



# Basic Conditions Statement

Published: 10/12/2020

Prepared by the Steering Group and  
supported by Squires Planning

---

# Table of Contents

1. Introduction .....	2
2. Conformity with national policies and guidance .....	3
3. Contribution to sustainable development .....	7
4. General conformity with strategic policies in the development plan .....	10
5. Compatibility with EU legislation .....	13
Appendix 1           SEA Screening Opinion .....	14
Appendix 2           Habitat Regulations Assessment Screening .....	24

# 1. Introduction

- 1.1. This Basic Conditions Statement has been prepared by Squires Planning for Worth Parish Council. It accompanies the Copthorne Neighbourhood Plan (hereafter referred to as the CNP) at Submission.
- 1.2. The CNP Plan Area covers Copthorne and Worth Ward (hereafter referred to as the 'Plan Area') of Worth Parish. The Plan Area was formally designated by Mid Sussex District Council in July 2012.
- 1.3. Copthorne is situated in the NE corner of West Sussex and at the northern boundary of Mid Sussex District. The northern boundary of the built-up area of Copthorne abuts the green belt of Surrey. The village lies 3 miles east of Crawley, 4 miles west of East Grinstead and 4 miles to the south east of Gatwick Airport. The built up area of the village is at the most northerly part of the ward. The areas to the south of the built up area are mainly woodland and farmland including a large Area of Outstanding Natural Beauty.
- 1.4. The Neighbourhood Plan covers the period from 2021 - 2031 and is therefore aligned with the plan period for Mid Sussex District Plan. It does not include provision for development that is excluded development<sup>1</sup> and only relates to the designated Plan Area as shown in the neighbourhood plan area Policies Map.
- 1.5. This statement sets out how the Neighbourhood Plan meets the basic conditions in paragraph 8(2) of Schedule 4B to the 1990 Act as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. These conditions are:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order
  - the making of the order contributes to the achievement of sustainable development
  - the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
  - the making of the order does not breach, and is otherwise compatible with, EU obligations.
- 1.6. This document considers each in turn.

---

<sup>1</sup> Excluded development is defined at para 61K of the Localism Act 2011 as (a) development that consists of a county matter within paragraph 1(1)(a) to (h) of Schedule 1, (b) development that consists of the carrying out of any operation, or class of operation, prescribed under paragraph 1(j) of that Schedule (waste development) but that does not consist of development of a prescribed description, (c) development that falls within Annex 1 to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (as amended from time to time), (d) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008), (e) prescribed development or development of a prescribed description, and (f) development in a prescribed area or an area of a prescribed description.

## 2. Conformity with national policies and guidance

2.1. The Neighbourhood Plan has been prepared in conformity with national policies and guidance as set out in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).

2.2. Achieving sustainable development is at the heart of the NPPF, this is concisely set out in paragraphs 7 and 8 which state:

*7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.*

*8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) **an economic objective** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) **a social objective** – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) **an environmental objective** – *to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

2.3. In addition, paragraph 11 sets out the presumption in favour of sustainable development and how this applies to plan making. This is set out below for clarity:

*11. Plans and decisions should apply a presumption in favour of sustainable development.*

*For **plan-making** this means that:*

- a) *plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*
- b) *strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
  - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
  - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

2.4. Reference is also brought to the following NPPF paragraphs:

*13. The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic Page*

3 of 12 policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.

18. Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies.
29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.
30. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.
37. Neighbourhood plans must meet certain 'basic conditions' and other legal requirements before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.
65. Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. Once the strategic policies have been adopted, these figures should not need retesting at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.

