

# Evaluation of Council's AP16 Response [MSDC13]



Infrastructure First

15 October 2021

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## 1. Summary and Conclusions

The Council submitted a Site Allocations DPD to address the shortfall of homes under the District Plan to help Crawley Borough Council deliver 1,500 homes from its unmet need, post 2024/25. Throughout the DPD consultation process, the Council has been challenged on whether the proposed allocations within the 7km Zone of Influence (ZoI) around the Ashdown Forest SPA/SAC comply with the Habitats Regulations.

In response to the regulation 18 consultation, the Council promised a topic paper providing evidence to support its mitigation package. The topic paper was not forthcoming during the regulation 19 consultation or even by the time of the examination hearings (see our matter statement referenced M4-2383 for details).

During the hearing session dealing with SANG mitigation, the Council was unable to present any evidence to support the claim that it could rule out any adverse impact on the Ashdown Forest due to recreational disturbance. Neither could it adequately explain how it was following a precautionary approach as required by the legislation.

The post-hearing actions for the Council included an action concerning its proposed mitigation strategy. This was posted on the Council's DPD Examination website on 13<sup>th</sup> July 2021:

**“AP16 – Matter 4.5 Provision of SANG – A note from the Council, to explain why the Council's approach to SANGs is effective, e.g. in relation to taking pressure off Ashdown Forest SAC, and why this is a settled issue.”**

In response, the Council published a paper on 8<sup>th</sup> September (effectively the long awaited topic paper) referencing a number other documents, which together, amounted to nearly 900 pages.

These other documents were generally concerned with visitor surveys that other planning authorities carried out in relation to their own Habitat Regulation Assessment (HRA); and these have mostly been introduced to the Examination for the first time.

This means that the DPD consultation responders who thought they had reviewed and responded to the Council's evidence during the formal consultation process have effectively been excluded from responding to this new information.

The documents listed in the Reference section of the Council's response paper are mostly unrelated to the Ashdown Forest and do not directly address the subject of the Council's SANG approach. Certainly none of them help the Council in demonstrating the effectiveness of their SANG, in diverting pressure away from the SPA/SAC.

We have reviewed these documents in some detail and include a short summary of our findings in [Appendix A](#).

Overall, the Council's response to AP16 does not provide any material evidence to show that:

- *its SANG/SAMM strategy has been properly implemented, or that*
- *the measures implemented are effective in mitigating harmful impacts on the Ashdown Forest*

The Council focuses only on how its SANG approach could be effective in principle and makes little or no attempt to demonstrate its effectiveness in practice.

Of course, the Council was never in a position to demonstrate its SANG effectiveness due to its failure to carry out any proper monitoring. Without proper monitoring it is impossible to know whether recreational disturbance on the Ashdown Forest is reducing or increasing or whether protected bird populations are thriving or failing.

Effective management of such a complex matter requires a regular monitoring and reporting framework implemented in a conscientious manner. The Council acknowledge as much in its section on Monitoring. Nevertheless it is clear that no such framework exists.

With no evidence to support its mitigation, the Council assumes that the further sites within the 7km ZoI can be effectively mitigated by simply extending the current process.

The Council has already delivered 2,115 homes within the 7km ZoI since it first became aware of the potential risk to the Ashdown Forest SPA/SAC in 2008 ... with a further 1,395 homes committed but not yet built ([see Appendix B](#)).

The Council has not adequately explained why its SANG approach is effective for the dwellings already delivered/committed. Therefore, the additional 975 dwellings that the Council is now proposing within the 7km ZoI are not shown to be deliverable. This makes it unsafe for them to be allocated in the Plan.

## 2. Requested Modifications to the Plan

The review of the District Plan is already underway and the Council says that it will be adopted in early 2023 (*see Appendix C*).

During the latter stages of the public examination, Paul Brown QC, acting for the Council, announced that it was building houses well ahead of the housing trajectory set out in the District Plan and having just received the latest housing completions, told the Examination that the number of surplus homes allocated in the DPD had gone up substantially.

*"The residual requirement in the district plan has now been significantly reduced by a greater amount and that means that the over-supply which is planned for in the site allocations DPD has gone up. We are no longer at an over-supply of 484 units; on our calculations the over-supply would now be 973."*

Mr. Brown went on to strongly suggest that the Council does not need an over-supply at all, meaning that the DPD housing requirement could legitimately be reduced.

*"A number of third parties were suggesting that the buffer needs to be 10% ... that would be a buffer then of 1,100 units; at 973, we're obviously not quite at 1,100 but we're getting pretty close to it, we're certainly a great deal closer than we were at 484 .. and the Council's position throughout, has been that you don't need to go to that 10% buffer because we have already applied considerable caution in the expectations we place on committed sites, recognising that of the smaller, non-strategic sites 40% of those won't come forward. Those have already been discounted from the buffer that's there and we've have outlined our position in relation to trajectories ... so we've always said that we don't actually accept that you need to have a buffer; it's obviously a helpful thing to have but we don't need to have it."*

There is certainly a case to be made for removing those allocations within 7km of the Ashdown Forest from the DPD. This would avoid the immediate need for SPA mitigation entirely.

Lord Lytton told the Examination that the Crabbet Park site, on the border with Crawley, could be developed in phases up to its potential yield of 2,500 new homes. Crabbet Park is some 10km from Ashdown Forest and well outside the ZoI, which would avoid the risk to the SPA altogether.

Since sites within 7km of the Ashdown Forest SPA require SANG mitigation and since the Council is unable to demonstrate that its SANG mitigation is effective in taking pressure away from the SPA, we ask that:

- a. The proposed sites within the 7km ZoI are removed from the DPD; since their inclusion could potentially be subject to legal challenge for failure to comply with the provisions set out in the Habitats Regulations.
- b. The Council is required to fast-track a full sustainability assessment of the site at Crabbet Park (since it was dismissed without evaluation during the site selection process, on the basis it had the potential to deliver more homes than required by the DPD). The surplus capacity is likely to be absorbed by additional housing requirements following the District Plan review.
- c. The Council put into place an effective monitoring and reporting Programme to evaluate the effectiveness of its SANG/SAMM policy and make any necessary changes to the mitigation measures in order to guard against any increase in visitor disturbance on the Ashdown Forest.

### 3. Review of the Council's AP16 Response

Below we review the Council's response with regard to the relevance of statements made and in particular highlighting statements that are either misleading or plainly wrong:

#### 3.1 Section 1 - Key Points

- *"A Habitats Regulations Assessment (HRA) has been undertaken for the Site Allocations DPD [HRA1] and concludes that adverse effects on the integrity of the Ashdown Forest SPA and SAC can be ruled out."*

The HRA concludes that in principle, if effective monitoring is carried out, then the adverse effects might be mitigated and if so they can be screened out. There is no monitoring evidence to show that the policy has been carried out and that it has been effective at mitigating the adverse effects.

