

Please quote: ENF/16/00481

Your Reference:

Date: 01 March 2017

Please ask for: [REDACTED]

Telephone direct: [REDACTED]

Email: [REDACTED]

Web: [www.hastings.gov.uk/planning](http://www.hastings.gov.uk/planning)



Development Management  
Muriel Matters House, Breeds Place  
Hastings, TN34 3UY

Hastings Badger Protection Society



For the attention of: [REDACTED]

Dear Sirs,

**Enquiry Number:** ENF/16/00481  
**Subject:** Wildlife related concerns/breaches of conditions  
**Location:** land rear of, 73 Filsham Road, now Jubilee Gardens, St Leonards-on-sea

On 24<sup>th</sup> January 2017 the Council advised in its Stage One complaint response to you that it was looking into concerns raised by you regarding ecology and planning conditions. You recall that you had expressed those concerns both verbally and in various pieces of correspondence. Your concerns arose primarily from the implementation of Planning Permission HS/FA/10/00427 for the construction of much of Jubilee Gardens. The purpose of this letter is to update you regarding the Council's investigations so far.

The Council has now had the opportunity to look into the matters raised regarding ecology; Officers have met with Gemselect (developer), Orbit (freeholder) and their ecological consultant.

The Council is satisfied that good practice was adopted during the course of the development which was consistent with the submitted ecology reports at the time. Post construction monitoring has taken place as required. This will continue until the end of 2017. After that, Orbit will maintain the monitoring/overseeing responsibility and will continue to use a consultant to carry out those functions.

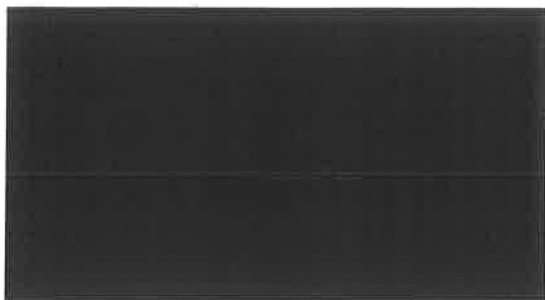
The Council is satisfied that Setts A and D (which had to be retained) are viable and show signs of activity.

There was no requirement for a post construction badger corridor.

Park Lane are currently carrying out a small development close to Sett D. Planning Permission HS/FA/13/00121 applies. The Council has written to Park Lane reminding them of their obligations in terms of the ecology report prepared for them by the Ash Partnership which is relevant to that Planning Permission.

The Council continues to look at other matters arising from conditions attached to Planning Permission HS/FA/10/00427 specifically Condition 2 (approved plan details), Condition 7 (hard landscaping), Condition 9 (soft landscaping) and Condition 11 (drainage). These have been discussed both with Orbit and Gemselect. The Council will advise you further as soon as it is able.

Yours faithfully,



Date: 08 February 2017

Officer: [REDACTED]

Reference: ENF/16/00481 /

**Location:**

land rear of, 73 Filsham Road, now Jubilee Gardens, St Leonards-on-sea

**Notes:** I attended a site meeting at 73 Filsham Road with [REDACTED] Gemselect,

[REDACTED] has been involved in this scheme since the outset. During the course of the construction, [REDACTED] satisfied that good practice was adopted according to his report. Badgers had a source of drinking water. They were provided with suitable bedding material.

Reptiles were properly removed. There was no re-colonisation.

Post construction monitoring has taken place as required by the report. [REDACTED] has undertaken this.

It has not been possible to secure a third party. However, the developer is discussing taking this forward with [REDACTED] in the form of management prescriptions for the site including ensuring sett entrances are free of rubbish. Details will be with me within two weeks.

[REDACTED] confirmed that both setts (A and D) are viable and show signs of badger/fox related activity.

It is perfectly feasible for the badgers to move between Setts A and D as required in the report.

[REDACTED] confirmed there was no requirement for post construction badger corridors.

[REDACTED] and I then discussed the outstanding planning conditions. He will have the necessary details to me within two weeks.

Please quote: ENF/16/00481

Your Reference:

Date: 12 January 2017

Please ask for: [REDACTED]

Telephone direct: [REDACTED]

Email: [REDACTED]

Web: [www.hastings.gov.uk/planning](http://www.hastings.gov.uk/planning)



Development Management  
Muriel Matters House, Breeds Place  
Hastings, TN34 3UY

The Company Secretary/Directors  
Orbit South Housing Association Limited  
156 - 158 West Street  
Erith  
Kent  
DA8 1AN

Dear Sir/Madam

**Enquiry Number:** ENF/16/00481  
**Subject:** Wildlife related concerns/breaches of conditions arising from Planning Permission HS/FA/10/00427 (development of Jubilee Gardens)  
**Location:** land rear of, 73 Filsham Road, now Jubilee Gardens, St Leonards-on-sea

The Council has recently complaints regarding the provision for protected species arising from Planning Permission HS/FA/10/00427 which related to the construction of Jubilee Gardens. A copy of that Planning Permission is attached.

