



The Ecology Co-op

ENVIRONMENTAL CONSULTANTS

Building B, Lords Wood Barns, Petworth GU28 9BS

Tel: 01798 861 800 - E-Mail: info@ecologyco-op.co.uk - Web: www.ecologyco-op.co.uk

Shadow Habitats Regulations Assessment

Ansty, Haywards Heath

Author: Kate Priestman, MCIEEM, CEnv

Reviewed by: Paul Whitby BSc, MCIEEM, CEcol

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The Ecology Co-operation Ltd
Registered Office: Greens Court, West Street, Midhurst, West Sussex, GU29 9NQ
Company number: 8905527

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Executive Summary

- 1. The Ecology Co-op was commissioned by Savills to prepare a Shadow Habitats Regulations Assessment (HRA) in relation to a proposed development comprising the construction of up to 1,450 houses, a school, amenities and a community centre at land east of Ansty, Haywards Heath. This report has been completed due to the relative proximity of the site to the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA), which are located approximately 12.5km north-east of the proposed development site at the nearest point.**

- 2. The Ecology Co-op undertook a Preliminary Ecological Appraisal (PEA) of the site in February 2019. Based on the findings of the PEA, and following updated proposals concerning the scale of the proposed development, a number of surveys were recommended, which were undertaken across 2022 and 2023, the results of which provided the baseline information for an Ecological Impact Assessment (EclA) undertaken by The Ecology Co-op in October 2023.**

- 3. The existing site of the proposed mixed use/residential development measures approximately 96 hectares and is predominantly in use as arable farmland, comprising 12 different habitat types, including arable fields, woodland, grassland, species-rich hedgerows, standing water and running water. In addition, a Parkland Reserve (103.21ha) will be created to the north-west of the built development site, which will provide publicly accessible green space to supplement the green space provision embedded in the design of the mixed use/residential development.**

- 4. The Ashdown Forest SAC/SPA is important for its lowland heath habitat which also supports European nightjar and Dartford warbler.**

- 5. The Stage 1 screening assessment scoped in air quality and recreational impacts in relation to the operational phase of the proposed development. The assessment concluded that neither of these impact pathways are likely to result in significant effects in relation to the conservation objectives of the designated sites. A stage 2 appropriate assessment is therefore not required.**

This report has been prepared by The Ecology Co-operation Ltd, with all reasonable skill, care and diligence within the terms of the Contract with the client. This report only becomes the property of the client once payment for it has been received in full.

We disclaim responsibility to the client and others in respect of any matters outside the scope of the above.

This report is confidential to the client and we accept no responsibility of whatsoever nature to third parties to whom this report, or any part thereof, is made known. Any such party relies on the report at their own risk.



CONTENTS PAGE

1 INTRODUCTION.....	1
1.1 Purpose of the Report.....	1
1.2 The Application Site.....	1
1.3 Site Description, Survey Background and Development Proposals.....	3
1.4 Legal Basis.....	5
1.5 Habitat Regulations Assessment.....	6
2 METHODOLOGY.....	7
2.1 Screening Assessment Approach.....	7
2.2 Appropriate Assessment Approach.....	8
2.3 Approach to Scoping in Potential Impact Pathways.....	8
2.4 Precautionary Approach.....	8
2.5 Relevant Legislation and Guidance.....	8
3 NATIONAL SITE NETWORK SITES UNDER CONSIDERATION.....	9
3.1 Proximity of the Application Site to National Site Network Sites.....	9
3.2 Qualifying Features and Network Objectives.....	10
3.2.1 Ashdown Forest SAC.....	10
3.2.2 Ashdown Forest SPA.....	11
3.2.3 Vulnerability of the Ashdown Forest SPA and SAC.....	12
4 SCREENING ASSESSMENT.....	12
4.1 Assessment of Likely Significant Effects.....	12



1 INTRODUCTION

1.1 Purpose of the Report

The Ecology Co-operation Ltd (hereafter The Ecology Co-op) was commissioned by Savills to prepare a Habitats Regulations Assessment (HRA) in relation to a proposed development comprising the construction of up to 1,450 houses, a school, amenities and a community centre at land east of Ansty, Haywards Heath. This report has been completed due to the location of the site in relation to the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA); the designated sites are located 12.5km away at the nearest point.

This document represents the results of a Stage 1: formal screening assessment for any likely significant effects (either alone or in combination with other plans or projects).

1.2 The Application Site

The site is located on the outskirts of Haywards Heath, south-west of Cuckfield. The central grid reference for the site is TQ 29692 23307. Figure 1 shows the boundary of the site and local context.

The proposed mixed use/residential development site measures approximately 98 hectares (ha) and is predominantly in use as arable farmland, comprising 12 different habitat types, including arable fields, woodland, grassland, species-rich hedgerows, standing water and running water.