2.5. Set out below are the policies contained within the submission neighbourhood plan cross referenced to national policies and guidance to demonstrate conformity. It should be noted that the table below is not exhaustive and there may be other cross-references that are not mentioned in the table below:

Copthorne Neighbourhood Plan		National policies and guidance	
Policy No.	Policy Title	References	Comments on conformity
CNP1	General Development Requirements	NPPF para 91, 98, 102, 104, 110, 124, 125, 126, 127, 130, 170, 171, 174, 184, 185	Policy provides local requirement so that development respects the heritage and character of the plan area, enhance accessibility for all and decrease reliance on motorised vehicles., and ensure a high standard of amenity for existing and future users.
CNP2	Redevelopment and infill development	NPPF para 91, 104, 110, 122,	Planning policy seeks to promote efficient use of land in meeting the need for homes and other uses, whilst considering prevailing character and setting, suitable access, on site parking, protection and enhancement of rights of way and a high standard of amenity for existing and future users.

<b>Copthorne Neighbourhood Plan</b>		<b>National policies and guidance</b>	
<b>Policy No.</b>	<b>Policy Title</b>	<b>References</b>	<b>Comments on conformity</b>
CNP3	Homes for older people	NPPF para 8, 61, 127, 130	Given the trend of a declining stock of single storey homes, this policy ensures housing is fit for all users in line with the NPPF.
CNP4	Important Community Facilities	NPPF para 83, 92, 104, 121	Policy seeks to retain important local facilities in line with the NPPF.
CNP5	Conversion of public houses	NPPF para 83, 92,	Policy seeks to retain the only pub left in the plan area in line with the NPPF which encourages the retention of public houses to support the rural economy.
CNP6	Assets of Community Value	Sections 87 – 103 of the Localism Act 2011 and The Assets of Community Value regs 2012.  NPPF Para 83, 92, 104, 121	Policy seeks to further the social wellbeing/interests of the local community by ensuring that the overall benefits of assets of community value are not lost. This is in line with the relevant parts of the Localism Act.
CNP7	Local Green Space	NPPF para 8, 97, 99, 100, 101	Policy designates spaces as Local Green Space having been assessed against the criteria contained in paragraph 100 of the NPPF.
CNP8	Parish Heritage Assets	NPPF 184, 185, 189, 192	Policy seeks to understand the potential impact of proposals on non-designated heritage assets and support proposals that protect them in line with the NPPF.
CNP9	CA1: High Weald AONB	NPPF para 110, 127, 170, 171, 172	Policy seeks to retain/reinforce the positive aspects of the character area in line with the NPPF guidance to conserve and enhance landscape and scenic beauty.
CNP10	CA2: Agricultural Belt	NPPF para 83, 110 170, 171	Policy seeks to retain/reinforce the positive aspects of the character area in line with the NPPF guidance to, respect the character of the countryside and be sympathetic to local character and history, including the surrounding built environment and landscape setting.
CNP11	CA3: Copthorne Common and Woodland	NPPF para 83, 110, 127,170,	Policy seeks to retain/reinforce the positive aspects of the character area in line with the NPPF guidance to maintain and enhance networks of habitats and green infrastructure, respect the character of the countryside, and sympathetic to local character and history including the surrounding built environment and landscape setting.
CNP12	CA4: Historic Core	NPPF para 83, 110, 127, 170,	Policy seeks to retain/reinforce the positive aspects of the character area in line with the NPPF guidance that development is sympathetic to local character and history

<b>Copthorne Neighbourhood Plan</b>		<b>National policies and guidance</b>	
<b>Policy No.</b>	<b>Policy Title</b>	<b>References</b>	<b>Comments on conformity</b>
			including the surrounding built environment and landscape setting.
CNP13	CA5: Post War Copthorne	NPPF para 83, 110, 127, 170,	Policy seeks to retain/reinforce the positive aspects of the character area in line with the NPPF guidance that development is sympathetic to local character and history including the surrounding built environment and landscape setting.
CNP14	Our Economy	NPPF para 8, 20, 80, 83, 84, 92, 112, 113, 121.	Policy supports the expansion of electronic communications networks, the retention of local services and community facilities, and prevents the undermining of the local economy in line with the NPPF.
CNP15	Sustainable Transport	NPPF par 8, 98, 102, 108(c), 109, 110, 111, 148.	Policy seeks to enhance accessibility for all, reduce greenhouse emissions, decrease reliance on motorised vehicles, and mitigates its own impacts.
CNP16	Car Parking	NPPF para 102(e), 105.	Policy seeks to not exacerbate the current parking issues in the built up area by setting out local parking standards taking into account NPPF para 105 criteria.
CNP17	New parking areas	NPPF para 102, 105, 106, 108 127.	Policy seeks to address acute parking problems in residential areas in line with NPPF guidance on contributing to making safe, high quality places.

