

Rother District Council
Town Hall
London Road
Bexhill-on-Sea
East Sussex
TN39 3JX

Date 27 July 2026

Dear Planning Officer,

Objection to RR/2023/1721/P. Outline application with all matters reserved except access for the erection of up to 340 residential dwellings (including affordable housing), commercial unit (retail/community facility use under classes E/F), public open space, landscaping and sustainable drainage system (SuDS) and vehicular access points

I am writing on behalf of CPRE Sussex, the Sussex branch of the Campaign to Protect Rural England, registered charity 1156568.

I wish to strongly object to this application as the documentation available in the public domain fails to demonstrate that this proposal will avoid an adverse effect to the Pevensey Levels SAC and Ramsar site. Thus, under The Conservation of Habitats and Species Regulations 2017 (the “Habitats Regs.”) any grant of permission is unlawful.

The site is close to the Pevensey Levels SAC, Ramsar Site, SSSI and NNR with the first two designations gaining protection under the Habitats Regs. It is proposed that surface water from the site is discharged into the Picknill Green Stream which flows into the Pevensey Levels thus providing a direct route for any harmful substances from the application site to enter the protected Levels.

The Pevensey Levels is one of the most important wetland systems in Britain, protected under multiple national and international designations: SSSI (1977), National Nature Reserve (1996), Ramsar site (1999), and Special Area of Conservation (SAC) (2016). Since 21 May 2026, Ramsar sites receive full statutory protection under the Habitats Regulations, meaning potential harms to both the SAC and Ramsar features must be assessed to the same legal standard.

These designations reflect the Levels' exceptional ecological value, including outstanding assemblages of wetland plants, freshwater molluscs, aquatic beetles, dragonflies, and nationally important wetland bird populations. The ditch network is of international significance and highly sensitive to hydrological and water-quality change.

Under regulation 63 of the Habitats Regulations, no development may be permitted where a significant effect cannot be ruled out unless an appropriate assessment demonstrates, beyond reasonable scientific doubt, that the conservation objectives of both the SAC and Ramsar site will not be adversely affected. If any uncertainty remains, permission must be refused. Given the sensitivity of the Levels and the strict legal protections in place, the burden on the applicant to demonstrate this is extremely high.

Bakerwell's Ecological Assessment report ES 547 dated May 2024 states at paragraph 8.8:

Threats to the Pevensey Levels SAC and SSSI include high risk of negative impacts from point and diffuse source pollution to groundwater, invasive non-native species, and human-induced changes to the hydraulic condition of the area. Due to the site's proximity to the internationally designated site Pevensey Levels SSSI/ SAC/RAMSAR and the site's hydraulic sensitivity, the site will require information to assist the competent authorities Habitat Regulations Assessment (HRA) in respect of the proposal, this will include an assessment of potential hydraulic impacts on the SSSI/SAC/RAMSAR.

According to paragraph 1.14 of the applicant's Planning Statement, a document has been provided titled "Information to Inform a Habitats Regulations Assessment". This is required by regulation 63(2) of the Habitats Regs. However, I have looked at all 333 documents included on the website for this application, but this document is not included.

Furthermore, it appears from e-mail correspondence between the council and Natural England, that the council has undertaken an appropriate assessment, but this crucial assessment also does not appear to be available on the website.

CPRE Sussex questions why neither the applicant's HRA information nor the council's appropriate assessment has been made available. I would be very interested in commenting on both documents.

The June 2025 officer report for this application considers that with appropriate mitigation, that the development will not result in an adverse effect to the integrity of the Pevensey Levels. However, with the appropriate assessment not being made available, it is not known what form the necessary mitigation takes and whether or not it will be effective.

I also note that the recommendation to grant permission in the June 2025 officer report contained provision for the Head of Planning to be delegated to finalise the s106 obligation. This contained 12 measures, the last of which was “Habitats Regulations mitigations”. Clearly, any grant of permission without the provisions of these mitigations (whatever they are), would be unlawful. It is thus very disturbing to find that the recommendation in the July 2026 officer report for the s106 fails to include any requirement for the mitigations necessary to protect the Pevensey Levels from harm. Officers should not need reminding that Habitats Regs. case law requires that mitigation must be certain, that is, certain that the mitigation will be provided and certain that the mitigation will be effective. Clearly, with the omission from the July 2026 recommendation and the lack of an appropriate assessment, certainty has not been demonstrated and permission cannot be granted.

CPRE (Sussex) concludes that any consideration by committee on Thursday is premature due to the lack of the applicant’s document “Information to Inform a Habitats Regulations Assessment” and the council’s appropriate assessment. Both documents are highly material to this application and should be made available for public consultation prior to consideration of the application by the planning committee. Without an “appropriate”, appropriate assessment, any grant of permission is unlawful and unfortunately, Natural England’s lack of objection to the council’s appropriate assessment in no way renders that assessment “appropriate”. (I would remind you that case law finds that an agreement by Natural England (or a lack of objection by Natural England) to the appropriate assessment, does not relieve the council from compiling an “appropriate”, appropriate assessment. The Office of Environmental Protection is currently investigating Natural England for not complying with their duty under regulation 9(1) of the Habitats Regs., which requires them to exercise their function so as to secure compliance with the requirements of the Habitats Directive.).

CPRE (Sussex) looks forward to the missing information being made available on the planning website and an extension of the period for consultation before this application is put before the Planning Committee.

Yours sincerely,

N J Daines

Planning volunteer

CPRE (Sussex)

cc Members of the Planning Committee