- *"District Plan Policy DP17 is the adopted policy for the Ashdown Forest SPA and the Inspector for the District Plan found this policy to be sound."*

The policy was found to be sound for the 876 dpa prior to the uplift due in 2024 being added during the District Plan Examination. The wording of DP17 requires the Council to monitor the effectiveness of the Policy ...

*"The District Council will monitor the effectiveness of this policy for the impacts on the Ashdown Forest SPA and SAC and review/amend the approach, including any mitigation requirements, set out in this policy as necessary."*

For some reason the Council is not properly implementing the provisions of its own adopted policy.

- *"Natural England, the statutory nature conservation body, supports the Council's approach to the Ashdown Forest SPA and the conclusions of the HRA for the Site Allocations DPD [DC19 and Representation ID number 710]."*

On page 83, the HRA stresses the importance of monitoring in its concluding sentence in section 5.41 ... *"Monitoring is therefore an important component of the mitigation delivery and will help ensure its effectiveness."*

There is nothing to suggest that Natural England were made aware of the Council's failure to monitor effectiveness. If they were, they may well have not given their support.

- *"The SANG and SAMM mitigation approach is well-established and has been tested numerous times nationwide through both local plan examinations and planning appeals."*

A similar mitigation approach is certainly employed in other areas and it may well be that any success of the measures in those areas could be repeated in Mid Sussex. However, the Council's implementation of the strategy has not been tested for Ashdown Forest and as such, is not complete and the outcomes are therefore unknown.

There is still no published timetable for the implementation of the strategic SAMM, which is essential to the successful operation of the integrated mitigation approach.

- *"The SANG and SAMM mitigation approach is the strategic solution for the Ashdown Forest SPA and is a partnership approach with five other local authorities, Natural England, the Conservators of Ashdown Forest and other parties."*

It is accepted that this is the Council's strategic solution but the full SAMM strategy has yet to be implemented and what mitigation measures are in place have not been shown to be effective.

- *"A co-ordinated and strategic approach is necessary to provide the most certainty for protecting the Ashdown Forest SPA and SAC. A co-ordinated and strategic approach allows mitigation to be funded collectively also providing reassurance and certainty that measures can be delivered."*

It is accepted that a co-ordinated and strategic approach is required, but the Council seem to be focusing on the funding for the measures to ensure they can be delivered. This is all well and good but what about the strategic monitoring strategy? ... very few of the key components of the monitoring strategy are referred to in the Council's response and there is no evidence of any plan for their implementation.

- *"The HRA for the Site Allocations DPD [HRA1] confirms the principle of the approach to Ashdown Forest and concludes that the strategic cross-boundary solution supported by Natural England [Representation ID number 710] and as set out in District Plan Policy DP17 remains appropriate and the mitigation continues to be suitable for the proposed site allocations. This mitigation includes a strategic SANG as part of Policy SA20."*

It is accepted that the principle of such an approach for Ashdown Forest has been established. But part of this approach is the requirement to monitor the implementation to see if it proves effective.

Whilst the principle is established both the district plan policy and HRA depend on monitoring evidence to demonstrate that the approach works in practice.

- *"Proposed site allocation SA20 will deliver a new strategic SANG. It is considered there is sufficient information available at this stage of the Site Allocations DPD process to provide assurance that the SANG can be implemented and managed and maintained in perpetuity."*

There may be sufficient information available in terms of being able to implement and manage the proposed SANG. But it is also necessary for the competent authority to have sufficient information to ensure that the SANG will be effective in taking pressure away from the Ashdown Forest.

This might have been achieved by monitoring numbers/patterns of people currently using the open public space at SA20 for recreation; or by monitoring the effectiveness of the existing SANG at Ashplats Wood. There is no evidence that the Council has done either.

- *"A programme of monitoring will allow adjustments to be made to the overall mitigation strategy if necessary to ensure its continued effectiveness."*

This presupposes that the overall strategy has already been shown to be effective



but this is clearly not the case. The precautionary principle demands that mitigation should be reviewed, and shown to be effective, before allowing more development within the ZoI; not afterwards.

The Council's position has always been to approve development first and worry about whether the mitigation works later. Yet the precautionary principle works on the basis of it is 'better to be safe than sorry'.

- *"As HRA is an iterative process, further checks can be made at the next stage of the Site Allocations DPD where additional information is available."*

If these further checks show that the mitigation strategy hasn't been effective when further information becomes available the Council may not be able to deliver sites within the 7km ZoI.

The planning system requires that sites allocated through DPDs must be deliverable.

## 3.2 Section 2 – Background

### MSDC13 Paragraph 2.5

*"In order to understand the pattern and origin of visitors to Ashdown Forest visitor surveys have been conducted in 2008 and 2016 and this information will be updated through monitoring and surveys in the future. The SPA Monitoring Strategy identifies that a visitor survey will be undertaken every five years meaning that a survey is likely to take place this year."*

The SPA Monitoring Strategy reporting measures extend much further than quinquennial visitor surveys undertaken at the Ashdown Forest. In addition, it specifies a number of other monitoring requirements including:

- *Visitor and car parking counts every year at the SPA between April and July*
- *Bird number and distribution surveys every 3 years*
- *Regular visitor surveys at SANG sites*

On page 2 of the Footprint Ecology 2018 Ashdown Forest Monitoring Strategy, the key components are described as:

Key components	Description and output
Visitor interviews	Visitor survey involving face-face interviews, repeated every 5 years.
Counts of people: automated counters	A network of 10 counters installed to collect detailed data on footfall at locations across the Forest.
Counts of people: car-park counts	Driving transects, counting all parked vehicles across Ashdown Forest are established. A single transect would encompass all parking locations and 15 transects should be undertaken each year, April -July.
Bird numbers and distribution	Nightjar and Dartford Warbler surveyed across Ashdown Forest. Surveys undertaken every 3 years.
Mitigation delivery	Details of all mitigation work collected so that it can be related to other datasets and information recorded relating to what has been undertaken, where and when.
Housing	Record of all housing for which mitigation has been delivered. Data on new housing collated across relevant local authorities into a single database. Data to be collated in a standard way to reflect the time that buildings were completed or occupied in addition to when planning permission was granted.
Effectiveness of mitigation: visitor surveys on SANGs	Visitor surveys on SANGs to collect information about types of visitor, use of SANG, activities, use of SPA etc. Surveys repeated to check SANGs are working effectively and to monitor effects of changes (such as landscaping, planting, provision of infrastructure). Time limited to 10 years.
Effectiveness of mitigation: effectiveness of dog rangers	Vantage point watches to record visitor behaviour in areas targeted by volunteer dog rangers. Monitoring would commence prior to the rangers being in place and run for a fixed number of years to compare visitor behaviour before and after the rangers are deployed and to compare visitor behaviour when a ranger is present to when a ranger is absent. Time limited to initial few years, e.g. at least 3 years.

There is no evidence that the monitoring required by this strategy has been implemented.

It is not clear whether the next Ashdown Forest visitor survey will be undertaken late in the year as the Council consider likely.

