07/2009	-	1
<i>Fallopia japonica</i>	Japanese Knotweed	flowering plant	31/12/2006	-	1
<i>Rumex acetosa</i>	Common Sorrel	flowering plant	31/12/2006	-	1
<i>Rumex crispus</i>	Curled Dock	flowering plant	31/12/2006	-	1
<i>Calluna vulgaris</i>	Heather	flowering plant	19/08/1961	07/04/2006	2
<i>Rumex sanguineus</i>	Wood Dock	flowering plant	19/08/1961	31/12/2006	2
<i>Lamium purpureum</i>	Red Dead-nettle	flowering plant	02/11/2009	-	1
<i>Stellaria alsine</i>	Bog Stitchwort	flowering plant	19/08/1961	-	1
<i>Stellaria holostea</i>	Greater Stitchwort	flowering plant	31/12/2006	-	1
<i>Stellaria media</i>	Common Chickweed	flowering plant	31/12/2006	-	1
<i>Cerastium fontanum</i>	Common Mouse-ear	flowering plant	01/07/2009	-	1
<i>Sagina procumbens</i>	Procumbent Pearlwort	flowering plant	01/07/2009	-	1
<i>Chenopodium polyspermum</i>	Many-seeded Goosefoot	flowering plant	02/11/2009	-	1
<i>Atriplex patula</i>	Common Orache	flowering plant	01/07/2009	-	1
<i>Atriplex prostrata</i>	Spear-leaved Orache	flowering plant	31/12/2006	-	1
<i>Primula vulgaris</i>	Primrose	flowering plant	19/08/1961	07/04/2006	2
<i>Lysimachia nemorum</i>	Yellow Pimpernel	flowering plant	19/08/1961	07/04/2006	2
<i>Lysimachia nummularia</i>	Creeping-Jenny	flowering plant	01/07/2009	-	1
<i>Rumex obtusifolius</i>	Broad-leaved Dock	flowering plant	01/07/2009	-	1
<i>Carex binervis</i>	Green-ribbed Sedge	flowering plant	19/08/1961	07/04/2006	3
<i>Rosa arvensis</i>	Field-rose	flowering plant	31/12/2006	-	1
<i>Rosa canina</i>	Dog-rose	flowering plant	01/07/2009	-	1
<i>Frangula alnus</i>	Alder Buckthorn	flowering plant	02/11/2009	-	1
<i>Humulus lupulus</i>	Hop	flowering plant	01/07/2009	-	1
<i>Urtica dioica</i>	Common Nettle	flowering plant	19/08/1961	07/04/2006	2
<i>Juncus bufonius</i> agg.	Toad Rush agg.	flowering plant	31/12/2006	-	1
<i>Juncus bulbosus</i>	Bulbous Rush	flowering plant	19/08/1961	-	1
<i>Juncus conglomeratus</i>	Compact Rush	flowering plant	19/08/1961	07/04/2006	2
<i>Juncus effusus</i>	Soft-rush	flowering plant	07/04/2006	-	1
<i>Juncus tenuis</i>	Slender Rush	flowering plant	07/04/2006	-	1
<i>Lamium galeobdolon</i> subsp. <i>argentatum</i>	Yellow Archangel	flowering plant	31/12/2006	-	2
<i>Eleogiton fluitans</i>	Floating Club-rush	flowering plant	05/08/2007	-	1
<i>Fragaria vesca</i>	Wild Strawberry	flowering plant	19/08/1961	07/04/2006	2
<i>Carex divulsa</i> subsp. <i>divulsa</i>	Grey Sedge	flowering plant	31/12/2006	-	1
<i>Carex laevigata</i>	Smooth-stalked Sedge	flowering plant	19/08/1961	07/04/2006	2
<i>Carex pendula</i>	Pendulous Sedge	flowering plant	19/08/1961	07/04/2006	2

Latin Name	Common Name	Taxon Group	First Date	Last Date	No. of Rec's
<i>Carex remota</i>	Remote Sedge	flowering plant	19/08/1961	07/04/2006	2
<i>Carex sylvatica</i>	Wood-sedge	flowering plant	19/08/1961	07/04/2006	2
<i>Carex viridula subsp. oedocarpa</i>	Common Yellow-sedge	flowering plant	19/08/1961	-	1
<i>Milium effusum</i>	Wood Millet	flowering plant	01/07/2009	-	1
<i>Lolium perenne</i>	Perennial Rye-grass	flowering plant	31/12/2006	-	1
<i>Festuca rubra agg.</i>	Red Fescue	flowering plant	31/12/2006	-	1
<i>Festuca arundinacea</i>	Tall Fescue	flowering plant	01/07/2009	-	1
<i>Festuca gigantea</i>	Giant Fescue	flowering plant	19/08/1961	-	1
<i>Luzula pilosa</i>	Hairy Wood-rush	flowering plant	19/08/1961	07/04/2006	2
<i>Prunus spinosa</i>	Blackthorn	flowering plant	07/04/2006	-	1
<i>Briza maxima</i>	Greater Quaking-grass	flowering plant	31/12/1998	-	1
<i>Scutellaria minor</i>	Lesser Skullcap	flowering plant	19/08/1961	05/08/2007	2
<i>Teucrium scorodonia</i>	Wood Sage	flowering plant	19/08/1961	07/04/2006	2
<i>Ajuga reptans</i>	Bugle	flowering plant	19/08/1961	31/12/2006	2
<i>Glechoma hederacea</i>	Ground-ivy	flowering plant	19/08/1961	31/12/2006	2
<i>Prunella vulgaris</i>	Selfheal	flowering plant	19/08/1961	07/04/2006	2
<i>Melissa officinalis</i>	Balm	flowering plant	31/12/2006	-	1
<i>Potentilla anserina</i>	Silverweed	flowering plant	31/12/2006	-	1
<i>Potentilla erecta</i>	Tormentil	flowering plant	19/08/1961	07/04/2006	2
<i>Potentilla reptans</i>	Creeping Cinquefoil	flowering plant	31/12/2006	-	1
<i>Potentilla sterilis</i>	Barren Strawberry	flowering plant	19/08/1961	31/12/2006	2
<i>Agrimonia eupatoria</i>	Agrimony	flowering plant	31/12/2006	-	1
<i>Prunus laurocerasus</i>	Cherry Laurel	flowering plant	31/12/2006	-	1
<i>Geum urbanum</i>	Wood Avens	flowering plant	19/08/1961	31/12/2006	2
<i>Malus sylvestris</i>	Apple	flowering plant	19/08/1961	-	1
<i>Malus sylvestris</i>	Crab Apple	flowering plant	31/12/2006	-	1
<i>Sorbus aucuparia</i>	Rowan	flowering plant	31/12/2006	-	1
<i>Cotoneaster horizontalis</i>	Wall Cotoneaster	flowering plant	01/07/2009	-	1
<i>Cotoneaster simonsii</i>	Himalayan cotoneaster	flowering plant	30/10/2010	-	2
<i>Crataegus monogyna</i>	Hawthorn	flowering plant	07/04/2006	-	1
<i>Crataegus monogyna x laevigata = C. x media</i>		flowering plant	01/07/2009	-	1
<i>Filipendula ulmaria</i>	Meadowsweet	flowering plant	07/04/2006	-	1
<i>Rubus fruticosus agg.</i>	Bramble	flowering plant	19/08/1961	07/04/2006	2
<i>Rubus idaeus</i>	Raspberry	flowering plant	31/12/2006	-	1
<i>Lamium galeobdolon subsp. montanum</i>	Yellow Archangel	flowering plant	31/12/2006	-	2
<i>Spiraea salicifolia x douglasii = S. x pseudosal</i>	Confused Bridewort	flowering plant	16/07/2010	-	1
<i>Pilosella aurantiaca</i>	Fox-and-cubs	flowering plant	01/07/2009	-	1
<i>Sonchus arvensis</i>	Perennial Sow-thistle	flowering plant	31/12/2006	-	1
<i>Sonchus asper</i>	Prickly Sow-thistle	flowering plant	31/12/2006	-	1
<i>Sonchus oleraceus</i>	Smooth Sow-thistle	flowering plant	01/07/2009	-	1
<i>Lactuca serriola</i>	Prickly Lettuce	flowering plant	31/12/2006	-	1
<i>Mycelis muralis</i>	Wall Lettuce	flowering plant	31/12/2006	-	1
<i>Bellis perennis</i>	Daisy	flowering plant	31/12/2006	-	1
<i>Dioscorea communis</i>	Black Bryony	flowering plant	31/12/2006	-	1

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<i>Lapsana communis</i>	Nipplewort	flowering plant	07/04/2006	-	1
<i>Trifolium repens</i>	White Clover	flowering plant	02/11/2009	-	1
<i>Hieracium sabaudum</i>	Sharp-toothed Hawkweed	flowering plant	31/12/2006	-	1
<i>Hieracium trichocaulon</i>	Hawkweed	flowering plant	01/07/2009	-	1
<i>Gnaphalium uliginosum</i>	Marsh Cudweed	flowering plant	31/12/2006	-	1
<i>Pulicaria dysenterica</i>	Common Fleabane	flowering plant	31/12/2006	-	1
<i>Cornus sanguinea</i>	Dogwood	flowering plant	30/10/2010	-	1
<i>Taraxacum</i>	Dandelion Agg.	flowering plant	31/12/2008	-	1
<i>Ilex aquifolium</i>	Holly	flowering plant	19/08/1961	07/04/2006	2
<i>Galium aparine</i>	Cleavers	flowering plant	07/04/2006	-	1
<i>Galium mollugo</i>	Hedge Bedstraw	flowering plant	31/12/2006	-	1
<i>Galium palustre</i>	Marsh-bedstraw	flowering plant	19/08/1961	-	1
<i>Galium palustre subsp. palustre</i>	Common Marsh-bedstraw	flowering plant	30/10/2010	-	1
<i>Galium saxatile</i>	Heath Bedstraw	flowering plant	07/04/2006	-	1
<i>Centaureum erythraea var. erythraea</i>		flowering plant	01/07/2009	-	1
<i>Leontodon saxatilis</i>	Lesser Hawkbit	flowering plant	02/11/2009	-	1
<i>Solanum dulcamara</i>	Bittersweet	flowering plant	31/12/2006	-	1
<i>Hypochaeris radicata</i>	Cat's-ear	flowering plant	07/04/2006	-	1
<i>Arctium minus</i>	Lesser Burdock	flowering plant	31/12/2006	-	1
<i>Cirsium arvense</i>	Creeping thistle	flowering plant	07/04/2006	-	2
<i>Cirsium palustre</i>	Marsh Thistle	flowering plant	19/08/1961	07/04/2006	2
<i>Serratula tinctoria</i>	Saw-wort	flowering plant	19/08/1961	31/12/2006	2
<i>Centaurea nigra</i>	Common Knapweed	flowering plant	07/04/2006	-	2
<i>Tanacetum parthenium</i>	Feverfew	flowering plant	02/11/2009	-	1
<i>Calystegia sepium</i>	Hedge Bindweed	flowering plant	31/12/2006	-	1
<i>Foeniculum vulgare</i>	Fennel	flowering plant	31/12/2006	-	1
<i>Hedera helix</i>	Ivy	flowering plant	19/08/1961	07/04/2006	2
<i>Sanicula europaea</i>	Sanicle	flowering plant	19/08/1961	-	1
<i>Anthriscus sylvestris</i>	Cow Parsley	flowering plant	07/04/2006	-	1
<i>Conopodium majus</i>	Pignut	flowering plant	01/07/2009	-	1
<i>Pimpinella saxifraga</i>	Burnet-saxifrage	flowering plant	31/12/2006	-	1
<i>Solidago virgaurea</i>	Goldenrod	flowering plant	19/08/1961	07/04/2006	2
<i>Oenanthe crocata</i>	Hemlock Water-dropwort	flowering plant	19/08/1961	-	1
<i>Valerianaella carinata</i>	Keeled-fruited Cornsalad	flowering plant	01/05/2006	31/12/2006	2
<i>Angelica sylvestris</i>	Wild Angelica	flowering plant	19/08/1961	-	1
<i>Heracleum sphondylium</i>	Hogweed	flowering plant	07/04/2006	-	1
<i>Torilis japonica</i>	Upright Hedge-parsley	flowering plant	31/12/2006	-	1
<i>Borago officinalis</i>	Borage	flowering plant	30/10/2010	-	1
<i>Myosotis arvensis</i>	Field Forget-me-not	flowering plant	19/08/1961	-	1
<i>Myosotis scorpioides</i>	Water Forget-me-not	flowering plant	19/08/1961	-	1
<i>Aegopodium podagraria</i>	Ground-elder	flowering plant	07/04/2006	-	1
<i>Petasites fragrans</i>	Winter Heliotrope	flowering plant	07/04/2006	-	1
<i>Artemisia vulgaris</i>	Mugwort	flowering plant	31/12/2006	-	1
<i>Achillea millefolium</i>	Yarrow	flowering plant	07/04/2006	-	1

