

Executive Summary

E1 Introduction

- E1.1 This report presents the findings and recommendations of the Habitats Regulations Assessment (HRA) for the Mid Sussex District Plan. An HRA was prepared for previous drafts of the District Plan in order that any potential effects of the Plan on the integrity of the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA) were known at an early stage in the process. Further work has now been progressed since that stage to identify options for avoiding any adverse effects.
- E1.2 A considerable amount of work on the HRA of the Mid Sussex draft Core Strategy (the District Plan's predecessor) was carried out. Much of this work is still relevant and forms the background to this report. However the preparation of the District Plan provides the opportunity to review and update this work. A screening exercise has been carried out to identify more precisely which elements of the plan are likely to lead to significant effects, and then to determine whether there will be adverse effects on site integrity.

E2 Purpose and Requirement for Habitats Regulations Assessment

- E2.1 The application of Habitats Regulations Assessment to land use plans is a requirement of the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations), the UK's transposition of European Union Directive 92/43/EEC *on the conservation of natural habitats and of wild fauna and flora* (the Habitats Directive). HRA must be applied to all Local Development Documents in England and Wales and aims to assess the potential effects of the plan against the conservation objectives of any sites designated for their nature conservation importance as part of the Natura 2000 network of European sites.
- E2.2 Under regulation 102 of the Habitats Regulations, the assessment must determine whether or not a plan will adversely affect the integrity of the European site(s) concerned. Where negative effects are identified, the process should consider alternatives to the proposed actions and explore mitigation opportunities, whilst adhering to the precautionary principle. A glossary of technical terms used in this summary is given towards the end.

E3 Scope of the Assessment

- E3.1 The District Plan's forerunner, the draft Core Strategy, underwent an HRA screening and scoping exercise in 2007. This revealed five designated areas potentially at risk of effects from within Mid Sussex:
- ▶ Ashdown Forest Special Area of Conservation (SAC);

- ▶ Ashdown Forest Special Protection Area (SPA);
- ▶ Castle Hill SAC;
- ▶ Lewes Downs SAC; and
- ▶ Mole Gap to Reigate Escarpment SAC.

E3.2 Castle Hill, Lewes Downs and Mole Gap to Reigate Escarpment were screened out of the assessment, largely due to their distance from the district and the low likelihood of residents travelling along roads close to the sites. Natural England concurred with these findings in its screening opinion on the plan. The screening exercise found likely significant effects on Ashdown Forest SAC/SPA as a result of disturbance and atmospheric pollution.

E3.3 Having identified likely significant disturbance and pollution effects, further work was undertaken by the Council to establish what evidence would be required to undertake the HRA. As a result, three studies were commissioned to provide information necessary to undertake the assessment and guide the planning of the area:

- ▶ *Ashdown Forest Visitor Survey Data Analysis* (Natural England Commissioned Reports, Number 048: Clarke RT, Sharp J & Liley D 2010);
- ▶ *Visitor Access Patterns on the Ashdown Forest: Recreational use and nature conservation* (UE Associates and University of Brighton, 2009); and
- ▶ *Habitats Regulations Assessment for the Mid Sussex District Council Core Strategy: Mid Sussex Air Quality Baseline Study* (UE Associates, 2008).

E4 Assessment of Effects

Atmospheric pollution

E4.1 Atmospheric pollution is a widespread issue, with background air quality heavily influenced by large point-source emitters including transboundary sources. Local pollutant sources are expected to affect Ashdown Forest, particularly in relation to habitats of the SAC, and especially from road traffic emissions. The District Plan cannot feasibly influence causes of background pollution such as large point sources but, through its distribution of development and sustainable transport measures, will affect the way in which locally emitted pollutants reach the site.

E4.2 The habitats qualifying for protection within Ashdown Forest SAC, and which are sensitive to air pollution, are European dry heaths and North Atlantic wet heaths. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. The critical load or level (the level below which harm to habitats and species is not thought to occur) for each of these pollutant classes is already exceeded in parts of Ashdown Forest.