### 3. Contribution to sustainable development

3.1. Sustainable development is defined as “*development that meets the needs of the present without compromising the ability of future generations to meet their own needs*”. It is about ensuring better quality of life for everyone, now and for generations to come. In doing so, social, environmental and economic issues and challenges should be considered in an integrated and balanced way.

3.2. The NPPF states at paragraph 8 what sustainable development means in the UK planning system by way of three overarching objectives, it says:

*Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

*c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

3.3. There is no specific legal requirement within the Regulations<sup>2</sup> for Neighbourhood Development Plans to undertake their own Sustainability Appraisal (SA) and one has not been prepared to accompany this plan at submission. The table below therefore considers how each policy will contribute to the objectives of sustainable development as set out in the NPPF.

3.4. Each neighbourhood policy has been assessed against the three overarching objectives as set out in paragraph 8 of the NPPF using a simple criterion as detailed below.

<b>++</b>	Significant Positive Impact
<b>+</b>	Positive Impact
<b>+?</b>	Possible Positive or Slight Positive Impact
<b>0</b>	No Impact
<b>/</b>	Neutral Impact
<b>?</b>	Uncertain Impact
<b>-?</b>	Possible Negative or Slight Negative Impact

<sup>2</sup> Neighbourhood Development Planning Regulations 2012  
<http://www.legislation.gov.uk/ukxi/2012/637/contents/made>



-	Negative Impact
--	Significant Negative Impact

Policy No.	Policy Title	an economic objective	a social objective	an environmental objective	Commentary
CNP1	General Development Requirements	/	+	+	Policy supports well designed development that respects the character of the area and protects rights of way.
CNP2	Redevelopment and infill development	+	+	+	Policy encourages development in sustainable locations that provide a good standard of amenity.
CNP3	Homes for older people	0	++	0	Policy provides significant social benefits for older people and also those less mobile.
CNP4	Important Community Facilities	+	++	0	Policy protects the overall provision of community facilities which are essential for social wellbeing and the rural economy.
CNP5	Conversion of public houses	+	++	+?	Protects pubs unless the use is no longer viable.
CNP6	Assets of Community Value	0	+	+	Policy seeks to retain the benefits of assets of community value as they are essential for social wellbeing and the rural economy.
CNP7	Local Green Space	0	++	/	Policy protects locally valued green spaces. This significantly contributes to the health and social well-being of the local community.
CNP8	Parish Heritage Assets	0	+	0	Policy contributes to the character and appearance of the area.
CNP9	CA1: High Weald AONB	+?	+	+	Policy seeks to reinforce the positive aspects of this character area which provide social and environmental benefits.
CNP10	CA2: Agricultural Belt	+?	+	+	Policy seeks to reinforce the positive aspects of this character area which provide

Policy No.	Policy Title	an economic objective	a social objective	an environmental objective	Commentary
					social and environmental benefits.
CNP11	CA3: Copthorne Common and Woodland	++	+	+	Policy seeks to reinforce the positive aspects of this character area which provide social and environmental benefits.
CNP12	CA4: Historic Core	/	+	+	Policy seeks to reinforce the positive aspects that make up the character of the area.
CNP13	CA5: Post War Copthorne	/	++	++	Policy seeks to retain open and green character of the area.
CNP14	Our Economy	++	+	++	Policy promotes economic development/growth in the urban area which is the most sustainable location for it.
CNP15	Sustainable Transport	+	+	+	Policy promotes sustainable transport links reducing issues with traffic congestion.
CNP16	Car Parking	0	++	++	Policy seeks to provide a high quality of life for residents.
CNP17	New parking areas	+	+	-?	Policy ensures development meets its parking need.

