

East Grinstead Neighbourhood Plan

Habitats Regulations Assessment Screening Report

Produced for Regulation 19 of the Neighbourhood Planning (General) Regulations 2012

1st November 2016

1.0 Introduction

1.1 This Habitats Regulations Assessment (HRA) screening report has been undertaken by Mid Sussex District Council in respect of the East Grinstead Neighbourhood Plan which has been produced by East Grinstead Town Council in accordance with the Neighbourhood Planning (General) Regulations 2012. This HRA screening report accompanies the East Grinstead Neighbourhood Plan produced for Regulation 19 of the Neighbourhood Planning (General) Regulations 2012. A previous screening and appropriate assessment was undertaken during the consultation stages of the East Grinstead Neighbourhood Plan prior to its independent examination (Appendix 2). This screening report for Regulation 19 has been undertaken to ensure that the modifications recommended by the examiner have been taken into account and are fully compliant with legislation.

1.2 The East Grinstead Neighbourhood Plan has been produced to guide development within the parish up to 2031. The Neighbourhood Plan sets out a vision for East Grinstead:

‘To provide for a positive future for East Grinstead that is socially inclusive for all, vibrant, economically robust and will allow residents to live with a high degree of self-sufficiency in a town with a first rate natural, built and historic environment’ (East Grinstead Neighbourhood Plan, September 2016: page 14).

1.3 If the East Grinstead Neighbourhood Plan is made by Mid Sussex District Council, it will be used in determining planning applications within the Neighbourhood Plan Area, as part of the development plan.

1.4 The aim of this HRA screening report is to assess whether there are any likely significant effects on European sites within relative proximity to the Neighbourhood Plan Area (Appendix 1).

1.5 Much of the information used for this screening report has been developed through the HRA for the Mid Sussex District Plan 2014-2031. The most recent version of this document was published in October 2015. It is considered, however, that the background information in the District Plan HRA can be used for this screening report of the East Grinstead Neighbourhood Plan and as such, this screening report should be read in conjunction with it.

1.6 Further detail can be found in the [HRA for the Mid Sussex District Plan](#), other [supporting documents](#) and the [District Plan](#).

- 1.7 In producing this HRA screening report, the following guidance has been taken into account:
- David Tyldesley and Associates (for Scottish Natural Heritage) (August 2012) Habitats Regulations Appraisal of Plans: Guidance for Plan-making Bodies in Scotland – Version 2.0¹
 - David Tyldesley and Associates (for the Countryside Council for Wales) (September 2012) Draft Guidance for Plan Making Authorities in Wales: The Appraisal of Plans Under the Habitats Directive²

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

2.0 Legislative Background

- 2.1 The Natura 2000 network consists of sites across Europe designated for their nature conservation importance. It aims to be an ecologically coherent network of designated sites that protect threatened species and habitats. The Natura 2000 network is formed of Special Areas of Conservation for species, plants and habitats and Special Protection Areas for bird species. Special Areas of Conservation (SACs) are designated under the European Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive'). Special Protection Areas (SPAs) are classified under the European Council Directive 2009/147/EC on the conservation of wild birds (the 'Birds Directive').
- 2.2 To help protect the Natura 2000 network, there are particular requirements for plans and projects. Article 6(3) of the Habitats Directive states:

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

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

¹ <http://www.snh.gov.uk/planning-and-development/environmental-assessment/habitat-regulations-appraisal/>

² <http://www.ccg.gov.uk/landscape--wildlife/managing-land-and-sea/environmental-assessment/habitats-regulations-assessmen.aspx>

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

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

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

2.5 In terms of neighbourhood plans, the Neighbourhood Planning (General) Regulations 2012 require a submitted neighbourhood plan to include a statement explaining how the proposed neighbourhood development plan meets the basic conditions set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990³. One of these basic conditions is that the neighbourhood plan must be compatible with EU obligations and needs to demonstrate that it is not likely to have a significant effect on a European site.

3.0 European Site Information

3.1 The first step of the screening process is to consider the European sites that could be affected by a plan. Five such sites⁴ were identified through the District Plan HRA process, and of these, the screening for the District Plan identified likely significant effects on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) as a

³ Regulation 15(1)(d).

⁴ Ashdown Forest SPA, Ashdown Forest SAC, Castle Hill SAC, Lewes Downs SAC, and Mole Gap to Reigate Escarpment SAC.

result of recreational disturbance and atmospheric pollution. Ashdown Forest lies adjacent to the north-east boundary of Mid Sussex and within Wealden District and, therefore, is not within the Neighbourhood Plan Area.

- 3.2 The Ashdown Forest SPA was classified in 1996. It is a 3,200Ha site comprising predominantly of lowland heathland and woodland. The Ashdown Forest SPA is an internationally important habitat classified because of the presence of breeding populations of Dartford warbler *Sylvia undata* and European nightjar *Caprimulgus europaeus*. Ashdown Forest is also notified as a Site of Special Scientific Interest (SSSI).
- 3.3 The Ashdown Forest SAC was designated in 2005 and covers 2,700Ha. It has a different boundary to the SPA, but the two designations overlap (Appendix 1). The qualifying features for the designation are the Annex I habitats: Northern Atlantic wet heaths with *Erica tetralix* and European dry heaths, and the Annex II species: Great crested newt *Triturus cristatus*. It is also part of the SSSI.
- 3.4 Further environmental details can be found in the HRA for the Mid Sussex District Plan (see Chapter 3: European Sites).

4.0 Habitats Regulations Assessment for the Mid Sussex District Plan

- 4.1 The potential effects of development on Ashdown Forest were assessed during the HRA process for the Mid Sussex District Plan. The screening exercise carried out in late 2007 and early 2008 found likely significant effects⁵ on the Ashdown Forest SPA as a result of increased recreational activity arising from new residential development and related population growth that is likely to disturb the ground-nesting birds. Further information can be found in the HRA for the Mid Sussex District Plan (see Chapter 6: Disturbance Impact Pathways).
- 4.2 Data analysis of a survey investigating visitor access patterns at Ashdown Forest found that the majority of regular visitors originated from within a 7km distance from Ashdown Forest. Within this 7km 'zone of influence', measures to reduce recreational pressure would be most effective, therefore, residential development leading to a net increase in dwellings will need to contribute to an appropriate level of mitigation. This will be in the form of providing a Suitable Alternative Natural Greenspace (SANG), either on the development site itself or through a financial contribution towards a strategic SANG, and a separate financial contribution towards a Strategic Access Management and Monitoring (SAMM) strategy. An assessment of reasonable alternatives to the 7km zone of influence and the mitigation approach has been made in the [District Plan Sustainability Appraisal](#) (Incorporating Strategic Environmental Assessment) (August 2016). It is considered that that assessment can be applied to the HRAs for neighbourhood plans.

⁵ Based on current evidence, it cannot be shown that there will not be a likely significant effect, so applying the precautionary principle, the HRA considers that proposals resulting in new residential development will have a likely significant effect on Ashdown Forest.

- 4.3 In terms of atmospheric pollution, the [Mid Sussex Transport Study](#) indicates that projected traffic increases are well below the threshold deemed as significant and, therefore, the HRA report concludes that significant effects are unlikely and no further measures are necessary. In order to promote good practice, however, the emerging District Plan contains measures to encourage sustainable transport and the requirements for avoidance and mitigation in relation to air pollution.
- 4.4 Policy DP15 in the Submission District Plan 2014-2031 (August 2016) outlines the proposed approach to protecting Ashdown Forest. Any residential development allocation included within the East Grinstead Neighbourhood Plan will be subject to the requirements of the District Plan policy for the Ashdown Forest SPA and SAC or the approach being implemented at the time of a planning application.
- 4.5 It should be noted that the District Plan has not yet been adopted and, therefore, the District Plan HRA has not been tested and accepted at Examination. Whilst this is the case, the District Plan HRA did consider that some housing allocations in the District would be through neighbourhood plans. The expected level of development was taken into account and as such, it is considered that the District Plan HRA can be used as background information for the HRAs of neighbourhood plans. Currently, as advised by Natural England, all planning applications proposing a net increase in residential dwellings within the 7km zone around the Ashdown Forest SPA will be required to mitigate their effects of increased recreational pressure in the form of providing two separate financial contributions towards SANG and SAMM measures. The [East Court & Ashplats Wood SANG Strategy](#) has been agreed by the District Council and a [SAMM interim mitigation strategy](#) has been approved by Natural England. The provision of mitigation will be taken into account when preparing the HRA for the neighbourhood plan.

5.0 Screening Assessment for the East Grinstead Neighbourhood Plan

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

5.2 Is the East Grinstead Neighbourhood Plan directly connected with, or necessary to the management of a European site for nature conservation?

From review of the East Grinstead Neighbourhood Plan, it is considered that it is not directly connected with, or necessary to the nature conservation management of Ashdown Forest, and so a Habitats Regulations Assessment is required.