E4.3 Additional sources of these pollutants generated as a result of proposals in the District Plan should be avoided or mitigated to prevent additional adverse effects on ecological integrity, while it would be beneficial to explore opportunities to improve baseline conditions.

- E4.4 The Design Manual for Roads and Bridges (DMRB; Highways Agency, 2007) provides guidance on assessment of the impact that road projects may have on local air quality. Specific provision is made in relation to sites designated under the Habitats Directive. In this instance the assessment is in relation to existing, as opposed to new roads, however the guidance clarifies that *'where appropriate, the advice may be applied to existing roads'*. In accordance with this guidance, and with agreement from Natural England, the HRA examines whether there is a likely significant effect using the DMRB guidance. The criteria for defining such an effect include where:
- ▶ Daily traffic flows will change by 1,000 or more movements a day; or
 - ▶ Heavy Duty Vehicle flows will change by 200 or more movements a day.
- E4.5 Mid Sussex District Council commissioned Amey Transport Consultants to carry out the Mid Sussex Transport Study Stage 1 in order to assess and understand the transport impacts of its policies and proposals in the District Plan. The findings show that the maximum two-way AADT flow increase on A275 in 2021, will be 179 vehicles in the scenario without remedial transport interventions and 100 vehicles with transport interventions. Similarly the maximum two way AADT flow on A275 in 2031 will be 417 vehicles (without remedial transport interventions) and 358 (with transport interventions). The interventions are described in the Transport Study.
- E4.6 The District Plan contains measures to promote sustainable transport over the plan period, including measures relating to existing development, and additional actions to assess and manage air pollution. These are intended to improve the overall sustainability of the district and will also reduce the traffic emissions from proposed development, including along roads passing through or close to Ashdown Forest. The measures include:

Summary of District Plan measures relating to atmospheric pollution

DP19 Transport

Development will be required to support the objectives of the West Sussex Local Transport Plan, which are:

- a high quality transport network that promotes a competitive and prosperous economy;
- a resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;
- access to services, employment and housing; and
- a transport network that feels, and is, safer and healthier to use

To meet these objectives at a local level, development will only be permitted where:

- it is sustainably located to minimise the need for travel;
- it facilitates and promotes the increased use of alternative modes of transport to the private car, such as the provision of safe and convenient routes for walking, cycling and public transport;
- does not cause an unacceptable impact in terms of road safety and increased traffic congestion;
- is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of car parking space and size of garages; and

DP19 Transport (contd..)

- provides adequate car parking for the proposed development in accordance with parking standards as agreed by the Local Planning Authority.

Neighbourhood Plans can set local standards for car parking provision provided that it is justified by evidence.

Where practical developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Depending on the size of and the likely transport impact of development, a Transport Statement or Transport Assessment will be submitted alongside planning applications.

The District Council will continue to work with public transport providers to ensure that the level of service provided meets the needs of commuters and other travellers. This includes the frequency of services and quality of infrastructure such as stations and trains.

DP14 Ashdown Forest SPA

In order to prevent adverse effects on the Ashdown Forest SPA, the Council will work with partners to develop a strategic approach to protecting it from recreational pressures. New residential development will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effect. The following provisions will apply:

- 1) Within a 400 metres buffer zone around the Ashdown Forest mitigation measures are unlikely to be capable of protecting the integrity of the SPA and therefore residential development will not be permitted.
- 2) Within a 7 km buffer zone around the Ashdown Forest, residential development leading to a net increase in dwellings will be required to contribute to:
 - The provision of Suitable Alternative Natural Green Space (SANGs) to the level of 8ha per 1,000 net increase in population, or in the form of financial contributions to SANGs elsewhere; and
 - The Ashdown Forest Access Management and Monitoring Strategy.

- E4.7 Given that the traffic modelling results indicate that adverse effects are unlikely, no further measures are necessary. However, where opportunities exist, it would be good practice to promote the preparation of travel plans, car free developments, and lower parking standards where practical.

