

# 1. Mid Sussex Regulation 18 Local Plan Habitats Regulations Assessment: Non-Technical Summary

## Introduction

- 1.1 AECOM was appointed by Mid Sussex District Council (the Council) to produce a Habitats Regulations Assessment (HRA) of their Regulation 18 Local Plan. A Habitats Regulations Assessment examines the effects of the Local Plan and its two proposed growth Scenarios (Scenarios 2 and 3) on internationally important wildlife sites. The requirement for HRA is set by the Conservation of Habitats and Species Regulations 2017 (as amended). HRA has two principal stages which are documented in the full report produced to accompany the Local Plan: an initial high-level stage (called the Likely Significant Effect Test) that examines all policies and allocations and determines whether there is any conceivable mechanism for a negative effect on internationally important wildlife sites, and a subsequent more detailed analysis, if relevant, called an Appropriate Assessment. There is no standard content for an Appropriate Assessment, it is literally whatever further assessment is appropriate to draw a conclusion regarding adverse effects on the integrity of any internationally important wildlife sites. As part of the HRA process it is essential to consider the potential for effects not only from the Local Plan in isolation, but also ‘in combination’ with other plans and projects (such as Local Plans of surrounding local authorities).
- 1.2 This document presents a Non-Technical Summary of the Regulation 18 Local Plan HRA. The full HRA report will consider both Scenario 2 and Scenario 3 in detail in order to inform the Regulation 18 Local Plan.
- 1.3 During the Likely Significant Effect (LSE) Test it was determined that the only internationally important wildlife site for which Likely Significant Effects (i.e., the potential for a significant effect) could not be dismissed, and which therefore required further analysis, was Ashdown Forest Special Area of Conservation and Special Protection Area. Ashdown Forest is designated as a Special Area of Conservation for its heathland and its population of great crested newt. It is designated as a Special Protection Area for its population of two bird species: nightjar and Dartford warbler. Impacts arising from growth in Mid Sussex that required further investigation through Appropriate Assessment concerned two impact pathways: atmospheric pollution from vehicle exhaust emissions associated with traffic traversing the forest, and recreational pressure. Each impact pathway and the conclusions of the Appropriate Assessment are summarised in turn below. The assessment below will need to be repeated for the Regulation 19 HRA.

## Appropriate Assessment (AA)

### Atmospheric Pollution

- 1.4 Traffic and air quality modelling was undertaken for five different model scenarios, comprising the Baseline (current emission rates based on traffic count data and other sources of atmospheric pollution), Future Baseline (current vehicle emissions extrapolated to the end of the Plan period, accounting for improvements to vehicle emission factors), Do Nothing (future emission rates accounting for growth in adjoining authorities, but excluding the Mid Sussex Local Plan Review) and two Do Something scenarios (future emission rates accounting for growth in adjoining authorities and the two growth scenarios proposed for Mid Sussex District). Air quality modelling was undertaken for 15 transects up to 200m from the roadside, in increments of 10m perpendicular to relevant roads. **At the time of writing, air quality modelling data were only available for one Do Something scenario (Scenario 2). The HRA will be updated once the modelling for Scenario 3 has been completed.**