The development will create a new residential community, with up to 1,450 houses, schools, other community facilities and a community centre. The exact scale and layout of the proposed development will be determined at the reserved matter stage; for the purpose of this assessment, a draft plan is provided in Figure 2. In addition to the built development, an area of green space known as the Parkland Reserve is included in the proposed scheme, which will be created to the north-west of the built development site, providing publicly accessible green space to supplement the green space provision within the built mixed use/residential development.



Figure 1. An aerial image showing the location of the proposed mixed use/residential development site. The approximate site boundary is outlined in red. Image produced courtesy of Google maps (map data ©2020 Google).



Figure 2. A draft concept sketch plan. Image produced by fabrik ltd, drawing D3012-FAB-00-XX-DR-Y-009, dated March 2023.



op in October 2023².

The phase 2 surveys found that the site supports:

- a variety of habitats with some notable plant communities including ancient woodland indicators and species associated with arable field margins;
- two active badger setts (due to the sensitive nature of information pertaining to badgers, this should be omitted from the report prior to release into the public domain);
- roosting and foraging bats including notable species: barbastelle *Barbastella barbastellus*, serotine *Eptesicus serotinus*, Nathusius' pipistrelle *Pipistrellus nathusii*, Alcathe *Myotis alcathe*, whiskered *Myotis mystacinus* and Brandt's *Myotis brandtii*;
- a total of 59 bird species, including nine red listed species and 13 species listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 or Schedule 1 of the Wildlife and Countryside Act 1981 (as amended);
- a population of dormice;
- a small population of great crested newts;
- common toads *Bufo bufo*, although no targeted surveys have been undertaken;
- a large population of grass snake *Natrix helvetica*;
- an assemblage of fairly common aquatic invertebrates which indicate a relatively healthy watercourse.

The proposed development has been designed to avoid losses to natural habitats on site where possible; however, there will be an unavoidable small loss of woodland, grassland, arable margin, hedgerow and scrub. There is also potential for indirect impacts to significantly affect retained habitats through increased recreational pressure and the potential for pollution. The following measures will be implemented to avoid, mitigate and compensate for these likely significant effects:

- priority habitats on site will be protected through the implementation of industry standard construction methods; installation of heras fencing to demarcate buffer zones and protect habitat during the construction phase; planting of a graded ecotone around retained woodland – all ancient woodland will be fenced to prevent public access; monitoring of all habitats on site in perpetuity and measures put in place where necessary to ensure no degradation of condition; replacement of all habitat lost to the proposed development through a Biodiversity Net Gain scheme;
- badgers will be protected through the implementation of appropriate construction methods, and fencing of the woodland in which the setts are located to prevent public access but allow free movement of badgers (due to the sensitive nature of information pertaining to badgers, this should be omitted from the report prior to release into the public domain);
- bats will be protected through the implementation of an ecologically sensitive lighting scheme to include no light zones and dark corridors, precautionary felling methodology, European Protected Species (EPS) licencing where required and installation of bat roost features;
- breeding birds will be protected through sensitive timing of works/removal of suitable vegetation outside of the nesting bird season, installation of heras fencing to protect habitats from accidental damage during the construction phase and installation of bird boxes;
- dormice will be protected through the implementation of mitigation for direct impacts covered

² The Ecology Co-op (2023). Ecological Impact Assessment – Ansty, Haywards Heath. October 2023.



by an EPS licence, biodiversity enhancements incorporated into the soft landscaping scheme including enhancement of woodland on-site, ecologically sensitive lighting design and installation of dormouse boxes;

- great crested newt and common toad will be subject to a precautionary approach to construction methods – to be set out in an EPS licence for great crested newts;
- reptiles will be subject to a precautionary approach to construction methods – reasonable avoidance measures and habitat manipulation – and the creation of a landscape and management plan for the proposed Parkland Reserve north-west of the site, which will include provision for reptiles, including targeted measures for grass snake;
- European hedgehog *Erinaceus europaeus* will be benefitted through the installation of accessible gaps (10cm x 15cm) at the base of all new garden fencing to allow movement of hedgehogs between garden plots;
- invasive non-native species will be managed through the adoption of a native planting scheme, and removal of existing rhododendron and cherry laurel, which will prevent the further spread of these species. All specimens will be removed and disposed of following strict invasive species protocol.

In addition to the above, the creation of green space within the built site along with the proposed Parkland Reserve to the north-west, measuring approximately 103.21ha, will provide a place for recreation.;

In line with the National Planning Policy Framework and the requirements of the Environment Act 2021, the site's ecological value will be enhanced, resulting in 20% biodiversity net gain, which surpasses the mandatory 10% gain required by the Environment Act 2021³. A separate Biodiversity Impact Assessment report has been produced⁴.