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<i>Leucanthemum vulgare</i>	Oxeye Daisy	flowering plant	31/12/2006	-	1
<i>Matricaria chamomilla</i>	Scented Mayweed	flowering plant	31/12/2006	-	1
<i>Tripleurospermum inodorum</i>	Scentless Mayweed	flowering plant	31/12/2006	-	1
<i>Senecio erucifolius</i>	Hoary Ragwort	flowering plant	31/12/2006	-	1
<i>Succisa pratensis</i>	Devil's-bit Scabious	flowering plant	19/08/1961	31/12/2006	2
<i>Tussilago farfara</i>	Colt's-foot	flowering plant	31/12/2006	-	1
<i>Valeriana officinalis</i>	Common Valerian	flowering plant	19/08/1961	-	1
<i>Eupatorium cannabinum</i>	Hemp-agrimony	flowering plant	31/12/2006	-	1
<i>Adoxa moschatellina</i>	Moschatel	flowering plant	19/08/1961	-	1
<i>Sambucus nigra</i>	Elder	flowering plant	19/08/1961	07/04/2006	2
<i>Viburnum opulus</i>	Guelder-rose	flowering plant	19/08/1961	31/12/2006	2
<i>Lonicera periclymenum</i>	Honeysuckle	flowering plant	19/08/1961	07/04/2006	2
<i>Crepis capillaris</i>	Smooth Hawk's-beard	flowering plant	02/11/2009	-	1
<i>Senecio jacobaea</i>	Ragwort	flowering plant	19/08/1961	31/12/2006	3
<i>Medicago lupulina</i>	Black Medick	flowering plant	01/07/2009	-	1
<i>Castanea sativa</i>	Sweet Chestnut	flowering plant	01/01/1994	07/04/2006	3
<i>Vicia cracca</i>	Tufted Vetch	flowering plant	01/07/2009	-	1
<i>Vicia sativa subsp. segetalis</i>	Common Vetch	flowering plant	01/07/2009	-	1
<i>Vicia sepium</i>	Bush Vetch	flowering plant	07/04/2006	-	1
<i>Lathyrus linifolius</i>	Bitter-vetch	flowering plant	01/07/2009	-	1
<i>Lotus corniculatus</i>	Common Bird's-foot-trefoil	flowering plant	01/07/2009	-	1
<i>Melilotus altissimus</i>	Tall Melilot	flowering plant	31/12/2006	-	1
<i>Aquilegia vulgaris</i>	Columbine	flowering plant	16/05/2010	-	1
<i>Trifolium dubium</i>	Lesser Trefoil	flowering plant	31/12/2006	-	1
<i>Trifolium medium</i>	Zigzag Clover	flowering plant	31/12/2006	-	1
<i>Trifolium pratense</i>	Red Clover	flowering plant	31/12/2006	-	1
<i>Cytisus scoparius</i>	Broom	flowering plant	19/08/1961	07/04/2006	2
<i>Polygala serpyllifolia</i>	Heath Milkwort	flowering plant	19/08/1961	-	1
<i>Fagus sylvatica</i>	Beech	flowering plant	19/08/1961	19/10/2007	9
<i>Lathyrus pratensis</i>	Meadow Vetchling	flowering plant	31/12/2006	-	1
<i>Acer pseudoplatanus</i>	Sycamore	flowering plant	31/12/2006	-	1
<i>Gagea lutea</i>	Yellow Star-of-Bethlehem	flowering plant	19/08/1961	-	1
<i>Epipactis helleborine</i>	Broad-leaved Helleborine	flowering plant	31/12/1997	-	2
<i>Spiranthes spiralis</i>	Autumn Lady's-tresses	flowering plant	09/03/2003	-	1
<i>Dactylorhiza fuchsii</i>	Common Spotted-orchid	flowering plant	17/09/2003	-	2
<i>Ophrys apifera</i>	Bee Orchid	flowering plant	01/07/2015	-	1
<i>Lotus pedunculatus</i>	Greater Bird's-foot-trefoil	flowering plant	31/12/2006	-	1
<i>Allium triquetrum</i>	Three-cornered Garlic	flowering plant	01/05/2006	-	1
<i>Galanthus nivalis</i>	Snowdrop	flowering plant	07/04/2006	-	1
<i>Hyacinthoides non-scripta</i>	Bluebell	flowering plant	19/08/1961	07/04/2006	2
<i>Anemone nemorosa</i>	Wood Anemone	flowering plant	19/08/1961	07/04/2006	2
<i>Ranunculus acris</i>	Meadow Buttercup	flowering plant	31/12/2006	-	1
<i>Ranunculus ficaria</i>	Lesser Celandine	flowering plant	19/08/1961	07/04/2006	2
<i>Ranunculus flammula</i>	Lesser Spearwort	flowering plant	19/08/1961	-	1

Latin Name	Common Name	Taxon Group	First Date	Last Date	No. of Rec's
<i>Ranunculus repens</i>	Creeping Buttercup	flowering plant	19/08/1961	07/04/2006	2
<i>Hieracium aggregatum</i>	Hawkweed	flowering plant	31/12/2006	-	1
<i>Geranium robertianum</i>	Herb-Robert	flowering plant	19/08/1961	31/12/2006	2
<i>Quercus petraea</i>	Sessile Oak	flowering plant	19/08/1961	19/10/2007	2
<i>Viola lactea</i>	Pale Dog-violet	flowering plant	31/12/1950	-	1
<i>Viola riviniana</i>	Common Dog-violet	flowering plant	19/08/1961	31/12/2006	2
<i>Hypericum androsaemum</i>	Tutsan	flowering plant	01/07/2009	-	1
<i>Hypericum humifusum</i>	Trailing St John's-wort	flowering plant	19/08/1961	-	1
<i>Hypericum perforatum</i>	Perforate St John's-wort	flowering plant	07/04/2006	-	1
<i>Salix fragilis</i>	Crack-willow	flowering plant	31/12/2006	-	1
<i>Geranium dissectum</i>	Cut-leaved Crane's-bill	flowering plant	31/12/2006	-	1
<i>Salix cinerea</i> subsp. <i>oleifolia</i>	Rusty Willow	flowering plant	31/12/2006	-	1
<i>Epilobium hirsutum</i>	Great Willowherb	flowering plant	31/12/2006	-	1
<i>Epilobium montanum</i>	Broad-leaved Willowherb	flowering plant	31/12/2006	-	1
<i>Epilobium parviflorum</i>	Hoary Willowherb	flowering plant	31/12/2006	-	1
<i>Chamerion angustifolium</i>	Rosebay Willowherb	flowering plant	31/12/2006	-	1
<i>Circaea lutetiana</i>	Enchanter's-nightshade	flowering plant	19/08/1961	07/04/2006	2
<i>Acer platanoides</i>	Norway Maple	flowering plant	01/07/2009	-	1
<i>Hypericum pulchrum</i>	Slender St John's-wort	flowering plant	19/08/1961	31/12/2006	2
<i>Mercurialis perennis</i>	Dog's Mercury	flowering plant	19/08/1961	07/04/2006	2
<i>Quercus robur</i>	Pedunculate Oak	flowering plant	19/08/1961	19/10/2007	3
<i>Betula pendula</i>	Silver Birch	flowering plant	07/04/2006	-	1
<i>Betula pubescens</i>	Downy Birch	flowering plant	19/08/1961	07/04/2006	2
<i>Crococsmia pottsii</i> x <i>aurea</i> = <i>C. x crocosmiiflor</i>	Montbretia	flowering plant	31/12/2006	-	2
<i>Alnus glutinosa</i>	Alder	flowering plant	31/12/2006	26/07/2007	2
<i>Carpinus betulus</i>	Hornbeam	flowering plant	19/08/1961	31/12/2006	2
<i>Salix viminalis</i>	Osier	flowering plant	30/10/2010	-	1
<i>Oxalis acetosella</i>	Wood-sorrel	flowering plant	19/08/1961	-	1
<i>Euphorbia amygdaloides</i>	Wood Spurge	flowering plant	19/08/1961	-	1
<i>Euphorbia peplus</i>	Petty Spurge	flowering plant	02/11/2009	-	1
<i>Populus nigra</i> x <i>deltoides</i> = <i>P. x canadensis</i>	Hybrid Black-poplar	flowering plant	02/11/2009	-	1
<i>Populus tremula</i>	Aspen	flowering plant	19/08/1961	31/12/2006	2
<i>Salix caprea</i>	Goat Willow	flowering plant	31/12/2006	-	1
<i>Salix cinerea</i>	Common Sallow	flowering plant	19/08/1961	-	1
<i>Corylus avellana</i>	Hazel	flowering plant	19/08/1961	31/12/2006	2
<i>Aeshna cyanea</i>	Southern Hawker	insect - dragonfly (Odonata)	14/08/2001	14/07/2002	2
<i>Cordulegaster boltonii</i>	Golden-ringed Dragonfly	insect - dragonfly (Odonata)	05/08/2007	-	1
<i>Drymus (Sylvadrymus) brunneus</i>		insect - true bug (Hemiptera)	27/01/2005	-	1
<i>Scolopostethus affinis</i>		insect - true bug (Hemiptera)	27/01/2005	-	1
<i>Scolopostethus thomsoni</i>		insect - true bug (Hemiptera)	27/01/2005	-	1
<i>Tachyporus chrysomelinus</i> agg.		insect - beetle (Coleoptera)	27/01/2005	-	1
<i>Tachyporus hypnorum</i>		insect - beetle (Coleoptera)	27/01/2005	-	1
<i>Harmonia axyridis</i>	Harlequin Ladybird	insect - beetle (Coleoptera)	03/06/2015	-	1
<i>Vanessa cardui</i>	Painted Lady	insect - butterfly	10/08/2013	-	1

Latin Name	Common Name	Taxon Group	First Date	Last Date	No. of Rec's
<i>Celastrina argiolus</i>	Holly Blue	insect - butterfly	21/03/1997	14/08/2001	10
<i>Favonius quercus</i>	Purple Hairstreak	insect - butterfly	27/07/2002	-	1
<i>Argynnis paphia</i>	Silver-washed Fritillary	insect - butterfly	10/08/2013	29/07/2014	4
<i>Limenitis camilla</i>	White Admiral	insect - butterfly	10/08/2013	-	1
<i>Aglais urticae</i>	Small Tortoiseshell	insect - butterfly	11/03/1997	29/07/2014	7
<i>Polyommatus icarus</i>	Common Blue	insect - butterfly	26/05/1997	02/08/2014	7
<i>Vanessa atalanta</i>	Red Admiral	insect - butterfly	26/05/1997	29/07/2014	6
<i>Anthocharis cardamines</i>	Orange-tip	insect - butterfly	11/03/1997	28/04/2010	10
<i>Polygonia c-album</i>	Comma	insect - butterfly	09/03/1997	02/08/2014	8
<i>Coenonympha pamphilus</i>	Small Heath	insect - butterfly	07/06/1997	14/08/1998	3
<i>Pararge aegeria</i>	Speckled Wood	insect - butterfly	03/05/1997	29/07/2014	11
<i>Aglais io</i>	Peacock	insect - butterfly	09/03/1997	29/07/2014	9
<i>Lycaena phlaeas</i>	Small Copper	insect - butterfly	26/05/1997	29/07/2014	3
<i>Pieris napi</i>	Green-veined White	insect - butterfly	25/03/1997	10/08/2013	6
<i>Pieris brassicae</i>	Large White	insect - butterfly	21/04/1997	10/08/2013	10
<i>Gonepteryx rhamni</i>	Brimstone	insect - butterfly	06/03/1997	29/07/2014	7
<i>Colias croceus</i>	Clouded Yellow	insect - butterfly	10/08/2013	-	1
<i>Pyrgus malvae</i>	Grizzled Skipper	insect - butterfly	26/05/1997	27/05/1997	2
<i>Erynnis tages</i>	Dingy Skipper	insect - butterfly	26/05/1997	27/05/1997	2
<i>Ochlodes sylvanus</i>	Large Skipper	insect - butterfly	18/06/1997	29/07/2014	4
<i>Thymelicus lineola</i>	Essex Skipper	insect - butterfly	08/07/1997	-	1
<i>Aphantopus hyperantus</i>	Ringlet	insect - butterfly	15/07/1997	02/08/2014	5
<i>Maniola jurtina</i>	Meadow Brown	insect - butterfly	18/06/1997	02/08/2014	7
<i>Thymelicus sylvestris</i>	Small Skipper	insect - butterfly	18/06/1997	02/08/2014	4
<i>Pyronia tithonus</i>	Hedge Brown	insect - butterfly	13/07/1997	02/08/2014	13
<i>Pieris rapae</i>	Small White	insect - butterfly	30/03/1997	29/07/2014	7
<i>Orthosia gracilis</i>	Powdered Quaker	insect - moth	23/03/1952	03/04/1952	2
<i>Macroglossum stellatarum</i>	Humming-bird Hawk-moth	insect - moth	25/08/2009	14/09/2015	3
<i>Trichocera regelationis</i>		insect - true fly (Diptera)	27/01/2005	-	1
<i>Gymnometriocnemus brumalis</i>		insect - true fly (Diptera)	27/01/2005	-	1
<i>Leptothorax acervorum</i>	Slender Ant	insect - hymenopteran	16/09/1963	-	1
<i>Bufo bufo</i>	Common Toad	amphibian	05/06/2013	-	1
<i>Rana temporaria</i>	Common Frog	amphibian	05/06/2013	-	1
<i>Lissotriton vulgaris</i>	Smooth Newt	amphibian	05/06/2013	-	1
<i>Lissotriton helveticus</i>	Palmate Newt	amphibian	05/06/2013	-	1
<i>Natrix natrix</i>	Grass Snake	reptile	04/09/1997	19/09/1998	2
<i>Muscardinus avellanarius</i>	Hazel Dormouse	terrestrial mammal	10/11/2014	-	1
<i>Erinaceus europaeus</i>	West European Hedgehog	terrestrial mammal	31/12/1965	31/12/2015	4
<i>Talpa europaea</i>	European Mole	terrestrial mammal	31/12/1965	-	1
<i>Chiroptera</i>	Bat sp.	terrestrial mammal	21/09/1992	24/09/1992	4
<i>Myotis nattereri</i>	Natterer's Bat	terrestrial mammal	11/04/1999	15/01/2004	2
<i>Pipistrellus</i>	Pipstrelle sp.	terrestrial mammal	01/07/1999	-	2

Sussex Environmental Survey Directory

Report on behalf of Mike Gadd regarding land at north of Mutton Hall Lane + 2km radius.