5.3 Does the East Grinstead Neighbourhood Plan propose new development or allocate sites for development?

Yes – 12 sites have been allocated for residential development in Policies EG6A and EG6B. The Neighbourhood Plan allocates the following sites:

EG6A – sites with planning permission

- St. Lukes House and St. Lukes Church, Holtye Avenue (14 units)
- 1-25 Bell Hammer, Ship Street (28 units)
- Warrenside, College Lane (14 units)

EG6B – sites which could be brought forward

- Meadway Garage, Lowdells Lane (9 dwellings)
- Land at junction of Windmill Lane and London Road (30-35 dwellings)
- Imberhorne Lane Car Park (18 dwellings)
- 67-69 Railway Approach (7 dwellings)
- Post Office and delivery office, 76 London Road (12 dwellings)
- Cantelupe House, Cantelupe Road (10-12 dwellings)
- Imberhorne Lower School, Windmill Lane (200 dwellings)
- Ashplats House, off Holtye Road (35-45 dwellings)
- Queens Walk between Queensway and London Road (120 dwellings)

This amount of development is in line with the emerging Mid Sussex District Plan and is within the numbers assessed in the District Plan HRA.

5.4 Are there any other projects or plans that together with the East Grinstead Neighbourhood Plan could impact on the integrity of a European site, the ‘in combination’ impact?

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

The East Grinstead Neighbourhood Plan may also have an in combination effect with other plans being produced by local authorities that have land within the 7km zone, such as Wealden District Council, Lewes District Council and Tunbridge Wells Borough Council. It is understood though that with regards to recreational disturbance, Wealden District Council and Lewes District Council will be making provision for SANG and contributing to the wider Joint SAMM Strategy that is currently being prepared. Any development in Tunbridge Wells Borough only needs to make a contribution towards SAMM measures.

Screening Assessment

- 5.5 The following table illustrates the findings of the screening assessment for each of the policies within the East Grinstead Neighbourhood Plan. This assesses whether there is a likely significant effect from these policies on the Ashdown Forest SPA and SAC.
- 5.6 For it to be concluded that a policy would have no likely significant effect on a European site, one of the following reasons usually applies (this is taken from the guidance for Scottish Natural Heritage, p19-20):
- a) Intended to protect the natural environment, including biodiversity, or to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European site;
 - b) Which will not themselves lead to development or other change, for example, because they relate to design or other qualitative criteria for development or other kinds of change;
 - c) Which make provision for change but which could have no conceivable effect on a European site, because there is no link or pathway between them and the qualifying interests, or any effect would be a positive effect, or would not otherwise undermine the conservation objectives for the site;
 - d) Which make provision for change but which could have no significant effect on a European site (but is a minor residual effect), because any potential effects would be insignificant, being so restricted or remote from the site that they would not undermine the conservation objectives for the site;
 - e) For which effects on any particular European site cannot be identified, because the policy is too general, for example, it is not possible to identify where, when or how the policy may be implemented, or where effects may occur, or which sites, if any, may be affected.

East Grinstead Neighbourhood Plan Policy	Policy	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
EG1	Protection of the High Weald AONB	This policy seeks to protect the High Weald AONB from inappropriate development.	No likely significant effect – reason a).
EG2	Areas of Development Constraint	This policy seeks to protect areas outside the built-up area boundary.	No likely significant effect – reason a).
EG2a	Preventing Coalescence	This policy seeks to prevent coalescence of settlements.	No likely significant effect – reason b).
EG3	Promoting Good Design	This policy seeks to promote good design in development proposals.	No likely significant effect – reasons a) and b).

East Grinstead Neighbourhood Plan Policy	Policy	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
EG4 and EG4a	Designated and Non-Designated Heritage Assets	This policy seeks to protect heritage assets, in particular the Portlands area of 58 to 84 High Street.	No likely significant effect – reason a).
EG5	Housing	This policy outlines criteria for new housing development, but does not allocate sites for development. It is noted that this policy requires contributions to be made towards SANG and SAMM.	No likely significant effect – reason b).
EG6A	Housing Sites that are committed via planning permissions	<p>This policy sets out three sites that already have planning permission:</p> <ol style="list-style-type: none"> 1. St. Lukes House and St. Lukes Church, Holtye Avenue (14 units) 2. 1-25 Bell Hammer, Ship Street (28 units) 3. Warrenside, College Lane (14 units) 	<p>Natural England has advised the District Council that new residential development within 7km of Ashdown Forest is likely to have a significant effect, alone and in combination with other housing proposals, on the special conservation features of Ashdown Forest. Development proposing a net increase in residential dwellings will be required to mitigate their effects of increased recreational pressure. These three planning permissions have already been assessed under the Habitats Regulations. St. Lukes House and Warrenside were granted planning permission before mitigation was required, and Bell Hammer has provided a financial contribution towards the District Council's interim SAMM Strategy. Therefore, these three sites will not have a likely significant effect on the Ashdown Forest SPA and SAC.</p>

East Grinstead Neighbourhood Plan Policy	Policy	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
EG6B	Housing Sites which could be brought forward	<p>This policy allocates the following sites for residential development:</p> <ul style="list-style-type: none"> 4. Meadway Garage, Lowdells Lane (9 dwellings) 5. Land at junction of Windmill Lane and London Road (30-35 dwellings) 6. Imberhorne Lane Car Park (18 dwellings) 7. 67-69 Railway Approach (7 dwellings) 8. Post Office and delivery office, 76 London Road (12 dwellings) 9. Cantelupe House, Cantelupe Road (10-12 dwellings) 10. Imberhorne Lower School, Windmill Lane (200 dwellings) 11. Ashplats House, off Holtye Road (35-45 dwellings) 12. Queens Walk between Queensway and London Road (120 dwellings) 	<p>Likely significant effect – alone. Natural England has advised the District Council that new residential development within 7km of Ashdown Forest is likely to have a significant effect, alone and in combination with other housing proposals, on the special conservation features of Ashdown Forest. Development proposing a net increase in residential dwellings will be required to mitigate their effects of increased recreational pressure.</p>
EG7	Housing Mix and Density	<p>This policy sets out criteria for housing mix and density on new housing schemes.</p>	<p>No likely significant effect – reason b).</p>
EG8	East Grinstead Town Centre	<p>This policy seeks to retain the character of the town centre and sets out criteria for changes of use.</p>	<p>No likely significant effect – reason b).</p>

East Grinstead Neighbourhood Plan Policy	Policy	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
EG9	Temporary Community Uses	This policy seeks to support the temporary use of a long-term vacant commercial or retail property where a community use is provided.	No likely significant effect – reason b).
EG10	Employment Provision	This policy sets out criteria for the redevelopment, extension or alteration of existing business premises.	No likely significant effect – reason b).
EG10a	Loss of Employment Provision	This policy resists the loss of business premises and sites within the existing settlement.	No likely significant effect – reason b).
EG11	Mitigating Highway Impact	This policy expects new housing and business development proposals to not cause a severe cumulative impact in terms of road safety and increased congestion and provide appropriate mitigation.	No likely significant effect – reason b).
EG12	Car Parking	This policy outlines that parking provision should be in accordance with parking standards and where it does not dominate the street scene.	No likely significant effect – reason b).
EG13	Modern Technology	This policy seeks to encourage modern sustainable and communication technologies to be factored into development proposals.	No likely significant effect – reason b).

East Grinstead Neighbourhood Plan Policy	Policy	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
EG14	Protection of Open Space	This policy seeks to protect existing public open space, sports and recreational buildings and land, including playing fields.	No likely significant effect – reason a).
EG15	Sport, Recreation and Community use Provision Policy	This policy identifies sites for children’s equipped open space, and informal open space and play space. The policy also resists proposals that would result in the loss of open space.	No likely significant effect – reasons a) and c).
EG16	Ashdown Forest Special Area of Conservation and Special Protection Area	This policy requires residential development leading to a net increase in dwellings within the Neighbourhood Plan Area to provide mitigation in the form of SANG and SAMM.	No likely significant effect – reason a). This policy will have a positive effect on Ashdown Forest by requiring new residential development to mitigate its potential impact.
SS1	Railway Approach	This policy sets out criteria for the redevelopment of the site at Railway Approach, including the provision of residential development.	Likely significant effect – alone. Natural England has advised the District Council that new residential development within 7km of Ashdown Forest is likely to have a significant effect, alone and in combination with other housing proposals, on the special conservation features of Ashdown Forest. Development proposing a net increase in residential dwellings will be required to mitigate their effects of increased recreational pressure.

