

Hurstpierpoint & Sayers Common Neighbourhood Plan

Habitats Regulations Assessment Screening Report

4th April 2014

1.0 Introduction

- 1.1 This Habitats Regulations Assessment (HRA) screening report has been undertaken by Mid Sussex District Council in respect of the Hurstpierpoint & Sayers Common Neighbourhood Plan which has been produced by Hurstpierpoint & Sayers Common Parish Council in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 1.2 The Hurstpierpoint & Sayers Common Neighbourhood Plan, Parish 2031, has been produced to guide development within the parish up to 2031. The vision statement is:

‘We want to keep the village-feel of our community, and keep it a thriving and attractive Parish, a desirable place to live, work and visit. Our aim is to maintain, and where possible, improve the social, economic and environmental well being of our area and the quality of life for all, now and in the future’ (Hurstpierpoint & Sayers Common Neighbourhood Plan, 2014: 4).
- 1.3 If the Hurstpierpoint & Sayers Common Neighbourhood Plan is approved by the local community through a referendum and subsequently made by Mid Sussex District Council, it will be a material consideration in determining planning applications within the Neighbourhood Plan Area.
- 1.4 The aim of this screening report is to assess whether there are any likely significant effects on European sites within relative proximity to the Neighbourhood Plan Area, arising from the Hurstpierpoint & Sayers Common Neighbourhood Plan (Appendix 1).
- 1.5 Much of the information used for this screening report has been developed through the HRA for the Mid Sussex District Plan. The most recent version of this document was published in May 2013, but the District Plan has not yet been adopted. The District Plan was submitted to the Secretary of State in July 2013 and the first Hearing session took place in November 2013 to consider the duty to co-operate. In December 2013, the Inspector concluded that he was not satisfied that the District Council had met the duty to co-operate and advised the District Council to withdraw the District Plan. It is considered, however, that the background information in the District Plan HRA can be used for this screening report of the Hurstpierpoint & Sayers Common Neighbourhood Plan and as such, this screening report should be read in conjunction with it.

1.6 The District Plan HRA and supporting documents can be found at: www.midsussex.gov.uk/8270.htm and further information on the District Plan can be found at: www.midsussex.gov.uk/8264.htm.

1.7 In producing this HRA screening report, the following guidance has been taken into account:
Habitats Regulations Appraisal of Plans: Guidance for Plan-making Bodies in Scotland
– Version 2.0: August 2012
Prepared by David Tyldesley and Associates for Scottish Natural Heritage
<http://www.snh.gov.uk/planning-and-development/environmental-assessment/habitat-regulations-appraisal/>

It is noted that there is a different legislative framework in Scotland, but in the absence of guidance for England, it is understood that Natural England has recommended the use of this guidance.

2.0 Legislative Background

2.1 The Natura 2000 network consists of sites across Europe designated for their nature conservation importance. It aims to be an ecologically coherent network of designated sites that protect threatened species and habitats. The Natura 2000 network is formed of Special Areas of Conservation for species, plants and habitats (designated under the Habitats Directive) and Special Protection Areas for bird species (classified under the Birds Directive).

2.2 To help protect the Natura 2000 network, there are particular requirements for plans and projects. Article 6(3) of the European Union Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the ‘Habitats Directive’) states:

‘Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public’.

The Habitats Directive is clear that an ‘appropriate assessment’ of a plan or project applies to both Special Areas of Conservation and Special Protection Areas (see also Article 7).

2.3 The Conservation of Habitats and Species Regulations 2010 (the ‘Habitats Regulations’) transpose the Habitats Directive and Regulation 102 provides:

- (1) Where a land use plan –
- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
 - (b) is not directly connected with or necessary to the management of the site, the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site's conservation objectives'.

2.4 This means that any proposed plan that may affect a European site (Special Area of Conservation or Special Protection Area) must first undergo an assessment to look at its potential impacts applying the precautionary principle. This is to determine if the plan will adversely affect the integrity of the European site(s) concerned. This process is known as a Habitats Regulations Assessment and the first stage considers any likely significant effects (the screening stage). Straightforward mitigation measures can be applied at the screening stage which may mean that previous likely significant effects can be ruled out and the plan does not need to progress to the second stage. An appropriate assessment is the next stage of the HRA process and a plan should undertake this where likely significant effects are identified at the screening stage and cannot be ruled out after applying straightforward mitigation measures. The appropriate assessment looks at the implications of a plan for a European site in view of the site's conservation objectives. Further more detailed mitigation measures may be introduced at the appropriate assessment stage to avoid or reduce the effects of a plan on the European site(s). Before a plan may be given effect, the plan-making authority as competent authority must ascertain that it would not adversely affect the integrity of the European site(s).