Our Ref: SxBRC/16/447

Date: 03-Oct-16

The Sussex Environmental Survey Directory (ESD) was initiated in 1990 as a tool to report on biological surveys that had taken place in Sussex. The directory now contains information on over 2,000 surveys covering over 22,000 sites. This report details what surveys have been carried out on specific sites and directs the enquirer to where this information is held. The Record Centre does not hold copies of all the reports that it refers enquirers to, but simply directs the enquirer to organisations or individuals who do.

The directory is updated on a weekly basis and also contains summary data on the county's ornithological data, (courtesy of the Sussex Ornithological Society) and on the county's geological sites (courtesy of the Booth Museum).

Survey Name	Invertebrate Site Register - (480)	
Survey Author	WILLING, Martin J, PARSONS, M.	
Survey Comment	The Invertebrate Site Register is a document listing sites which are important for invertebrates. It is regularly updated and revised. Information for each site usually includes a site description, the main invertebrate interest and some general comments. This is a collation of information from a variety of sources. (Phase II)	
Date	-	
Site Name	Heathfield Park	TQ590210
Site Comment	A Wildlife park and picnic area in Heathfield formerley a large country park. The site contains grassland and mature woodland. It also contains an SSSI. A stream and lake divide the site. Half was a public wildlife zoo with semi-natural woodland and amenity grassland. The other half of the site is private. ISR - April 82.	
Copies Available	EN	

Survey Name	Survey of Selected Woodland Sites - (596)	
Survey Author	FORBES, J. et al.	
Survey Comment	Areas of ancient woodland were mapped and those known to be of conservation interest were surveyed. The distribution of woodland types was recorded with a general description of other features. Some were recommended as SSSIs. Only Wealden Woods were surveyed. Abundance lists for plants were taken and other species were noted when possible. (Phase II). [SxBRC copy held in H1 box].	
Date	4.78-10.78	
Site Name	Heathfield Park	TQ590210
Site Comment	A Wildlife park and picnic area in Heathfield formerley a large country park. The site contains grassland and mature woodland. It also contains an SSSI. A stream and lake divide the site. Half was a public wildlife zoo with semi-natural woodland and amenity grassland. The other half of the site is private. ISR - April 82.	
Copies Available	EN, SxBRC Boxes	

Survey Name	Storm Damage Assessment Cards 1987-88 - (635)	
Survey Author	WHITBREAD, A (Dr).	
Survey Comment	Storm damage assessment cards were filled in and a description of the extent, nature of the damage given and how this may affect the ecology of the site. (At EN it is kept on file 'DA01/4-7/1 - Scientific - Phase III and Phase II'). (Phase II)	
Date	10.87-1.88	
Site Name	Heathfield Park SSSI	TQ593210
Site Comment	This site is an example of an ancient Wealden gill woodland, dominated by mature beech. A number of bryophytes and ferns are present in the gill. Boundaries have changed slightly since notification, with the pond atTQ594207 now excluded from the site.	
Copies Available	EN/SSSI/SCI	

Survey Name	SSSI Data Collation - (1000)	
Survey Author	ENGLISH NATURE	
Survey Comment	All information for SSSIs is held with EN. Detailed information on most groups of plants and animals is held for each site. This includes de-notified SSSIs, but not proposed SSSIs. The information is updated fairly often by monitoring or additional surveys. NOTE: Groups covered varies with site. (Phase II/III)	
Date	1949-	
Site Name	Heathfield Park SSSI	TQ593210
Site Comment	This site is an example of an ancient Wealden gill woodland, dominated by mature beech. A number of bryophytes and ferns are present in the gill. Boundaries have changed slightly since notification, with the pond atTQ594207 now excluded from the site.	
Copies Available	EN, SxBRC Digital	

Survey Name	Heathfield Park Landscape Report - (1240)		
Survey Author	CHRIS BLANDFORD ASSOC.		
Survey Comment	An outline of the history of Heathfield Park and identification of the quality that exists in terms of landscape and nature conservation. Also includes an analysis of the current proposals for the development of part of the park into a residential park with a country club and associated leisure facilities. Plant species and insect species lists for the application area are given in the appendices.		
Date	6.6.91		
Site Name	Heathfield Park SSSI		TQ593210
Site Comment	This site is an example of an ancient Wealden gill woodland, dominated by mature beech. A number of bryophytes and ferns are present in the gill. Boundaries have changed slightly since notification, with the pond atTQ594207 now excluded from the site.		
Copies Available	EN		

Survey Name	NCC Storm Damage Assessment Forms 1989-90 - (2799)		
Survey Author	BARTON, J.		
Survey Comment	Series of completed NCC storm damage assessment forms for various woodlands within Sussex.		
Date	02.89 - 12.90		
Site Name	Heathfield Park SSSI		TQ593210
Site Comment	This site is an example of an ancient Wealden gill woodland, dominated by mature beech. A number of bryophytes and ferns are present in the gill. Boundaries have changed slightly since notification, with the pond atTQ594207 now excluded from the site.		
Copies Available	EN		

Glossary of Abbreviations

Organisations:

BBCS	British Butterfly Conservation Society (now Butterfly Conservation)	www.sussex-butterflies.org.uk
BMONH	Booth Museum of Natural History	Tel: 03000 290900
BSBI	Botanical Society of the British Isles	www.bsbi.org.uk
BTO	British Trust for Ornithology	Tel: 01842 750050
EA	Environment Agency	Tel: 08708 506506 (Southern Regional Office)
EN	English Nature (now Natural England)	Tel: 03000 600 300 (Sussex Team)
ESCC	East Sussex County Council	Tel: 01273 481621 (County Ecologist)
FC	Forestry Commission	Tel: 01420 23337 (SE England)
FWAG	Farming and Wildlife Advisory Group	Tel: 01273 891190 (Sussex Area)
NCC	Nature Conservancy Council (now NE)	Contact NE
NE	Natural England	Tel: 03000 600 300 (Sussex Team)
NRA	National Rivers Authority (now EA)	Contact EA
NT	National Trust	Tel: 01372 453401 (South East Office)
RSPB	Royal Society for the Protection of Birds	Tel: 01273 775333 (SE Regional Office)
SBRS	Sussex Botanical Recording Society	www.sussexflora.org.uk
SOS	Sussex Ornithological Society	www.sos.org.uk
SxBRC	Sussex Biodiversity Record Centre	Tel: 01273 497521
SxWT/SWT	Sussex Wildlife Trust	Tel: 01273 492630
WSCC	West Sussex County Council	Tel: 01243 756691 (County Ecologist)

Designations:

AONB	Area of Outstanding Natural Beauty
COGS	County Geological/Geomorphological Site
LNR	Local Nature Reserve
NNR	National Nature Reserve
NP	National Park
RAMSAR	RAMSAR (internationally important wetlands)
RIGS	Regionally Important Geological/Geomorphological Site
SAC	Special Area of Conservation
SNCI	Site of Nature Conservation Importance
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest

Surveys:

Phase I	A broad habitat survey with a dominant species list and land use information.
Phase II	Mapping of vegetation communities with species lists and abundance/distribution.
Phase III	A detailed survey including ecological processes and long term monitoring information.
NVC	National Vegetation Classification.

MAP CITATION SHEETS

SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)

Sites of Special Scientific Interest (SSSIs) are areas notified under the Wildlife and Countryside Act 1981, as being of special interest for nature conservation. They represent the finest sites for wildlife and natural features supporting many characteristic, rare and endangered species, habitats and natural features. Notification as a SSSI is primarily a legal mechanism organised by Natural England and selected according to specific scientific criteria. *The Guidelines for the Selection of Biological SSSIs*, published in 1989 by the Joint Nature Conservation Council, set down the selection criteria for both biological and geological SSSIs.

Biological SSSIs form a national network of wildlife sites. Sites are selected in such a way that the protection of each site, and hence the network, aims to conserve the minimum area of wildlife habitat necessary to maintain the natural diversity and distribution of Britain's native flora and fauna and the communities they comprise. Each site, therefore, is of national significance for its nature conservation value.

Geological SSSIs are sites chosen for their research value, the criterion being that they are of national or international importance. Geological conservation is concerned with the maintenance of our geological and geomorphological heritage.

There are over 4,000 SSSIs in England of which just under 150 are in Sussex. Natural England is responsible for identifying and protecting these sites. This is achieved, primarily, in partnership with SSSI owners and managers, and as a result the majority are in good condition and well managed.

Ever growing pressures on our landscape and countryside mean that SSSIs are an increasingly precious part of our natural heritage. Damaging SSSIs is unacceptable, either in the short or long term, and must be avoided if they are to remain the finest wildlife and natural heritage sites in England. Once lost, the special interest of a site may be difficult or impossible to restore or recreate. Owners and occupiers (i.e. landowners, tenants and commoners) of SSSIs must give Natural England written notice before initiating any operations likely to damage the site, or allowing someone else to carry out these activities. None of the operations listed in the notification documents may proceed without Natural England's consent.

Under the Countryside and Rights of Way Act 2000 (CROW) anyone who intentionally or recklessly destroys or damages any of the flora, fauna or geological or physiological features of an SSSI is guilty of an offence. They are liable, on summary conviction, of a fine of up to £20,000.

For more information on SSSIs visit the [Natural England website](#).

SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)

Site Name:	Heathfield Park		
County:	East Sussex		
District:	Wealden		
Local Planning Authority:	Wealden District Council		
Size:	40.8 hectares (100.8 acres)		
National Grid Ref:	TQ593210		
Date Notified (Under 1949 Act):	-	Date of last revision:	-
Date Notified (Under 1981 Act):	1986	Date of last revision:	-
Other Information:	This is a new site.		

Reason for Notification

This site is an example of an ancient Wealden ghyll woodland formed by the vigorous downcutting of a stream into the Ashdown Sand series of the Hastings Beds. A number of 'Atlantic' plants, uncommon in the south-east, are present and the lichen flora is also notable. The stream has been dammed to form a series of lakes, the northernmost of which are included in the site and add to its interest.

The woodland is dominated by mature beech *Fagus sylvatica* with both pedunculate and sessile oak *Quercus robur* and *Q. petraea*, holly *Ilex aquifolium* and scattered yew *Taxus baccata*. In the north and east birch *Betula* spp. becomes frequent and the stream valleys contain willow *Salix* spp. and alder *Alnus glutinosa*. Where beech is dense only the moss *Leucobryum glaucum* gives ground cover, but where the canopy is more open bracken *Pteridium aquilinum* and bramble *Rubus fruticosus* are found with rhododendron *Rhododendron ponticum* invading in places.

Continuous woodland cover in this sheltered ghyll provides a moist, mild microclimate and a number of plant species occur here which are otherwise restricted to western counties, including Cornish moneywort *Sibthorpia europaea*, hay-scented buckler-fern *Dryopteris aemula* and the liverwort *Frullania tamarisci*.

The site is also of county importance for lichens: a total of 76 species have been recorded here, mostly from the old oaks.

The lakes add to the value of the site for dragonflies and birds. Great reedmace *Typha latifolia* forms fringing vegetation and the open water is dominated by white and yellow water-lilies *Nymphaea alba* and *Nuphar lutea*.

SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)

Operations likely to damage the special interest

Site name: Heathfield Park (OLD1001675)

Ref. No. Type of operation

1. Cultivation, including ploughing, rotovating, harrowing, and re-seeding.
2. Grazing and changes in the grazing regime (including type of stock or intensity or seasonal pattern of grazing and cessation of grazing).
3. Stock feeding and changes in stock feeding practice.
4. Mowing or other methods of cutting vegetation and changes in the mowing or cutting regime (including hay making to silage and cessation).
5. Application of manure, fertilisers and lime.
6. Application of pesticides, including herbicides (weedkillers).
7. Dumping, spreading or discharge of any materials.
8. Burning.
9. The release into the site of any wild, feral or domestic animal*, plant or seed.
10. The killing or removal of any wild animal*, including pest control.
11. The destruction, displacement, removal or cutting of any plant or plant remains, including tree, shrub, herb, hedge, dead or decaying wood, moss, lichen, fungus, leaf-mould, turf.
12. Tree and/or woodland management+ and changes in tree and/or woodland management+.
- 13a. Drainage (including the use of mole, tile, tunnel or other artificial drains).
- 13b. Modification of the structure of watercourses (eg rivers, streams, springs, ditches, dykes, drains), including their banks and beds, as by re-alignment, re-grading and dredging.
- 13c. Management of aquatic and bank vegetation for drainage purposes.
14. The changing of water levels and tables and water utilisation (including irrigation, storage and abstraction from existing water bodies and through boreholes).
15. Infilling of ditches, dykes, drains, ponds, pools, marshes or pits.
- 16a. Freshwater fishery production and/or management, including sporting fishing and angling.
20. Extraction of minerals, including shingle, sand and gravel, topsoil, subsoil, shells and spoil.
21. Construction, removal or destruction of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks, or the laying, maintenance or removal of pipelines and cables, above or below ground.
22. Storage of materials.
23. Erection of permanent or temporary structures, or the undertaking of engineering works, including drilling.
26. Use of vehicles or craft likely to damage or disturb features of interest.
27. Recreational or other activities likely to damage or disturb features of interest.
28. Game and waterfowl management and hunting practice.

* 'Animal' includes any mammal, reptile, amphibian, bird, fish or invertebrate.

+ Including afforestation, planting, clear and selective felling, thinning, coppicing, modification of the stand or underwood, changes in species composition, cessation of management.

KEY NATIONAL AND INTERNATIONAL SITE DESIGNATIONS

National Nature Reserve (NNR)

National Nature Reserves are statutory reserves established under the Wildlife and Countryside Act 1981. NNRs may be owned by the relevant national body (e.g. Natural England in England) or established by agreement. A few are owned and managed by non-statutory bodies, for example the Sussex Wildlife Trust. NNRs cover a selection of the most important sites for nature conservation in the UK. There are six NNRs in Sussex.

Special Area of Conservation (SAC)

Special Areas of Conservation are sites designated by Member States under the EC Habitats Directive. The aim is to establish a European network of important high quality conservation sites that will make a significant contribution to conserving habitats and species considered to be most in need of conservation at a European level. There are 12 SAC sites in Sussex.

Special Protection Area (SPA)

Special Protection Areas are designated under the EC Birds Directive, to conserve the habitat of certain rare or vulnerable birds and regularly occurring migratory birds. Any significant pollution or disturbance to or deterioration of these sites has to be avoided. All SPAs are also designated as SSSIs. There are six SPA sites in Sussex.

Ramsar

Ramsar sites are designated under the Convention on Wetlands of International Importance. Under the Convention, each government must select its best wetlands according to very clear criteria, which include: a wetland that regularly supports 20,000 or more waterbirds; a wetland that regularly supports 1% of the individuals in a population of one species or subspecies of waterbird. Wetlands are broadly defined to include marsh, fen, peatland and water. All designated Ramsar sites are also designated as SSSIs. There are four Ramsar sites in Sussex.

National Park

National Parks are beautiful, spectacular and often dramatic expanses of countryside. In the UK people live and work in the National Parks and the farms, villages and towns are protected along with the landscape and wildlife. They differ from Areas of Outstanding Natural Beauty (AONBs) in that each National Park has its own authority for planning control and other services.

The creation of the South Downs National Park (SDNP) was confirmed on 12th November 2009 and came into being on 1st April 2010.

Further information can be found on the [SDNP Authority website](#).

Area of Outstanding Natural Beauty (AONB)

Areas of Outstanding Natural Beauty are areas of high scenic quality that have statutory protection in order to conserve and enhance the natural beauty of their landscapes. They differ from National Parks in their more limited opportunities for extensive outdoor recreation and by the way they are managed. AONBs are designated by Natural England under the Countryside and Rights of Way Act 2000.

There are two AONBs in Sussex covering approx. 114,000 hectares; Chichester Harbour and High Weald. Each has an associated body concerned with the area's conservation:

Chichester Harbour Conservancy www.conservancy.co.uk

High Weald AONB Unit www.highweald.org

Marine Conservation Zone (MCZ)

MCZs protect a range of nationally important marine wildlife, habitats, geology and geomorphology. In November 2013 27 MCZs were designated in English inshore and English and Welsh offshore waters in the first tranche of sites. Three of these sites were designated off Sussex; Kingmere, Beachy Head West and Pagham Harbour. More MCZs will be designated in future rounds or 'tranches', although it is uncertain how many.

Further information can be found on the [JNCC website](#).

Local Nature Reserve (LNR)

Local Nature Reserves are for both people and wildlife. All district and county councils have powers to acquire, declare and manage LNRs. To qualify for LNR status, a site must be of importance for wildlife, geology, education or public enjoyment. Some are also SSSIs. There are 36 LNRs in Sussex.

Country Park

Country Parks were established as a result of the 1968 Countryside Act to provide a wide range of opportunities for recreation, health, education and improve the quality of life for local communities. Natural England recognises Country Parks as significant places that contribute to England's accessible natural green space. There are 11 Country Parks in Sussex, the details of which can be obtained from the local authorities.

Local Geological Site (LGS)

Previously known as Regionally Important Geological/Geomorphological Sites (RIGGS), LGS are non-statutory designations that have been identified by local geodiversity groups as being of importance. There are over 120 LGS in Sussex which have been assessed by the Sussex Geodiversity Partnership. The features identified as being important become a material consideration in any future development, and should be taken into account by the relevant local authority.

A selection of LGS with public access in Sussex can be viewed on the [Sussex Geodiversity Partnership's website](#).

Marine Site of Nature Conservation Importance (MSNCI)

Marine Sites of Nature Conservation Importance are non-statutory sites identified on account of the special interest of their marine habitats, the fauna and flora, or for unusual geological and geomorphological features. They are an extension of the series of terrestrial SNCIs. The identification of these sites is to highlight their importance for marine wildlife and to emphasise the risks of certain operations damaging their interest. There are 23 MSNCIs off the Sussex coast.

Environmental Stewardship

Environmental Stewardship is an agri-environment scheme managed by Natural England that provides funding to farmers and other land managers to deliver effective environmental management.

There are four elements to Environmental Stewardship, three of which are relevant in Sussex:

Entry Level Stewardship (ELS) goes beyond the Single Payment Scheme requirement to maintain land in good agricultural and environmental condition.

Organic Entry Level Stewardship (OELS) is the organic strand of ELS. It is geared to organic and organic/conventional mixed farming systems and is open to all farmers not receiving Organic Farming Scheme aid.

Higher Level Stewardship (HLS) involves more complex types of management where agreements are tailored to local circumstances.

Further information can be found on the [Natural England website](#).

Further information on many of the designations listed above can be found on the [Natural England website](#).

ANCIENT & VETERAN TREES

Ancient trees form a vital part of our landscape, heritage and biodiversity. They are scattered through most parts of the UK landscape where they are found in exceptionally large numbers compared with north east Europe. Ancient trees can be most easily found in the vestiges of the once extensive Royal Hunting Forests, such as Ashdown Forest, and medieval parks. Others occur in historic parkland, landscaped gardens, woodland, wood pasture and ancient wooded commons. There are also small groups and individual trees scattered around housing estates, urban parks, village greens and churchyards. Some ancient trees are found on farmland, usually in hedgerows or old boundary features.

In Sussex, some of the largest recorded girths belong to: the Queen Elizabeth oak of 12.67m at Cowdray Park, a yew of 8.5m in Wilmington churchyard; a beech of 8.4m on Ashdown Forest; and a sweet chestnut of 7.2m at Herstmonceux Castle.

There are different definitions for mature trees, depending mainly on their stage of life:

Ancient trees. Biologically, aesthetically or culturally interesting because of their great age; In ancient or post-mature stage of life; Have a large girth relative to others of the same species.

Veteran trees. Usually in the second or mature stage of life; Have important wildlife and habitat features including hollowing or associated decay fungi, holes, wounds and large dead branches.

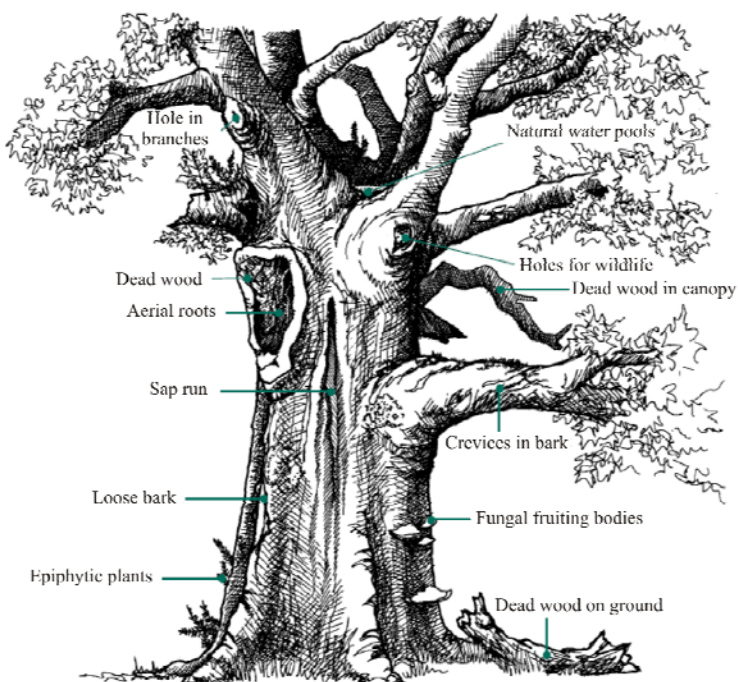
Notable trees. Locally important or of significance to the community; Specimen trees or considered to be the potential next generation of veteran trees.

Ancient tree ecology

Ancient trees are unique as a wildlife habitat because of the exceptionally species-rich communities associated with wood decay and the bare surfaces of trunks, bough and roots. Clusters of ancient trees are even more important because together they offer a wide range of niche homes for many specialist species in one small area.

Approximately 1,700 (6%) invertebrate species in the British Isles are dependent on decaying wood to complete their life cycles. Species associated with decaying wood include: rare click beetles such as the violet click beetle *Limoniscus violaceus*, the wasp mimic crane fly *Ctenophora flaveolata* and the oak longhorn beetle *Rhagium mordax*. The black-headed cardinal beetle *Pyrochroa coccinea* is an insect associated with veteran trees and old growth woodland.

Old trees with splits, cracks, loose bark, holes and crevices are especially attractive to bats and in particular to woodland specialists such as the rare Barbastelle and Bechstein's bat.



Characteristic features of a veteran tree

Source: *Veteran Trees: A guide to good management*. Natural England, 2000.

The Ancient Tree Hunt

The Ancient Tree Hunt is a nationwide search to map all of the old trees in the UK in order to plan for their active conservation. This project, led by the Woodland Trust in partnership with the Ancient Tree Forum and Tree Register of the British Isles, was launched in 2007.

Most of the trees recorded can be viewed on their website: www.ancient-tree-hunt.org.uk

ANCIENT WOODLAND

Ancient woodland is defined by Natural England as an area that has had a continuous woodland cover since at least 1600 AD.

Sussex is one of the most wooded parts of lowland Britain with ancient woodland covering approximately 39,000ha (10%) of the county. Bluebell woods associated with coppicing, open wood pasture associated with deer parks and the small Wealden woods in ghyll valleys are a key part of Sussex's distinctive and varied landscape.



Bluebell

The habitat can be split into two broad categories:-

Ancient semi-natural woodland - is composed predominantly of trees and shrubs native to the site that do not obviously originate from planting. However, woodlands with small planting of trees native to the site would still be included in this category. The stands may have been managed by coppicing or pollarding in the past or the tree and shrub layer may have grown up by natural regeneration.

Plantations on ancient woodland sites - are areas of ancient woodland where the former native tree cover has been felled and replaced by planted trees, predominantly of species not native to the site. These will include conifers such as Norway spruce or Corsican pine, and also non-native broadleaves such as sweet chestnut. These sites often retain some ancient woodland features such as soils, ground flora, fungi, and woodland archaeology and as such they can respond well to restoration management.