East Grinstead Neighbourhood Plan Policy	Policy	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
SS2	Queens Walk	This policy sets out criteria for the redevelopment of Queens Walk, including the provision of residential development.	Likely significant effect – alone. Natural England has advised the District Council that new residential development within 7km of Ashdown Forest is likely to have a significant effect, alone and in combination with other housing proposals, on the special conservation features of Ashdown Forest. Development proposing a net increase in residential dwellings will be required to mitigate their effects of increased recreational pressure.
SS3	Imberhorne Lower School, Windmill Lane	This policy sets out criteria for the redevelopment of the site at Imberhorne Lower School, including the provision of residential development.	Likely significant effect – alone. Natural England has advised the District Council that new residential development within 7km of Ashdown Forest is likely to have a significant effect, alone and in combination with other housing proposals, on the special conservation features of Ashdown Forest. Development proposing a net increase in residential dwellings will be required to mitigate their effects of increased recreational pressure.
SS4	Birches Industrial Estate	This policy sets out criteria for the business development at Birches Industrial Estate.	No likely significant effect – reason c).

East Grinstead Neighbourhood Plan Policy	Policy	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
SS5	Charlwood's Industrial Estate	This policy sets out criteria for the redevelopment of Charlwood's Industrial Estate, including the provision of residential development.	Likely significant effect – alone. Natural England has advised the District Council that new residential development within 7km of Ashdown Forest is likely to have a significant effect, alone and in combination with other housing proposals, on the special conservation features of Ashdown Forest. Development proposing a net increase in residential dwellings will be required to mitigate their effects of increased recreational pressure.
SS6	Queen Victoria Hospital	This policy resists the loss of the hospital use and sets out criteria for new and extended facilities.	No likely significant effect – reason b).
SS7	St. Margaret's Loop	This policy resists the loss of St. Margaret's Loop open space and seeks to improve the pedestrian and cycle route.	No likely significant effect – reason a).
SS8	Land South of Birches Industrial Estate and West of Imberhorne Lane	This policy supports the use of this area as public open space, recreation and amenity use, improving the green infrastructure of the Neighbourhood Plan Area. The policy considers the possibility of the site being used for SANG; any such proposal would need to accord with the Natural England SANG criteria and be subject to the approval of Mid Sussex District Council.	No likely significant effect – reason a). If this broad location is used for a SANG site, then this would have a positive effect on Ashdown Forest as it could form part of the mitigation for new residential development.

5.7 The screening assessment looks at the policies individually (alone) to identify if there is an effect on the European site. It is possible to apply straightforward mitigation measures to

the plan if there are any policies likely to have a significant effect alone (in this case, Policies EG6A, EG6B, SS1, SS2, SS3 and SS5 which seek to allocate land for housing), and then re-screen the policy to see if it can then be determined no likely significant effect. Examples of straightforward mitigation include the deletion of the policy, alteration of the spatial distribution of the potentially damaging proposal or reduction in the scale of the potentially damaging proposal. It is considered, however, that the type of mitigation proposed by the District Plan HRA (that is, SANG and SAMM) is more complex and bespoke and, therefore, EG6A, EG6B, SS1, SS2, SS3 and SS5 should be tested through the next stage, the appropriate assessment. (The sites listed in EG6A already have planning permission and have been assessed under the Habitats Regulations, providing mitigation where appropriate). An appropriate assessment was undertaken for Regulation 16 and this screening report for Regulation 19 checks that the conclusions of the appropriate assessment are still relevant following the examination of the Neighbourhood Plan and any modifications by the examiner.

- 5.8 No other policies in the East Grinstead Neighbourhood Plan were found to have a likely significant effect alone on the Ashdown Forest SPA, nor have any policies been given reason d) (minor residual effect). There is, therefore, no in-plan in combination effect (that is, there is unlikely to be an in combination effect from the policies in the Neighbourhood Plan), and any wider in combination effect with other plans has been considered through the appropriate assessment.

6.0 Conclusion of the Screening Assessment

- 6.1 The screening assessment table above shows that there would be no likely significant effects on the Ashdown Forest SPA and SAC from the majority of the policies included within the East Grinstead Neighbourhood Plan. The development proposed in EG6A, EG6B, SS1, SS2, SS3 and SS5 may have a likely significant effect alone since it is within 7km of the Ashdown Forest SPA.
- 6.2 As concluded in the Regulation 16 HRA, Natural England concurs with the conclusions of this HRA for the East Grinstead Neighbourhood Plan and their comment on strategic mitigation is noted. Mid Sussex District Council currently has a SANG in place and is implementing an interim SAMM Strategy, with the Joint SAMM Strategy being finalised. Taking into account Natural England's comments, the overall conclusion of this HRA for the East Grinstead Neighbourhood Plan is that subject to mitigation being provided (in the form of SANG and SAMM contributions) and in view of the conclusions of the District Plan HRA, it is considered that there would be no adverse effect on the integrity of the Ashdown Forest SPA and SAC from the policies in the East Grinstead Neighbourhood Plan.
- 6.3 A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the East Grinstead Neighbourhood Plan is not required at this stage as the impacts from the development proposed in the East Grinstead Neighbourhood Plan have been fully considered during the appropriate assessment process (Appendix 2) and the independent examination of the East Grinstead Neighbourhood Plan.

Approved by:

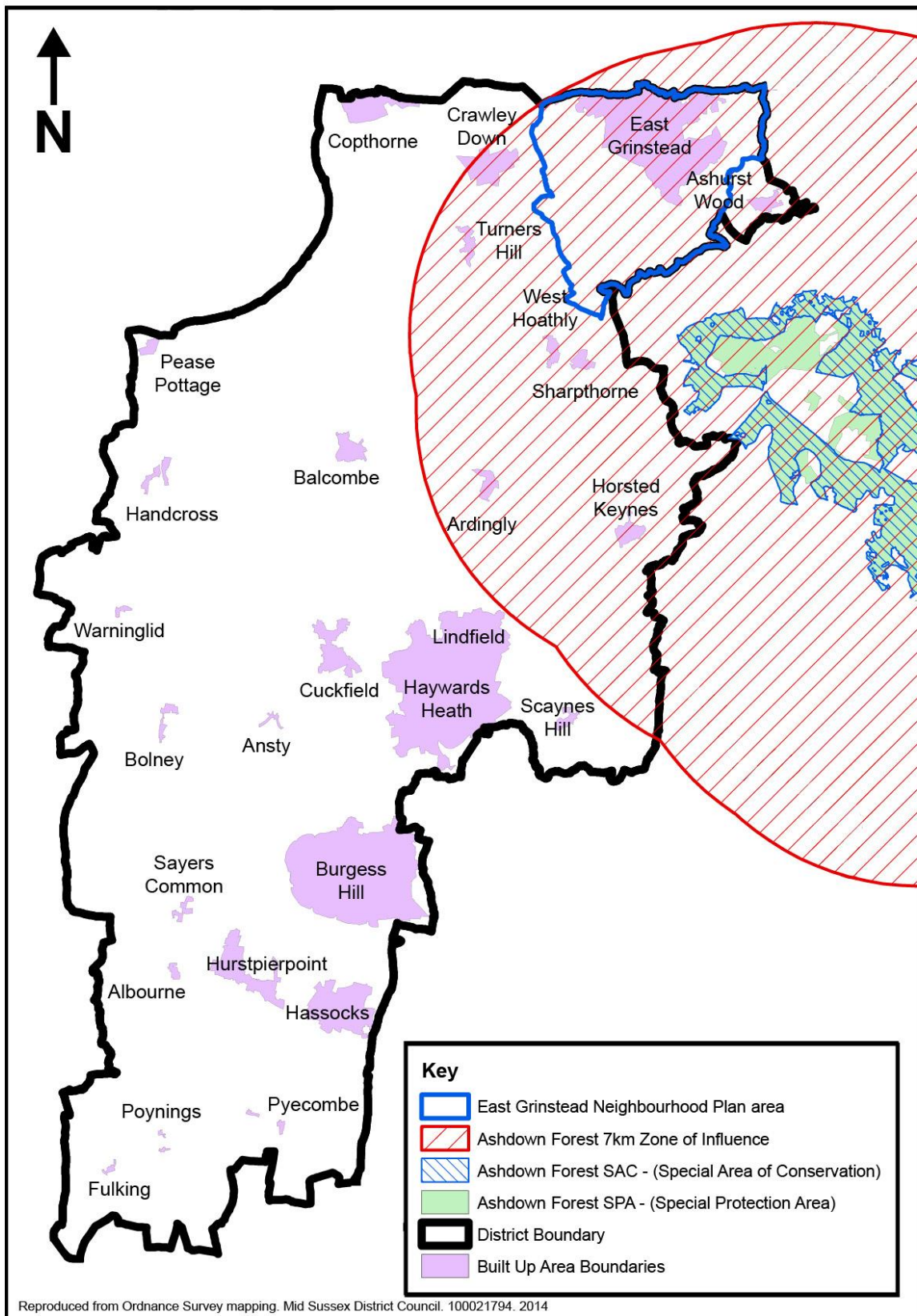
A handwritten signature in black ink that reads "Chris Tunnell". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Chris Tunnell

Interim Head of Economic Promotion and Planning

Date: 1st November 2016

Appendix 1: The East Grinstead Neighbourhood Plan Area in relation to the Ashdown Forest Special Protection Area and Special Area of Conservation