To be of any statistical value the visitor survey would need to be undertaken at the same time of year as the 2016 baseline survey - spring/early summer. A visitor survey carried out this late in the year would be of limited value in trying to determine whether visitor pressure is increasing or reducing and similarly of limited value when assessing the effectiveness of the SANG.

### MSDC13 Paragraph 2.9

*"Applying the precautionary principle, a partnership of Lewes, Mid Sussex, Sevenoaks, Tandridge, Tunbridge Wells and Wealden Councils, with support from Natural England, have agreed that there is a likely significant effect 'in combination' from recreational impacts on the Ashdown Forest SPA from housing and potentially other relevant development within certain locations within their borough/ district. It is also agreed that mitigation will be required to prevent an adverse impact upon the integrity of the Ashdown Forest SPA"*

Paragraph 2.8 of the HRA makes it clear that that the precautionary principle applies to more than the just the screening process ...

*"The precautionary principle should be applied at all stages in the HRA process and follows the principles established in case law relating to the use of such a principle in applying the European Directives and domestic Habitats Regulations"*

The Council says that it is applying the precautionary principle ... yet it has allowed considerable levels of housing within the 7km ZoI since it first became aware of the problem of recreational disturbance in 2008 (as a result of the first Ashdown Forest visitor study) see Appendix B.

Prior to 2014, the Council had no mitigation whatsoever, yet allowed 708 new homes within the ZoI between 2008 and 2014.

Since 2015, when the it implemented its East Court and Ashplats Wood SANG and a year after it introduced its behavioural code for dog walkers under its interim SAMM, the Council allowed a further 1,121 homes, without attempting to properly establish whether these measures had any effect on recreational disturbance.

In addition, the Council's land supply monitoring shows that an additional 1,395 homes are committed within the ZoI.

With no monitoring evidence to show that current mitigation is working and bearing in mind the interim SAMM is operating well beyond its 2016 'sell by date', the Council is now proposing a further 975 homes in the ZoI as part of its the site allocations DPD.

The Council has 'driven a coach and horses' through its application of the precautionary principle!

#### MSDC13 Paragraph 2.13

*"In order for the SANGs to provide effective mitigation...It should also seek to provide a similar experience to that of Ashdown Forest and in designing the SANG enhancement works, it is necessary to consider the characteristics and features that draw people to Ashdown Forest."*

It is not clear how this has been achieved with the SANG proposed for SA20 since the characteristics of this relatively flat open field are on the face of it very unlike Ashdown Forest.

The Council has made no attempt to discover what characteristics of the Ashplats SANG, if any, have proved successful in drawing visitors away from the Ashdown Forest. Nor has there been any attempt to assess the effectiveness of the enhancements they have implemented at the SANG site.

### MSDC13 Paragraph 2.16

*"The second part of mitigation is to provide a contribution towards a SAMP strategy. This aims to manage visitors on-site at Ashdown Forest. The District Council agreed a Joint SAMP Strategy on the 15th January 2018 and it came into effect on the 1st April 2020 ... The SAMP Partnership for Ashdown Forest is actively working to deliver access management projects to address issues arising from visitor pressure and undertake monitoring at both Ashdown Forest and the four operational SANG sites."*

The Council agreed an interim SAMP strategy in August 2014, which was scheduled to be operational for around a year and support 200 dwellings (see Appendix D). The interim SAMP comprised a mechanism to collect developer contributions (not in itself mitigating disturbance) and a code of conduct for dog walkers. Surprisingly, the interim SAMP was devoid of any access management or monitoring!

The Council has not presented any information on the effect of its interim SAMP strategy.

The Council says that the joint SAMP strategy came in effect in 2020 but doesn't say when any of its measures are likely to come into effect. The closing date for the SAMP Project Officer vacancy<sup>1</sup> was May 2021. We do not know whether the post has been filled or whether there is a timetable for any of the strategic SAMP measures to be implemented.

The Council acknowledges that it is ... *"actively working to deliver access management projects"* which gives a clear indication that the SAMP measures are still on the drawing board.

The DPD is proposing to allocate a further 975 homes which pose a potential risk to the Ashdown Forest without first implementing SPA access measures, let alone waiting to see whether they are effective. This is yet another example of the Council putting the 'cart before the horse' and certainly not consistent with a precautionary approach.

## 3.3 Section 3 - District Plan Policy

### MSDC13 Paragraph 3.1

*"Adopted District Plan Policy DP17 sets out an avoidance and mitigation strategy for reducing the impact of recreational disturbance on Ashdown Forest (Figure 3). The Site Allocations DPD is a daughter document of the District Plan which remains 'up to date' and this policy is not subject to review."*

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<sup>1</sup> <https://www.wealden.gov.uk/job-vacancies/strategic-access-management-monitoring-project-officer/>

This paragraph describes the local plan policy DP17 but omits the section on monitoring the policy's effectiveness:

*"...The District Council will monitor the effectiveness of this policy for the impacts on the Ashdown Forest SPA and SAC and review/ amend the approach, including any mitigation requirements, set out in this policy as necessary."*

There is no evidence that this has been done.

### MSDC13 Paragraph 3.2

*"The Inspector's Report for the District Plan [DPD8] concluded on DP17 and the accompanying District Plan HRA as follows:*

#### **Paragraph 58**

*Policy DP[17]: Ashdown Forest contains an approach in respect of the SPA which includes ... a 7km zone of influence in which Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) are required for residential development. This is based on the recommendation of the HRA (October 2015), has been agreed by Natural England and is an established and widespread method of avoiding habitat disturbance through increased numbers of visitors and domestic pets. With this policy in place the spatial strategy and the overall housing requirement, as modified by MM04, can be implemented without harm to the SPA."*

There is a presumption that the SANG/SAMM strategy has been implemented effectively, and in full. This would require that the SAMM strategy is actually implemented and the monitoring and evaluation of the Ashdown Forest SANG has been undertaken. Both are outstanding.

Inspector Bore's Report made particular reference to the Ashdown Forest in relation to the stepped trajectory, which was not tested as part of the District Plan examination.

This was because the HRA was undertaken in 2015 and although later modified, did not take account of the additional requirements of the stepped trajectory.

Inspector Bore's Examination Report from March 2018 shows that he had not taken account of the housing requirement in the current site allocations DPD ...

*"64. Policy DP5 as modified by MM04 provides a pragmatic solution to the problem. It recognises the full housing requirement; provides for the delivery of the OAN of 876 dpa for the first 10 years, thus meeting the identified housing need during that period; and it contains mechanisms to ensure that the higher figure of 1,090 dpa for the last 7 years of the plan from 2024/5 onwards, to meet the identified part of Crawley's unmet need, will be delivered subject to there being no further harm to the integrity of European Habitat Sites in Ashdown*

*Forest. This will require a further HRA. In the supporting text to Policy DP5 the Council reasonably anticipates that the uplift to 1,090 dpa will be possible without causing further harm to the integrity of the SAC, but the level of future growth will depend on the identification of further allocations that do not cause such harm.”*

This clearly shows that there were unresolved questions about where the additional homes to meet Crawley’s unmet need might go, with particular concern about their potential adverse effect on Ashdown Forest - risks that were not screened out during the District Plan Examination.