The importance of ancient woodland

Ancient woodland is of prime ecological and landscape importance, providing a vital part of a rich and diverse countryside. In particular, ancient woodland:

- is exceptionally rich in wildlife, and supports many rare and threatened species
- may contain surviving descendants and features from the original natural forests
- acts as reservoirs from which wildlife can spread into new woodlands
- has valuable soils due to their undisturbed nature
- is an integral part of England's historic landscapes and the biological and visual functioning of a landscape
- contains a wealth of features of historical and archaeological importance little altered by modern cultivation or disturbance

Ancient Woodland Inventory

The Ancient Woodland Inventory was set up in 1981 by the Nature Conservancy Council (now Natural England). It originally only included sites over two hectares in size. Advances in digital mapping techniques mean it is now possible to map woodlands under two hectares with greater accuracy. This has led to a revision of the Ancient Woodland Inventory within the South East. The surveys for the revision of the inventory for Sussex were completed in 2010 and have been adopted by Natural England. However, the inventory will always be classed as "provisional" because it is reviewed and updated as new information comes to light.

Further information about the Ancient Woodland Inventory can be found on the [Natural England website](#).

(Illustration courtesy of Natural England.)

GHYLL WOODLAND

Ghylls (or gills) are ancient steep-sided, wooded valleys created by streams cutting gullies into existing slopes. In the Sussex Weald, ghyll formation began in the Pleistocene period (pre 10,000 BC) by erosion of the sandstone making up the 'Hastings Beds'. Such ghylls occasionally contain outcrops of erosion resistant sandstone known as 'sandrock'.

Ghylls and sandrock outcrops create a microclimate similar to that of the Atlantic climate common to the west of England, but with different influences from the soil and geology. This microclimate is humid with a low frost incidence and for this reason our Sussex ghylls are strongholds for rare flora and fauna. Good examples of species adapted to this unique habitat are the Tunbridge filmy fern, the hay-scented buckler fern and bryophytes such as *Hyocomium armoricum*, *Dicranum scottianum* and *Scapania gracilis*. All of these species are rare in Britain and are found predominantly on the western seaboard of Wales.



Hard fern

The steep and rugged nature of these stream valleys has provided protection for this distinctive flora. Unlike much of the rest of the Sussex Weald, clearance and subsequent cultivation was not possible in the ghylls. The associated undisturbed woodland or scrubland can therefore often be regarded as 'ancient woodland'. In some cases there are remnants of original 'wildwood' as evidenced by the presence of indicator species such as small-leaved lime.

The hilly topography means that the land surrounding ghylls tends not to be intensively cultivated. As a consequence the water flowing in the streams is often relatively unpolluted and the delicate balance and biodiversity of this unique environment is maintained. Any contamination of the water supply, disruption to its flow or the invasion of exotic species such as rhododendron could do irreparable damage to this habitat.

Broadleaved woodland is a priority habitat for conservation in Sussex as it contains a higher number of UK Biodiversity Action Plan Priority Species than any other habitat. These species include dormouse, pearl bordered fritillary butterfly and the black-headed cardinal beetle.

Objectives in the Habitat Action Plan include:

- Maintain the extent and habitat quality of ghyll woodland.
- Reverse the trend of degradation in ghyll woodlands and ensure that they are managed to achieve conservation objectives.
- Replace non-native tree species on ancient woodland sites.
- Provide mechanisms to help clear invading rhododendron.
- Implement systems for the control of animals believed to cause damage to woodland, such as squirrel and deer.
- Identify where ghyll woods are located and recommend their optimum management for conservation.
- Ensure pollution is prevented wherever possible.
- Encourage planning departments to refuse permission for ghyll woodland development.

(Illustration courtesy of Natural England.)

LOWLAND HEATHLAND

Heathland is a largely open landscape occurring on impoverished, acidic soils. It is characterised by plants such as heathers and dwarf gorses of varying height, and usually occurs with areas of other habitat such as acid grassland and open water.



Sand lizard

Why is it important?

- Heathland is often interspersed with bare ground, acid grassland, gorse, bracken, bog and scattered trees. This provides a range of habitat, increasing value to wildlife.
- A diversity of invertebrates is found with rare species including wasps, beetles and spiders. Areas of bare ground are often particularly important to invertebrates.
- There is a relatively low number of plants; however many rare species are found, particularly in the wetter areas, including white-beak sedge and bog asphodel.
- The rare smooth snake and sand lizard are found on some West Sussex heathlands.
- Several uncommon birds thrive on heathland including nightjar and stonechat.

Heathland in Sussex

Heathland in Sussex occurs mainly on the Wealden Greensand in West Sussex and in the High Weald of East Sussex, where Ashdown Forest contains the largest area of heathland remaining in South East England. The South Downs retain areas of chalk heath, a rare habitat that develops on acidic deposits overlying chalk, on which an interesting mix of chalk grassland and heathland plants are found.

What are the threats?

- Lack of management results in a simplified vegetation structure and dominance of scrub.
- Agricultural improvement, including use of chemicals and intensive-livestock farming.
- Isolation and fragmentation of sites reduces dispersal opportunities making species more susceptible to extinction.
- Development including mineral extraction and conversion to conifer plantation.
- Recreation can cause disturbance to breeding birds, enrichment of soil and a danger of fire damage.

Some associated species

- Dartford warbler *Sylvia undata*
- Sand lizard *Lacerta agilis*
- Bog bush-cricket *Metrioptera brachyptera*
- Heath tiger beetle *Cicindela sylvatica*
- Bog pimpernel *Anagallis tenella*
- Heath bedstraw *Galium saxatile*

(Illustration courtesy of Natural England.)

WOOD-PASTURE & PARKLAND

Many parks were established in medieval times for aesthetic reasons, to provide grazing for farm animals or deer and to provide wood from pollarded trees. In later centuries, new landscaped parks were created from these medieval parks or by enclosing ordinary farmland. Wood-pasture and parkland is therefore the result of a distinctive, historic land-use system, and represents a vegetation structure rather than being a particular plant community.

Typically this structure consists of veteran trees with wide, spreading crowns growing in a matrix of grazed grassland or heathland. It is a habitat of cultural and historical significance and can also be of great ecological importance due to the wide range of species it supports. For these reasons, and due the threats facing the habitat, it is a UK Biodiversity Action Plan (BAP) habitat.



Pedunculate Oak

Current status and distribution

There are no reliable statistics on the extent of this habitat in the UK, but it is most common in southern Britain. Sussex is particularly rich in wood-pasture and parkland with several large old deer parks, such as Petworth Park and Parham Park.

Ecological significance

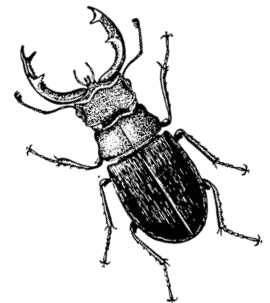
Wood-pasture and parkland is important for wildlife for a number of reasons:

- The mosaic of habitats together with the presence of veteran trees provides the conditions needed by certain species for every stage of their life cycle.
- There is often a continuity of old trees over hundreds of years, or even in some cases back to the post ice-age 'wildwood'. The trees have often been pollarded; this management technique extends their life and creates rot holes and crevices which are used by bats, hole-nesting birds and invertebrates.
- Sussex has the majority of the UK's mature English Elms following the loss of millions to Dutch Elm Disease.
- Rotten wood within ancient tree trunks supports saproxylic invertebrates (those that rely on dead wood for all or part of their life cycle) and are amongst the most threatened group of species in Europe. One such species is the click beetle *Lacon querceus*, which develops in dry red-rotten oak wood in veteran trunks and fallen boughs. The Stag Beetle is another saproxylic beetle often associated with pasture parkland.
- The old tree trunks also support unique communities of lichens, mosses and liverworts which depend on the stability of the surface provided by veteran trees. Two BAP Priority Species of lichen found on old trees include *Bacidia incompta* and *Enterographa sorediata*.

Threats facing the habitat include:

- Isolation and fragmentation of the remaining parklands.
- Inappropriate grazing resulting in the loss of plant diversity and habitat structure.
- Agricultural intensification including reseeded, ploughing and use of fertilisers.
- Neglect and loss of veteran trees, and over-tidying of deadwood.

(Illustrations courtesy of Natural England.)



Stag Beetle

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Website: www.sxbrc.org.uk

The Sussex Biodiversity Record Centre is managed by the Sussex Wildlife Trust as a partnership project.
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Mr C Bending
Planning@wealden.gov.uk

29th September 2016

Dear Mr Bending

WD/2016/2063/MEA 215 DWELLINGS AT VINES CORNER, BURWASH ROAD, HEATHFIELD

Thank you for consulting the High Weald AONB Unit on this planning application.

The following is a provisional response only because a key piece of evidence – **the Assessment of Alternative Sites** – is not on the website even though it is referred to in the Planning Statement. This is vital because, as the officer's pre-application advice states: "Given the extent of the development proposed it is considered likely that the Council will conclude this to be 'major development' in the context of Paragraph 116 and therefore will go through the test of exceptionality as set out". There is currently no evidence relevant to part 2 of this test.

In summary, it is considered that the proposed development fails to conserve and enhance the character of the High Weald AONB, particularly in relation to the damage to the historic routeway of Marklye Lane, and great weight should be given to this harm in accordance with paragraph 115 of the NPPF. It is also considered that the tests in paragraph 116 are not met because there is no evidence of the need for the development to be located at Heathfield, there are likely to be alternative locations outside of the AONB within Wealden to meet the general OAN and the detrimental impact of the proposed development on the landscape cannot be satisfactorily mitigated.

Development Plan Policy Basis

The site is wholly within the High Weald AONB and outside the built up area boundary of Heathfield established in the Wealden Local Plan 1998 and confirmed in the Wealden Core Strategy 2013. This is currently being reviewed through the draft Wealden Local Plan but this document is at a very early stage and little weight should be attached to it.

The Planning Statement submitted with the planning application refers to the draft Wealden Local Plan – Issues, Options and Recommendations October 2015 and its preferred housing option which includes an

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allocation of 800 dwellings at Heathfield. However, this draft Local Plan makes it clear at paragraph 8.50 that this is not Council policy and is only a recommended approach for testing and that it may be that this approach is not acceptable in terms of impact upon the High Weald Area of Outstanding Natural Beauty.

Similarly the initial work on broad locations around Heathfield on p178-181 of the draft Plan is phrased as options for testing, not as a final policy position. The preferred option for testing 26 for Heathfield states:

“Initially infill development / redevelopment, the exact amount of which will be provided through a capacity study, and then land outside of the Area of Outstanding Natural Beauty within and on the edge of the current built up area. Identify if possible, allocations within the North East Sector and possibly towards Cross in Hand for future growth options. The delivery of 800 dwellings will be subject to the exception test identified within the National Planning Policy Framework concerning development within the Area of Outstanding Natural Beauty”.

It is clear from the above references that this work is at a very early stage and should not be used to justify the current planning application of 215 dwellings at Vines Corner. It is also clear that any proposals in the AONB at Heathfield will be subject to the exception test in NPPF paragraph 116 and should not be assumed to have passed it just because it would contribute to the 800 figure in the draft Local Plan.

It should also be noted that this housing option is based on a total housing provision number for Wealden District that is in excess of the Council's objectively assessed need for housing and makes provision for the housing needs of the wider housing market area (particularly Eastbourne and Tunbridge Wells). It would be extremely unusual for such wider housing needs to be met within an AONB, especially when the site is remote from the towns generating the needs.

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Five Year Housing Land Supply

The justification for submitting this planning application ahead of the Local Plan process is the admission by Wealden District Council that it doesn't have a five year supply of housing. This means that Development Plan policies relevant to the supply of housing are 'out of date' and that therefore planning permission for housing should be normally granted on unallocated sites in the countryside unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits".

However, paragraph 14 of the NPPF differentiates between the approach to be taken in normal circumstances and where 'specific policies in this framework indicate development should be restricted' (which footnote 9 confirms includes policies relating to AONBs).

A recent Court of Appeal judgement¹ relating to the interpretation of the phrase "relevant policies for the supply of housing" in paragraph 49 of the NPPF confirms that AONB policies in Development Plans are affected if the local authority cannot demonstrate a five year supply of housing land. However, paragraph 39 of this judgement says:

"The purpose of the footnote, we believe, is to underscore the continuing relevance and importance of these NPPF policies where they apply. In the context of decision-taking, such policies will continue to be relevant even "where the development plan is absent, silent or relevant policies are out-of-date".... Both the restrictive policies of the NPPF, where they are relevant to a development control decision, and out-of-date policies in the development plan will continue to command such weight as the decision-maker reasonably finds they should have in the making of the decision. There is nothing illogical or difficult about this, as a matter of principle".