Condition 4 of that Planning Permission relates to protected species. There are three ecology reports, all arising from that Condition; these were prepared by [REDACTED] and are all attached for your information. The Council needs to establish the precise position in terms of those reports and Condition 4. Questions needing to be answered include...

- Are the designated badger areas fit for purpose and active?
- Have the designated areas been offered to a third party to manage them and is this process complete?
- Is post construction monitoring ongoing? What findings are there?

It is essential that matters arising from Condition 4 and the ecology reports are addressed as a matter of urgency. I would suggest that a site meeting would be a good place to start between our ecologist and one appointed by you. I would ask please that such a meeting takes place as soon as possible and that you email me some suggested dates.

There are a number of other issues arising from planning conditions imposed by HS/FA/10/00427. Conditions 2, 7, 9 and 11 have never been discharged. The attached Officer report in respect of conditions discharge application HS/CD/13/00873 explains this further. I also attach the appropriate planning decision notice in respect of HS/CD/13/00873 for completeness. Again, these issues will need to be addressed as a matter of urgency.

I look forward to hearing from you.

Yours faithfully,



**Date:** 15 December 2016

**Officer:** [REDACTED]

**Reference:** ENF/16/00481 /

**Location:**

land rear of, 73 Filsham Road, St Leonards-on-sea

**Notes:** Attended the site 14/12/16.

Difficult site visit. Issues with various residents.

However, I went armed with the Ecology report and a current site plan. The land that was built on is completed, owned by Orbit and called Jubilee Gardens. By referring one with the other I was able to confirm areas of overgrown land in areas as approximating to those shown as being retained badger setts. I also met with a [REDACTED] a local resident, with his [REDACTED] who along with others who spoke to me confirmed the existence of badgers in and around the estate. [REDACTED] showed me a particular route they were using. Elsewhere, a man sweeping the road did the same. It was simply not possible to take measurements of the areas concerned.

Please quote: ENF/16/00481

Your Reference:

Date: 21 November 2016

Please ask for: [REDACTED]

Telephone direct: [REDACTED]

Email: [REDACTED]

Web: [www.hastings.gov.uk/planning](http://www.hastings.gov.uk/planning)



Development Management  
Aquila House, Breeds Place  
Hastings, TN34 3UY

Hastings Badger Protection Society

[REDACTED]

For the attention of: [REDACTED]

Dear Sirs,

**Enquiry Number:** ENF/16/00481  
**Subject:** Wildlife related concerns  
**Location:** land rear of, 73 Filsham Road, St Leonards-on-sea

You have recently contacted [REDACTED] in respect of the above. We are currently looking into the matters raised and will come back to you as soon as possible.

Yours faithfully,

[REDACTED]

**Please quote:** ENF/16/00480

**Your Reference:**

**Date:** 21 February 2017

**Please ask for:** [REDACTED]

**Telephone direct:** [REDACTED]

**Email:** [REDACTED]

**Web:** [www.hastings.gov.uk/planning](http://www.hastings.gov.uk/planning)



**Development Management**  
Muriel Matters House, Breeds Place  
Hastings, TN34 3UY

The Company Secretary/Director(s)  
Forte Bailey Limited  
Salisbury  
Wiltshire  
SP1 2AS

Dear Sir/Madam,

**Enquiry Number:** ENF/16/00480  
**Subject:** Erection of Heras fence and associated matters:  
**Location:** Land at Church Street, Hastings

I have received complaints regarding the signage erected on the Heras fencing. It appears to me that the signs require Advertisement Consent. If you hope to retain them, I would ask please that you make the necessary application to the Council within one month of the date of this letter. I have to advise you that failure to do so could render you liable to enforcement action and/or legal proceedings by the Council. This is a course it would wish to avoid if at all possible. Clearly, matters rest with you.