**Appendix 2: Habitats Regulations Assessment for the East Grinstead Neighbourhood Plan –
Regulation 16 (29th January 2016)**

East Grinstead Neighbourhood Plan

Habitats Regulations Assessment

Produced for Regulation 16 of the Neighbourhood Planning (General) Regulations 2012

29th January 2016

1.0 Introduction

- 1.1 A Habitats Regulations Assessment (HRA) screening report was undertaken by Mid Sussex District Council in respect of the East Grinstead Neighbourhood Plan which has been produced by East Grinstead Town Council in accordance with the Neighbourhood Planning (General) Regulations 2012. This HRA accompanies the East Grinstead Neighbourhood Plan produced for Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.
- 1.2 The screening assessment found that there would be no likely significant effect on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) from the majority of policies included within the East Grinstead Neighbourhood Plan. It was found, however, that the development proposed in Policies EG6B, SS1, SS2, SS3 and SS5 will have a likely significant effect alone since it is within 7km of the Ashdown Forest SPA (Appendix 1). An appropriate assessment is, therefore, required to test these policies further.
- 1.3 Further background to this HRA can be found in the screening report for the East Grinstead Neighbourhood Plan (Appendix 4).
- 1.4 Much of the information used for this HRA has been developed through the HRA for the Mid Sussex District Plan. The most recent version of this document was published in October 2015, but the District Plan has not yet been adopted. It is considered, however, that the background information in the District Plan HRA can be used for this HRA of the East Grinstead Neighbourhood Plan and as such, this HRA should be read in conjunction with it.
- 1.5 Further detail can be found in the [HRA for the Mid Sussex District Plan](#), other [supporting documents](#) and the [District Plan](#).
- 1.6 In producing this HRA screening report, the following guidance has been taken into account:

- David Tyldesley and Associates (for Scottish Natural Heritage) (August 2012) Habitats Regulations Appraisal of Plans: Guidance for Plan-making Bodies in Scotland – Version 2.0⁶
- David Tyldesley and Associates (for the Countryside Council for Wales) (September 2012) Draft Guidance for Plan Making Authorities in Wales: The Appraisal of Plans Under the Habitats Directive⁷

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

2.0 Appropriate Assessment

- 2.1 The appropriate assessment stage focuses on Policies EG6B, SS1, SS2, SS3 and SS5 of the East Grinstead Neighbourhood Plan. It was considered during the screening assessment that these policies are likely to have a significant effect on the Ashdown Forest SPA and SAC because they seek to allocate land for residential dwellings. They, therefore, need to be tested further. Mitigation can be applied at this stage and then it can be determined if the East Grinstead Neighbourhood Plan would adversely affect the integrity of the European site. If it is concluded that there would be an adverse effect on the integrity of the Ashdown Forest SPA, then the East Grinstead Neighbourhood Plan should not be given effect.
- 2.2 The Habitats Regulations do not specify how the assessment should be undertaken, but describe it simply as an ‘appropriate assessment’. This is taken to mean that the assessment must be appropriate to its purpose under the Habitats Regulations (and also the Habitats Directive). Regulation 102 of the Conservation of Habitats and Species Regulations 2010 refers to an appropriate assessment being made of the implications of a plan for a European site in view of the site’s conservation objectives, and this should have regard to the precautionary principle.
- 2.3 The conclusions of the appropriate assessment should enable the competent authority to ascertain whether the proposal would adversely affect the integrity of the site (the Ashdown Forest SPA). Integrity has been defined as ‘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’ (ODPM, 2005⁸). For example, an adverse effect on integrity would be something that impacts on the site’s ecological structure and functioning and/ or affects the ability of the site to meet its conservation objectives.

⁶ <http://www.snh.gov.uk/planning-and-development/environmental-assessment/habitat-regulations-appraisal/>

⁷ <http://www.ccg.gov.uk/landscape--wildlife/managing-land-and-sea/environmental-assessment/habitats-regulations-assessmen.aspx>

⁸ ODPM (2005) Government Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System

2.4 Natural England has published the conservation objectives for the Ashdown Forest SPA and SAC (see Appendix 2 and 3) and where the objectives are met, the site can be said to demonstrate a high degree of integrity and the site itself makes a full contribution to achieving favourable conservation status for those features (favourable conservation status is defined by Article 1 of the Habitats Directive). A natural habitat favourable conservation status is achieved when:

- The natural range and areas it covers within that range are stable or increasing, and
- The specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- The conservation status of its typical species is favourable.

A species favourable conservation status is achieved when:

- Population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- The natural range of the species is neither reduced nor is likely to be reduced for the foreseeable future, and
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Impact Source, Impact Pathway and Potential Adverse Effects

2.5 The impact source and pathway for recreational disturbance have been explained in the District Plan HRA (see Chapter 6: Disturbance Impact Pathways). In summary, new residential development within 7km of the Ashdown Forest SPA is likely to have a significant effect and this is due to additional visitors to Ashdown Forest and resulting recreational disturbance to the bird species. Policies EG6B, SS1, SS2, SS3 and SS5 of the East Grinstead Neighbourhood Plan, therefore, may lead to more people visiting Ashdown Forest and potentially resulting in disturbance to the ground-nesting birds, particularly during the bird breeding season and from freely roaming dogs.

2.6 The impacts to heathland breeding birds can be summarised 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, where 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.

2.7 Data analysis of the Ashdown Forest visitor survey⁹ indicates that:

⁹ Clarke, R. T., Sharp, J. and Liley, D. (2010) Ashdown Forest Visitor Survey Data Analysis: Natural England Commissioned Reports, Number 048: <http://www.midsussex.gov.uk/8270.htm>

- The current level of visitor pressure is not affecting the distribution of nightjar, woodlark¹⁰ or Dartford warbler within the Ashdown Forest SPA, although there will be a point at which levels of visitor pressure are so great that birds will abandon otherwise suitable breeding habitat and the ability of the site to support a given density of birds will be compromised.
- The current level of visitor pressure is not displacing the birds from otherwise suitable habitat, however, the level at which recreational pressure will be such that birds will begin to be displaced is not known.
- Evidence from other sites would suggest that if access levels were to increase, there may be avoidance of otherwise suitable habitat and there may be impacts on breeding success.
- Recreational disturbance may still be having an impact on the Annex I bird species at Ashdown Forest and 'in the absence of data on breeding success, and without understanding why bird densities are low, it currently cannot be concluded on the basis of scientific evidence that the ecological integrity of nightjar and Dartford warbler populations is not being adversely affected by a combination of existing pressure and/ or habitat management' (p29).
- An increase in population from new residential development is likely to result in additional recreational pressure on Ashdown Forest.

2.8 The data analysis report¹¹ concludes that 'information is not available to say definitively whether the quantum of new housing proposed in the vicinity of Ashdown Forest will impact upon breeding success or cause bird displacement. Taking into account the wider body of research available, along with the principles established and mitigation and monitoring being pursued as a result of plan level Habitats Regulations Assessments at other heathland sites, it is advised that a similar approach should be taken forward for Ashdown Forest SPA' (p30).

2.9 In accordance with the precautionary principle and the analysis of the findings of the visitor survey, mitigation measures, therefore, are required to remove or reduce the effects of the East Grinstead Neighbourhood Plan on the Ashdown Forest SPA.

Mitigation

2.10 As this proposed site allocation for development is located within the 7km zone of influence, it is within the area where mitigation would be most effective and it is recommended that mitigation is provided for residential development that comes forward in the Neighbourhood Plan Area. The following paragraphs detail the mitigation proposed to counter the effects of recreational disturbance on the Ashdown Forest SPA, and this approach was examined in the District Plan HRA (see Chapter 6: Disturbance Impact Pathways). An assessment of reasonable alternatives to the 7km zone of influence and the

¹⁰ The woodlark is present in qualifying numbers on Ashdown Forest, but it is not listed as a qualifying feature of the Ashdown Forest SPA.

¹¹ Clarke, R. T., Sharp, J. and Liley, D. (2010) Ashdown Forest Visitor Survey Data Analysis: Natural England Commissioned Reports, Number 048: <http://www.midsussex.gov.uk/8270.htm>

mitigation approach has been made in the [District Plan Sustainability Appraisal](#) (Incorporating Strategic Environmental Assessment) (November 2015). It is considered that that assessment can be applied to the HRAs for neighbourhood plans.