2.5 In terms of neighbourhood plans, the Neighbourhood Planning (General) Regulations 2012 require a submitted neighbourhood plan to include a statement explaining how the proposed neighbourhood development plan meets the basic conditions set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990¹. One of these basic conditions is that the neighbourhood plan must be compatible with EU obligations and needs to demonstrate that it is not likely to have a significant effect on a European site.

3.0 European Site Information

3.1 The first step of the screening process is to consider the European sites that could be affected by a plan. Five such sites² were identified through the District Plan HRA process, and of these, the screening for the District Plan identified likely significant effects on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) as a result of recreational disturbance and atmospheric pollution. Ashdown Forest lies adjacent to the north-east boundary of Mid Sussex and within Wealden District and, therefore, is not within the Neighbourhood Plan Area.

¹ Regulation 15(1)(d).

² Ashdown Forest SPA, Ashdown Forest SAC, Castle Hill SAC, Lewes Downs SAC, and Mole Gap to Reigate Escarpment SAC.

- 3.2 The Ashdown Forest SPA was classified in 1996. It is a 3,200Ha site comprising predominantly of lowland heathland and woodland. The Ashdown Forest SPA is an internationally important habitat classified because of the presence of breeding populations of Dartford warbler *Sylvia undata* and European nightjar *Caprimulgus europaeus*. It is also a Site of Special Scientific Interest (SSSI).
- 3.3 The Ashdown Forest SAC was designated in 2005 and covers 2,700Ha. The qualifying features for the designation are the Annex I habitats: Northern Atlantic wet heaths with *Erica tetralix* and European dry heaths, and the Annex II species: Great crested newt *Triturus cristatus*. It is also part of the SSSI.
- 3.4 Further environmental details can be found in the HRA for the Mid Sussex District Plan (see Chapter 3: European Site Information and Appendix I: Favourable Condition Table for Ashdown Forest).

4.0 Habitats Regulations Assessment for the Mid Sussex District Plan

- 4.1 The potential effects of development on Ashdown Forest were assessed during the HRA process for the Mid Sussex District Plan (and its predecessor, the Core Strategy). The screening exercise carried out in late 2007 and early 2008 found likely significant effects on the Ashdown Forest SPA as a result of disturbance to the Dartford warbler and nightjar. Increased recreational activity arising from new residential development and related population growth is likely to disturb ground nesting birds. Further information can be found in the HRA for the Mid Sussex District Plan (see Chapter 6: Disturbance).
- 4.2 In particular, a 2008 survey investigating visitor access patterns at Ashdown Forest found that the majority (83%) of visitors originated from a 7km distance from Ashdown Forest. This established a 7km zone of influence around Ashdown Forest within which measures to reduce recreational pressure would be most effective. Within this 7km zone around the Ashdown Forest SPA, residential development leading to a net increase in dwellings will need to contribute to an appropriate level of mitigation. This will be in the form of providing a Suitable Alternative Natural Greenspace (SANG), either on the development site itself or through a financial contribution towards a strategic SANG. In addition, a financial contribution towards a Strategic Access Management and Monitoring (SAMM) strategy will also be required.
- 4.3 Natural England is of the view that 'residential development proposals within 7km of Ashdown Forest SPA/ SAC are likely to have a significant effect, alone and in combination, on the interest features for which the SPA and SAC has been classified. The potential impacts arise from increased recreational pressure, having an adverse impact on habitats and the ground-nesting birds which are a notified feature of the site'.
- 4.4 In terms of atmospheric pollution, the Mid Sussex Transport Study indicates that projected traffic increases are well below the threshold deemed as significant and, therefore, the HRA

report concludes that adverse effects are unlikely and no further measures are necessary. In order to promote good practice, however, the District Plan contains measures to encourage sustainable transport and the requirements for avoidance and mitigation in relation to air pollution. Further information can be found in the HRA for the Mid Sussex District Plan (see Chapter 5: Atmospheric Pollution).

- 4.5 Policy DP14 in the submission District Plan (July 2013) outlines the proposed approach to protecting Ashdown Forest. Any residential development allocation affected by the District Plan policy for the Ashdown Forest SPA and SAC will be subject to its requirements or the approach being implemented at the time of a planning application. This will include those allocations identified by neighbourhood plans.
- 4.6 It should be noted that the District Plan has not yet been adopted and, therefore, the District Plan HRA has not been tested and accepted at Examination. Whilst this is the case, the District Plan HRA did consider that some housing allocations in the District would be through neighbourhood plans. The expected level of development was taken into account and as such, it is considered that the District Plan HRA can be used as background information for the screening reports of neighbourhood plans. Currently, all planning applications proposing a net increase in residential dwellings within the 7km zone around the Ashdown Forest SPA will be required to mitigate their effects of increased recreational pressure in the form of providing a financial mitigation towards SAMM measures. As a result of this advice, the District Council has agreed a SAMM interim mitigation strategy which has been approved by Natural England.