1.4 Legal Basis

Habitats Regulations Assessment (HRA) refers to the requirement for plans and projects to be assessed in relation to European sites under the Conservation of Habitats and Species Regulations 2017⁵. As of the 1st January 2021, the Regulations have been amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019⁶ under exercise of the powers conferred to the European Withdrawal Act 2018 (1)⁷.

Under Regulation 63:

“1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

(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

³ HM Government (2021). Environment Act 2021. Available online at: <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

⁴ The Ecology Co-op (2023). *Biodiversity Impact Calculation, Land East of Ansty*.

⁵ UK Gov (2017). The Conservation of Habitats and Species Regulations 2017. Available at: <https://www.legislation.gov.uk/uksi/2017/1012/contents/made>

⁶ UK Gov (2019). The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Available at: <https://www.legislation.gov.uk/ukdsi/2019/9780111179512>.

⁷ UK Gov (2018) European Union (Withdrawal) Act 2018. Available at: <https://www.legislation.gov.uk/ukpga/2018/16/contents/enacted>.



(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

(2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.”

As such, within England and UK inshore and offshore marine areas, the Habitats Regulations 2017⁸ now amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019⁶, requires that any plan or project that may have a ‘likely significant effect’ on a site within the National Site Network (Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (in addition to Ramsar sites)) either individually or in combination with other plans or projects), must be made subject to an ‘appropriate assessment’ of its implications for the site in view of the Network Objectives for the site, and can only proceed if it can be shown that they will not adversely affect the integrity of the site.

1.5 Habitat Regulations Assessment

There are three stages in a full HRA⁹:

Stage 1 – Screening: Initially, the proposal is screened to see whether it is directly connected with (or necessary) to the conservation management of a European designated site. The potential impact pathways (direct and indirect) of a project are identified. These are then assessed for their potential to result in ‘likely significant effects’ upon the integrity of sites within the National Site Network and the conservation objectives of their qualifying features, both alone and in-combination with other plans and projects. Mitigation measures are not considered at this stage¹⁰. Where no likely significant effects are identified, it is not necessary to take the project any further through HRA.

Stage 2 – Appropriate Assessment: Where it is not possible to conclude that there are no likely significant effects, an appropriate assessment is undertaken. This stage assesses in detail the likely significant effects of a proposal on the site integrity and conservation objectives (alone and in combination). Mitigation can be considered at this stage to avoid or reduce any significant adverse effects. Where significant adverse effects on the integrity of the designated site cannot be ruled out the third stage is triggered.

Stage 3 – Derogations: Where the ‘integrity test’ has failed, a proposal may qualify for a derogation to allow a proposal to go ahead. In order for a derogation to be granted, three legal tests must be passed:

- **Assessment of Alternative Solutions:** This process looks at feasible alternative solutions that would be less damaging or avoid damage to the site and its qualifying features (conservation objectives and site integrity).
- **Imperative Reasons of Overriding public interest (IROPI):** Where no alternative solutions

⁸ UK Gov (2017). The Conservation of Habitats and Species Regulations 2017. Available at: <https://www.legislation.gov.uk/ukxi/2017/1012/contents/made>

⁹ <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

¹⁰ Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta (‘People over Wind’)



exist and where adverse impacts remain despite mitigation, the plan or project may still be permitted if there are imperative reasons of overriding public interest. For this to happen, the project must satisfy a set of strict tests.

- **Compensatory Measures will be taken and secured:** Where no alternative solutions exist and there are IROPI, compensatory measures must be secured. The measures must fully offset the remaining significant adverse effects to the designated site's integrity and qualifying features.

2 METHODOLOGY

2.1 Screening Assessment Approach

Stage 1 (screening) determines whether the proposed development is likely to have any significant effects upon the conservation objectives of the nearby National Site Network site alone or in combination with other proposals (in the absence of mitigation).

The process is as follows:

1. Identify and characterise sites which fall within the National Site Network within the zone of impact¹¹;
2. Review and screen the proposed development plan to identify potential impacts and likely effects on these sites;
3. Consider any other plans and projects (and combined project impacts) that may result in 'in-combination' effects to these sites; and
4. Produce a Screening Assessment recording the analysis and supporting information.

The following information sources have been reviewed as part of the Screening Assessment:

- www.magic.gov.uk and its links to SAC and SPA citations
- JNCC website
- objectives for SAC and SPA sites, available on the Natural England website
- the UK Air Pollution Information System (www.apis.ac.uk)

In order to conclude that there will be no significant effects upon the National Site Network sites, the following criteria must be met:

- there must not be any reduction in the area of the Annex I habitats (or composite features);
- there must not be any changes to the composition of the habitats for which the site was designated (such as the abundance and diversity that compromises the habitat over time);
- there must not be any direct effect upon the species for which this site was designated or classified beyond any existing baselines;
- there must not be any indirect effects upon the population of species for which the site was designated or classified due to loss or degradation of their habitat (quality and/or quantity), and;
- there must not be any interruption or degradation of the physical, chemical or biological processes that support habitats and species for which the site was designated or classified.