- 3.5. The policies protecting the environment and the character of the Plan Area work harmoniously to protect both the built and natural environment. However, the combined effect of these policies could limit the overall amount of land which is available for development. This is not an issue however as Mid Sussex District Council are currently in the process of identifying housing and employment sites within the emerging Local Plan to meet as much of the objectively assessed needs as is considered to constitute sustainable development.
- 3.6. The policies in the neighbourhood plan have combined to have an overall positive impact in meeting economic, social and environmental objectives that make up sustainable development. It clear that the policies protecting employment sites will assist the local economy, and policies protecting the environment and character of the Plan Area will sustain the attractiveness of the local area, thereby encouraging people to live and work in the Plan Area.
- 3.7. It is therefore considered that the plan contributes towards the achievement of sustainable development.

## 4. General conformity with strategic policies in the development plan

- 4.1. Section 4B 8(2)(e) states that a draft Neighbourhood Plan will meet the Basic Conditions if, the making of the NP is in general conformity with the strategic policies contained in the Development Plan for the area (or any part of that area).
- 4.2. The Development Plan consists of:
- i. Mid Sussex District Plan 2014 - 2031
  - ii. West Sussex joint Minerals Local Plan 2018

### Mid Sussex District Plan

- 4.3. The Mid Sussex District Plan 2014 – 2031 (MSDP) was adopted in March 2018. The current plan period runs until 2031 and Mid Sussex District Council are currently preparing a Site Allocations Document for the district.
- 4.4. Chapter 3 of the MSDP sets out the overall strategy for the District. The central strategy is to increase the sustainability of communities within Mid Sussex and reduce the need to travel to other areas for employment and other facilities. This includes focusing strategic development at Burgess Hill, and through the regeneration of town centres and other existing employment areas, and the development of new employment areas in the towns and villages.
- 4.5. Another central aim of the Plan is to ensure that housing needs can be met over the Plan period taking into account environmental and other constraints. The Plan therefore allocates strategic sites to the east of Pease Pottage and north of Clayton Mills, Hassocks which are capable of early delivery and proposes that work will commence on a Site Allocations document with anticipated adoption in 2020, to identify remaining sites for the plan period.
- 4.6. The CNP has sought to be in conformity with all policies contained within the MSDP. However, for the purposes of this document and the requirements of the basic condition it is noted that the CNP only needs to be in '*general conformity*' with those policies in the MSDP which are considered strategic.
- 4.7. Set out below are the policies contained within the CNP cross referenced to the MSDP and where general conformity has been established. It should be noted that the table below is not exhaustive and there may be other cross-references that are not included:

Copthorne Neighbourhood Plan		Mid Sussex District Planning Framework	
Policy No.	Policy Title	Strategic Policy No.	Comments on conformity
CNP1	General Development Requirements	DP13, DP21, DP22, DP26, DP37	Policy seeks to maintain the separate identity of settlements, not cause unreasonable harm to amenity, protect rights of way, retain green infrastructure and reinforce character in general conformity with MSDP policies.

CNP2	Redevelopment and infill development	DP6, DP20, DP22, DP26	Policy supports development in the built up area (BUA) which is the most sustainable location (but does not cover outside BUA), respects the character of the street scene, in general conformity with MSDP policies.
CNP3	Homes for older people	DP20, DP28	Policy supports meeting high standards of accessibility so that all users can use them safely and easily, and seeks to meets the housing needs of older people in general conformity with MSDP policies.
CNP4	Important Community Facilities	DP20, DP22, DP24, DP25	Policy supports meeting local leisure cultural need and improved community facilities in general conformity with MSDP policies.
CNP5	Conversion of public houses	DP20, DP24	Policy supports meeting local leisure cultural need and improved community facilities in general conformity with MSDP policies.
CNP6	Assets of Community Value	DP20, DP24, DP25	Supports provision or improvement of community facilities and local services that contribute to creating sustainable communities in general conformity with MSDP policies.
CNP7	Local Green Space	DP20, DP22, DP24	MSDP supports parish councils allocating land for a variety of uses including housing, business and Local Green Spaces that reflect distinct local character, needs and aspirations. This policy is general conformity with MSDP policies.
CNP8	Parish Heritage Assets	DP34	MSDP supports parish councils allocating land for a variety of uses including housing, business and Local Green Spaces that reflect distinct local character, needs and aspirations.
CNP9	CA1: High Weald AONB	DP9, DP14, DP16, DP22, DP26	Policy is in general conformity as it protects the countryside for its intrinsic character and beauty, conserves or enhances natural beauty and seeks to permit sustainable rural development.
CNP10	CA2: Agricultural Belt	DP9, DP14, DP22, DP26	Policy is in general conformity which protects the countryside for its intrinsic character and beauty and seeks to permit sustainable rural development.
CNP11	CA3: Copthorne Common and Woodland	DP9, DP14, DP22, DP26	Policy is in general conformity which protects the countryside for its intrinsic character and beauty and seeks to permit sustainable rural development..
CNP12	CA4: Historic Core	DP22, DP26, DP34	Policy supports the protection of heritage assets and the character of the area.