Yours faithfully,





[REDACTED]

---

**From:** Eco Developments <eco-developments@outlook.com>  
**Sent:** 12- Dec- 16 16:19  
**To:** [REDACTED]  
**Subject:** ENF/16/00480  
**Attachments:** Church Street HBC Response 12-12-16.docx

Dear [REDACTED]

Please find attached our response to your letter of 25th November 2016

Rgds,

eco-developments

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[REDACTED]  
Hastings Borough Council  
Aquila House  
Breeds Place  
TN34 3UY

12<sup>th</sup> December 2016

Dear [REDACTED]

**RE: Your Ref: ENF/16/00480 – Land At Church Stereet, Hastings**

We thank you for your letter of 25<sup>th</sup> November 2016, and note the concerns raised.

We can confirm that the temporary heras fencing has been erected by us to prevent trespass to the land, as our ecologist The Ash Partnership has noted an unknown external party or person has been interfering with the badger run. The Ash Partnership have been consulted on the fence, and whilst preventing human access, it will allow free movement of badger along any existing run.

We note the statement regarding temporary fencing adjacent the highway, and we will consult on this further. Should we need to maintain this fencing to prevent unauthorised access to the badger, we will submit the necessary planning application.

Should you wish to issue any further correspondence, please issue any communication to our development partner, Eco-Developments, who will be able to assist.

[info@eco-developments.co.uk](mailto:info@eco-developments.co.uk)  
01424 404440

Yours Sincerely,

Forte Bailey

Please quote: ENF/16/00480

Your Reference:

Date: 25 November 2016

Please ask for: [REDACTED]

Telephone direct: [REDACTED]

Email: [REDACTED]

Web: [www.hastings.gov.uk/planning](http://www.hastings.gov.uk/planning)



Development Management  
Aquila House, Breeds Place  
Hastings, TN34 3UY

The Company Secretary/Director(s)  
Forte Bailey Limited  
Salisbury  
Wiltshire  
SP1 2AS

Dear Sir/Madam,

**Enquiry Number:** ENF/16/00480  
**Subject:** Erection of Heras fence and associated matters:  
**Location:** Land at Church Street, Hastings

I am writing to you as the freehold owners of the above site specified in the Land Registry.

Heras fencing has recently been erected around the site leading to concerns being expressed to the Council in particular with regard to Badgers which, as I am sure you are aware, are a protected species. Please can I ask the purpose for which the fence has been erected? Can you also confirm that the work has been carried out with reference to an ecologist.

If the fence is to remain sections of it will need Planning Permission. (As you are probably aware, any fence adjacent to a highway needs Planning Permission if it is over one metre in height. Elsewhere, the height limit is two metres). You will also need to ensure that the fence is maintained in a safe and satisfactory condition. In case of emergency, could I ask please that contact details are displayed upon it.

As you are no doubt aware, the land bounded by the fencing has a Planning Permission (reference HS/OA/14/00876) for the erection of five dwellings. That consent needs to be complied with in its entirety, including all conditions attached to it.

Yours faithfully,



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 30 January 2017 13:40  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Jubilee Gardens, Filsham Road, St. Leonards on Sea

[REDACTED]

Anything that you want to raise with us in advance relating to concerns with the Ecology?

Regards

[REDACTED]

Gemselect Ltd  
59-60 High Street  
Battle  
East Sussex  
TN33 0EN



Office: 01424 772000



**From:** [REDACTED]  
**Sent:** 30 January 2017 13:39  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Jubilee Gardens, Filsham Road, St. Leonards on Sea

[REDACTED] and I will see you on site **10:30 Wednesday 8<sup>th</sup> February**, as requested.

[REDACTED]

Hastings Borough Council  
Environment and Place  
Muriel Matters House  
Breeds Place  
Hastings TN34 4UY



**Did you know that you can report Dog Fouling, Fly-tipping, Litter, Full litter/Dog bins, Graffiti, Broken Glass and any other issue 24 hours a day, 7 days per week at: <https://my.hastings.gov.uk/>**

*These reports are automatically directed to our grounds maintenance contractor, which can result in much faster responses, especially at the weekend.*

**From:** [REDACTED]  
**Sent:** 30 January 2017 11:14  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Jubilee Gardens, Filsham Road, St. Leonards on Sea

Dear [REDACTED]

Orbit Homes have passed to me (received 25<sup>th</sup> January) a copy of the attached letter dated 12<sup>th</sup> January and have asked me to make contact with you on their behalf.

By way of initial response I am pleased to provide the monitoring reports carried out by [REDACTED] during the construction process and since the project was completed by Gemselect Ltd in December 2012.

A meeting has been suggested and [REDACTED] and I are both available for **10:30 Wednesday 8<sup>th</sup> February**. Would this be suitable?

Perhaps you could let me know of any particular concerns that you may have at this stage?