¹¹ The zone of impact used here is a 5km buffer zone.



2.2 Appropriate Assessment Approach

Where Stage 1 (screening) has identified likely significant effects on the nearby National Site Network sites, Stage 2 (Appropriate Assessment) is undertaken. Stage 2 assesses further whether effects are likely to be adverse to the integrity of the European site or designated interest feature(s), looking in detail at recorded sensitivities and/or vulnerabilities and the conservation objectives of the designated site. Mitigation measures are considered at this stage in addition to in-combination effects (intra and inter).

2.3 Approach to Scoping in Potential Impact Pathways

Potential impact pathways associated with the proposed development have been determined using professional judgement in accordance with the following factors:

- whether the potential impact pathway could directly affect the designated site or qualifying features
- whether the potential impact pathway could indirectly affect the designated site or qualifying features by virtue of being within the zone of influence (e.g. changes to hydrology)
- whether the proposed development site is functionally linked to the European site and, therefore, whether potential impacts could affect 'mobile' qualifying features of the designated site (e.g. birds).

The conservation objectives of the European site and cited threats/pressures and vulnerabilities have been taken into account.

2.4 Precautionary Approach

At each stage of the HRA process, a precautionary approach has been followed, i.e. stage 2 appropriate assessment is triggered where the risk of a proposal resulting in likely significant effects on the conservation objectives of a designated site cannot be ruled out at the screening stage (stage 1); and, where 'all reasonable scientific doubt' of an adverse effect on the integrity of a designated site cannot be ruled out, stage 3 derogation is triggered.

2.5 Relevant Legislation and Guidance

The following legislation and guidance documents have been consulted in the preparation of this HRA:

- ECLI:EU:C:2018:244, Judgment of the Court (Seventh Chamber), 12 April 2018, Reference for a preliminary ruling — Environment — Directive 92/43/EEC — Conservation of natural habitats — Special areas of conservation — Article 6(3), available online at: <http://curia.europa.eu/juris/document/document.jsf?docid=200970&doclang=EN>
- High Court judgment of Wyatt, R. (On the Application of) v Fareham Borough Council [2021] EWHC 1434 (Admin) (28 May 2021) relating to Habitats Regulations Assessments ("HRAs")
- European Commission (2000), Managing Natura 2000 sites: The provisions of Article 6 of the Habitats Directive 92/43/EEC;
- European Commission (2001), Assessment of plans and projects significantly affecting Natura 2000 sites;
- European Commission (2007), Guidance document on Article 6(4) of the Habitats Directive



92/43/EEC;

- The Design Manual for Roads and Bridges (DMRB). Sustainability & Environment Appraisal: LA 115 Habitats Regulations Assessment. January 2020.
- The Design Manual for Roads and Bridges (DMRB). Sustainability & Environment Appraisal: LA 105 Air quality. November 2019.
- Holman et al (2020). A guide to the assessment of air quality impacts on designated nature conservation sites. v1.1. Institute of Air Quality Management, London.
- CIEEM (2021) Advice on Ecological Assessment of Air Quality Impacts. Chartered Institute of Ecology and Environmental Management. Winchester, UK.
- Chapman, C. & Kite, B. (2021). Guidance on Decision-Making Thresholds for Air Pollution. JNCC Report No.696 (Main Report), JNCC, Peterborough, ISSN 0963-8091.

3 NATIONAL SITE NETWORK SITES UNDER CONSIDERATION

3.1 Proximity of the Application Site to National Site Network Sites

A Habitats Regulations Screening Assessment with regards to the Ashdown Forest SAC/SPA has been undertaken as development has the potential to result in likely significant effects on the integrity of the designated sites and their qualifying features.

The application site lies approximately 12.5km south-west from the boundary of the designated sites at the closest point. Ashdown Forest Site of Special Scientific Interest is a component site of the SAC/SPA. Figure 4 shows the location of the development in relation to the internationally designated sites.