National Planning Policy Framework Paragraphs 115 and 116

The following paragraphs of the NPPF are therefore key in the consideration of this planning application:

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¹ Suffolk Coastal v Hopkins Homes Limited, Richborough Estates Partnership LLP v Cheshire East Borough Council, with the Secretary of State appearing in both appeals, [2016] EWCA Civ 168.

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“115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and 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, and should be given great weight in National Parks and the Broads.

116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way;*
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”.*

With regard to paragraph 115, the impact of the application proposal on the landscape and scenic beauty of the AONB should be looked at in the context of the High Weald AONB Management Plan. Landscape is not just scenery or views, although these will be important considerations for this prominent site, which is very visible from the opposing ridge at Mayfield. It also includes the landscape components of the sites and the historic and cultural significance of the area. The High Weald AONB Management Plan identifies the landscape components that contribute to the significance of this nationally designated landscape and these include the fields themselves as well as the historic routeways and woodland. The Historic Landscape Character Assessment (held by ESCC) identifies these fields as resulting from “regular piecemeal enclosure” sometime in the eighteenth century. Such later enclosures can preserve prehistoric remains, and these are particularly likely given the proximity of the sites to the historic routeways along the Heathfield ridge and Marklye Lane.

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A particularly key impact of this planning application is the change in character of the northern end of Marklye Lane, an ancient routeway between the opposing ridgetop settlements of Heathfield and Mayfield. The application proposes to block off Marklye Lane approximately 100m from its junction with the A265 Burwash Road and cross it with the main estate road. This will fundamentally change the character of this end of the routeway and, in my view, will severely detract from its historic and visual qualities. Perversely the remainder of the development completely turns its back on this routeway and Burwash Road. If this area had been developed historically, houses would have followed these routeways as linear blocks along streets. Instead the proposed development loops around in low density sub-urban cul-de-sacs out of character with the existing settlement of Heathfield and making poor use of the land.

With regard to NPPF paragraph 116, for part 1 of the test – ‘the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy’ - the applicant relies on the shortfall in housing provision identified in the Council’s document ‘Five Year Housing Land Supply as at 31st March 2016’. This document assumes an objectively assessed housing need of 735 dwellings per annum which in turn is based on the Strategic Housing Market Assessment (SHMA) produced as supporting evidence for the draft Wealden Local Plan and updated in August 2016. This SHMA has yet to be tested at examination. It is notable though that the SHMA identifies that the components of change (Figure 68) are predominantly driven by migration and that the demographic change (births compared with deaths) actually has a downward pressure on the figures. This makes it highly questionable to use this OAN figure as a proxy for local housing need in a specific settlement such as Heathfield. Without such a local need specific to Heathfield there is no justification for developing in the AONB as there are clearly alternative sites elsewhere in Wealden District outside of the AONB.

As previously mentioned the Assessment of Alternative Sites referred to in the Planning Statement is not on the Council’s website so I am not able to advise on whether part 2 of the test - ‘the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way’ - has been met. For the reasons set out above this would need to look at alternative sites in Wealden District (and possibly outside of Wealden district as well for wider housing market need), not just alternative sites around Heathfield.

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High Weald Joint Advisory Committee

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For part 3 of the test – ‘any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated’ – I have referred above to my concerns about the impact of the proposed development on Marklye Lane and the inappropriate form of the proposed layout.

It is noted that the low density design allows for significant amounts of new planting and water features. However, with the exception of the hedgeline running through Site 1, none of the proposed landscaping features reflect existing features on the site or nearby and may in themselves appear incongruous in a High Weald landscape which is characterised by open fields, boundary hedgerows and shaw woodlands. It is not considered that the introduction of these features would compensate for the loss of open countryside or the damage to the ancient routeway of Marklye Lane.

In the event that the proposed development on this site is deemed acceptable by Wealden District Council, then it is recommended that the following requirements are met:

- Appropriate materials are used including the use of local timber;
- Native, locally sourced, plants are used for the new landscaping;
- Archaeological conditions are imposed given the site’s proximity to the potentially prehistoric ridgeway route; and
- Controls over lighting are imposed to protect dark skies in the High Weald AONB.

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
01424 723018

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Background Information about the High Weald AONB Unit

The High Weald Area of Outstanding Natural Beauty (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 National Planning Policy Framework (NPPF) gives great weight to conserving landscape and scenic beauty in AONBs as outlined in paragraphs 115-116. Development proposals within an AONB need to pay particular attention to its character and conserve and enhance its natural beauty. Planning permission should be refused for a major development except in exceptional circumstances and where it can be demonstrated the development is in the public interest and its benefits outweigh the adverse impacts resulting from the development.

The High Weald AONB Unit

The High Weald AONB Unit is funded by Defra and a partnership of the 15 local authorities covered by the High Weald to provide 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 High Weald AONB Management Plan

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'. The 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.

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Attention: Mr C Bending (Case Officer)

Wealden District Council
Council Offices
Vicarage Lane
Hailsham
East Sussex
BN27 2AX

12th October 2016

Dear Mr Bending

OBJECTION submitted for and on behalf of CPRE Sussex to:

Application reference: WD/2016/2063/MEA

Location: LAND AT VINES CORNER, BURWASH ROAD, HEATHFIELD, TN21 8QA

Proposal: Outline Application For Proposed Change Of Use Of Agricultural Land to Provide 215 No. C3 Residential Dwellings (Including 35 % Affordable Provision), Access, Landscaping and Other Associated Infrastructure.

CPRE Sussex objects to this planning application for the following reasons:

Paragraph 116 of the National Planning Policy Framework states that “planning permission should be refused for major development in AONBs, except in exceptional circumstances and where it can be demonstrated that development would be in the public interest.” When the three tests to establish this are applied to this application:

- a. the need for the development and any beneficial economic impact is not sufficient to override the considerable landscape harm to the AONB
- b. there is scope for developing outside the AONB designated area, or meeting the development need in another way
- c. there is a detrimental effect to the landscape which cannot be moderated to an acceptable level

Our detailed comments are as follows;

The Proposed Development Site

Both parts of the proposed development site (either side of Marklye Lane) comprise currently undeveloped agricultural fields. To the east of the lane, the site currently comprises three fields with vegetated boundaries (trees and hedges), whilst to the west the site is currently one large field, again with tree and hedge planting on all of its boundaries. These fields have outstanding landscape qualities, high scenic beauty and high degree of intactness with original contours, ancient field boundaries and ancient routeway. (Ref: Chris Blandford 2014 study commissioned by Wealden District Council.)

This combination of open field and substantially vegetated boundaries clearly distinguishes both parts of the site from the urban area to the south and west of the proposed development site. Consequently, CPRE Sussex strongly refutes the statements in the Planning Statement that “*Site 1 effectively infills an almost anomalous gap between the existing settlement boundary and consented Coach House site*” and that site 2 does not feel “*anything other than suburban*”.

There is nothing remotely anomalous in the substantial gap between the existing urban area and the much smaller-scale development permitted on the brownfield site of The Coach House. Heading eastwards along Burwash Road, there is a clear sense of leaving the urban area and entering an area of largely undeveloped countryside, particularly when looking north.

Although there is existing development to the south of the land to the west of Marklye Lane, this is separated from the proposed development site by a substantial hedge and row of trees. The rear gardens of properties accessed off Ridgeway Close, Windmill Close and Whitegates do not “*immediately adjoin the site’s southern boundary*” as stated in the Planning Statement. Clearly, the site therefore has no affinity at all with the existing housing development.

The eastern and northern boundaries are contiguous with the countryside; Markly Wood and a substantial woodland belt with an open field beyond. The eastern boundary of this area of land also has a substantial vegetated boundary with largely undeveloped countryside on the other side of Marklye Lane. The site is therefore quite clearly part of the countryside and it is completely inaccurate, and deliberately misleading, to describe this field as “suburban”. (Indeed the Landscape and Visual Impact Assessment also submitted with the application describes the area of the development sites as having a rural/suburban character, thus recognising that the character is in fact something other than “suburban”).

The Planning Statement also refers to built development on the edge of Heathfield being “*clearly visible*” from site 2. Notwithstanding the fact that this existing development would be largely screened by the trees and hedgerow to the southern boundary of the field, particularly during the summer months. Whether or not the existing development is visible is therefore an irrelevant point, but it is relevant that this development is further significantly screened from Marklye Lane by the significant vegetation along the western boundary of the lane. The existing housing therefore does not impinge physically or perceptually on the experience of being in the countryside, away from the urban area, along Marklye Lane to the north.

We consider the landscape and visual impact of the proposed development further below.

Planning Policy Situation

There is no dispute that both parts of the site lie outside the settlement development boundary as shown on Inset Map 26 of the Wealden Local Plan 1998. Paragraph 6.47 of the Walden District Local Plan Core Strategy 2013 explains that “*Development boundaries enable a clear distinction to be made between settlements (towns and villages) where certain forms of development may be appropriate or encouraged, and the smaller settlements and rural areas where protection of the countryside would usually take precedence*”.

Saved Policies GD2 and DC17 of the Wealden Local Plan 1998 presumes against development outside the development boundaries unless it is in accordance with specific policies in this Plan. The proposed development does not accord with any of the saved specific policies of the Plan, and the local plan policy presumption is therefore in favour of refusing this application.

The Planning Statement accompanying the application notes that the Council cannot demonstrate a five-year supply of housing land. As such, in accordance with paragraph 49 of the National Planning Policy Framework (NPPF), the Council’s policies for the supply of housing are to be considered “out of date”. In accordance with the Court of Appeal judgement in *Suffolk Coastal DC v Hopkins Homes & SSCLG and Richborough Estates v Cheshire East BC & SSCLG [2016] EWCA Civ 168*, these policies include those that seek to restrict the locations where new housing may be developed.

Paragraph 14 of the NPPF requires that in such circumstances, permission is granted for development proposals unless “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted*”. Examples of such policies are given in footnote 9 to this paragraph and include those relating to an Area of Outstanding Natural Beauty.

Therefore, although the saved policies of the Local Plan relating to the supply of housing (whether promoting or restricting housing development) are to be considered out of date, the policies of the NPPF relating to the countryside and, in particular to Areas of Outstanding Natural Beauty, remain entirely relevant. Indeed, the Court of Appeal expressly made this point in paragraph 39 of the judgement:

*“The purpose of the footnote, we believe, is to underscore the continuing relevance and importance of these NPPF policies where they apply. In the context of decision-taking, such policies will **continue to be relevant** even “where the development plan is absent, silent or relevant policies are out-of-date”.... Both the restrictive policies of the NPPF, where they are relevant to a development control decision, and out-of-date policies in the development plan will continue to command such weight as the decision-maker reasonably finds they should have in the making of the decision. There is nothing illogical or difficult about this, as a matter of principle”. [Our emphasis].*

For Areas of Outstanding Natural Beauty paragraphs 115 and 116 of the NPPF are especially pertinent:

“115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and 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, and should be given great weight in National Parks and the Broads.

116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way;*
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”.*

For paragraph 115, we do not agree with the contention by the author of the Planning Statement that paragraph 115 of the NPPF should not be considered as a “specific policy” in terms of footnote 9 to paragraph 14. Many of the “policies” in the NPPF are not written in the same form as local plan policies but we consider that it would be an incorrect (and, frankly, ridiculous) approach not to consider them as “policies” or “specific policies” for the purpose of paragraph 14.

In fact, whilst the author cites the specific exemption from the presumption in favour of sustainable development for development requiring appropriate assessment under the Birds or Habitats Directives afforded by paragraph 119 and the lack of such a specific exemption for development proposals within AONBs in support of his argument, the policies relating to sites protected under these Directives are cited alongside policies relating to an Area of Outstanding Natural Beauty in footnote 9.

However, in our view, the presumption in favour of sustainable development (not in favour of development) means that permission should be refused where those restrictive policies apply and, as we consider to be the case with this application, the proposed development falls foul of them. At the very least, using the analogy in paragraph 7.13 of the Planning Statement of shifting the fulcrum of the planning balance, where those restrictive policies apply, the fulcrum should be shifted so that the restrictions carry significantly more weight than any benefits of granting permission.

Having explained that we consider paragraph 115 of the NPPF to be relevant to the determination of this application and why, we consider landscape and visual impact and cultural heritage separately later in our representation

There can be no dispute that this application is for a major development and that paragraph 116 of the NPPF is therefore relevant to the determination of this application. The paragraph requires that permission only be granted for proposals that can be demonstrated to be in the public interest, the assessment of which includes a number of considerations. The first of these is, in brief, the need for the development.

We are aware that Preferred Option for Testing 3 in the Wealden Local Plan Issues, Options and Recommendations (October 2015) indicates some 800 dwellings for Heathfield from 2013 to 2037 as part of the South Wealden Housing Option. However, paragraph 8.50 of the document makes it clear that the South Wealden Housing Option

is not Council policy and that *“It may be that this approach is not acceptable in terms of impact upon the High Weald Area of Outstanding Natural Beauty”*. Therefore, in accordance with paragraph 216 of the NPPF, very limited weight can be given to this very early stage in the preparation of the Plan.