Disturbance

- E4.8 The bird species afforded protection by Ashdown Forest SPA are Dartford warbler and nightjar. The Forest supports approximately 2.1% and 1.1% of the UK's breeding population of these species, respectively; disturbance is expected to affect the SPA more than the SAC. Woodlark is also present in qualifying numbers but is not listed as a qualifying feature of the SPA. Many visitors to the Forest originate from the surrounding area, and increases in the number of homes around the Forest may compound the effects of disturbance from recreation of these birds of European importance.
- E4.9 The findings of a visitor survey in 2008 found that Ashdown Forest attracts upwards of 1.3 million visitors each year. It also found that 60% of people interviewed during the survey visited for the primary purpose of walking the dog, while a further 30% visited to go for a

walk. The potential effects of disturbance to ground and near-ground nesting breeding birds are described in the main HRA Report by reference to numerous studies in a range of locations. Summarising this literature review, potential impacts can be described as follows:

- ▶ Increased nest predation by natural predators when adults are flushed from the nest or deterred from returning to it by the presence of people or dogs;
- ▶ Chicks or eggs dying of exposure because adult birds are kept away from the nest;
- ▶ Accidental trampling of eggs by people, given that (nightjar and woodlark) nests are on the ground and may be close to paths;
- ▶ Predation of chicks or eggs by domestic dogs; and
- ▶ Increasing stress levels in adult birds in response to perceived predation risk.

E4.10 A statistical model of visiting rates of pedestrian and car visitors was developed, taking into account observed visitor rates from the 2008 field survey, the residential density of nearby areas, and car park size. The model can be used to predict the number of additional visitors to each access point, and therefore the whole Forest, arising from the proposed development of a specific number of dwellings in defined areas. The model provides a means to directly compare the consequences of development (in terms of increased SPA visitor numbers) at a potential development location. Accordingly, 100 new dwellings at Crowborough, in close proximity to parts of the SPA, is predicted to lead to 12.2 extra visitors per 16 hours, in contrast to 5.1 extra visitors for an equivalent number of dwellings at East Grinstead, further away from the Forest.

E4.11 Following consultations with Natural England, a 7km zone of influence around Ashdown Forest was established. This is the area within which the majority (83%) of regular visitors to the Forest originate, and therefore where measures targeted at reducing pressure on the Forest would be most effective. Suitable Alternative Natural Greenspaces (SANG) are an example of such a measure. SANGs are sites that cater for the recreational needs of communities in order to reduce the likelihood of increasing visitor pressure and disturbance on important nature conservation areas, and should be supported by access management measures within Ashdown Forest itself. Natural England has stated that 8ha of SANG should be provided for every 1,000 increase in population (or part thereof) within this zone, in line with the Thames Basin Heaths approach to avoiding adverse effects on the site.

E4.12 SANGs are characterised by a number of factors, as defined by Natural England:

- ▶ For SANGs larger than 4ha there must be adequate parking for visitors, unless the site is intended for local use, i.e. within easy walking distance (400m) of the developments linked to it. The amount of car parking space should be determined by the anticipated use of the site and reflect the visitor catchment of both the SANG and the SPA.
 - ▶ It should be possible to complete a circular walk of 2.3-2.5km around the SANG.
 - ▶ Car parks must be easily and safely accessible by car and should be clearly sign posted.
 - ▶ The accessibility of the site must include access points appropriate for the particular visitor use the SANG is intended to cater for.
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- ▶ The SANG must have a safe route of access on foot from the nearest car park and/or footpath/s.
- ▶ All SANGs with car parks must have a circular walk which starts and finishes at the car park.
- ▶ SANGs must be designed so that they are perceived to be safe by users; they must not have tree and scrub cover along parts of the walking routes.
- ▶ Paths must be easily used and well maintained but most should remain unsurfaced to avoid the site becoming too urban in feel.
- ▶ SANGs must be perceived as semi-natural spaces with little intrusion of artificial structures, except in the immediate vicinity of car parks. Visually-sensitive way-markers and some benches are acceptable.
- ▶ All SANGs larger than 12ha must aim to provide a variety of habitats for users to experience. Access within the SANG must be largely unrestricted with plenty of space provided where it is possible for dogs to exercise freely and safely off lead.
- ▶ SANGs must be free from unpleasant intrusions (e.g. sewage treatment works smells).
- ▶ SANGs should be clearly sign-posted or advertised in some way.
- ▶ SANGs should have leaflets and/or websites advertising their location to potential users. It would be desirable for leaflets to be distributed to new homes in the area and be made available at entrance points and car parks.
- ▶ It would be desirable for an owner to be able to take dogs from the car park to the SANG safely off the lead.
- ▶ Where possible it is desirable to choose sites with a gently undulating topography for SANG.
- ▶ It is desirable for access points to have signage outlining the layout of the SANG and the routes available to visitors.
- ▶ It is desirable that SANGs provide a naturalistic space with areas of open (non-wooded) countryside and areas of dense and scattered trees and shrubs. The provision of open water on part, but not the majority of sites is desirable.
- ▶ Where possible it is desirable to have a focal point such as a view point or monument within the SANG.