Regards

[REDACTED]  
Gemselect Ltd  
59-60 High Street  
Battle  
East Sussex  
TN33 0EN

 GEMSELECT

Office: 01424 772000

[REDACTED]



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[REDACTED]

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**From:** [REDACTED]  
**Sent:** 07 February 2017 11:09  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Jubilee Gardens, Filsham Road, St. Leonards on Sea

[REDACTED]

Do you have anything that you want to raise with us in advance of our meeting tomorrow relating to concerns with the Ecology?

Regards

[REDACTED]

Gemselect Ltd  
59-60 High Street  
Battle  
East Sussex  
TN33 0EN  
  
Office: 01424 772000



---

**From:** [REDACTED]  
**Sent:** 30 January 2017 13:40  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Jubilee Gardens, Filsham Road, St. Leonards on Sea

[REDACTED]

Anything that you want to raise with us in advance relating to concerns with the Ecology?

Regards

[REDACTED]

Gemselect Ltd  
59-60 High Street  
Battle  
East Sussex  
TN33 0EN  
  
Office: 01424 772000



From: [REDACTED]  
Sent: 30 January 2017 13:39  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Jubilee Gardens, Filsham Road, St. Leonards on Sea

[REDACTED]

[REDACTED] and I will see you on site **10:30 Wednesday 8<sup>th</sup> February**, as requested.

[REDACTED]

Hastings Borough Council  
Environment and Place  
Muriel Matters House  
Breeds Place  
Hastings TN34 4UY

[REDACTED]



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---

From: [REDACTED]  
Sent: 30 January 2017 11:14  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: Jubilee Gardens, Filsham Road, St. Leonards on Sea

Dear [REDACTED]

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By way of initial response I am pleased to provide the monitoring reports carried out by [REDACTED] during the construction process and since the project was completed by Gemselect Ltd in December 2012.

A meeting has been suggested and [REDACTED] and I are both available for **10:30 Wednesday 8<sup>th</sup> February**. Would this be suitable?

Perhaps you could let me know of any particular concerns that you may have at this stage?

Regards

[REDACTED]  
Gemselect Ltd  
59-60 High Street  
Battle  
East Sussex  
TN33 0EN

GEMSELECT

Office: 01424 772000  
[REDACTED]



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[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 30 January 2017 13:39  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Jubilee Gardens, Filsham Road, St. Leonards on Sea

[REDACTED]  
[REDACTED] and I will see you on site **10:30 Wednesday 8<sup>th</sup> February**, as requested.

[REDACTED]

Hastings Borough Council  
Environment and Place  
Muriel Matters House  
Breeds Place  
Hastings TN34 4UY  
[REDACTED]



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---

**From:** [REDACTED]  
**Sent:** 30 January 2017 11:14  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Jubilee Gardens, Filsham Road, St. Leonards on Sea

Dear [REDACTED]

Orbit Homes have passed to me (received 25<sup>th</sup> January) a copy of the attached letter dated 12<sup>th</sup> January and have asked me to make contact with you on their behalf.

By way of initial response I am pleased to provide the monitoring reports carried out by [REDACTED] during the construction process and since the project was completed by Gemselect Ltd in December 2012.

A meeting has been suggested and [REDACTED] and I are both available for **10:30 Wednesday 8<sup>th</sup> February**. Would this be suitable?

Perhaps you could let me know of any particular concerns that you may have at this stage?

Regards

[REDACTED]  
Gemselect Ltd  
59-60 High Street  
Battle  
East Sussex  
TN33 0EN

GEMSELECT

Office: 01424 772000



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From: [REDACTED]  
Sent: Mon, 27 Feb 2017 10:43:12 +0000  
To: [REDACTED]  
Subject: RE: Planning Permission HS/FA/13/00121 Jubilee Gardens

Dear [REDACTED]

Thank you for your email regarding the above. We can confirm that the details of the Ash Partnership report has been issued to the contractor that is undertaking these works for us so that they are fully aware of the measures that need to be in place in respect of the approved details during construction and also for the completed development.

Regards

[REDACTED]  
[REDACTED]

**The Park Lane Group**

Registered Address: Park Lane House, 141-145 Bohemia Road

St. Leonards-on-Sea, East Sussex TN37 6RL

HOMES FOR LIVING, LOVING  
& INVESTING SINCE 1987



Park Lane Investment Properties Ltd. Registered in England No: 02928806. Park Lane Homes (South East) Ltd. Registered in England No: 04032168. Park Lane Developments (South East) Ltd. Registered in England No: 02968496. Park Lane Partnership Ltd. Registered in England No: 09438857. Park Lane Residential Properties Ltd. Registered in England No: 08796778. Park Lane Properties, Park Lane Residential Lettings.