CNP13	CA5: Post War Cophorne	DP26, DP34	Policy supports well designed development that reflects the distinct character of the area.
CNP14	Our Economy	DP3, DP23	MSDP policy also encourages digital infrastructure, seeks to permit sustainable rural development, and only permits loss of shops in exceptional circumstances.
CNP15	Sustainable Transport	DP21, DP22	Policy supports the sustainable transport policies of the West Sussex Transport Plan and Policy DP21. The policy also supports the area wide policies to direct airport parking on airport which is the most sustainable location for it.
CNP16	Car Parking	DP21, DP22	Policy justifies local parking standards in conformity with DP21.
CNP17	New parking areas	DP20, DP21	Policy supports the sustainable transport policies of the West Sussex Transport Plan and Policy DP21.

4.8. Having considered the above policies it is considered that the Cophorne Neighbourhood Plan is in general conformity with the Development Plan.

## 5. Compatibility with EU legislation

5.1. The compatibility with EU obligations is set out below:

### **ENVIRONMENTAL IMPACT AND HABITAT REGULATIONS**

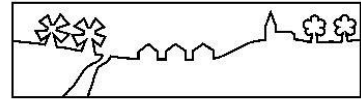
5.2. With respect to EU relevant directives the following applies:

- i. With regard to Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive. Mid Sussex District Council have advised that Neighbourhood Development Plans allocating sites for housing development undertake an SEA (see Appendix 1 SEA Screening Opinion). As the CNP does not allocate sites an SEA is not required.
- ii. With regard to Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive). No neighbourhood development orders are proposed by the qualifying body, so the directive does not apply.
- iii. With regard to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively), the conclusion of the HRA screening statement confirms that that an Appropriate Assessment of the Copthorne Neighbourhood Plan is not required.” (see Appendix 2 Habitat Regulations Assessment Screening).
- iv. With regard to the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) and the Water Framework Directive (2000/60/EC). There are no policies contained in the CNP that are within the scope of the directives.

### **HUMAN RIGHTS**

5.3. An equalities impact assessment has not been undertaken, as no longer required under the Equalities Act 2010, and it is not considered the Plan discriminates unfairly or in a manner which is contrary to the Human Rights Act 1998.

# Mid Sussex



**MID SUSSEX**  
**DISTRICT COUNCIL**

Copthorne  
Neighbourhood Plan  
Strategic Environmental Assessment

## Screening Report

July 2020

## **1. Introduction**

This document comprises the Screening Report to determine whether or not the Copthorne Neighbourhood Plan being prepared within the Mid Sussex District will require a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

## **2. Neighbourhood Plans and Relationship to the District Plan**

Neighbourhood Development Plans are a tier of planning policy which can be produced by Town or Parish Councils in consultation with their communities. They are subject to independent examination and must among others comply with legislation, have regard to national policy and guidance such as the National Planning Policy Framework and be in general conformity with strategic planning policies for the area contained in the District Plan. Once adopted, such plans are used by local planning authorities to determine planning applications for the Neighbourhood Area that they cover and acquire the same weight as the District Plan.