- E4.13 The Mid Sussex District Plan sets out the housing requirement of 10,600 homes to be built between 2011 and 2031. This requirement will be delivered through strategic development at Burgess Hill (outside of the 7km zone of influence), Neighbourhood Plans and existing commitments (new homes already 'committed' on sites that are allocated either in the Mid Sussex District Plan or the Small Scale Housing Allocations Document, or have been granted planning permission but not yet implemented). The majority of towns and parishes in the District are committed to preparing their own Neighbourhood Plan. It is estimated from Neighbourhood Plans and the Council's housing land supply information that a range of between 200 and 500 homes could be delivered within the 7km zone around the Ashdown Forest over the plan period.
- E4.14 Within Mid Sussex, the options for creating SANG could include existing open space of SANG quality currently without public access, open space which is already accessible but which could be improved to perform better as SANG, or land in other uses which could be converted to SANG. In order to facilitate the delivery of SANG, developer contributions will need to be collected within the 7km zone of influence. The most likely vehicle for this is the Community Infrastructure Levy (CIL). The sum of contributions for SANG within Mid Sussex will firstly be determined by the preferred option for delivering SANG. The evidence base for establishing and justifying the sum needs to be robust and informed by (i) estimations of the likely increase in population within the zone of influence, (ii) a detailed and costed programme of works to establish the SANG, and (iii) costs for long term management and maintenance of the site as SANG.
- E4.15 The District Plan contains measures to establish an avoidance and mitigation strategy to prevent adverse effects on the Ashdown Forest SPA through the provision of Suitable Alternative Natural Greenspace (SANG) sites and onsite management measures on the Forest itself. The Council is also carrying out work on its Community Infrastructure Levy Charging Schedule and Infrastructure Delivery Plan to bring these measures forward.
- E4.16 The deliverability and viability of providing SANGs within Mid Sussex, and the best means of funding them have also been explored. The Council is considering a number of options and is in negotiations with landowners to deliver a suitable SANG site.
- E4.17 The Council will need to decide which of these options best suits the District's needs and is likely to be most deliverable. Additional or alternative sites may come through Neighbourhood Plans but it is clear that, within the 7km zone, land is available to help offset the effects of new housing development within 7km zone.
- E4.18 Furthermore, an access management strategy and associated programme of works is currently being progressed for Ashdown Forest in association with the Conservators of Ashdown Forest, Natural England, Mid Sussex, Wealden and Lewes District Councils and Tunbridge Wells Borough Council. The strategy includes a programme of monitoring to check the effectiveness of measures.
- E4.19 The policy measures included within the plan are detailed overleaf:

Summary of District Plan measures relating to disturbance

DP14 Ashdown Forest SPA

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 - The Ashdown Forest Access Management and Monitoring Strategy.