### 3.4 Section 4 - Principle of SANG and SAMM Mitigation

#### MSDC13 Paragraph 4.3

*“It is the combination of both SANG and SAMM, incorporating monitoring, that is important to avoid and mitigate for any recreational pressure impacts. This integrated approach provides the certainty that an adverse effect on site integrity from new residential development can be ruled out [HRA1, paragraph 5.18]. A range of approaches will ensure different user groups and types of activities are included and will help to reinforce messages about why it is necessary to protect the European designated site (Lake et al., 2020). The SANG and SAMM mitigation approach is also developed after analysis of data and other available information [HRA5]. This also provides assurances that a SANG and SAMM mitigation approach will be robust”*

There is currently no integrated SANG/SAMM approach as the SAMM access measures are yet to be implemented. Neither have the key components of the monitoring strategy been implemented.

The Council rightly acknowledges that both are required in order to ensure a robust mitigation approach.

Another key component of an effective SANG/SAMM approach is public awareness of the programmes and how to engage with them. Very few of our subscribers are aware of the Ashplatts SANG unless they live nearby, and of those that visit the Ashdown Forest, not many are aware of its designation as a SPA or the risk to ground nesting birds from dogs off the lead.

Information can be found on the Council’s website but it is not clear what actions the Council have taken to inform residents generally. The Council may publish regular awareness updates in its magazine, Mid Sussex Matters, but we cannot recall seeing anything.

#### MSDC13 Paragraph 4.4

*"A SANG and SAMM mitigation approach is not unique to either Mid Sussex District Council or the Ashdown Forest SPA, nor is a strategic partnership approach uncommon. It has been explained above that SANG and SAMM mitigation is the strategic solution for the Ashdown Forest SPA for six local authorities. Many other local authorities around the country are also successfully applying a SANG and SAMM mitigation approach to the European site of nature conservation importance in their areas, however, measures are tailored to local circumstances. Some of these other European sites of nature conservation importance will be heathland sites like the Ashdown Forest SPA whilst others are completely different habitats such as coastal areas and woodland. This demonstrates that a SANG and SAMM mitigation approach is transferable across different habitats, species and local geographies (Figure 4). The similar SANG and SAMM mitigation approach for the Ashdown Forest SPA can benefit from best practice elsewhere whilst tailoring the projects to the characteristics of recreational pressure on the Ashdown Forest SPA using a robust evidence base that includes a programme of monitoring."*

*"Figure 4 - Examples of other European sites applying a SANG and SAMM mitigation approach. Source: Adapted from Liley (2020)"*

It is not clear whether 'Yes' in the 'Monitoring' column means that the SANG/SAMM has been shown to be effective in these other areas ... although none of the supporting documents in the Reference section show that they have been.

No details are provided on the source of the information that has been "adapted" or on what basis this "adaption" has been made. Therefore it is not possible to verify either the extent of the monitoring deployed or its effectiveness in protecting the respective SPAs.

### 3.5 Section 5 - Monitoring

This is an important section in the Council's response as only through monitoring and measurement can the Council have any way of demonstrating that the mitigation is effective and that its obligations under the Habitats Regulations are being met.

Yet the Council focuses primarily on the general principles and importance of monitoring, both of which can be readily accepted.

Whilst it is encouraging that the 2018 Thames Basin Heath study showed early signs of SANG effectiveness it doesn't follow that they will be replicated for the Ashdown Forest. The scattered nature of the Thames Valley Basin SPA interspersed with many SANG sites is very different in nature to the concentrated area of the Ashdown Forest SPA.

Without any reference to its own monitoring experience regarding the Ashdown Forest and Ashplats SANG, it is difficult to see how this section helps the Council address the issue of its own SANG effectiveness.

### 3.6 Section 6 - Is the Mid Sussex provision effective?

This is the key question ... but without any SPA access management and in the absence of strategic monitoring components, the Council can only resort to observation and anecdotal evidence.

This shows that the Council cannot legitimately answer the question.

#### MSDC13 Paragraph 6.1

*"Mid Sussex's existing SANG provision is at East Court & Ashplats Wood which is located to the east of East Grinstead and comprises a total 41Ha, of which 25Ha is woodland (Ashplats Wood itself), the remaining area of East Court is an area of amenity open space, including sports pitches. The site is bounded by housing to the south, west and north, but there are open fields and woodland to the east, with connections to the wider public rights of way network. Observation suggests the site is well used, and use has increased with investment from SANG developer contributions."*

"Observation suggests" is no substitute for proper monitoring and only serves to show how little the Council can rely on in order to demonstrate the effectiveness of its SANG mitigation.

Even if the Council could show an increase in visitor numbers it wouldn't necessarily be a measure of SANG effectiveness. The SANG's primary purpose is to draw visitors away from the Ashdown Forest SPA in order to reduce recreational disturbance.

Therefore the Council would have to also show that a proportion of the people interviewed at the SANG would have otherwise visited the SPA (which cannot be done by observation).

#### MSDC13 Paragraph 6.3

*"By locating a SANG at East Grinstead, more residents from new development might be persuaded to visit an alternative open space to Ashdown Forest. This is supported by a visitor survey of East Court & Ashplats Wood in April 2013 that found 76.4% of people interviewed arrived on foot and 20.0% arrived by car/motor vehicle. The vast majority of visitors were from East Grinstead and 61.7% were visiting to walk the dog (23.1% of people were walking without a dog). The top four attractions of visiting East Court & Ashplats Wood for people interviewed were that the site is a convenient location (close*



*to home), it is peaceful and quiet, there are no restrictions on dogs, and there are a variety of natural habitats”*

In principle, we can accept that a SANG located at East Grinstead ‘might’ persuade more residents to visit it in preference to Ashdown Forest, but we simply cannot know this in the absence of proper visitor surveys.

A survey of visitors carried out two years before the SANG became operational cannot credibly be used as evidence of reducing visitor pressure on the SPA. If it was, the Council may as well interview people currently walking their dog at Imberhorne Farm in order to show the effectiveness of the proposed SANG for SA20.

#### MSDC13 Paragraph 6.4

*“Investment in the SANG to improve its attractiveness and use has included:*

- *Establishment of a management plan.*
- *The upgrading of the majority of the main routes through the site so that they do not become muddy during wet weather and to improve accessibility to all users.*
- *Management of the meadows to control encroachment around the boundaries and increase the wildflower diversity.*
- *Additional signage to help users navigate around the site, particularly in the woodland.*
- *General habitat management, including coppicing and the control of invasive species, which is ongoing.*
- *Restoration of the yew hedge leading from East Court Mansion to improve views and the visitor experience.”*

While this package of improvements serves to improve visitor experience, the Council has not done any work to assess whether the SANG has attracted new visitors or simply improved the experience for existing visitors.

To demonstrate effectiveness of their mitigation, the Council would need to show that a significant proportion the new visitors are those that would have otherwise gone to the Ashdown Forest.