- 2.11 There are two parts to the mitigation. A site of Suitable Alternative Natural Greenspace (SANG) could either be provided on the development site or through a contribution to a strategic SANG. The purpose of SANGs is to provide alternative greenspace to divert visitors from visiting the Ashdown Forest SPA and to prevent an overall increase in visitors. Natural England has provided guidance on the criteria for SANGs and at the South East Plan Examination, it was accepted that a minimum standard of 8Ha per 1000 net increase in population was appropriate for the Thames Basin Heaths and so this standard has been adopted for Ashdown Forest. The District Council has agreed a strategic SANG site for the District at [East Court & Ashplats Wood](#), East Grinstead and a series of enhancement works will help to make the site attractive to visitors.
- 2.12 The second part of mitigation is to provide a contribution towards a Strategic Access Management and Monitoring (SAMM) strategy. This aims to manage visitors on-site at Ashdown Forest and the strategy will involve joint working with the other affected local authorities, the Conservators of Ashdown Forest and Natural England. This work on a SAMM strategy is currently in progress, although the District Council is currently implementing an [interim SAMM mitigation strategy](#) applicable to relevant planning applications.
- 2.13 For mitigation to be sufficient to ascertain that the plan would not adversely affect the integrity of a European site, there needs to be certainty as to its implementation and delivery. It should also be referenced and detailed in a policy in an appropriate planning document such as the District Plan or a neighbourhood plan. It is considered that there are sufficient mitigation measures in the policy framework of the emerging District Plan (see Box 1) and those currently being implemented to apply to the amount of development proposed in the East Grinstead Neighbourhood Plan.

DP15 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

Strategic Objectives: 3) To protect valued landscapes for their visual, historical and biodiversity qualities.

Evidence Base: Ashdown Forest Visitor Survey Data Analysis, Habitats Regulations Assessment for the Mid Sussex District Plan, Visitor Access Patterns on Ashdown Forest.

In order to prevent adverse effects on the Ashdown Forest SPA and SAC, new residential development likely to have a significant effect, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects.

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.

Within a 7km zone of influence around the Ashdown Forest SPA, residential development leading to a net increase in dwellings will be required to contribute to mitigation through:

- 1) The provision of Suitable Alternative Natural Greenspace (SANG) to the minimum level of 8Ha per 1,000 net increase in population; or a financial contribution to SANGs elsewhere; or the provision of bespoke mitigation; and
- 2) A financial contribution to the Ashdown Forest Strategic Access Management and Monitoring (SAMM) Strategy.

Large schemes proposed adjacent or close to the boundary of the 7km zone of influence may require mitigation. Such proposals for development will be dealt with on a case-by-case basis.

Where bespoke mitigation is provided, these measures will need to be in place before occupation of development and must be managed and maintained in perpetuity. The effectiveness of such mitigation will need to be demonstrated prior to approval of the development. Bespoke mitigation will need to be discussed and agreed by the District Council as the competent authority following advice from Natural England.

Box 1: Emerging policy for the Ashdown Forest SPA (Focused Amendments to the Pre-Submission Draft District Plan 2014-2031 – November 2015).

- 2.14 The East Grinstead Neighbourhood Plan also contains policies that promote the need for mitigation or intend to conserve the natural environment. Policy SS8 considers the possibility of land south of Birches Industrial Estate and west of Imberhorne Lane being used for SANG and by including this and Policy EG16 in the Neighbourhood Plan, emphasises the requirement for mitigation. Policies EG14 and EG15 seek to protect local formal and informal open space. These sites offer existing recreational open space that act as local alternatives to Ashdown Forest.

In Combination Effects

- 2.15 The requirement for mitigation means that any impact on the Ashdown Forest SPA from the East Grinstead Neighbourhood Plan is avoided or reduced and, therefore, there is no effect to assess in combination with other plans.
- 2.16 Other neighbourhood plans and windfall sites within the 7km zone in Mid Sussex will also be required to provide mitigation for development where there is a net increase in dwellings and any in combination effect will be taken into account through the overall mitigation strategy (that is, SANG and SAMM). Policies that propose residential development in neighbourhood plans in Mid Sussex outside the 7km zone of influence are considered to have an insignificant effect on the Ashdown Forest SPA (as assessed through the District Plan HRA) although this will be explored in further detail in the HRAs of those neighbourhood plans.

- 2.17 This also applies to plans being produced by local authorities that have land within the 7km zone, such as Wealden District Council, Lewes District Council and Tunbridge Wells Borough Council. It is understood that with regards to recreational disturbance, Wealden District Council and Lewes District Council will be making provision for SANG and contributing to the wider Joint SAMM Strategy that is currently being prepared. Any development in Tunbridge Wells Borough only needs to make a contribution towards SAMM measures.
- 2.18 To mitigate the development set out in the allocations at Uckfield, Crowborough and Maresfield identified in the Wealden District Core Strategy, both SANG and SAMM will be required. Lewes District Council is considering options for delivering a SANG and will also require contributions towards SAMM¹². Tunbridge Wells Borough Council has not allocated any sites within the 7km zone of influence, but contributions may be provided towards SAMM where appropriate¹³. All affected local authorities are involved in the development of the Joint SAMM Strategy and their work on mitigation described above demonstrates their commitment to protecting the Ashdown Forest SPA under the Habitats Regulations.
- 2.19 Ongoing monitoring of birds, visitors and the SAMM projects at Ashdown Forest as well as monitoring visitors at the SANG will ensure that mitigation remains effective. Adjustments can be made to the mitigation strategy and tariff if deemed necessary. Monitoring and any adjustments will be examined through the SANG and SAMM strategies.

3.0 Initial Conclusion and Recommendations

- 3.1 The District Plan HRA assessed if the ecological integrity of the Ashdown Forest SPA would be adversely affected as a result of the District Plan (see Chapter 8: Summary and Conclusions). It concluded that mitigation measures were capable of being delivered and implementation of this mitigation would mean no adverse effects on integrity were expected.
- 3.2 The provision of mitigation in the form of both SANG and SAMM is essential to the housing proposals in the East Grinstead Neighbourhood Plan to ensure no adverse effect on the integrity of Ashdown Forest.
- 3.3 In view of the conclusions of the District Plan HRA and subject to the mitigation, it is considered from the appropriate assessment above that there would be no adverse effect on the integrity of the Ashdown Forest SPA and SAC from the policies included within the East Grinstead Neighbourhood Plan.
- 3.4 Any residential development that is included as an allocation within the East Grinstead Neighbourhood Plan or comes forward as a planning application will be subject to the

¹² Lewes District Council (2014) Habitats Regulations Assessment Background Paper:
<http://www.lewes.gov.uk/planning/20408.asp>

¹³ URS (on behalf of Tunbridge Wells Borough Council) (2013) Tunbridge Wells Site Allocations HRA:
<http://www.tunbridgewells.gov.uk/residents/planning/planning-policy/evidence-base>

recommendations of the HRA. Mitigation will be required for residential development¹⁴ that results in a net increase in dwellings and this mitigation should consist of a contribution towards both SANG and SAMM. It is recommended that in advance of the adoption of the District Plan and the relevant policy, the neighbourhood plan should make reference to provision of SANG and SAMM mitigation to demonstrate the need for mitigation and to ensure certainty of implementation.

- 3.5 It is recommended that applicants contact the District Council for advice specific to the proposals in a planning application. Applicants are also strongly advised to contact the District Council prior to submitting a planning application should they be considering providing their own SANG or other forms of mitigation.

Development Management

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4.0 Comments from Natural England

- 4.1 Natural England was consulted on this HRA for the East Grinstead Neighbourhood Plan. Their comments are set out below:

Thank you for consulting Natural England on your Neighbourhood Plan (NP) Habitats Regulations Assessment (HRA). Having read your submitted document, I suggest that (subject to commitment by Mid Sussex to strategic mitigation) the document could conclude as follows:

‘The development proposed, with the mitigation agreed, would not result in a Likely Significant Effect (LSE).’

I would also advise that there needs to be checks at the detailed planning stage, to ensure the provision of mitigation matches the proposed timetable for development.

5.0 Overall Conclusion

- 5.1 Natural England concurs with the conclusions of this HRA for the East Grinstead Neighbourhood Plan and their comment on strategic mitigation is noted. Mid Sussex District Council currently has a SANG in place and is implementing an interim SAMM Strategy, with the Joint SAMM Strategy being finalised. Taking into account Natural England’s comments, the overall conclusion of this HRA for the East Grinstead Neighbourhood Plan is that subject to mitigation being provided (in the form of SANG and SAMM contributions) and in view of the conclusions of the District Plan HRA, it is considered that there would be no adverse effect on the integrity of the Ashdown Forest SPA and SAC from the policies in the East Grinstead Neighbourhood Plan.

¹⁴ Further detail on the types of development that will require mitigation will be provided in the SANG and SAMM strategies.