Worth Parish Council has had its entire parish designated as a Neighbourhood Areas which allow it to produce a Neighbourhood Development Plan. However, the Copthorne Neighbourhood Plan only covers Copthorne and Worth Ward (hereafter referred to as the 'Plan Area').

In March 2018, Mid Sussex District Council adopted their District Plan which have a plan period 2014 - 2031. The District Plan contains a number of planning policies, with its overall strategy to provide jobs and homes for local people in order for the District to become more self-sufficient and reduce out-commuting, as well as policies to protect and enhance the environment. The District Plan itself has been subject to Sustainability Appraisal (incorporating Strategic Environmental Assessment) (SA/SEA).

It has been decided that Neighbourhood Plans, being prepared by the Town and Parish Councils, will be able to allocate sites for development within their Neighbourhood Plan Areas should they wish to do. If it is established that an insufficient amount of sites are allocated through the neighbourhood plans, then the District Council will allocate sites through a Site Allocation Development Plan Document.

Copthorne Parish Councils have opted not to specifically allocate sites for housing within the Plan Area. Instead the Parish Council has opted to direct development to the existing Built up Area Boundaries in the settlement of Copthorne which is considered to be windfall development. This windfall development would be likely to occur even in the absence of a Neighbourhood Plan utilising District and National policies.



### 3. Strategic Environmental Assessment (SEA)

Strategic Environmental Assessment (SEA) involves evaluation of the environmental impacts of a plan or programme. The requirement for SEA is set out in the European Directive 2001/42/EC adopted into UK law as the "Environmental Assessment of Plans or Programmes Regulations 2004". The SEA Directive sets out a legal assessment process that must be followed. Often within the planning context, the SEA requirements are met by incorporating it within a Sustainability Appraisal (SA), which is a requirement for Development Plan Documents.

Whilst it has been made clear (DCLG/PAS) that SA is not a requirement for Neighbourhood Plans, there is no harm in undertaking one as it can demonstrate the impact of the Neighbourhood Plan on social, environmental and economic factors and therefore demonstrate to an examiner that the plan that has been prepared is the most sustainable given all alternatives.

It is, however, less clear about the statutory requirement for SEA. The Planning Advice Service (PAS) and the Planning Practice Guidance state that a Neighbourhood Plan may require SEA but it is dependant on the content of the Neighbourhood Plan. It is for the District Council as the Local Planning Authority to determine the need for Neighbourhood Plans to be assessed under SEA.

Therefore, it seems wise to undertake SEA screening through this report in order to determine the requirement for SEA, and to ensure compliance with the Directive if they are required. Furthermore, the District is subject to a number of environmental constraints such as the High Weald Area of Outstanding Natural Beauty and a 7km zone of influence of an important European habitat. The Copthorne Neighbourhood Plan area is located outside the 7km zone of influence but within the High Weald AONB.

### 4. The Screening Process

The screening process is based upon consideration of standard criteria to determine whether the plan is likely to have "significant environmental effects". The result of the screening process is included in section 5 of this report.

The three consultation bodies (Historic England, Environment Agency and Natural England) will be consulted to determine whether they agree with the conclusion of this report, in determining whether Neighbourhood Plans require SEA and whether they may have a "significant environmental effect". Should it be determined by the local authority and consultation bodies that SEA does need to be undertaken, the Towns/Parishes preparing Neighbourhood Plans will need to undertake the Scoping stage of SEA.

The ODPM publication "A Practical Guide to the Strategic Environmental Assessment Directive" (2005) sets out the approach to be taken in order to determine whether SEA is required.

In addition, the National Planning Practice Guidance on strategic environment assessment and sustainability appraisal at Paragraph: 027 Reference ID: 11-027-20140306 states:

3

"In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This initial assessment process is commonly referred to as a 'screening' assessment and the requirements are set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

If it is concluded that strategic environmental assessment is required, an environmental report must be prepared in accordance with paragraphs (2) and (3) of regulation 12 of those regulations.