- 1.5 Air quality modelling data show that an in-combination increase in nitrogen deposition and ammonia concentrations at three transects (T6, T10 and T14) is mathematically perceptible; however, the contribution of the Mid Sussex Local Plan is effectively zero except at the roadside where no SAC habitat is present. In accordance with legal precedent, plans and projects that have no appreciable effect on a site can be concluded not to result in adverse effects and legally excluded from in-combination assessment. Four other transects (T5, T7, T9 and T12) were assessed in more detail. At transects T5 (Crowborough Road), T7 (A22) and T9 (A275), in-combination nitrogen doses at the nearest areas of heathland (since in all cases there is road verge and dense gorse scrub at the closest points to the road where pollution is highest) are forecast to be mathematically perceptible (being 2%, 2% and 6% of the Critical Load for nitrogen, respectively). However, the contribution of the Mid Sussex Local Plan at all transects is effectively zero / mathematically imperceptible, meaning that the increase in nitrogen deposition that is forecast is attributable to growth outside Mid Sussex District. Furthermore, the forecast nitrogen deposition rates at transects T5 and T9 in 2038 are still 1.5 and 1.2 kg N/ha/yr better than the 2017 baseline due to the effect of vehicles with improved emissions technology (i.e. compliant with the Euro6 emissions standard) making up an increasing component of the vehicle fleet. At transect T12 (A26) the in-combination nitrogen dose was imperceptible (below 1% of the Critical Load) and the contribution of the Mid Sussex Local Plan was effectively zero. The total ammonia concentrations beyond 10m from the roadside were either below the Critical Level (T5, T9, T12) or were concluded to be negligible compared to seasonal and annual fluctuations.
- 1.6 The potential ecological impacts of the worst-case in-combination nitrogen dose to heathland (0.63 kg N/ha/yr at 10m from the A275) were also discussed. Published data in the peer-reviewed literature indicate that such deposition (if it constituted a net increase) could result in a small (0.1%) increase in grass cover or a reduction in species richness of 0.2 species in a situation where there were no other overriding factors exerting a greater influence on botanical composition of the sward. Any ecological impacts would reduce at greater distances from roads. The ecological context was then considered as it is key to interpretation; modelling of all transects illustrates that the vast majority of nitrogen due to traffic growth will be deposited within 1m-10m of the modelled roads, within the road verge and belts of dense gorse, bracken and trees that line the relevant parts of the A22, A275 and other relevant roads. These areas have low sensitivity to nitrogen deposition and contain lower value habitats due to the general presence of the road and its associated salt spray, dust, runoff, and altered drainage or soils. In addition, the belts of dense gorse and trees close to the road may be preserved in the long-term to protect SPA birds using the heathland more broadly from exposure to the disturbing (visual and noise) effects of the road and to reduce the risk of livestock straying into the carriageway; moreover, localised dense gorse can be of direct value for one of the SPA birds (Dartford warbler) as nesting and foraging habitat, as cited in the Supplementary Advice on the Conservation Objectives for the SAC. Even at roadside locations the additional nitrogen deposition due to traffic growth would not prevent heathland restoration if Natural England ever did decide to undertake it, particularly within the context of the forecast net reduction in total nitrogen deposition due to improved vehicle emissions technology.
- 1.7 Moreover, Natural England have confirmed in previous discussions over the Wealden, Tunbridge Wells and South Downs Local Plans that nitrogen deposition from traffic is not preventing the SAC heathland from achieving favourable conservation status, but rather the principal issue is lack of management. For example, a review of the Natural England condition assessment on a unit by unit basis clearly indicates that historic (and in many cases current) inadequate management is the reason why only 20% of Ashdown Forest SAC is currently in a favourable condition. That is not to say that there is no objective to address nitrogen deposition at the SAC. The Shared Nitrogen Action Plan (SNAP) is the primary mechanism by which Natural England aim to reduce nitrogen deposition to the SAC. It is targeted at agriculture rather than traffic because almost three times more nitrogen deposited at the SAC stems from agriculture (fertiliser and livestock) than traffic and agricultural emissions affect a much greater area of the SAC, whereas the effect of the roads is localised. The forecast nitrogen doses due to traffic growth will have a negligible effect on the land managers' ability to restore good quality heathland through improved management and the implementation of the SNAP.
- 1.8 For all these reasons it is considered that the ability of the SAC and SPA to achieve its conservation objectives would not be significantly compromised by the Mid Sussex Local Plan growth (Scenario 2) either alone or in combination with other plans or projects.