#### MSDC13 Paragraph 6.5

*“Although no recent survey of use has been made, anecdotal evidence suggests that the use of the site has increased, taking pressure of alternative options including the Ashdown Forest. It is generally to be expected that this use will increase as the new housing developments which support the SANG provision are delivered.”*

Dictionary definitions of anecdotal ...‘not necessarily true or reliable’; ‘based on personal accounts rather than facts or research’; ‘information not based on facts or careful study’; ‘based on individual accounts, rather than on reliable research or statistics, and

so may not be valid'; 'evidence based on hearsay rather than hard facts'; 'based on casual observations or indications rather than rigorous or scientific analysis';

Clearly anecdotes cannot serve in place of evidence and cannot legitimately be used to demonstrate effectiveness of the SANG mitigation.

#### MSDC13 Paragraph 6.6

*"Results from the Ashdown Forest visitor survey 2016 (Liley et al., 2016) also gives some indication of the kind of visitor decision making in terms of the influences on the choice of greenspace. In the light of these it is reasonable to assume that the SANG is a realistic alternative choice. Specifically, common reasons for visiting were that the Ashdown Forest was close to home (205 interviewees, 46%) and good for the dog/dog enjoys it (127 interviewees, 28%). The attractiveness of the East Court & Ashplats Wood SANG for dog walkers and the relative proximity to new populations tends to support that it is effective mitigation. In addition, East Court & Ashplats Wood is explicitly identified by Ashdown Forest users in the surveys as an alternative choice."*

Yet another justification of effectiveness based upon assumptions. However reasonable the assumption, it is not valid approach to applying the precautionary principle.

As far as claiming that the 2016 survey 'tends' to support the effectiveness of the SANG mitigation; the survey asked 452 people whether they could name an alternative location they would have visited if they weren't visiting Ashdown Forest. 240 people said they would NOT have gone elsewhere and only 2 named East Court & Ashplats Wood.

Since these two people were visiting Ashdown Forest they clearly hadn't been attracted by the SANG.

### 3.7 Section 7 - Application of the SANG/SAMM Mitigation to Sites Allocation DPD

#### MSDC13 Paragraph 7.1

*"District Plan Policy DP17 sets out an avoidance and mitigation strategy for reducing the impact of recreational disturbance on Ashdown Forest (see Figure 3). This is an adopted policy and is applied to current proposals for new residential development within the 7km zone of influence. This policy is supported by Natural England as the statutory nature conservation body and provides the strategic solution for the Ashdown Forest SPA. The HRA for the Site Allocations DPD [HRA1] confirms the principle of the approach to Ashdown Forest:*

#### **Paragraph 5.28**

*With the strategic approach in place, this HRA for the Site Allocations DPD includes a review of the current progress of the strategic approach below, and in particular the*

*options for the DPD to deliver some of the key aspects of mitigation. The question for the HRA of the Site Allocations DPD is therefore not in relation to the principle of the approach, but rather whether it can and is being delivered appropriately within Mid Sussex.*

The HRA can only legitimately confirm 'the principle' of the mitigation approach. Its review of the current strategic mitigation approach for the DPD was unable to make any inference on the effectiveness of either the interim SAMP or existing SANG provision because there was no monitoring evidence to evaluate.

The underlined section of the paragraph identifies the real question ... and that is, whether the Council is appropriately delivering the mitigation. A question that remains unanswered.

Significantly, the HRA makes reference to the 2018 Ashdown Forest Monitoring Strategy and highlights the importance of monitoring in showing the effectiveness of mitigation. This is confirmed in paragraph 5.41 ... *"Monitoring is therefore an important component of the mitigation delivery and will help ensure its effectiveness."*

#### MSDC13 Paragraph 7.2

*"This is supported by the Inspector's Report for the District Plan [DPD8, paragraph 58] which concluded that with Policy DP17, the spatial strategy and the overall housing requirement can be implemented without harm to the Ashdown Forest SPA. The Site Allocations DPD seeks to allocate additional sites to meet the residual necessary to meet the agreed housing requirement for the plan period as set out in the District Plan."*

This is not an accurate representation of the Inspector's report. In this context, the overall housing requirement excludes the additional 150 dpa to meet the Crawley unmet need.

Inspector Bore therefore excludes the current Site Allocations DPD from his 'no harm to the SPA comment'. The report's paragraph 29 makes this clear ...

*"The delivery of the full 1,090 dpa in the latter part of the plan period is subject to there being no further harm to the integrity of European Habitat sites in Ashdown Forest"*

The Inspector clearly intended that the question of whether the DPD could potentially result in harm to the Ashdown Forest, be examined as part of the current exercise. It was not a settled issue at the District Plan Examination.

#### MSDC13 Paragraph 7.4

*"The East Court & Ashplats Wood SANG is nearing capacity. A visitor survey for this site*

*is planned to find out about current visitor use and potential future improvements. Not all the development assigned capacity at this SANG has been completed, indeed some development has not yet commenced. This makes it difficult to say with any certainty if the SANG is wholly effective at diverting visitors away from Ashdown Forest since it is not currently operating at full capacity. The effectiveness of the SANG also needs to be considered alongside the SAMM measures for Ashdown Forest which will help to manage visitors at Ashdown Forest. Ongoing monitoring at the East Court & Ashplats Wood SANG will seek to identify its effectiveness and remedy any deficiencies."*

The Council do not provide any details on the SANG's capacity nor the number of dwellings being set against it (in terms of off-site mitigation).

The Council acknowledges that it is difficult to assess whether its SANG is effective in diverting visitors away from the Ashdown Forest, although why it attributes this to it not operating at full capacity is unclear. It then goes on to say that future monitoring will hopefully determine whether the SANG is effective.

These are startling admissions given the Council has dedicated the whole of the previous section to justifying the effectiveness of its SANG provision!

It is accepted that SANG effectiveness needs to be considered alongside the SAMM measures. Yet the Council do not tell us what these measures are and when they are likely to be implemented.

#### MSDC13 Paragraph 7.5

*"The proposed site allocation SA20: Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead includes the provision for a c.43 ha on-site strategic SANG on the western side of the site. Work has been ongoing with the site promoters to refine the details of this proposed strategic SANG and it has also been considered through the Habitats Regulations Assessment (HRA) for the Site Allocations DPD. The proposed on-site SANG will be a strategic SANG which means that the additional capacity that it has will be used for other developments within the 7km zone of influence. The proposed SANG associated with the proposed site allocation SA20 has the capacity to accommodate the number of dwellings proposed for SA20 (550 dwellings) as well as sufficient capacity to meet the other proposed 14 site allocations included in the Site Allocations DPD that will require SANG mitigation (425 dwellings)."*

The proposed location for the SA20 SANGS on Imberhorne Farm is an area of land already in extensive use for recreation, including dog walking. Indeed it is already set aside as a public open space afforded protection under the East Grinstead Neighbourhood Plan.