5.0 Screening Assessment for the Hurstpierpoint & Sayers Common Neighbourhood Plan

- 5.1 The screening assessment has regard to the conservation objectives of the Ashdown Forest SPA and SAC. It also makes reference to other plans and projects (the emerging Mid Sussex District Plan and other neighbourhood plans in Mid Sussex). Key questions relating to the neighbourhood plan are included below and along with the screening assessment, help to establish if an appropriate assessment is required.

5.2 Is the Hurstpierpoint & Sayers Common Neighbourhood Plan directly connected with, or necessary to the management of a European site for nature conservation?

From review of the Hurstpierpoint & Sayers Common Neighbourhood Plan, it is not considered that it relates to the management of Ashdown Forest.

5.3 Does the Hurstpierpoint & Sayers Common Neighbourhood Plan propose new development or allocate sites for development?

Yes – four sites at Hurstpierpoint have been allocated for residential development for a total of 252 dwellings as outlined in Policy H3: Hurstpierpoint allocated sites. Two of these sites have already been granted planning permission. Policy H4: Sayers Common housing sites, does not allocate specific sites for residential development, but considers 30 to 40 homes

may come forward during the Plan period. This amount of development is in line with the emerging Mid Sussex District Plan and is within the numbers assessed in the District Plan HRA. All of these sites are outside the 7km zone of influence and as such, are not considered to have a likely significant effect on the Ashdown Forest SPA and SAC.

5.4 Are there any other projects or plans that together with the Hurstpierpoint & Sayers Common Neighbourhood Plan could impact on the integrity of a European site, the 'in combination' impact?

Yes, the emerging Mid Sussex District Plan and other neighbourhood plans being produced in the District, especially those within the 7km zone. It is considered that the level of development proposed in the Hurstpierpoint & Sayers Common Neighbourhood Plan has been assessed as part of the housing strategy through the District Plan HRA.

Screening Assessment

5.5 The following table illustrates the findings of the screening assessment for each of the policies within the Hurstpierpoint & Sayers Common Neighbourhood Plan. This assesses whether there is a likely significant effect from these policies on the Ashdown Forest SPA and SAC.

5.6 The Hurstpierpoint & Sayers Common Neighbourhood Plan contains aims as well as policies. Aims do not directly relate to land use or development, but are considered to be aspirations of the Parish Council. They are, therefore, not part of the policies within the Neighbourhood Plan, but included as aims. It is felt that both policies and aims should be screened to ensure the whole Neighbourhood Plan has been considered through the Habitats Regulations. It is considered that the aims of the Neighbourhood Plan fall within reason e) below since they are only aspirations and not policies.

5.7 For it to be concluded that a policy would have no likely significant effect on a European site, one of the following reasons usually applies (this is taken from the guidance for Scottish Natural Heritage, p19-20):

- a) Intended to protect the natural environment, including biodiversity, or to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European site;
- b) Which will not themselves lead to development or other change, for example, because they relate to design or other qualitative criteria for development or other kinds of change;
- c) Which make provision for change but which could have no conceivable effect on a European site, because there is no link or pathway between them and the qualifying interests, or any effect would be a positive effect, or would not otherwise undermine the conservation objectives for the site;
- d) Which make provision for change but which could have no significant effect on a European site (but is a minor residual effect), because any potential effects would be

insignificant, being so restricted or remote from the site that they would not undermine the conservation objectives for the site;

- e) For which effects on any particular European site cannot be identified, because the policy is too general, for example, it is not possible to identify where, when or how the policy may be implemented, or where effects may occur, or which sites, if any, may be affected.

Hurstpierpoint & Sayers Common Neighbourhood Plan Policy	Policy (or Aim)	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
C1	Countryside: Conserving and enhancing character	This policy seeks to protect the countryside from inappropriate development.	No likely significant effect – reason c).
C2	Countryside: South Downs National Park	This policy is intended to conserve and enhance the natural environment and considers the setting of the South Downs National Park.	No likely significant effect – reason a). The South Downs National Park could also be an alternative location to visit than Ashdown Forest especially as it is closer to Hurstpierpoint & Sayers Common Parish.
C3	Countryside: Local Gaps and Preventing Coalescence	This policy does not seek to allocate development, but intends to prevent coalescence between settlements.	No likely significant effect – reason b).
C4	Countryside: Quiet Lanes (Note: This is an aim not a policy)	This aspiration relates to the use of certain highways by promoting quiet lanes.	No likely significant effect – reason e).
C5	Countryside: Conservation Areas	This policy is intended to conserve and enhance the heritage assets of the built environment.	No likely significant effect – reason a).
C6	Countryside: Hurstpierpoint College	This policy does not seek to allocate development, but to support new facilities and sympathetic design whilst conserving the countryside and heritage assets.	No likely significant effect – reason b).