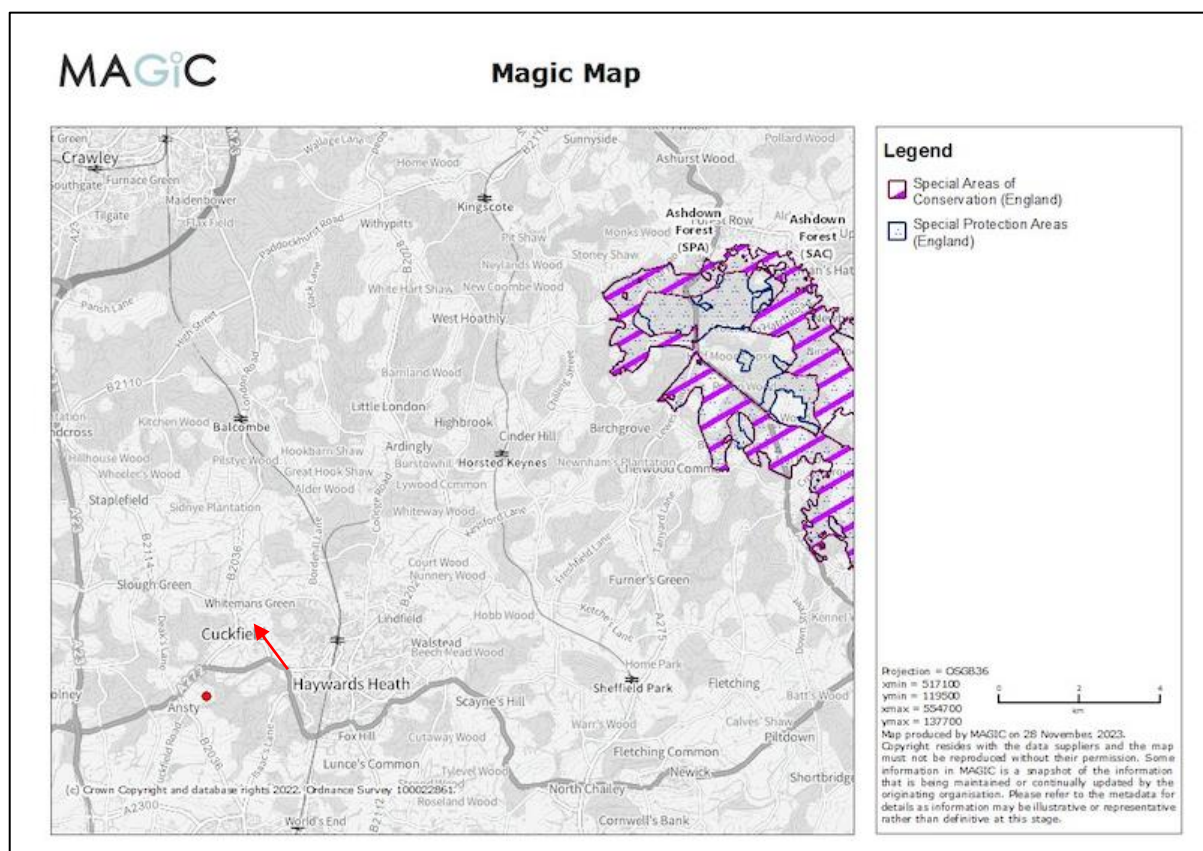




Figure 4. Location of the application site (red dot, indicated by a red arrow) in relation to the designated sites. Image produced courtesy of Magic maps (<http://www.magic.gov.uk/>, contains public sector information licensed under the Open Government Licence v3.0).

3.2 Qualifying Features and Network Objectives

3.2.1 Ashdown Forest SAC

General site character: heath, scrub, maquis and garrigue, phygrana (60%); and mixed woodland (40%).

Qualifying Features

Total area = 2715.88ha

This site qualifies by supporting habitats/populations of the species listed below on Annex I and II of the Directive¹².

Annex I habitats that are a primary reason for selection of this site:

Northern Atlantic wet heaths with Erica tetralix

Ashdown Forest contains one of the largest single continuous blocks of lowland heath in south-east England, with both European dry heaths and, in a larger proportion, wet heath. The M16 *Erica tetralix* – *Sphagnum compactum* wet heath element provides suitable conditions for several species of bog-mosses *Sphagnum spp.*, bog asphodel *Narthecium ossifragum*, deergrass *Trichophorum cespitosum*, common cotton-grass *Eriophorum angustifolium*, marsh gentian *Gentiana pneumonanthe* and marsh clubmoss *Lycopodiella inundata*. The site supports important assemblages of beetles, dragonflies, damselflies and butterflies, including the nationally rare silver-studded blue *Plebejus argus*, and birds of European importance, such as European nightjar *Caprimulgus europaeus*, Dartford warbler *Sylvia undata* and Eurasian hobby *Falco subbuteo*.

European dry heaths

The dry heath in Ashdown Forest is an extensive example of the south-eastern H2 *Calluna vulgaris* – *Ulex minor* community. This vegetation type is dominated by heather *Calluna vulgaris*, bell heather *Erica cinerea* and dwarf gorse *Ulex minor*, with transitions to other habitats. It supports important lichen assemblages, including species such as *Pycnothelia papillaria*. This site supports the most inland remaining population of hairy greenweed *Genista pilosa* in Britain.

Annex II species present as a qualifying feature, but not a primary reason for site selection: great crested newt.

Network/Conservation Objectives

The Network Objectives for the Ashdown Forest SAC set out by Natural England¹³ are as follows:

¹²JNCC (2001). The UK SPA Network: its scope and content (Volumes 1-3). Available at: <http://jncc.defra.gov.uk/page-2049-theme=default>.