Whilst it is accepted that an existing area of recreation might be enhanced to make it a more attractive to visitors, it is important that existing use is taken into account in

assessing capacity. There is no evidence of the Council undertaking any work to establish current visitor numbers/profiles.

It is likely that a significant number of people enjoy the open countryside and the large scale development proposed for SA20 may have the unintended effect of detracting existing visitors ... who may instead go to the Ashdown Forest.

### 3.8 Section 8 – Conclusion

#### MSDC13 Paragraph 8.3

*"The approach to mitigation is a long-term strategy. Monitoring at regular intervals is planned and this will help to demonstrate if the strategy is effective and will allow the strategy to be refined as appropriate. The SANG and SAMP mitigation measures will help to ensure that the conservation objectives for the Ashdown Forest SPA are met which will prevent a deterioration of the conservation status of qualifying species for which the SPA has been classified."*

The Council has committed to reviewing the effectiveness of Ashdown Forest as early as 2014, yet it still talks about monitoring as something planned for the future.

- *The monitoring at regular intervals was planned as part of the Ashplatts Woods SANG Strategy in 2014; but no monitoring has been undertaken!*
- *A monitoring commitment was proposed in the 2015 local plan submission and later adopted as part of the DP17; but nothing has been implemented!*
- *The 2017 HRA highlighted the importance of surveys as part of the mitigation package; but no surveys have been carried out since!*
- *A detailed monitoring strategy for the Ashdown Forest was published in 2018 recommending a comprehensive package of measures; but the strategy hasn't been put into effect!*

#### MSDC13 Paragraph 8.6

*"To conclude on the request from the Inspector [Action Point 16 of ID-05], the SANG and SAMP approach to mitigation is well-established and has been tested through numerous local plan examinations across the country, including the Council's own District Plan adopted in 2018. District Plan Policy DP17 is being implemented and aligns with the strategic solution for Ashdown Forest. The Site Allocations DPD seeks to continue with this approach with the HRA [HRA1] concluding that this is appropriate. The effectiveness of SANG and SAMP mitigation will be demonstrated over time and the programme of ongoing monitoring will allow for adjustments to be made to ensure the mitigation continues to be appropriate."*

The Council's statement is unarguable. The SANG/SAMM mitigation approach is well-established and is effective in principle. The Footprint Ecology Ashdown Monitoring Strategy (2018) confirms that effective monitoring is integral to the mitigation package.

The SANG/SAMM strategy was tested and adopted as part of the Mid Sussex Local Plan alongside the requirement to monitor and refine as necessary.

The principle of SANG/SAMM mitigation will have been adopted for numerous other planning authorities. Of course, the principle is sound.

However, this doesn't mean that the Council can simply assume no adverse impacts on protected sites by simply implementing a SANG/SAMM. What works in principle may not work in practice!

Whether the Council's approach is likely to be effective is not an adequate test under the precautionary principle. In ruling-out any adverse impact on the SPA, the HRA quotes from the landmark 'Waddensee' judgement on page 29 that there should be 'no reasonable scientific doubt'.

This test has not been met.

**APPENDIX A – Review of documents referenced in MSDC13 (section 9)**

Referenced Study	Main Purpose/Findings of Study	Relevance to Council's AP16 Response
The Role of SANGs in Protecting Thames Basin Heath Wildlife Sites (2018)	<p>Study focused on residents within the Thames Basin Heath SPA zone of influence and indicated a failure to attract dog walkers, a primary objective of SANG mitigation</p> <p><i>"In the case of general awareness of the Thames Basin Heath Zone of Influence and its conservation issues, established residents and SPA visitors were aware of the issues but showed no interest in visiting any SANGs even if they were aware of their location. They were considered sub-standard and not authentic, even fake."</i> [p124/5]</p> <p><i>"The results of this study indicate that SANGs did not attract dog walkers, an important policy target, however, this may have been influenced by the small sample size compared to on-site studies as mentioned earlier."</i> [p126]</p>	<p>Addresses the issue of SANG effectiveness in relation to the Thames Basin SPA but finds that the SANGs fail to achieve their primary objective.</p> <p>With no monitoring of their Ashplats SANG the Council cannot know whether it is successful in attracting dog walkers.</p> <p>Neither can they know whether potential visitors to the SANG see it as a realistic alternative to Ashdown Forest.</p>
Engelmere Pond SANG visitor survey (2014) [re Thames Basin Heath SPA]	<p>Study focused on visitor pattern/profile but did not report whether visitor numbers have increased since becoming a SANG.</p> <p>The visitor study is somewhat out of date and researchers surprisingly failed to ask whether those interviewed are visiting in preference to the SPA.</p>	<p>Does NOT address or support the effectiveness of the Mid Sussex LPA's SANG approach.</p> <p>The report has nothing to say on the effectiveness of SANG mitigation.</p>
Breckland SPA Visitor Survey (2010)	<p>This out of date study focusses solely on visitor pattern/profile and potential disturbance effects for a designated SPA in East Anglia.</p> <p>There is no evidence of more recent studies to indicate visitor trends.</p>	<p>Does NOT address the effectiveness of the Council's SANG approach</p> <p>The Breckland Council's adopted</p>

Referenced Study	Main Purpose/Findings of Study	Relevance to Council’s AP16 Response
		HRA (2019) to support its local plan makes no reference to either SANG or SANG mitigation measures.
Recreation use of the New Forest SAC/SPA/Ramsar (2020)	<p>Study establishes the problems associated with visitor disturbance and considers the impacts of recreation and the potential for mitigation.</p> <p>The possible advantages/disadvantages in relation to the New Forest are listed for each mitigation measure but the study draws no conclusions on which might be the most effective.</p>	<p>Does NOT address the effectiveness of the Council’s SANG approach</p> <p>The reported recreational impacts are similar to those identified for the Ashdown Forest but there is no evidence presented in relation to SANG effectiveness</p>
Ashdown Forest SPA Monitoring Strategy (2018)	<p>Commissioned by Wealden District Council on behalf of other LPA’s including Mid Sussex. The study describes in detail, the essential evidence required to establish whether established mitigation is effective in reducing visitor pressure on the Ashdown Forest SAC/SPA</p> <p><i>“Monitoring is integral to the strategic mitigation ‘package’; ensuring the successful delivery of the mitigation work, acting as an early warning system and providing the feedback to hone mitigation. Monitoring will be necessary to ensure approaches are working as anticipated and whether further refinements or adjustments are necessary.”</i> [p1]</p> <p><i>“The most recent visitor survey in 2016 provides baseline data on overall visitor numbers, behaviour and access patterns and is therefore a foundation for future monitoring.”</i> [p8]</p>	<p>Addresses the issue relating to the effectiveness of the Council’s SANG approach.</p> <p>The report only serves to demonstrate that the Council are not entitled to rule out adverse effects on the SAC/SPA in the absence of monitoring evidence</p> <p>With the exception of the 2016 Ashdown Forest Visitor Study, council has not presented evidence to show that any of the essential monitoring activities</p>