Hurstpierpoint & Sayers Common Neighbourhood Plan Policy	Policy (or Aim)	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
C7	Countryside: Little Park and Tilley's Copse Woodland	This policy is intended to conserve and enhance the natural environment. It will contribute to green infrastructure in the parish.	No likely significant effect – reason a).
A1	Amenities: Hurst Meadows	This policy relates to infrastructure provision and will contribute to green infrastructure in the parish. It could potentially have a positive impact on Ashdown Forest through the provision of public open space for the local community.	No likely significant effect – reason a).
A2	Amenities: Fairfield Recreation	This policy relates to infrastructure provision and will contribute to green infrastructure in the parish.	No likely significant effect – reason a).
A3	Amenities: Northern Arc Outdoor Community Sports	This policy relates to infrastructure provision and the proposed District Plan allocation of the Northern Arc at Burgess Hill.	No likely significant effect – reason c).
A4	Amenities: Fairfield Pavilion	This policy relates to infrastructure provision and seeks to allocate the pavilion as a community and sports facility.	No likely significant effect – reason c).
A5	Amenities: Cemetery	This policy relates to infrastructure provision and seeks to allocate land for a cemetery.	No likely significant effect – reason c).
H1	Housing: Hurstpierpoint: new housing development	This policy does not seek to allocate development, but sets out appropriate locations for development.	No likely significant effect – reason c).
H2	Housing: Sayers Common: new housing development	This policy does not seek to allocate development, but sets out appropriate locations for development.	No likely significant effect – reason c).

Hurstpierpoint & Sayers Common Neighbourhood Plan Policy	Policy (or Aim)	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
H3	Housing: Hurstpierpoint allocated sites	This policy seeks to allocate 4 sites for residential development (2 of which have already been granted planning permission). These allocations in Hurstpierpoint will provide a total of 252 new homes.	No likely significant effect – reason d). Hurstpierpoint & Sayers Common Parish is outside of the 7km zone of influence for recreational disturbance and is just over 14km from the boundary of the Ashdown Forest SPA. The settlement of Hurstpierpoint is 18.76km from Ashdown Forest.
H4	Housing: Sayers Common housing sites	This policy does not seek to allocate specific development sites, but suggests 30 to 40 homes may come forward during the Plan period.	No likely significant effect – reason d). Hurstpierpoint & Sayers Common Parish is outside of the 7km zone of influence for recreational disturbance and is just over 14km from the boundary of the Ashdown Forest SPA. The settlement of Sayers Common is 18.54km from Ashdown Forest.
H5	Housing: Phasing of construction	This policy does not seek to allocate development, but relates to infrastructure provision.	No likely significant effect – reason c).
H6	Housing: Development principles	This policy does not seek to allocate development, but is concerned with design and intends to conserve and enhance the built environment.	No likely significant effect – reason b).

Hurstpierpoint & Sayers Common Neighbourhood Plan Policy	Policy (or Aim)	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
H7	Housing: Housing sites infrastructure and environmental impact assessment	This policy does not seek to allocate development, but relates to infrastructure provision.	No likely significant effect – reasons b) and c).
H8	Housing: Affordable homes	This policy does not seek to allocate development, but relates to provision for affordable homes.	No likely significant effect – reason c).
H9	Housing: Small sites	This policy does not seek to allocate development, but acknowledges that small unidentified housing sites may be proposed.	No likely significant effect – reason d). Hurstpierpoint & Sayers Common Parish is outside of the 7km zone of influence for recreational disturbance and is just over 14km from the boundary of the Ashdown Forest SPA.
H10	Housing: Small dwellings	This policy does not seek to allocate development, but to support appropriate design for people with access and movement difficulties.	No likely significant effect – reason b).
E1	Employment: Business Park	This policy relates to the proposed District Plan allocation of the Northern Arc at Burgess Hill.	No likely significant effect – reason c). Hurstpierpoint & Sayers Common Parish is outside of the 7km zone of influence for recreational disturbance from residential development and is just over 14km from the boundary of the Ashdown Forest SPA.