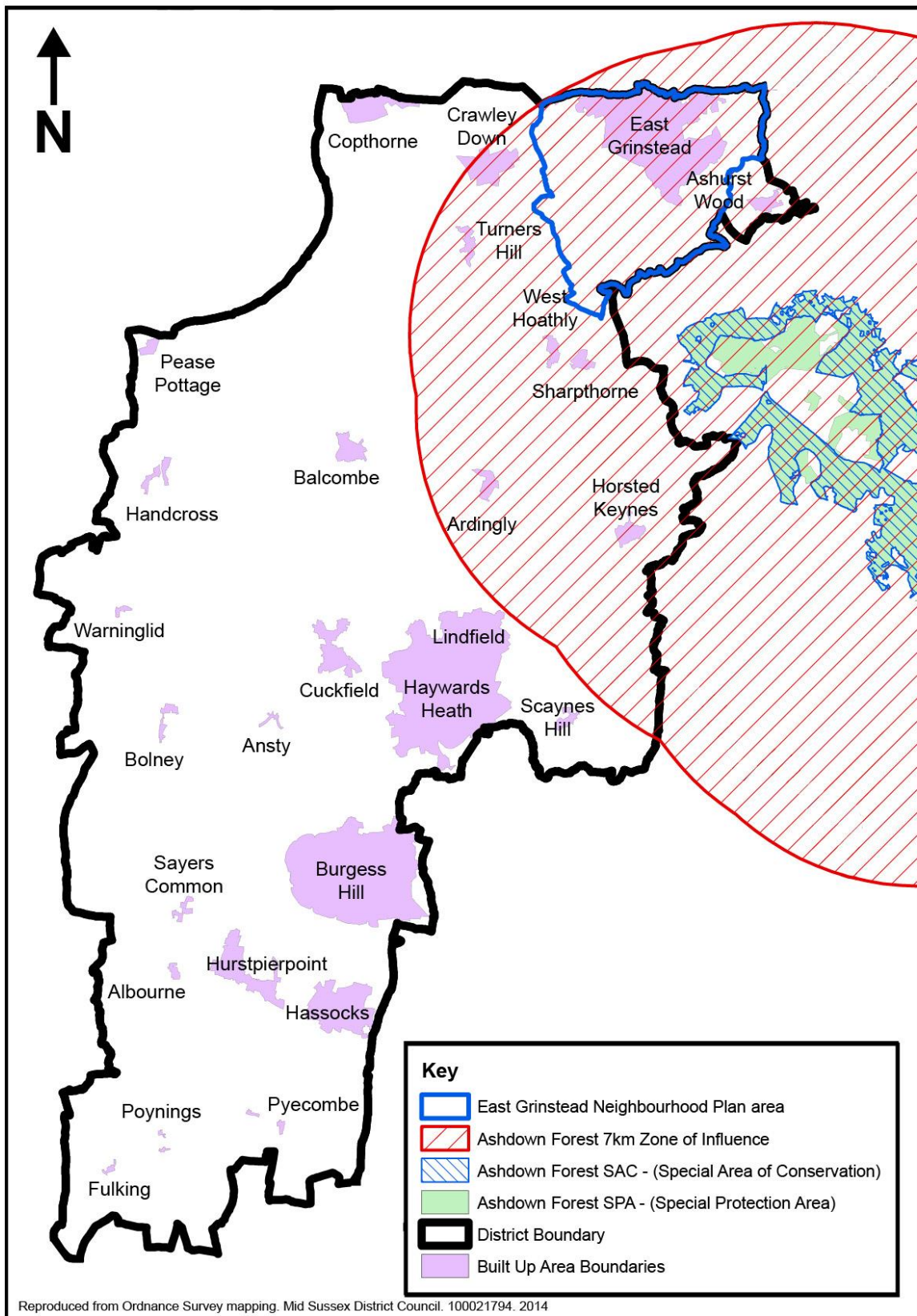
Approved by:

Claire Tester

Head of Economic Promotion and Planning

Date: 29th January 2016

Appendix 1: The East Grinstead Neighbourhood Plan Area in relation to the Ashdown Forest Special Protection Area and Special Area of Conservation



Appendix 2: European Site Conservation Objectives for Ashdown Forest Special Protection Area

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

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

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

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

A224 *Caprimulgus europaeus*; European nightjar (Breeding)

A302 *Sylvia undata*; Dartford warbler (Breeding)

Appendix 3: European Site Conservation Objectives for Ashdown Forest Special Area of Conservation

With regard to the SAC and the natural habitats and/or species for which the site has been designated ('the Qualifying Features' listed below), and subject to natural change;

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

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

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

H4010	Northern Atlantic wet heaths with <i>Erica tetralix</i> ; Wet heathland with cross-leaved heath
H4030	European dry heaths
S1166	<i>Triturus cristatus</i> ; Great crested newt

Appendix 4:

East Grinstead Neighbourhood Plan

Habitats Regulations Assessment Screening Report

Produced for Regulation 16 of the Neighbourhood Planning (General) Regulations 2012

6th January 2016

1.0 Introduction

1.1 This Habitats Regulations Assessment (HRA) screening report has been undertaken by Mid Sussex District Council in respect of the East Grinstead Neighbourhood Plan which has been produced by East Grinstead Town Council in accordance with the Neighbourhood Planning (General) Regulations 2012. This HRA screening report accompanies the East Grinstead Neighbourhood Plan produced for Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

1.2 The East Grinstead Neighbourhood Plan has been produced to guide development within the parish up to 2031. The Neighbourhood Plan sets out a vision for East Grinstead:

‘To provide for a positive future for East Grinstead that is socially inclusive for all, vibrant, economically robust and will allow residents to live with a high degree of self-sufficiency in a town with a first rate natural, built and historic environment’ (East Grinstead Neighbourhood Plan, November 2015: p14).

1.3 If the East Grinstead Neighbourhood Plan is approved by the local community through a referendum and subsequently made by Mid Sussex District Council, it will be used in determining planning applications within the Neighbourhood Plan Area, as part of the development plan.

1.4 The aim of this HRA screening report is to assess whether there are any likely significant effects on European sites within relative proximity to the Neighbourhood Plan Area (Appendix 1).

1.5 Much of the information used for this screening report has been developed through the HRA for the Mid Sussex District Plan 2014-2031. The most recent version of this document was published in October 2015. It is considered, however, that the background information in the District Plan HRA can be used for this screening report of the East Grinstead Neighbourhood Plan and as such, this screening report should be read in conjunction with it.

1.6 Further detail can be found in the [HRA for the Mid Sussex District Plan](#), other [supporting documents](#) and the [District Plan](#).

- 1.7 In producing this HRA screening report, the following guidance has been taken into account:
- David Tyldesley and Associates (for Scottish Natural Heritage) (August 2012) Habitats Regulations Appraisal of Plans: Guidance for Plan-making Bodies in Scotland – Version 2.0¹⁵
 - David Tyldesley and Associates (for the Countryside Council for Wales) (September 2012) Draft Guidance for Plan Making Authorities in Wales: The Appraisal of Plans Under the Habitats Directive¹⁶

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

2.0 Legislative Background

- 2.1 The Natura 2000 network consists of sites across Europe designated for their nature conservation importance. It aims to be an ecologically coherent network of designated sites that protect threatened species and habitats. The Natura 2000 network is formed of Special Areas of Conservation for species, plants and habitats (designated under the Habitats Directive) and Special Protection Areas for bird species (classified under the Birds Directive).
- 2.2 To help protect the Natura 2000 network, there are particular requirements for plans and projects. Article 6(3) of the European Union Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the ‘Habitats Directive’) states:

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

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

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

¹⁵ <http://www.snh.gov.uk/planning-and-development/environmental-assessment/habitat-regulations-appraisal/>

¹⁶ <http://www.ccg.gov.uk/landscape--wildlife/managing-land-and-sea/environmental-assessment/habitats-regulations-assessmen.aspx>

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

- 2.4 This means that any proposed plan that may affect a European site (Special Area of Conservation or Special Protection Area) must first undergo an assessment to look at its potential impacts applying the precautionary principle. This is to determine if the plan will adversely affect the integrity of the European site(s) concerned. This process is known as a Habitats Regulations Assessment and the first stage considers any likely significant effects (the screening stage). Straightforward mitigation measures can be applied at the screening stage which may mean that previous likely significant effects can be ruled out and the plan does not need to progress to the second stage. An appropriate assessment is the second stage of the HRA process and a plan should undertake this where likely significant effects are identified at the screening stage and cannot be ruled out after applying straightforward mitigation measures. The appropriate assessment looks at the implications of a plan for a European site in view of the site's conservation objectives. Further more detailed mitigation measures may be introduced at the appropriate assessment stage to avoid or reduce the effects of a plan on the European site(s). Before a plan may be given effect, the plan-making authority as competent authority must ascertain that it would not adversely affect the integrity of the European site(s).
- 2.5 In terms of neighbourhood plans, the Neighbourhood Planning (General) Regulations 2012 require a submitted neighbourhood plan to include a statement explaining how the proposed neighbourhood development plan meets the basic conditions set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990¹⁷. One of these basic conditions is that the neighbourhood plan must be compatible with EU obligations and needs to demonstrate that it is not likely to have a significant effect on a European site.

3.0 European Site Information

- 3.1 The first step of the screening process is to consider the European sites that could be affected by a plan. Five such sites¹⁸ were identified through the District Plan HRA process, and of these, the screening for the District Plan identified likely significant effects on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) as a result of recreational disturbance and atmospheric pollution. Ashdown Forest lies adjacent

¹⁷ Regulation 15(1)(d).