Referenced Study	Main Purpose/Findings of Study	Relevance to Council’s AP16 Response
	<p><i>"An overview of the recommended monitoring strategy is set out in Figure 1. There are six main areas covered by the proposed monitoring:</i></p> <p><i>Visitor interviews</i>  <i>Counts of people</i>  <i>Bird numbers and distribution</i>  <i>Mitigation Delivery</i>  <i>Housing</i>  <i>Targeted pieces of work to test the effectiveness of mitigation"</i></p> <p><i>[ p11]</i></p> <p><i>"To determine how well different SANG sites are working it is necessary to interview visitors at the SANG to determine where they come from, why they visit, how often they visit and whether they visit the SPA. Visitor numbers are also important and count data could be recorded as part of the interviews, but visitor numbers alone would not be sufficient to assess how well a SANG is working. This is because SANGs might draw high numbers of visitors but if those visitors are not ones who would otherwise be visiting the SPA (were there to be no SANG) it is not effective as mitigation."</i></p> <p><i>[p30]</i></p>	<p>have been undertaken.</p> <p>The report makes clear that the 2016 survey on its own cannot provide anything meaningful.</p>
<p>A Framework for Epping Forest SAC Mitigation</p>	<p>Lists key points of the habitats regulations ...</p> <p>The document explains the obligations placed upon decision makers to make certain that plans do not harm sites designated under the Habitats Regulations.</p> <p><i>"The Habitat Regulations impose specific duties in terms of avoiding deterioration of habitats and species for which sites are designated or classified. Stringent tests have to be met before plans and projects can be permitted, with the precautionary approach embedded in the legislation"</i></p> <p><i>[p2]</i></p>	<p>Does NOT address the effectiveness of the Council’s SANG approach.</p> <p>In the absence of monitoring MSDC cannot legitimately claim that the DPD will not cause harm to Ashdown Forest SAC/SPA which means that they must consider alternative solutions.</p>

Referenced Study	Main Purpose/Findings of Study	Relevance to Council’s AP16 Response
	<p><i>"Identify whether alternative solutions exist that would achieve the objectives of the plan and have no, or a lesser effect on the European site(s)"</i> [p3]</p> <p><i>"Throughout all stages, there is a continual consideration of the options available to avoid and mitigate any identified potential impacts. A competent authority may consider that there is a need to undertake further levels of evidence gathering and assessment in order to have certainty, and this is the Appropriate Assessment stage."</i> [p4]</p> <p><i>"After completing an assessment, a competent authority should only approve a project or give effect to a local plan where it can be ascertained that there will not be an adverse effect on the integrity of the European site(s) in question."</i> [p4]</p>	
<p>Ashdown Forest SAC/SPA Visitor Survey (2016)</p>	<p>Study determined visitor pattern/profile and provided data on recreation use of the Ashdown Forest.</p> <p><i>"53% of interviewees indicated that they would <u>not</u> have gone to an alternative site, or were unsure which alternative site they would have visited could they not have gone to Ashdown Forest. Of named alternative sites given by interviewees, the South Downs (named by 8% interviewees) was by far the most commonly named location. Rotherfield, Sheffield Park and Seven Sisters/Cuckmere Haven were the next most commonly named sites."</i> [p2]</p> <p>None indicated that they would have visited the Council’s SANG at Ashplats Wood.</p> <p><i>"A previous visitor survey (UE Associates 2009) was undertaken in 2008 using a similar approach as used here ..."</i></p>	<p>Does NOT address the effectiveness of the Council’s SANG approach</p> <p>The Footprint Ecology Monitoring Strategy 2018 concluded that the 2016 survey could only <i>"provide baseline data on overall visitor numbers, behaviour and access patterns and is therefore a foundation for future monitoring."</i></p>

Referenced Study	Main Purpose/Findings of Study	Relevance to Council’s AP16 Response
	<p><i>"The previous survey was undertaken during a short time period in September (when weather patterns were unsettled) and given the differences in time of year, survey points used and questionnaire, direct comparison is mostly of limited value."</i> [p81]</p>	
<p>Thames Basin Heaths SANG Visitor Survey (2018)</p>	<p>Study focused on visitor pattern/profile and attractiveness of the SANGs but not whether they were effective in attracting visitors away from the SPA which was not within the scope of the study.</p> <p>The study represented a snapshot in time with no reference to any earlier visitor survey. It is therefore impossible to conclude whether SANG usage was increasing or whether pressure on the Thames Basin Heath SPA was reducing as a result.</p> <p><i>"As part of SAMM there is an explicit requirement to monitor the outcome of access management. Monitoring is critical to establish whether SANG sites are functioning effectively as an alternative destination for people who also visit the SPA."</i> [P3]</p>	<p>Does NOT address the effectiveness of the Thames Basin Heath SANGs and therefore cannot be used to indicate effectiveness of the MSDC SANG.</p> <p>The MSDC SAMM has yet to be properly implemented even though it was reported as work in progress as early as 2013.</p>
<p>Dorset Heaths SANG Visitor Survey (2019)</p>	<p>Study focussed on visitor pattern/profile and while stressing the importance of monitoring, it was unable to conclude that the SANG was effective in taking pressure away from the Dorset Heath SPA</p> <p><i>"Evidencing the mitigation through appropriate monitoring is recognised in a monitoring strategy which sets out the monitoring elements necessary to inform and underpin mitigation delivery. The strategy recognises that both the species present and recreational use of the heathlands must be monitored to evaluate the levels of recreational use and distribution of the vulnerable species. As such the interviewing of visitors using the heathlands is a key part of appropriate monitoring."</i> [p7/8]</p>	<p>Does NOT address the effectiveness of the Dorset Heath SANG and therefore cannot be used to indicate effectiveness of the MSDC SANG.</p> <p>Again, it is stressed that visitor surveys are a key part of effectiveness monitoring.</p> <p>However, despite previous visitor</p>

Referenced Study	Main Purpose/Findings of Study	Relevance to Council's AP16 Response
	<p><i>"Overall, 7% of interviewees mentioned a SANG as one of the alternative sites they visit. This perhaps seems low, but it is important to note this doesn't indicate that SANGs only draw 7% of users away from Heaths. It clearly shows that some of the heath visitors do use the SANGs/HIP sites, however it is impossible to determine what proportion of people have switched to visiting the SANGs/HIP sites instead of the heaths."</i></p> <p>[p89]</p>	<p>surveys undertaken in 2004 and 2013, the lack of standardisation made direct comparisons difficult and no conclusions were drawn on whether visitor numbers had increased or not</p>
Thames Basin Heaths SPA Visitor Survey (2018)	<p>Study built upon earlier visitor surveys and considered whether the implementation of SANGs has had an effect on visitor numbers and access patterns across the SPA.</p> <p>The study noted a decrease in visitor numbers compared to similar surveys in 2005 and 2013 but cannot be certain that the decrease was due to their SANG/SAMM strategy.</p>	<p>Addresses the issue of SANG effectiveness in relation to the Thames Basin SPA.</p> <p>But each SPA has unique characteristics and the lack of monitoring recommended by the Ashdown Forest monitoring strategy means that the Council has no evidence to demonstrate the effectiveness of its own SANG approach.</p>
Ashdown Forest SAC/SPA Visitor Survey (2009)	<p>Study determined visitor pattern/profile and provided data on recreation use of the Ashdown Forest.</p> <p><i>"A key finding of the Screening Statement was that the targeted levels of development within the district, and consequent increase in population, would lead to increased levels of recreational activity at the district's open spaces, including Ashdown Forest."</i></p> <p>[Pi]</p>	<p>Does NOT address the effectiveness of the Council's SANG approach as the study preceded any mitigation approach by at least 5 years.</p> <p>It does highlight however that the</p>