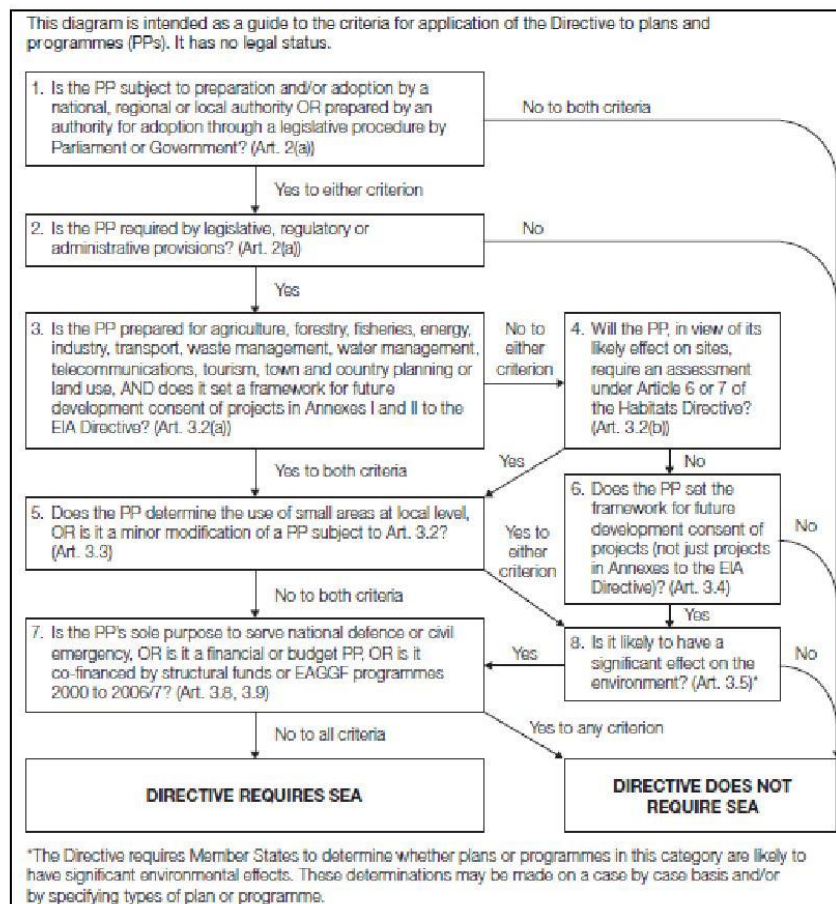
One of the basic conditions that will be tested by the independent examiner is whether the making of the neighbourhood plan is compatible with relevant legal obligations including Strategic Environmental Assessment. If a strategic environmental assessment is required, it will often be possible to make use of information and analysis that has been used in assessing the environmental impact of local plans or spatial development strategies covering the area. In doing so, it will be important to consider the relevance of this material to the neighbourhood area, as well as whether it remains up to date."

Paragraph 046 Reference ID: 11-046-20150209 continue to say:

"Whether a neighbourhood plan proposal requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed. A strategic environmental assessment may be required, for example, where:

a neighbourhood plan allocates sites for development  
the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan  
the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the local plan or other strategic policies for the area."

This approach has been taken in two parts, below. Part 1 follows the flow-chart in Figure 1, whilst Part 2 sets out whether it is considered that Neighbourhood Plans are likely to have a 'significant effect on the environment' (i.e. stage 8 of the above).



**Figure 1: Application of the SEA Directive (from “A Practical Guide to the Strategic Environmental Assessment Directive”**