E5 Conclusions

- E5.1 The HRA Report establishes the nature and severity of effects on the ecological integrity of Ashdown Forest and assesses the avoidance and mitigation measures put forward within the District Plan. It has informed the development of the District Plan, drawing on the information that is currently available, and provides recommendations for additional monitoring measures to help ensure that adverse effects on the European sites can be avoided.
- E5.2 In conclusion, in relation to the SAC, modelling of the traffic impacts of the District Plan has shown that predicted traffic increases are not sufficiently large to adversely affect the designated heathland habitats.
- E5.3 In relation to the SPA, the HRA concludes that measures to avoid or mitigate the adverse effects of increasing recreational pressure are capable of being delivered, and thus no adverse effects on integrity are expected. The Council is in negotiations with landowners regarding a number of options for SANG sites. These are of sufficient size to accommodate the additional recreational pressure expected to result from the likely number of homes to be developed within the 7km zone of influence. Furthermore, the District Plan commits to the development of an Access Management and Monitoring Strategy for delivery within Ashdown Forest.

E6 Consultation

- E6.1 The Proposed Submission District Plan, along with the HRA report will be made available for public consultation for a period of six weeks. All comments made on these reports will be submitted directly to the Secretary of State alongside the Submission Documents. If you wish to comment on the documents, your comments should be sent to:

Email:

LDFconsultation@midsussex.gov.uk

Online:

www.midsussex.gov.uk/districtplan

By post:

Planning Policy and Economic Development
Mid Sussex District Council
Oaklands Road
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Glossary of terms

Acid deposition: Caused by oxides of nitrogen (NO_x) (or sulphur dioxide) reacting with rain/cloudwater to form nitric (or sulphuric) acid, and is caused primarily by energy generation, as well as road traffic and industrial combustion.

Avoidance and mitigation measures: Avoidance measures which aim to avoid the occurrence of adverse effects on protected sites. Mitigation measures aim to reduce the severity of adverse effects and/or manage adverse effects in a way that lessens their impact.

Background air quality: A baseline measure of air quality conditions, within which existing local pollutant sources and transboundary sources are already represented.

Integrity: Ecological integrity can be defined as (ODPM, 2005): *“The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified.”*

Local pollutant sources: Locally sources of pollution emissions, for example linear sources such as roads or point sources such as chimneys, but which directly affect local air quality.

Modal split: The percentage share of total journeys made that each mode of transport experiences. Modes include car, taxi, bus, train, cycling and walking. Sustainable transport policies aim to encourage modal shift whereby more sustainable forms of transport become more popular, and less sustainable modes become less popular.

Nitrogen deposition: Consists of the input of nitrogen from NO_x (and sometimes ammonia) emissions by deposition, and is caused primarily by road traffic, as well as energy generation, industrial combustion and agricultural practices. Nitrogen deposition leads to nutrient enrichment (eutrophication) and toxic damage to vegetation.

Point source emitters: Can be either large or small sources of pollution from a fixed point such as a chimney, as opposed to linear sources such as a road. Emissions from large point sources, such as a power station, can travel long distances and affect background air quality over wide areas, and can include transboundary effects (i.e. crossing intra- or international administrative boundaries).

Precautionary Principle: The European Commission (2000a) describes the principle as: *“If a preliminary scientific evaluation shows that there are reasonable grounds for concern that a particular activity might lead to damaging effects on the environment... decision-makers then have to determine ... the potential consequences of taking no action, the uncertainties inherent in the scientific evaluation, and ... possible ways of managing the risk.”* (See also section 1.2 of the main report.)

Process contribution: The contribution of a proposed process to air pollution. A process may be an industrial or combustive process, or a proposal which effects a change in traffic flow for example.

SAC: Special Areas of Conservation are strictly protected sites designated under European Union Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive). SACs make a significant contribution to conserving the 189 habitat types and 788 species identified in Annexes I and II of the Directive (as amended). The listed habitat types and species are those considered to be most in need of conservation at a European level (excluding birds).

SPA: Special Protection Areas are strictly protected sites classified in accordance with Article 4 of European Union Directive 2009/147/EC on the conservation of wild birds (the Birds Directive). They are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species.