Importantly, Preferred Option for Testing 26 states *“Initially identify infill development /redevelopment, the exact amount of which will be provided through a capacity study, and then land outside of the Area of Outstanding Natural Beauty within and on the edge of the current built up area. Identify, if possible, allocations within the North East Sector and possibly towards Cross in Hand for future growth options. The delivery of 800 dwellings will be subject to the exception test identified within the National Planning Policy Framework concerning development within the Area of outstanding Natural Beauty.”*

It is therefore clear that Preferred Option for Testing 3 should not be used to justify the granting of permission for this application. It is also clear that any proposals in the AONB at Heathfield will be subject to the “exception test” (public interest assessment) in paragraph 116 of the NPPF and should not be assumed to have “passed the test” (be in the public interest) just because they would contribute to the 800 figure in the draft Local Plan.

The second consideration to be assessed in determining whether or not a proposal is in the public interest is, in brief, the scope for developing elsewhere outside the designated area.

We note that Issue 21 of the Wealden Local Plan Issues, Options and Recommendations (October 2015) considers where the suggested 800 dwellings (a figure which, as noted above, is not an adopted figure) might be accommodated in Heathfield. It notes that there might be some potential at Tilsmore in West Heathfield and in the built-up area.

For North East Heathfield (in which the western part of the proposed development site is located), the Council concludes *“Within the northern part of this Sector there is potential eastwards along the A265, although some parts on the northern side of the A265 are more visible in the landscape”* and for North Heathfield (in which the eastern part of the proposed development site is located) *“There is some potential outside the Area of Outstanding Natural Beauty, and possibly within parts of the Area of Outstanding Natural Beauty around the existing settlement”*.

Therefore, even if a figure of 800 dwellings is adopted for Heathfield, it is clear that the Council’s approach is to first identify sites outside the AONB, and that such sites do exist in and around Heathfield. In addition, we consider that there are alternative sites elsewhere in Wealden District outside of the AONB.

A further consideration to be assessed in determining whether or not a proposal is in the public interest is *“any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”*. We consider this matter under the headings of Landscape and Visual Impact and Recreational Opportunities next in this representation.

Landscape and Visual Impact

We have described the two parts of the overall development site earlier in this representation. We have demonstrated how the sites are clearly more related to the open countryside than the existing built-up area. This was clearly recognised when the sites were identified and assessed in the 2010 SHLAA (now SHELAA).

Site 1 (SHLAA reference 258/1210) was assessed as follows: *“The site lies in a prominent position in the High Weald AONB, at the fringes of Heathfield. Development of the site would be visible from its surroundings and would have a detrimental impact on the character and appearance of the attractive, high quality landscape that surrounds the farm. Site is within an AONB and would have an unjustified impact on the character and appearance of the landscape.”*

3.9 Site 2 (SHLAA Ref 259/1210) was assessed as follows: *“The site is in a prominent position in the High Weald AONB and because of its topography there are panoramic views northwards towards Mayfield. Development would have a detrimental impact on the character and appearance of the attractive and high quality landscape which surrounds Heathfield. Vehicular access to Marklye Lane is not appropriate due to its narrow width and poor forward visibility. Site is within an AONB and would have an unjustified impact on the character and appearance of the landscape.”*

The landscape sensitivity of the two parts of the proposed development site is recognised in the Wealden Landscape and Settlement Character Assessment (November 2014) (WLSCA). The Assessment identifies six “landscape setting areas” around Heathfield, based on their distinctive characteristics. Both parts of the proposed development site fall within Landscape Setting Area 1, the distinctive characteristics of which are identified as:

- A small-scale patchwork of sloping, ancient pastoral fields and Ancient Woodland;
- Key, panoramic long distance views northwards across the High Weald

Paragraph 4.25.10 of the Assessment states *“Landscape Setting Area 1 is considered to have Low Landscape Capacity as a result of High Landscape Sensitivity and High Landscape Value. This area is situated within the High Weald AONB, resulting in High Landscape Value. The small-scale patchwork of sloping, ancient pastoral fields and pockets of Ancient Woodland are valuable and sensitive landscape features. In addition, key, panoramic long distance views northwards across the High Weald contribute to High Landscape Sensitivity”.*

We understand that the landscape capacity of a site depends, in part, on its overall landscape sensitivity, which in turn depends, in part, on “strength of place”. We note that “strength of place” for “Remnant Historic Landscape – Ancient” is “strong” and for “Remnant Historic Landscape – Historic” is “moderate”. We note that the *Landscape and Visual Impact Assessment* (LVIA) submitted with the application suggests that the proposed development site should be classified as “Remnant Historic Landscape – Historic” and that therefore, with a moderate “strength of place” and consequent moderate “sensitivity”, the landscape capacity of the site should also be “moderate”.

The WLSCA identifies a significant view north-eastwards from Marklye Lane close to the junction with Mutton Hall Lane/ near to the entrance to the old golf house. This view would be completely blocked by the proposed development.

The LVIA considers that the proposed development site lies within an area of rural/suburban character and that therefore the sites have a “Medium” sensitivity. However, as we explain at the outset of this representation, we consider that the sites have a rural character. Given this, and the designation of the sites as AONB, we consider that the landscape sensitivity should be “High”, which accords with the conclusion of the WLSCA. Even with the suburban influences claimed by the LVIA, and therefore its conclusion of “Medium” sensitivity, it concludes that the proposed development would have a “moderate significant” landscape impact (although we consider that the impact would be “major significant”).

The LVIA also notes that the gap between Heathfield and Broad Oak has a number of landscape “detractors”, but it fails to acknowledge that the very reason that these detract from the landscape is because they are incongruous as the landscape is predominantly rural (as evidenced by, inter alia, farm buildings). The LVIA also identifies houses and light pollution as detractors, both of which would result from the proposed development!

The Crown Yard Industrial Estate and Heathfield Household Waste and Recycling Site, identified as a “Landscape Detractor” in the WLSCA, is some 200+m to the east of the eastern area of the proposed development site, and certainly should not be seen as any justification for the proposed development; the latter would simply compound the detraction from the landscape.

In addition, we agree with the High Weald AONB Unit that the proposed development would result in a fundamental change in character of Marklye Lane, an ancient routeway between the opposing ridgetop settlements of Heathfield and Mayfield. The application proposes to block off Marklye Lane approximately 100m from its junction with the A265 Burwash Road and cross it with the main estate road. This will fundamentally change the character of this end of the routeway and will severely detract from its historic and visual qualities.

As regards visual impact, the site would be very visible from the opposing ridge at Mayfield –the LVIA submitted with the application notes that “*There are long distance views to the Site across the Rother Valley from the North (as far as Mayfield), where the upper slopes..... can be seen.*” This outstanding view across the Rother Valley is one of the best in the High Weald AONB. In fact, the LVIA assesses the magnitude of impact from three viewpoints as Slight Adverse, from another three to be Moderate Adverse and four as Major Adverse. It is clear, therefore, that the proposed development would have an adverse visual impact from a number of viewpoints.

We acknowledge that the proposals include areas of additional planting but consider that this is unlikely to fully mitigate the landscape or visual impacts. In fact, agree with the High Weald AONB Unit that, with the exception of the hedgeline running through Site 1, none of the proposed landscaping features reflect existing features on the site or nearby and may in themselves appear incongruous in a High Weald landscape which is characterised by open fields, boundary hedgerows and shaw woodlands. We too do not consider that the introduction of these features would compensate for the loss of open countryside.

At night-time, the lighting of the development would adversely affect the character of Marklye Lane, and increase the extent of lighting within the AONB (Burwash Road is not currently lit along the full extent of the eastern part of the proposed development site).

The whole 3 sites are on an elevated position, with the land of sharply dropping away to the northern edge, within the High Weald AONB, with the proposed 215 houses it is hard to see how features such as street lighting, security lighting and general domestic lighting will not be seen from Mayfield, Crowborough, Wadhurst, Ticehurst and the large tracts of land between these communities. The development would contribute to light pollution not only locally, but on the larger scale within the AONB. Ref:Landvision LVIA Report for the StopVinesCorner Group.

Recreation

Marklye Lane is part of Route 21 of the National Cycle Network, which runs between London and Eastbourne. The blocking off of the lane as a consequence of this development would prevent its use by cyclists and other users of this Route.

Marklye Lane is also a public bridleway at its northernmost end and connects with two public footpaths running in an east and west direction. We note that East Sussex County Council's Senior Rights of Way Officer raises no objection to the application provided that a suitably designed crossing to allow navigation of the new access road by pedestrians, equestrians and cyclists is provided in order to maintain the link with the bridleway and the connecting footpaths.

However, we consider that the change in character caused by the introduction of an urban, engineered, roadway across Marklye Lane and the hazard to non-motorised users that that would represent, would be unacceptably detrimental to the recreational opportunity currently afforded by the lane.

Conclusion on Compliance with paragraph 116 of the NPPF

As noted earlier in our representation, major development within AONBs should only be permitted when assessed to be in the "public interest", such assessment to include a number of considerations; the need for the development, the scope for developing outside the designated area, and the effect of the development on the landscape and recreational opportunities.

We believe that there is no need for the development to meet an as yet unadopted figure of 800 dwellings in Heathfield during the life of the Local Plan, that there is scope for developing outside the area (as recognised by the Council in its Wealden Local Plan Issues, Options and Recommendations) and that the development would have adverse impacts on landscape and recreational opportunities that cannot be mitigated satisfactorily. We therefore consider that this application fails to accord with the public interest assessment required by paragraph 116 of the NPPF.

Layout and Design

As noted by the High Weald AONB Unit, the development completely turns its back on the historic routeway of Marklye Lane and Burwash Road. If this area had been developed historically, houses would have followed these routeways as linear blocks

along streets. Instead the proposed development loops around in low density sub-urban cul-de-sacs out of character with the existing settlement of Heathfield.

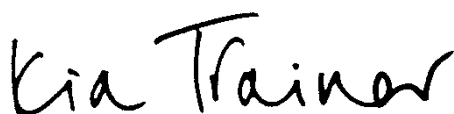
Cultural Heritage

As noted earlier in this representation, the proposed development site comprises ancient, pastoral fields (the Wealden Landscape and Settlement Character Assessment identifies the majority of the site as “Remnant Historic Landscape – Ancient”, which are fields predominantly pre-dating 1600). We note that the Landscape and Visual Impact Assessment submitted with the application challenges this classification and suggests “Remnant Historic Landscape – Historic” (fields dating from 1600-1800) or even “Recent” for the southern edges of the two areas of the development site (which we consider to be patently ridiculous – simply because there is housing or a road the other side of the vegetated field boundary does not change the time-depth of the fields).

The land of sites 1 and 2 along the Drovers Road, Marklye Lane is shown on early maps (circa 1808.)The name Heathfield refers back to the post -conquest clearance of woodland (assarting). The town is a ridgeline town with a Roman road linking it to Burwash to the east and ancient settlements around it. The land is thus of great antiquity and part of the historic agricultural landscape of the Sussex High Weald and is key characteristics of the LCA. In its current natural state, this landscape could not be replaced nor its loss compensated for in terms of its value as historic and cultural landscape. Ancient countryside with special landscape qualities and great time depth and a strong sense of place along Marklye lane within Slopes, south of Mayfield in the High Weald. All these factors contribute to perceptions of the natural beauty of the historical rural land of the site and its vital contribution to the landscape setting of Heathfield within High Weald AONB. (Ref:Landvision LVIA Report for the StopVinesCorner Group)

This remnant historic landscape can preserve prehistoric remains, and these are particularly likely given the proximity of the sites to the historic routeways along the Heathfield ridge and Marklye Lane. The Assistant East Sussex County Council Archaeologist notes that “*The proposed development is of archaeological interest due to its location on the historic Heathfield Ridgeway, which has been a focus for human activity from at least the Roman period onwards*”.

CPRE Sussex would be opposed to the loss of any heritage assets on the site, even if they are fully recorded in advance, as the NPPF recognises that heritage assets are an “*irreplaceable asset*” (paragraph 126). In addition, it should be remembered that paragraph 141 of the NPPF states that “*the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted*”.



Yours faithfully,

Kia Trainor

Date: 21 October 2016
Our ref: 195591
Your ref: WD/2016/2063/MEA and WD/2016/2064/MEA



Chris Bending
Planning and Environmental Services
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BY EMAIL ONLY

Dear Mr Bending

Planning consultations:

WD/2016/2063/MEA – Outline application for proposed change of use of agricultural land to provide 215 no. C3 residential dwellings (including 35% affordable provision), access, landscaping and other associated infrastructure

Location: Land at Vines Corner, Burwash Road, Heathfield TN21 8QA

WD/2016/2064/MEA – Proposed change of use of land to provide 20 no. C3 residential dwellings (including 35% affordable provision), access, landscaping and other associated infrastructure.

Location: Parklands, land south of Burwash Road, Heathfield TN21 8QX

Thank you for your consultation on the above dated 08 September 2016 which was received by Natural England on the same date.