## Recreational Pressure

- 1.9 For the AA, the visitor surveys undertaken in the Ashdown Forest SPA / SAC in 2008, 2016 and 2021 were reviewed and recreation patterns assessed. The data from the 2008 and 2016 surveys indicate that Mid Sussex residents, particularly those from East Grinstead, along with residents from other local authority areas contribute significantly to the recreational burden in the site. Based on initial survey results and subsequent data analysis, a 7km zone of influence surrounding the SPA / SAC was established, in which mitigation requirements in the form of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) apply to residential developments.
- 1.10 Two Growth Scenarios (Scenarios 2 and 3) are currently proposed by Mid Sussex District Council and are associated with different quanta of residential growth in the 7km mitigation zone. Scenario 2 allocates a net increase of 469 dwellings within 7km of the Ashdown Forest SPA / SAC. According to average housing occupancy figures (2.4 residents per dwelling) and Natural England SANG standards (8ha per 1,000 population increase), delivery of the 469 dwellings would require 9ha of functional SANG to be provided. The Council already has a SANG inventory in place, which provides bespoke and strategic mitigation for recreational pressure. This is comprised of operational SANG (e.g. East Court & Ashplats Wood) and SANGs that are to be delivered as part of emerging development proposals and allocations (e.g. Hill Place Farm and Imberhorne Farm). Provided that these are delivered as planned, it is considered that sufficient residual capacity is available to accommodate the additional growth coming forward under the review of the Mid Sussex Local Plan. For example, the proposed strategic Imberhorne Farm SANG in East Grinstead is likely to provide around 40Ha of SANG. Overall, AECOM concludes that an adequate framework regarding SANG provision is in place, but work will need to be undertaken to ensure that functional SANG is available prior to dwellings becoming occupied (see Conclusions and Recommendations).
- 1.11 Work on the SAMM strategy for the Ashdown Forest SPA / SAC has been ongoing between the local authorities of Wealden, Mid Sussex, Lewes, Tunbridge Wells, Tandridge and Sevenoaks in partnership with the Conservators of Ashdown Forest and Natural England since 2012. Key SAMM projects that are being undertaken in the site include a Code of Conduct that is focused on dog walkers, provision of adequate signage and interpretation boards, deployment of volunteer dog rangers and an Access Management Lead Officer, and protected bird surveys. The working group has published a SAMM tariff guidance document that currently sets out a per-dwelling tariff of £1,170 (subject to annual review), to be paid into an inter-authority monetary pot that funds the SAMM initiatives. All residential dwellings within the 7km mitigation zone are subject to this tariff, such that the integrity of the SPA / SAC is protected.

## Conclusions and Recommendations

### Atmospheric Pollution

- 1.12 Air quality modelling data at key road links highlight that there will be no adverse effect on the integrity of the Ashdown Forest SPA / SAC, both alone and in-combination. The contribution of the Mid Sussex Local Plan to nitrogen deposition and ammonia concentrations is mathematically imperceptible at the closest areas of heathland and in many cases effectively zero. In-combination atmospheric pollution impacts are typically below 1% of the Critical Load or, where this is exceeded, would not prevent nitrogen deposition from significantly improving in the period to 2038 and would not prevent heathland restoration at the SAC through improved management (since the main issue with heathland quality and establishment at this SAC is long-term under-management) or interfere with broader initiatives to reduce nitrogen deposition rates across the SAC through the Shared Nitrogen Action Plan.

### Recreational Pressure

- 1.13 Mid Sussex District Council is a member of the Ashdown Forest SAMM Partnership and acknowledges the 7km mitigation zone surrounding the Ashdown Forest SPA / SAC, which requires the delivery of SANG and SAMM measures. There is a policy in the Local Plan that supports the strategic solution for recreational pressure on Ashdown Forest. An adequate SANG approach has already been adopted by MSDC and the existing / future SANGs are projected to have sufficient capacity to accommodate the new residential



growth proposed to be allocated in the Mid Sussex Local Plan. The Council would have to ensure that sufficient SANG capacity is or will be available prior to giving planning consent and for any proposed residential allocations that lie within the 7km zone of influence. Contributions to SAMM are governed by the published SAMM guidance document and will be collected accordingly. Provided that the process of SANG identification and delivery is progressed in agreement with Natural England and contributions towards the SAMM Strategy are collected, any potential adverse effects of the Mid Sussex Local Plan on the Ashdown Forest SPA / SAC regarding recreational pressure can be excluded.