Referenced Study	Main Purpose/Findings of Study	Relevance to Council’s AP16 Response
		<p>Council understood the risk to the SPA/SACs integrity from increased recreational disturbance due to development yet approved thousands of nearby dwellings before a mitigation strategy was implemented or certainly before it could be shown to have any effect in reducing pressure on the SPA/SAC.</p>

## APPENDIX B – Council Housing figures within 7km ZoI

Source: Council's Annual Monitoring Reports

### A. COMPLETIONS ...

Monitoring Year (Apr-Apr)	Net Dwellings within 7km <sup>2</sup>
2008/09	148
2009/10	117
2010/11	75
2011/12	126
2012/13	176
2013/14	156
2014/15	196
2015/16	293
2016/17	307
2017/18	175
2018/19	82
2019/20	49
2020/21	215

**Total dwellings delivered within the Ashdown Forest ZoI ...**

**Since 2008 = 2,115**

**Since 2015 (when Interim SAMM/Ashplats SANG operational) = 1,121**

### B. COMMITMENTS (at April 2021) ...

	Net Dwellings Remaining within 7km
Large Sites Under Construction	556
Large Sites With Permission	404
Minor Sites With Permission	56
Allocated Sites	379

**Total dwellings committed within the Ashdown Forest ZoI = 1,395**

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<sup>2</sup> Ardingly, Ashurst Wood, Crawley Down, East Grinstead, Horstead Keynes, Turners Hill and West Hoathly

## APPENDIX C – Email from District Cllr Whittaker re: DP Review Timetable

**From:** Rex Whittaker [redacted]  
**Sent:** 04 October 2021 11:01  
[redacted]  
**Cc:** Rex Whittaker  
**Subject:** Re: District Plan Review

[redacted]

Thank you for your e mail - and I hope that you are both well.

My feeling is that MSDC are waiting to hear the examiners initial report before they fully decide on the course of action for the District Plan review. I ( we ) have been told by Kathryn Hall that they are already embarked on the DP review as a further call for sites has already been undertaken. MSDC are also expecting to receive further edicts from DCLG about revised housing target numbers in the light of the new Housing & Planning bill currently making its way and the constantly tweaked NPPF.

Once both of the above are better known - then a councillor working group ( equal political weighting ) for the DP review will be established. I expect this to happen by November. This working group will then meet on a very regular basis ( probably every two weeks ) to be briefed by officers on the strategic position with housing / employment numbers , the technical review from the call for sites ( updated SHLAA ), and the technical review of the forty two current DP policies.

This process is entirely officer managed and controlled ( Judy Holmes / Sally Blomfield / Andrew Marshall ) and professionally led with MSDC consultants attending when appropriate. At each progress stage the work of this working group will be formally and publicly reported through the Housing Scrutiny Committee which meet every eight weeks. My expectation is that this process will be fast tracked in 2022 to a position where the revised DP will be open for public consultation next summer with an autumn examination. Adoption of the revised DP is required by 2023 ( ie five years after the current DP )

I hope that this helps.

All the best  
Rex

## APPENDIX D – Email from MSDC to PINS confirming Interim SAMM details

Ms Vicky Williams  
Planning Inspectorate

Via e-mail only

**Your Ref:**

APP/D3830/A/13/2202266,  
APP/D3830/A/14/2211981/NWF,  
APP/D3830/A/13/22001124,  
APP/D3830/A/13/2207529

**Our Ref:** AP/13/0056, AP/14/0006,  
AP/13/0050, AP14/0007

**Date:** 25<sup>th</sup> September 2014

Dear Ms Williams,

### Update to the Habitats Regulations and Ashdown Forest

I refer to your e-mail dated the 14<sup>th</sup> August 2014 regarding the submission of an update on the Habitats Regulations and the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) in relation to the above outstanding appeals.

Following on from the letter dated the 21<sup>st</sup> November 2013 from Sarah Sheath, this letter updates Mid Sussex District Council's position with regards to the approach to Ashdown Forest.

The District Council has continued to apply the interim Strategic Access Management and Monitoring (SAMM) mitigation strategy that was agreed in August 2013 to planning applications within the 7km zone of influence where there is a net increase in dwellings. It was anticipated that the interim SAMM strategy would be operational for around a year and would support 200 dwellings. This figure of 200 dwellings was used to provide an estimate of the number of dwellings that might come forward within a year and to inform the tariff.

The interim SAMM strategy has now been in use for a year and as at the 17<sup>th</sup> July 2014, 30 applications have a signed s106 agreement resulting in a net increase in 315 dwellings permitted. The financial contribution provided through a Unilateral Undertaking is due on commencement of development and it is understood that three of the 30 applications have commenced (a total of four dwellings commenced). No mitigation measures have yet been implemented under the interim SAMM strategy, however, discussions will be taking place with the Conservators of Ashdown Forest about delivering the mitigation projects.

Cont ...



As previously explained, the interim SAMM strategy will be replaced and superseded by a joint SAMM strategy between the affected local authorities (Wealden District Council, Lewes District Council and Tunbridge Wells Borough Council). This is currently work in progress and a set of mitigation measures are under discussion.

To address the mitigation requirements of further dwellings that may be permitted under the interim SAMM strategy, it is likely that additional mitigation measures will be proposed, although this is work in progress. Since the SAMM financial contribution is due on or before commencement of the development, it is possible that the mitigation measures may be implemented at the same time as and through the joint SAMM strategy.

Work has also progressed on delivering a strategic Suitable Alternative Natural Greenspace (SANG) with a site identified within the 7km zone of influence. The District Council has recently signed a lease for the site securing it in perpetuity (this is taken to be 125 years) and it is anticipated that the SANG site will be implemented shortly. A strategy will be prepared to set out the proposed management works and tariff. At that time, relevant development will be required to pay a financial contribution towards both SANG and SAMM. It is possible, however, that some proposals may provide a SANG on the application site itself to mitigate the impacts of that development.

The District Council considers at this current moment in time, that if an affected planning application provides a financial contribution towards the interim SAMM strategy, then that proposal is not likely to have a significant effect on Ashdown Forest. Natural England concurs with this approach and this is demonstrated by their letter dated the 6<sup>th</sup> September 2013.

I trust this provides you with an understanding of the current position for planning applications affected by the Habitats Regulations, but please do not hesitate to contact me should you have any questions.

Yours sincerely,