¹³ Natural England (2018) European Site Conservation Objectives for Ashdown Forest Special Area of Conservation Site Code: UK0030080. Available at: <file:///Users/2012interactive/Downloads/UK0030080%20AshdownForest%20SACV2018.pdf>



“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.”

Threats and Pressures

The following negative impacts have been highlighted on the data form in relation to the SAC¹⁴:

- air pollution, air-borne pollutants
- outdoor sports and leisure activities, recreational activities
- human induced changes in hydraulic conditions
- modification of cultivation practices.

3.2.2 Ashdown Forest SPA

Habitat within the Ashdown Forest SPA comprises bogs, marshes, water fringed vegetation and fens (10%); mixed woodland (40%); and heath, scrub, maquis and garrigue, and phygrana (50%).

Qualifying Features

Total area = 3,207.07ha

This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting habitats/populations of the species listed below on Annex II of the Directive¹⁵. *Note that these European directives have been transposed into The Conservation of Habitats and Species Regulations 2017^{Error! Bookmark not defined.}, now amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019⁶.*

- European nightjar *Caprimulgus europaeus*: comprising 35 pairs during the breeding season
- Dartford warbler *Sylvia undata*: comprising 20 pairs during the breeding season

Network/Conservation Objectives

The Network Objectives for the Ashdown Forest SPA set out by Natural England¹⁶ are as follows:

¹⁴ <https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9012181.pdf>

¹⁵ JNCC (2001). The UK SPA Network: its scope and content (Volumes 1-3). Available at: <http://jncc.defra.gov.uk/page-2049-theme=default>.

¹⁶ Natural England (2019) European Site Conservation Objectives for Ashdown Forest Special Protection Area Site Code: UK9012181. Available at: <file:///Users/2012interactive/Downloads/UK9012181-Ashdown-Forest-SPA-V2019.pdf>



“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.”

Threats and Pressures

The following negative impacts have been highlighted on the data form in relation to the SPA¹⁷:

- air pollution, air-borne pollutants
- outdoor sports and leisure activities, recreational activities
- human induced changes in hydraulic conditions
- modification of cultivation practices.

3.2.3 Vulnerability of the Ashdown Forest SPA and SAC

Natural England’s Site Improvement Plan (SIP) for this site¹⁸, lists the following as current threats or pressures on the qualifying features supported by the site:

- change in land management (pressure); features affected: wet heathland with cross-leaved heath and European dry heaths;
- air pollution: impact of atmospheric nitrogen deposition (pressure); features affected: wet heathland with cross-leaved heath and European dry heaths;
- public access/disturbance (threat); features affected: European nightjar and Dartford warbler;
- hydrological changes (threat); features affected: wet heathland with cross-leaved heath.

4 SCREENING ASSESSMENT

The development proposals are not directly connected with or necessary to the management of the internationally designated sites.

4.1 Assessment of Likely Significant Effects

Only those potential impact pathways associated with the proposed development and with potential relevance to the European sites and their qualifying features have been scoped into the assessment.

Accordingly, the following threats/pressures on the qualifying features identified in the SIP, in addition to those relevant to the proposed development, have been scoped in:

- air pollution: impact of atmospheric nitrogen deposition – construction and operational phase

¹⁷ <https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9012181.pdf>

¹⁸ Natural England (2014) Site Improvement plan (SIP): Ashdown Forest; Improvement Programme for England’s Natura 2000 Sites (IPENS), Available online at: <file:///Users/2012interactive/Downloads/SIP141124FINALv0.1%20Ashdown%20Forest.pdf>



of the proposed development; and

- public access/disturbance – operational phase of the proposed development.

A number of the key threats/pressures listed within the SIP relate to designated site management issues and are not related to potential impact pathways from the proposed development.

The following potential impact pathways associated with the proposed development have been scoped out:

- dust emissions (construction);
- water pollution – wastewater and drainage (construction and operation);
- disturbance – lighting, vibration, noise, site personnel/residents (construction and operation);
- habitat loss – functionally linked land (construction and operation).

The rationale for scoping out the above impacts includes distance (the designated site is outside of the zone of influence relating to the impact), absence of recorded threat to the designated sites and absence of connectivity to the designated sites.

The potential impact mechanisms that have been scoped in and the assessment of likely significant effects are presented in Table 1 below. It is established case law that an effect is only ‘significant’ in this context if it undermines the conservation objectives.