From: [REDACTED]  
Sent: 27 February 2017 10:25


**From:** [REDACTED]  
**Sent:** 27 Feb 2017 10:24:51 +0000  
**To:** [REDACTED]  
**Subject:** Planning Permission HS/FA/13/00121 Jubilee Gardens

Dear Sir

The Council has recently received complaints regarding ecology and planning matters arising from the Planning Permission for the development of Jubilee Gardens. (Reference HS/FA/10/00427). We are looking into these with Orbit.

I note that Planning Permission HS/FA/13/00121 is currently being implemented. My purpose in writing to you is simply to ensure that all matters arising from the report of the Ash Partnership from June 2016 are being taken into account.

Yours faithfully

A large black rectangular redaction box covering the signature area of the letter.

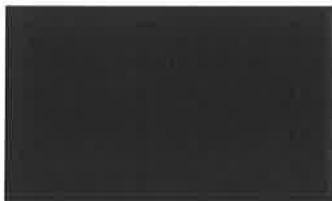
To: [REDACTED]  
Subject: Planning Permission HS/FA/13/00121 Jubilee Gardens

Dear Sir

The Council has recently received complaints regarding ecology and planning matters arising from the Planning Permission for the development of Jubilee Gardens. (Reference HS/FA/10/00427). We are looking into these with Orbit.

I note that Planning Permission HS/FA/13/0 121 is currently being implemented. My purpose in writing to you is simply to ensure that all matters arising from the report of the Ash Partnership from June 2016 are being taken into account.

Yours faithfully



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[REDACTED]

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**From:** [REDACTED]  
**Sent:** 24 February 2017 14:21  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Jubilee Gardens, St. Leonards on Sea Badger Monitoring  
**Attachments:** FILSHAM ROAD MANAGEMENT PRESCRIPTION.PDF

Dear Both

Looking at the dates required by the Planning Permission it means that Gemselect will continue to be responsible until the end of 2017 for monitoring the badger setts.

[REDACTED] will carry this out on our behalf.

After this Orbit will retain responsibly for these monitoring vast as it has not been possible to transfer the land to an experience wildlife body.

They will continue to use [REDACTED] who will carry out these visits twice a year.

I attach [REDACTED] proposals for the years after the Planning Obligation expires for your information.

Regards

[REDACTED]  
Gemselect Ltd  
59-60 High Street  
Battle  
East Sussex  
TN33 0EN



Office: 01424 772000



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MANAGEMENT PRESCRIPTIONS FOR THE MAINTENANCE OF BADGER SETT 'A' AT JUBILEE  
GARDENS, ST. LEONARDS ON SEA, EAST SUSSEX.

**RATIONALE**

The badger setts at Jubilee Gardens have been monitored twice a year, following the completion of development, since 2012. The monitoring has included an assessment of the use of the sett, as well as describing any problems, which have subsequently been rectified by the management team.

The site of sett 'A' is a small area of scrub, and the sett originally consisted of a total of eight entrances, some of which have since fallen into disuse. The area of scrub is sandwiched between two areas of development, and is surrounded by a post and wire fence.

A condition of the granting of planning permission was that a management plan should be compiled for the sett and its surroundings.

The prescription for management of this site is therefore as follows:

1. Fencing maintenance.
  - a. The fence surrounding the sett will be checked twice a year during the monitoring sessions.
  - b. Any defects or damage in the fencing will be immediately reported to the management team.
  - c. Fencing repair will be undertaken within one month of notification.
2. Sett entrance rubbish clearing.
  - a. Natural detritus such as leaves and twigs can be removed by the inhabitants of the sett, but occasionally other non – natural rubbish may be deposited e.g. discarded bottles or tins. These items will be removed, unless too difficult to remove, during the monitoring sessions. If they cannot be removed, the management team will be notified and will arrange for their removal.
  - b. Light general rubbish will be removed at the same time if it can be put into a single plastic sack. If larger or heavier items are found, these will be removed by the management team following notification after each of the monitoring visits.
3. Occasionally, children may establish structures within the badger area. Following the monitoring visits, notification of these will be given to the management team who will arrange for their removal.
4. Monitoring will continue to be carried out twice a year in February and September. The aim of the monitoring will continue to be to check the overall use of the sett by badgers or other animals, recording activity, numbers of open entrances etc. An annual report about the monitoring will be sent to the management team.