Hurstpierpoint & Sayers Common Neighbourhood Plan Policy	Policy (or Aim)	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
E2	Employment: Whiteoaks Farm and Valley Farm	This policy seeks to promote employment activities at this location in Sayers Common.	No likely significant effect – reason c). Hurstpierpoint & Sayers Common Parish is outside of the 7km zone of influence for recreational disturbance from residential development and is just over 14km from the boundary of the Ashdown Forest SPA.
E3	Employment: Retail sector (Note: This is an aim not a policy)	This aspiration seeks improvements to the pedestrian environment in Hurstpierpoint High Street.	No likely significant effect – reason e).
E4	Employment: (Superfast) Broadband	This policy does not seek to allocate development, but relates to infrastructure provision.	No likely significant effect – reason b).
E5	Employment: Tourism	This policy does not seek to allocate development, but relates to tourism in proximity to the South Downs National Park.	No likely significant effect – reason c).
T1	Transport: Safety (Note: This is an aim not a policy)	This aspiration seeks to improve road safety.	No likely significant effect – reason e).
T2	Transport: High Street Improvements Scheme (Note: This is an aim not a policy)	This aspiration proposes a scheme to improve pedestrian safety, traffic movements and parking.	No likely significant effect – reason e).
T3	Transport: Cuckfield Road (Note: This is an aim not a policy)	This aspiration proposes a scheme to manage traffic speeds and parking.	No likely significant effect – reason e).
T4	Transport: College Lane, Hurst Wickham (Note: This is an aim not a policy)	This aspiration proposes a scheme to manage traffic congestion, pedestrian safety and parking.	No likely significant effect – reason e).

Hurstpierpoint & Sayers Common Neighbourhood Plan Policy	Policy (or Aim)	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
T5	Transport: Goddards Green (Note: This is an aim not a policy)	This aspiration provides support to a traffic management scheme.	No likely significant effect – reason e).
T6	Transport: Minor roads (Note: This is an aim not a policy)	This aspiration seeks to improve road safety.	No likely significant effect – reason e).
T7	Transport: Off-street parking (Note: This is an aim not a policy)	This aspiration seeks to identify a suitable site for off-street parking.	No likely significant effect – reason e).
T8	Transport: Public transport (Note: This is an aim not a policy)	This aspiration seeks to explore options to provide adequate public transport facilities.	No likely significant effect – reason e).

5.8 The screening assessment looks at the policies alone to identify if there is an effect on the European site. The in combination or cumulative effects of a plan need only be taken into account if the screening assessment identifies some policies as having a minor residual effect alone (reason d)). The in-plan in combination effects are considered first and then potentially the in combination effects with other plans and projects. Those policies with a likely significant effect alone should be taken forward to the appropriate assessment stage.

5.9 From the screening assessment, it is considered that none of the policies in the Hurstpierpoint & Sayers Common Neighbourhood Plan are likely to have a significant effect on the Ashdown Forest SPA and SAC. In particular, policies H3, H4 and H9 concerning housing allocations are not considered to result in a likely significant effect. It is possible there could be a minor residual effect, but it is not considered necessary to assess policies H3, H4 and H9 through an in combination assessment because the proposed housing strategy for the District was considered in the District Plan HRA. This reflects the findings of the District Plan HRA whereby only residential development within 7km of the Ashdown Forest SPA need contribute to mitigation (the SANG and SAMM approach). The 7km zone of influence was based on the visitor survey that was undertaken on Ashdown Forest. As described in the screening assessment table, Hurstpierpoint & Sayers Common Parish is just over 14km from the boundary of the Ashdown Forest SPA.

6.0 Conclusion

6.1 The screening assessment table above suggests that there would be no likely significant effects on the Ashdown Forest SPA and SAC from the policies included within the Hurstpierpoint & Sayers Common Neighbourhood Plan.

- 6.2 A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the Hurstpierpoint & Sayers Common Neighbourhood Plan is not required as the development proposed in the Hurstpierpoint & Sayers Common Neighbourhood Plan is outside of the 7km zone of influence and, therefore, unlikely to have a significant effect on the Ashdown Forest SPA and SAC.
- 6.3 As a precautionary measure, any residential development proposed within Hurstpierpoint & Sayers Common Parish will be subject to the recommendations of the HRA and if relevant, the current approach to Ashdown Forest being implemented at that time. Applicants for planning permission are advised to contact the District Council for further advice prior to submitting a planning application.

Appendix 1: The Hurstpierpoint & Sayers Common Neighbourhood Plan Area in relation to the Ashdown Forest Special Protection Area and Special Area of Conservation