Table 1. Assessment of likely significant effects: screening

Impact pathway	Assessment of likely significant effects	Significance of effects (alone and/or in combination)
Air pollution – nitrogen deposition	<p>An increase in traffic movements can increase nitrogen deposition. Air pollution can result in significant effects for those habitats and species that serve as qualifying features for the SAC/SPA and has the potential to undermine the sites’ conservation objectives by affecting the integrity of the sites and the favourable conservation status of their qualifying features. Indeed, nitrogen deposition is listed in the SIP as a pressure affecting wet heathland with cross-leaved heath and European dry heaths.</p> <p>To provide further context, the HRA of the Mid Sussex District Plan¹⁹ states, <i>“Natural England have confirmed [...] that nitrogen deposition from traffic is not preventing the SAC from achieving its conservation objectives, but rather the principal issue is lack of management [...]. For example, a review of the Natural England condition assessment on a unit by unit basis clearly indicates that historic (and in many cases current) inadequate management is the reason why only 20% of Ashdown Forest SAC is currently in a favourable condition. That is not to say that there is no objective to address nitrogen deposition at the SAC. The Shared Nitrogen Action Plan (SNAP) is the primary mechanism by which Natural England aim to reduce nitrogen deposition to the SAC. It is targeted at agriculture rather than traffic because</i></p>	No likely significant effects alone or in combination

¹⁹ AECOM (2023). Habitats Regulations Assessment of the Mid Sussex District Plan. Regulation 19. November 2023.



	<p><i>almost three times more nitrogen deposited at the SAC stems from agriculture (fertiliser and livestock) than traffic and agricultural emissions affect a much greater area of the SAC, whereas the effect of the roads is localised. The forecast ‘in combination’ nitrogen doses due to traffic growth [from the proposed Local Plan] will have a negligible effect on Natural England’s ability to restore good quality heathland through improved management and the implementation of the SNAP”.</i></p> <p>Roads under consideration:</p> <p>The Design Manual for Roads and Bridges (DMRB) (2019)²⁰ guidance relating to designated sites and the assessment of traffic and air pollution, advises that beyond 200m of a road the effects of emissions are reduced to background levels.</p> <p>It is reasonable to assume that vehicles associated with the construction phase of the proposed development of the site, in addition, to future residents will utilise the local road network.</p> <p>A proportion of residents visiting the designated sites/using the local road network are likely to travel along the A272 east beyond Haywards Heath to join the two major roads that pass adjacent to and through the designated sites (in addition to local minor roads), these are the A26 (passes to the east of the designated sites) and the A22 which passes through the west of the designated sites. There is also some potential for vehicles involved in the construction phase of the project to utilise these roads.</p> <p>The A26 is managed by Highways England and therefore has been scoped out of this assessment in accordance with JNCC guidance whereby “<i>trunk roads’ should be excluded from the scope of the assessment</i>” and “<i>the effects of development on traffic flows on trunk roads are more appropriately taken into account as part of national and regional strategic plan level HRAs</i>”, JNCC guidance (2021)²¹.</p> <p>Thresholds</p> <p>Recent JNCC guidance (2021) relating to decision-making thresholds for air pollution provides the AADT (Annual Average Daily Traffic) change which is required to trigger an exceedance of 1% of the critical levels and critical loads as a function of distance from the edge of a road. In relation to nitrogen deposition for short vegetation, an AADT increase of 717 is needed to trigger exceedance of 1% of critical loads (10 kg-N/ha/yr as a function of distance from the edge of a road (25m in this instance). The 1% threshold is taken from the Natural England guidance document on the assessment of traffic emissions as the threshold to be applied as part of an in-combination assessment.</p> <p>Assessment of likely significant effects²²</p>	
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²⁰ The Design Manual for Roads and Bridges (DMRB). Sustainability & Environment Appraisal: LA 105 Air quality. November 2019.

²¹ Chapman, C. & Kite, B. (2021). Guidance on Decision-Making Thresholds for Air Pollution. JNCC Report No.696 (Main Report), JNCC, Peterborough, ISSN 0963-8091.

²² As per the traffic and transport assessment relating to the project EclA, produced by Temple, “*the Parkland Reserve Site is not*