¹⁸ Ashdown Forest SPA, Ashdown Forest SAC, Castle Hill SAC, Lewes Downs SAC, and Mole Gap to Reigate Escarpment SAC.

to the north-east boundary of Mid Sussex and within Wealden District and, therefore, is not within the Neighbourhood Plan Area.

- 3.2 The Ashdown Forest SPA was classified in 1996. It is a 3,200Ha site comprising predominantly of lowland heathland and woodland. The Ashdown Forest SPA is an internationally important habitat classified because of the presence of breeding populations of Dartford warbler *Sylvia undata* and European nightjar *Caprimulgus europaeus*. Ashdown Forest is also notified as a Site of Special Scientific Interest (SSSI).
- 3.3 The Ashdown Forest SAC was designated in 2005 and covers 2,700Ha. It has a different boundary to the SPA, but the two designations overlap (Appendix 1). The qualifying features for the designation are the Annex I habitats: Northern Atlantic wet heaths with *Erica tetralix* and European dry heaths, and the Annex II species: Great crested newt *Triturus cristatus*. It is also part of the SSSI.
- 3.4 Further environmental details can be found in the HRA for the Mid Sussex District Plan (see Chapter 3: European Sites).

4.0 Habitats Regulations Assessment for the Mid Sussex District Plan

- 4.1 The potential effects of development on Ashdown Forest were assessed during the HRA process for the Mid Sussex District Plan. The screening exercise carried out in late 2007 and early 2008 found likely significant effects¹⁹ on the Ashdown Forest SPA as a result of increased recreational activity arising from new residential development and related population growth that is likely to disturb the ground-nesting birds. Further information can be found in the HRA for the Mid Sussex District Plan (see Chapter 6: Disturbance Impact Pathways).
- 4.2 Data analysis of a survey investigating visitor access patterns at Ashdown Forest found that the majority of regular visitors originated from within a 7km distance from Ashdown Forest. Within this 7km 'zone of influence', measures to reduce recreational pressure would be most effective, therefore, residential development leading to a net increase in dwellings will need to contribute to an appropriate level of mitigation. This will be in the form of providing a Suitable Alternative Natural Greenspace (SANG), either on the development site itself or through a financial contribution towards a strategic SANG, and a separate financial contribution towards a Strategic Access Management and Monitoring (SAMM) strategy. An assessment of reasonable alternatives to the 7km zone of influence and the mitigation approach has been made in the [District Plan Sustainability Appraisal](#) (Incorporating Strategic Environmental Assessment) (November 2015). It is considered that that assessment can be applied to the HRAs for neighbourhood plans.

¹⁹ Based on current evidence, it cannot be shown that there will not be a likely significant effect, so applying the precautionary principle, the HRA considers that proposals resulting in new residential development will have a likely significant effect on Ashdown Forest.

- 4.3 In terms of atmospheric pollution, the [Mid Sussex Transport Study](#) indicates that projected traffic increases are well below the threshold deemed as significant and, therefore, the HRA report concludes that significant effects are unlikely and no further measures are necessary. In order to promote good practice, however, the emerging District Plan contains measures to encourage sustainable transport and the requirements for avoidance and mitigation in relation to air pollution.
- 4.4 Policy DP15 in the Focused Amendments to the Pre-Submission Draft Mid Sussex District Plan 2014-2031 (November 2015) outlines the proposed approach to protecting Ashdown Forest. Any residential development allocation included within the East Grinstead Neighbourhood Plan will be subject to the requirements of the District Plan policy for the Ashdown Forest SPA and SAC or the approach being implemented at the time of a planning application.
- 4.5 It should be noted that the District Plan has not yet been adopted and, therefore, the District Plan HRA has not been tested and accepted at Examination. Whilst this is the case, the District Plan HRA did consider that some housing allocations in the District would be through neighbourhood plans. The expected level of development was taken into account and as such, it is considered that the District Plan HRA can be used as background information for the HRAs of neighbourhood plans. Currently, as advised by Natural England, all planning applications proposing a net increase in residential dwellings within the 7km zone around the Ashdown Forest SPA will be required to mitigate their effects of increased recreational pressure in the form of providing two separate financial contributions towards SANG and SAMM measures. The [East Court & Ashplats Wood SANG Strategy](#) has been agreed by the District Council and a [SAMM interim mitigation strategy](#) has been approved by Natural England. The provision of mitigation will be taken into account when preparing the HRA for the neighbourhood plan.

5.0 Screening Assessment for the East Grinstead Neighbourhood Plan

- 5.1 The screening assessment has regard to the conservation objectives of the Ashdown Forest SPA and SAC. It also makes reference to other plans and projects (the emerging Mid Sussex District Plan and other neighbourhood plans in Mid Sussex). Key questions relating to the neighbourhood plan are included below and along with the screening assessment, help to establish if an appropriate assessment is required.
- 5.2 **Is the East Grinstead Neighbourhood Plan directly connected with, or necessary to the management of a European site for nature conservation?**

From review of the East Grinstead Neighbourhood Plan, it is considered that it is not directly connected with, or necessary to the nature conservation management of Ashdown Forest, and so a Habitats Regulations Assessment is required.

5.3 Does the East Grinstead Neighbourhood Plan propose new development or allocate sites for development?

Yes – 12 sites have been allocated for residential development in Policies EG6A and EG6B. The Neighbourhood Plan allocates the following sites:

EG6A – sites with planning permission

- St. Lukes House and St. Lukes Church, Holtye Avenue (14 units)
- 1-25 Bell Hammer, Ship Street (28 units)
- Warrenside, College Lane (14 units)

EG6B – sites which could be brought forward

- Meadway Garage, Lowdells Lane (9 dwellings)
- Land at junction of Windmill Lane and London Road (30-35 dwellings)
- Imberhorne Lane Car Park (18 dwellings)
- 67-69 Railway Approach (7 dwellings)
- Post Office and delivery office, 76 London Road (12 dwellings)
- Cantelupe House, Cantelupe Road (10-12 dwellings)
- Imberhorne Lower School, Windmill Lane (200 dwellings)
- Ashplats House, off Holtye Road (35-45 dwellings)
- Queens Walk between Queensway and London Road (120 dwellings)

This amount of development is in line with the emerging Mid Sussex District Plan and is within the numbers assessed in the District Plan HRA.

5.4 Are there any other projects or plans that together with the East Grinstead Neighbourhood Plan could impact on the integrity of a European site, the ‘in combination’ impact?

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

The East Grinstead Neighbourhood Plan may also have an in combination effect with other plans being produced by local authorities that have land within the 7km zone, such as Wealden District Council, Lewes District Council and Tunbridge Wells Borough Council. It is understood though that with regards to recreational disturbance, Wealden District Council and Lewes District Council will be making provision for SANG and contributing to the wider Joint SAMM Strategy that is currently being prepared. Any development in Tunbridge Wells Borough only needs to make a contribution towards SAMM measures.

Screening Assessment

- 5.5 The following table illustrates the findings of the screening assessment for each of the policies within the East Grinstead Neighbourhood Plan. This assesses whether there is a likely significant effect from these policies on the Ashdown Forest SPA and SAC.
- 5.6 For it to be concluded that a policy would have no likely significant effect on a European site, one of the following reasons usually applies (this is taken from the guidance for Scottish Natural Heritage, p19-20):
- f) Intended to protect the natural environment, including biodiversity, or to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European site;
 - g) Which will not themselves lead to development or other change, for example, because they relate to design or other qualitative criteria for development or other kinds of change;
 - h) Which make provision for change but which could have no conceivable effect on a European site, because there is no link or pathway between them and the qualifying interests, or any effect would be a positive effect, or would not otherwise undermine the conservation objectives for the site;
 - i) Which make provision for change but which could have no significant effect on a European site (but is a minor residual effect), because any potential effects would be insignificant, being so restricted or remote from the site that they would not undermine the conservation objectives for the site;
 - j) For which effects on any particular European site cannot be identified, because the policy is too general, for example, it is not possible to identify where, when or how the policy may be implemented, or where effects may occur, or which sites, if any, may be affected.

East Grinstead Neighbourhood Plan Policy	Policy	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
EG1	Protection of the High Weald AONB	This policy seeks to protect the High Weald AONB from inappropriate development.	No likely significant effect – reason a).
EG2	Areas of Development Constraint	This policy seeks to protect areas outside the built-up area boundary and prevent coalescence of settlements.	No likely significant effect – reason a).
EG3	Promoting Good Design	This policy seeks to promote good design in development proposals.	No likely significant effect – reasons a) and b).