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.

**Town and Country Planning (Development Management Procedure) (England) Order 2015
The Wildlife and Countryside Act 1981 (as amended)¹**

Protected landscape – objection

The proposed sites for both planning applications fall within the boundary of the High Weald Area of Outstanding Natural Beauty (AONB). Natural England is concerned **that** the size and scale of the proposals would introduce a significant adverse impact on the special qualities of the High Weald AONB. We are therefore objecting to this development.

We note the two applications are linked and have been assessed by the applicant together as part of the submissions for their combined impact on the High Weald AONB. As stated in the Landscape and Visual Impact Assessment (LVIA, May 2016), the proposed housing sites comprise Sites 1 and 2 at Vines Corner north of Burwash Road, and Site 3 at Parklands, south of Burwash Road. In total,

¹ This reply comprises our statutory consultation response under provisions of Article 20 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, Regulation 61 (3) of the *Conservation of Habitats and Species Regulations 2010 (as amended)*, and Section 28(l) of the *Wildlife and Countryside Act 1981 (as amended)*.



these developments propose 235 houses within the AONB, on the north-east boundary of Heathfield.

A summary of our advice is set out below. Our detailed comments, following a site visit and assessment of the LVIA, are included within Annex One.

- We consider the scale of the applications together represent major development in the AONB and therefore should be assessed in accordance with the three tests set out in paragraph 116 of the National Planning and Policy Framework (NPPF).
- We acknowledge the council has currently withdrawn its Strategic Sites plan. We therefore consider these applications are pre-emptive and, should the council be minded to grant permission, could set a precedent for major development within the AONB. It is a requirement of the NPPF that alternative sites to developing in an AONB are fully considered. We therefore advise permission is not granted until the council has undertaken a thorough assessment of alternative sites, across the district, as part of the Local Plan process.
- The proposals are not in accordance with policies contained in the High Weald AONB Management Plan, adopted by Wealden District Council, and related policies in the council's adopted Core Strategy (SPO1 and WCS13).
- We consider the LVIA fails to fully address the impact of the development. This includes the absence of any assessment of the proposals against the special qualities of the AONB and the aims of the AONB Management Plan. We consider the high magnitude of change, together with high sensitivity of the site, would incur a **major adverse effect** on landscape character and the AONB, as opposed to a moderate effect as concluded in the LVIA.
- We note the AONB Unit has also provided a response to this consultation. Given their considerable local knowledge Natural England would recommend that great weight is given to their comments on the various issues that arise as a result of the AONB designation.

For other advice regarding soils and land quality, Sites of Special Scientific Interest (SSSIs) and protected species, please see Annex Two.

For any queries relating to the specific advice in this letter only please contact Julia Coneybeer on 02080268033. For any new consultations, or to provide further information on this consultation please send your correspondences to 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.

Yours sincerely

Julia Coneybeer

Lead Advisor
Sustainable Development Team
Sussex and Kent area

Protected landscape – objection

High Weald Area of Outstanding Natural Beauty

AONBs are national designations designated solely for their landscape qualities, for the purpose of conserving and enhancing their natural beauty (which includes landform and geology, plants and animals, landscape features and the rich history of human settlement over the centuries). Whilst AONB designation does not preclude further development, it is intended to ensure development does not harm the special characteristics, including its scenic beauty and tranquillity, for which the AONB was designated.

The National Planning Policy Framework (NPPF para 115) indicates that “*Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty*” whilst (Paragraph 116) states that “*Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:*

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

Natural England considers that this proposal represents major development in an AONB. Regarding the second bullet point above, and in the context of considering whether a development meets ‘exceptional circumstances’, we consider it is a key requirement for a local authority to demonstrate whether there is an alternative to development taking place in an AONB.

In *Wealden District Council v SoS and Knight Developments Ltd*,² Mrs Justice Lang in her judgement considered the question of whether an alternative site to the proposed housing development at Steel Cross in the High Weald AONB had been appropriately considered. In paragraphs 119– 121 of her judgement, she concluded (emphasis added):

‘The Inspector was required to consider the need for housing development under bullet point one of NPPF 116. Under bullet two, the question which the Inspector had to address was whether the proposed development at Steel Cross could be located at an alternative site outside the AONB. Its purpose is to ascertain whether an alternative site may be available, so as to avoid development in the AONB. It requires other available sites in the area to be assessed, on their merits, as possible alternative locations for the proposed development.

Of course, possible alternative sites are only one of a number of factors to be considered under NPPF, but the use of the word "should" indicates that it is a mandatory consideration... Unfortunately the Inspector did not adequately investigate or assess whether the Steel Cross development could be located at an alternative site, either in Crowborough or the wider district, and so he did not properly apply NPPF 116... I consider that this was a significant failure, given the high level of protection afforded to AONBs under national planning policy.’

² Case No: CO/4024/2015, 17 February 2016

In the absence of a Strategic Sites plan developed as part of the local plan process, we are not aware that alternative sites to this development have been considered. We therefore consider that this proposal is pre-emptive, as it would seem that its planning merits could only be considered once a full assessment of alternative sites outside the AONB, across the district, has been undertaken. In the absence of such an assessment, it is difficult to see how the test under NPPF paragraph 116 can be properly considered.

Landscape character impacts

Sites 1 and 2 are located on north-facing slopes while Site 3 is situated on the plateau of the Heathfield ridge line. The proposed sites are occupied by agricultural land, of irregular shape and lined by hedgerows and mature trees particularly along the western, northern and eastern boundaries of sites 1 and 2, and the eastern boundary of site 3. The character and landform of the proposed sites are typical of that found across the AONB, and are key reasons for its designation.

Natural England advises the proposals, through introducing buildings, hardstanding, access roads and other associated features, will have the following effects on key characteristics of the landscape in which the proposal is sited:

Local topography and landform (gently undulating hills, irregular small fields and field boundaries)

The development will replace the existing semi-natural environment within the site with densely positioned two- and three-storey buildings, roads and hardstanding. Agricultural land on the site will be permanently removed. Particularly for sites 1 and 2, the land is likely to require significant excavation and landscaping in order to accommodate housing on the higher and lower slopes (as described in section 2.3 of the LVIA).

This may cause hydrological changes to the local area by increasing hard surfacing so that water is no longer absorbed over a wide area at a slow rate, but washes off roofs and across hard surfacing. This may lead to alterations in the local hydrology and climate of the area.

Of note, the sunken routeway Marklye Lane, an important historical element of the landscape, will undergo severe alteration. It will be severed by the main access road which will run west-east through sites 1 and 2. This would involve removal of a substantial part of the lane which exhibits classic characteristics of sunken routeways including a 3-4m high boundary bank with established hedgerows, mature trees and understorey vegetation including ferns. The southern fragment of the lane would effectively become redundant from public use.

Existing land use

The site is currently entirely agricultural land, the majority of which will be converted to urban development, presenting a significant urban extension to the north-eastern boundary of the Heathfield settlement, encroaching into the surrounding countryside. As well as the obvious physical change, the development would be likely to introduce typical urban effects such as noise and light pollution, odours, littering and significant increase in traffic to the site and its surroundings.

Experience of the proposed site

We consider the proposed site (in particular sites 1 and 2) is currently a tranquil place with a sense of openness, and feels connected with and part of the wider landscape. It supports the same typical features of the wider landscape including undulating topography and small irregular fields with hedgerows and mature trees. The proposals will significantly alter the experience through intrusion of imposing built development, which will become more visible from Marklye Lane following its significant alteration, along with the introduction of typical urban effects as described above.

In considering the above effects, it can be deduced that the proposals are likely to affect the following fundamental components of High Weald AONB character (special qualities):

- *Geology, landform, water systems and climate* – the proposed site occupies existing agricultural fields which are subject to and contribute to influencing a local variant of the British sub-oceanic climate.
- *Routeways* – the proposals will cut through and significantly alter Marklye Lane, a typical sunken routeway, which runs north-south through part of the proposed site (between sites 1 and 2).
- *Field and heath* – the irregularly shaped arable fields bounded by hedgerows, mature treelines and small areas of woodland, form part of the field and heath mosaic within the AONB.
- The above effects are also likely to have an effect on the overall intactness of the medieval landscape character of the AONB.

LVIA methodology and assessment – landscape character impacts

Although the Landscape and Visual Impact Assessment (LVIA, May 2016) report lists the fundamental components of the character (special qualities) of the High Weald AONB³, we consider it fails to adequately assess the impacts of the development on those characteristics.

The assessment attributes a sensitivity of 'Medium' to the site compared to high sensitivity of the surrounding landscape. Based on Section 6.3, which describes the methodology, Natural England would interpret this site as in fact having high sensitivity. This is because the site is within the AONB and is part of the wider landscape which is typical of the character features for which the AONB is designated, and which itself exhibits some of these key features. It is not currently occupied by any buildings or hardstanding and contains only semi-natural environment. It also contains part of the historic sunken routeway Marklye Lane.

The assessment goes on to conclude a 'High' magnitude of change. We concur with this given the type and scale of the development, of 235 two- and three-storey residential buildings densely placed together along with the associated access roads and other facilities. We advise this constitutes major development, and would introduce major new, built features into the landscape.

We consider this magnitude of change, together with high sensitivity of the site, would incur a **major adverse effect** on landscape character and the AONB, as opposed to a moderate effect as concluded in the LVIA.

Visual impacts

In terms of visual impacts, we note the proposals will have a significant effect on several viewpoint locations, most notably viewpoints 1 (looking south from Burwash Road to site 3, Parklands), 5 (looking north-west from Marklye Lane to Site 2) and 7b (looking south-west from Marklye Lane to site 2). We note the LVIA should also have considered the viewpoint from location 5 looking eastwards to site 1, as this is also likely to be affected.

For these viewpoints, the main receptors are travellers by car, which the LVIA assesses as having

³ The fundamental components of the character (special qualities) of the High Weald AONB are *geology, landform, water systems and climate; settlement; routeways; woodland; and field and heath* (High Weald AONB Management Plan 2014-19 (March 2014, third edition)).

'Low' sensitivity. We concur with this with regard to Burwash Road where users may get a brief glimpse of the development as they drive past. However for Marklye Lane which is a slower road, with the development a constant presence, the sensitivity could be considered as high.

In deviation from best practice we note no photomontages have been produced as part of the LVIA to help inform the assessment of impacts. We advise photomontages are produced for each viewpoint which clearly label the superimposed images of the proposed development. Images should be produced for existing, years 0, 5 and mature for each viewpoint to assess the effect of mitigation over time.

Mitigation

The scale, nature and design of the current proposals would have a significant impact on the special qualities for which the AONB is designated. It is not clear how the design of the proposals has been moderated in such a way as to minimise impacts on landscape, as required under the provisions of paragraph 116 in the NPPF.

We do not consider the mitigation measures described in Section 7.9 of the LVIA will sufficiently reduce these impacts, as they are mainly designed to address visual impacts. After mitigation, we consider the proposals will still have a major adverse effect on the AONB.

Notwithstanding the above, it is possible the impacts on the AONB could be reduced through modifications to the scheme, principally through reduced scale and density of the development and avoidance of direct impact on Marklye Lane. Natural England would be available to discuss any changes to the proposals through our [Discretionary Advice System](#).

Summary

Based on the information provided, Natural England advises the impacts of the development have not been adequately assessed, and that the development is likely to adversely impact on the key components for which the AONB is designated.

Consequently, the proposals are not in accordance with policies contained in the High Weald AONB Management Plan, adopted by Wealden District Council, and related policies in the council's adopted Core Strategy (spatial planning objective SPO1 and WCS13 (Green Infrastructure)). These policies aim to conserve and enhance the High Weald AONB and wider landscape.

As such, in determining the application we advise the council gives due consideration to the provisions for protected landscape in the NPPF (paragraphs 115 and 116) as described above.

Further advice should the council proceed to determination

Soils and land quality

No agricultural land classification survey appears to have been submitted as part of the proposals. There is the possibility the proposals could result in the effective loss of best and most versatile land. As such we advise the council will need to seek further information in order to satisfy themselves that the loss of possible best and most versatile agricultural land will not be more than 20ha.

SSSI

We do not consider the proposals will have any adverse impact on the nearby Heathfield Park Site of Special Scientific Interest (SSSI), given it currently has restricted access.

Ongoing habitat management

Where habitats are created as mitigation or enhancement for a development, these habitats should be subject to long term management and monitoring to ensure that the populations of species affected are conserved, and wherever possible enhanced. Therefore Natural England recommends that a management plan and monitoring programme should be produced for all habitats and species affected by this application and recommends that should the Council be minded to grant permission for this application, such a strategy is secured from the applicant through an appropriately worded condition. In addition, funding should be secured for the implementation of the management plan in perpetuity and we recommend that a Section 106 agreement is the most appropriate means of securing this.

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 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 at with details at consultations@naturalengland.org.uk.

Director, CPRE Sussex