	<p>It is anticipated that the peak daily construction traffic will equate to 75 (two way) vehicles per day, 25 of which will be HGVs; this is well below the AADT trigger for exceedance of 1% of critical loads. Construction phase effects are therefore considered to be not significant.</p> <p>The mixed-use nature of the proposed development will enable future residents to meet their basic needs within the site, resulting in a high likelihood of regular internalised trips and a reduced impact on the wider highways network. Public Rights of Way are present within the site itself and in the surrounding area, including bridleways, footpaths and formal cycle routes. There is also an accessible bus network that in combination with other provisions would contribute to significantly reducing the need for future residents to use private vehicles on a day-to-day basis.</p> <p>Project modelling of the projected AADT changes indicates that the traffic link locations within the existing local road network, relevant to the designated sites (A272 access), will not exceed the AADT increase of 717 that is needed to trigger exceedance of 1% of critical loads during the operational phase. Only a proportion of the traffic to and from the site is anticipated to travel east towards Haywards Heath, of this, even fewer will travel on the road network beyond Haywards Heath. Furthermore, the assessment of recreational impacts below, has identified that the majority of visitors to the designated sites travel from within a 5km radius of the sites.</p> <p>The EclA project assessment (alone and cumulative impacts) concludes that projected AADT increases will not exceed the 1% of critical loads.</p> <p>In view of the mixed-use nature of the scheme design which will result in a significant proportion of future residents accessing open space, amenities and places of work without needing to use private vehicles, in addition to the projected AADT increases being unlikely to exceed the critical load threshold of 1%, no likely significant effects have been identified in relation to the proposed development and the sites' conservation objectives, alone or in combination with other plans and projects.</p>	
<p>Recreational pressure</p>	<p>The qualifying species and habitats of the SPA and SAC are sensitive to increased recreational pressure, as highlighted in the individual citations and SIPs.</p> <p>Excessive recreational pressure causes direct disturbance to birds that can lead to increased stress levels (flight initiation response) and reduced fitness/breeding success. Ground nesting species (nightjar) are particularly sensitive to dog walking and there is a risk of direct attacks by dogs on wildlife. Uncontrolled recreational pressure also leads to habitat degradation through damage to vegetation, soil compaction, eutrophication through dog waste deposition, litter accumulation, fly-tipping or other antisocial behaviours, and increased risk of fires, which can indirectly impact on species.</p>	<p>No likely significant effects alone or in combination</p>

anticipated to provide any additional notable vehicle movements during the construction and operation of the Parkland Reserve Site. Consequently, the effects of the Proposed Development (during both construction and operation) are considered to be representative of the Proposed Development and the Parkland Reserve Site".



	<p>Footprint Ecology²³ undertook a visitor survey of the Ashdown Forest in 2021. Data collected as part of that survey included travel information relating to visitors, which found:</p> <ul style="list-style-type: none"> • the majority of visitors questioned (505) travelled to the site using private vehicles; • visitors tended to be local residents with four settlements accounting for a high proportion of interviewee postcodes: Crowborough, East Grinstead, Forest Row and Nutley; • five local authorities (Wealden, Mid Sussex, Tunbridge Wells, Tandridge and Lewes) together accounted for 89% of the people interviewed; • the highest numbers of visitors interviewed lived within 5km of the designated sites' boundary; • the majority of interviewees travelled to the Ashdown Forest for day trips/short trips from home; dog walking was the most commonly cited reason, followed by walking without a dog; the highest visitor frequencies in terms of visiting the sites were daily followed by 1–3 times a week. <p>Mid-Sussex District Council identify the key zone for recreational impacts on the SAC/SPA as within a 7km radius, a radius which has been upheld as appropriate through recent visitor surveys and assessment within the Local Plan HRA (2023). The proposed development site falls outside of this radius.</p> <p>The proposed development has significant provision for recreational green space embedded within its design. This comprises green space within the mixed use/residential part of the site and the Parkland Reserve to the north-west of the built site which will provide an extensive area of land that is easily accessible to residents on foot; in addition, the project proposes to make a financial contribution to the relevant authority for proportionate upgrades to existing PRow surrounding the site.</p> <p>In view of the above, no likely significant effects (alone or in combination) have been identified in relation to recreational effects and the designated sites' objectives.</p>	
<p>Is the project likely to have a significant effect alone?</p>		
<p>No – none of the discussed impact pathways (air quality and recreation) are considered likely to be significant alone.</p>		
<p>Is the project likely to have a significant effect 'in combination'?</p>		
<p>No – in view of the predicted AADT of the project falling below the exceedance trigger of 1% of critical loads in relation to air pollution (taken from Natural England guidance on the assessment of traffic emissions as the threshold to be applied as part of an in-combination assessment), in addition to the impact of air pollution from</p>		

²³ Footprint Ecology (2021) Ashdown Forest Visitor Survey 2021.



traffic sources being relatively minor in relation to the conservation objectives of the SAC compared to other sources, in combination effects in this instance are not considered to be significant.

Recreational impacts on the designated sites as a result of increased residential pressures within the region are appropriately managed, as per Natural England’s guidance (underpinned by ongoing survey work), through the implementation of a 7km zone of influence/impact (i.e. pressures outside of the 7km radius are not considered to be significant in regards to undermining the conservation objectives of the designated sites). Therefore, the site being located outside of the 7km zone for recreational impacts (and the additional benefit of the mixed-use nature of the proposed development, which includes on-site amenities and significant green space) means that in combination effects are not considered to be significant.

Conclusion of the test of Likely Significant Effects	
Outcome of screening stage	No likely significant effects identified.
Is an Appropriate Assessment required	No – Stage 2 Appropriate Assessment is not required.
Are the appropriate statutory environmental bodies in agreement with this conclusion?	To be consulted.

Should you need any further advice on the information provided above, please do not hesitate to contact The Ecology Co-op.