East Grinstead Neighbourhood Plan Policy	Policy	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
EG4	Heritage Assets	This policy seeks to protect heritage assets (listed buildings conservation areas).	No likely significant effect – reason a).
EG5	Housing	This policy outlines criteria for new housing development, but does not allocate sites for development. It is noted that this policy requires contributions to be made towards SANG and SAMM.	No likely significant effect – reason b).
EG6A	Housing Sites that are committed via planning permissions	<p>This policy sets out three sites that already have planning permission:</p> <ol style="list-style-type: none"> 1. St. Lukes House and St. Lukes Church, Holtye Avenue (14 units) 2. 1-25 Bell Hammer, Ship Street (28 units) 3. Warrenside, College Lane (14 units) 	<p>Natural England has advised the District Council that new residential development within 7km of Ashdown Forest is likely to have a significant effect, alone and in combination with other housing proposals, on the special conservation features of Ashdown Forest. Development proposing a net increase in residential dwellings will be required to mitigate their effects of increased recreational pressure. These three planning permissions have already been assessed under the Habitats Regulations. St. Lukes House and Warrenside were granted planning permission before mitigation was required, and Bell Hammer has provided a financial contribution towards the District Council's interim SAMM Strategy. Therefore, these three sites will not have a likely significant effect on the Ashdown Forest SPA and SAC.</p>

East Grinstead Neighbourhood Plan Policy	Policy	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
EG6B	Housing Sites which could be brought forward	<p>This policy allocates the following sites for residential development:</p> <ul style="list-style-type: none"> 4. Meadway Garage, Lowdells Lane (9 dwellings) 5. Land at junction of Windmill Lane and London Road (30-35 dwellings) 6. Imberhorne Lane Car Park (18 dwellings) 7. 67-69 Railway Approach (7 dwellings) 8. Post Office and delivery office, 76 London Road (12 dwellings) 9. Cantelupe House, Cantelupe Road (10-12 dwellings) 10. Imberhorne Lower School, Windmill Lane (200 dwellings) 11. Ashplats House, off Holtye Road (35-45 dwellings) 12. Queens Walk between Queensway and London Road (120 dwellings) 	<p>Likely significant effect – alone. Natural England has advised the District Council that new residential development within 7km of Ashdown Forest is likely to have a significant effect, alone and in combination with other housing proposals, on the special conservation features of Ashdown Forest. Development proposing a net increase in residential dwellings will be required to mitigate their effects of increased recreational pressure.</p>
EG7	Housing Mix and Density	<p>This policy sets out criteria for housing mix and density on new housing schemes.</p>	<p>No likely significant effect – reason b).</p>
EG8	East Grinstead Town Centre	<p>This policy seeks to retain the character of the town centre and sets out criteria for changes of use.</p>	<p>No likely significant effect – reason b).</p>

East Grinstead Neighbourhood Plan Policy	Policy	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
EG9	Temporary Community Uses	This policy seeks to support the temporary use of a long-term vacant commercial or retail property where a community use is provided.	No likely significant effect – reason b).
EG10	Employment Provision	This policy sets out criteria for the redevelopment, extension or alteration of existing business premises.	No likely significant effect – reason b).
EG11	Mitigating Highway Impact	This policy expects new housing and business development proposals to not cause a severe cumulative impact in terms of road safety and increased congestion and provide appropriate mitigation.	No likely significant effect – reason b).
EG12	Car Parking	This policy outlines that parking provision should be in accordance with parking standards and where it does not dominate the street scene.	No likely significant effect – reason b).
EG13	Modern Technology	This policy seeks to encourage modern sustainable and communication technologies to be factored into development proposals.	No likely significant effect – reason b).
EG14	Protection of Open Space	This policy seeks to protect publicly accessible open space, green space of visual amenity or other community assets.	No likely significant effect – reason a).

East Grinstead Neighbourhood Plan Policy	Policy	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
EG15	Sport, Recreation and Community use Provision Policy	This policy identifies sites for children’s equipped open space, and informal open space and play space. The policy also resists proposals that would result in the loss of open space.	No likely significant effect – reasons a) and c).
EG16	Ashdown Forest Special Area of Conservation and Special Protection Area	This policy requires residential development leading to a net increase in dwellings within the Neighbourhood Plan Area to provide mitigation in the form of SANG and SAMM.	No likely significant effect – reason a). This policy will have a positive effect on Ashdown Forest by requiring new residential development to mitigate its potential impact.
SS1	Railway Approach	This policy sets out criteria for the redevelopment of the site at Railway Approach, including the provision of residential development.	Likely significant effect – alone. Natural England has advised the District Council that new residential development within 7km of Ashdown Forest is likely to have a significant effect, alone and in combination with other housing proposals, on the special conservation features of Ashdown Forest. Development proposing a net increase in residential dwellings will be required to mitigate their effects of increased recreational pressure.

East Grinstead Neighbourhood Plan Policy	Policy	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
SS2	Queens Walk	This policy sets out criteria for the redevelopment of Queens Walk, including the provision of residential development.	Likely significant effect – alone. Natural England has advised the District Council that new residential development within 7km of Ashdown Forest is likely to have a significant effect, alone and in combination with other housing proposals, on the special conservation features of Ashdown Forest. Development proposing a net increase in residential dwellings will be required to mitigate their effects of increased recreational pressure.
SS3	Imberhorne Lower School, Windmill Lane	This policy sets out criteria for the redevelopment of the site at Imberhorne Lower School, including the provision of residential development.	Likely significant effect – alone. Natural England has advised the District Council that new residential development within 7km of Ashdown Forest is likely to have a significant effect, alone and in combination with other housing proposals, on the special conservation features of Ashdown Forest. Development proposing a net increase in residential dwellings will be required to mitigate their effects of increased recreational pressure.
SS4	Birches Industrial Estate	This policy sets out criteria for the business development at Birches Industrial Estate.	No likely significant effect – reason c).

East Grinstead Neighbourhood Plan Policy	Policy	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
SS5	Charlwood's Industrial Estate	This policy sets out criteria for the redevelopment of Charlwood's Industrial Estate, including the provision of residential development.	Likely significant effect – alone. Natural England has advised the District Council that new residential development within 7km of Ashdown Forest is likely to have a significant effect, alone and in combination with other housing proposals, on the special conservation features of Ashdown Forest. Development proposing a net increase in residential dwellings will be required to mitigate their effects of increased recreational pressure.
SS6	Queen Victoria Hospital	This policy resists the loss of the hospital use and sets out criteria for new and extended facilities.	No likely significant effect – reason b).
SS7	St. Margaret's Loop	This policy resists the loss of St. Margaret's Loop open space and seeks to improve the pedestrian and cycle route.	No likely significant effect – reason a).
SS8	Land South of Birches Industrial Estate and West of Imberhorne Lane	This policy supports the use of this area as public open space, recreation and amenity use, improving the green infrastructure of the Neighbourhood Plan Area. The policy considers the possibility of the site being used for SANG; any such proposal would need to accord with the Natural England SANG criteria and be subject to the approval of Mid Sussex District Council.	No likely significant effect – reason a). If this broad location is used for a SANG site, then this would have a positive effect on Ashdown Forest as it could form part of the mitigation for new residential development.

5.7 The screening assessment looks at the policies individually (alone) to identify if there is an effect on the European site. It is possible to apply straightforward mitigation measures to

the plan if there are any policies likely to have a significant effect alone (in this case, Policies EG6A, EG6B, SS1, SS2, SS3 and SS5 which seek to allocate land for housing), and then re-screen the policy to see if it can then be determined no likely significant effect. Examples of straightforward mitigation include the deletion of the policy, alteration of the spatial distribution of the potentially damaging proposal or reduction in the scale of the potentially damaging proposal. It is considered, however, that the type of mitigation proposed by the District Plan HRA (that is, SANG and SAMM) is more complex and bespoke and, therefore, EG6B, SS1, SS2, SS3 and SS5 should be tested through the next stage, the appropriate assessment. (The sites listed in EG6A already have planning permission and have been assessed under the Habitats Regulations, providing mitigation where appropriate).

5.8 No other policies in the Neighbourhood Plan were found to have a likely significant effect alone on the Ashdown Forest SPA, nor have any policies been given reason d) (minor residual effect). There is, therefore, no in-plan in combination effect (that is, there is unlikely to be an in combination effect from the policies and proposals in the Neighbourhood Plan), and any wider in combination effect with other plans will be considered through the appropriate assessment.

6.0 Conclusion of the Screening Assessment

6.1 The screening assessment table above shows that there would be no likely significant effects on the Ashdown Forest SPA and SAC from the majority of the policies included within the East Grinstead Neighbourhood Plan. The development proposed in EG6B, SS1, SS2, SS3 and SS5 may have a likely significant effect alone since it is within 7km of the Ashdown Forest SPA. The East Grinstead Neighbourhood Plan also has a policy (Policy EG16) on Ashdown Forest and identifies a broad location that could be used for SANG (Policy SS8) subject to further more detailed work.

6.2 A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the East Grinstead Neighbourhood Plan is required as the impacts from the development proposed in the East Grinstead Neighbourhood Plan need to be fully considered.



Approved by:

Claire Tester

Head of Economic Promotion and Planning

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