## Assessment Part 1 – Establishing the Need for SEA

<b>Table 2 - Establishing the Need for SEA</b>		
<b>Stage</b>	<b>Y/N</b>	<b>Justification</b>
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by and authority for adoption through a legislative procedure by Parliament or Government (Art. 2(a))	Y	The Neighbourhood Plans, following successful referendum and examination, will form part of the statutory Development Plan for Mid Sussex.  <b>GO TO STAGE 2</b>
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	The Mid Sussex District Plan is required by legislative/regulatory provisions. The emerging District Plan itself relies on the Neighbourhood Plans to identify potential housing sites over the plan period.  <b>GO TO STAGE 3</b>
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Y	The Neighbourhood Plans are being prepared for town and country planning or land use, as they can allocate land for different uses such as housing and employment.  As such they contain a framework for future development consent for urban development projects (which can include strategic housing sites) which is listed as 10b in Annex II of the EIA Directive.  <b>GO TO STAGE 5</b>
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive (Art. 3.2(b))		<b>Not applicable</b>
5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	The Neighbourhood Plans have the potential to allocate land for housing and employment. The Copthorne Neighbourhood Plan does not identify specific sites for housing but does direct windfall development to the built up area boundary of Copthorne. Windfall development would likely come forward without a neighbourhood plan in place in any event and so this is not considered to constitute significant environmental effect. Whilst the District Plan itself has been subject to SA/SEA, it did not appraise the individual locations and distribution of development across the various Neighbourhood Plan areas.  <b>GO TO STAGE 8</b>
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art. 3.4)		<b>Not applicable</b>

7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	The Neighbourhood Plans do not fall into any of the criteria listed for Stage 7. <b>DIRECTIVE REQUIRES SEA</b>
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	-	<b>See Assessment Part 2:</b> <b>Y: GO TO STAGE 7</b> <b>N: DIRECTIVE DOES NOT REQUIRE SEA</b>

### Assessment Part 2 - Likely Significant Effects on the Environment

Table 3 – Assessment of the Likely Significant Effects of the Lindfield and Lindfield Rural Neighbourhood Plan		
SEA Directive Criteria	Response	Is there a likely significant environmental effect?
<b>1. The Characteristics of Plans and Programmes, having regard, in particular, to:</b>		
<b>1a)</b> The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The Neighbourhood Plan does not specifically allocate land for housing and employment, but does direct development to the Built up Area Boundary. This development is considered to be small scale windfall development and would take place without a neighbourhood plan in place in any event.  Distribution of this potential development was not appraised through the District Plan process as it has always been the intention that these matters will be dealt with at the local level, a 'bottom-up' approach.	N
<b>1b)</b> The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	Neighbourhood Development Plans are influenced by other plans, such as the adopted District Plan, as well as national planning policy and guidance. Although Neighbourhood Plans are development plans documents with the same weight as the District Plan, the plan is at the base of the hierarchy of national policy and is not intended to influence other plans and programmes. The District Plan housing strategy identifies a residual amount housing requirement to be allocated in Neighbourhood Plans and alternatively within the Site Allocations DPD which will be subject to SEA.	N
<b>1c)</b> The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting	The National Planning Policy Framework (NPPF) and District Plan promote sustainable development, and the Copthorne Neighbourhood Plan will need to accord with these higher-level plans.	N

7

sustainable development.		
<b>1d)</b> Environmental problems relevant to the plan or programme.	The state of the environment has been considered by those preparing the plan to help with such considerations. There are no specific environmental problems that are relevant to the Copthorne Neighbourhood Plan. It will need to consider the impact of the plan on flood risk, designated sites (SPA/SAC, SSSI, SNCI, etc) and other primary and secondary impacts on the environment.	N
<b>1e)</b> The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	The Copthorne Neighbourhood Plan is not relevant to the implementation of EC legislation such as waste management or water protection, although will need to take the impact on the Water Framework Directive into account.	N
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		
<b>2a)</b> The probability, duration, frequency and reversibility of the effects.	The Copthorne Neighbourhood Plan does not allocate additional housing/employment sites to those that already exist. There will however be a short-term effect relating to development activity within the Built Up Area Boundary. As the status quo is effectively being maintained it is not anticipated that there will be additional significant impacts.	N
<b>2b)</b> The cumulative nature of the effects.	There are considered to be minimal cumulative effects of the Copthorne Neighbourhood Plan, although there could be some residual development pressure to intensify land use within the built-up area boundary which could impact upon the historic environment.	N
<b>2c)</b> The trans boundary nature of the effects.	There are not expected to be any significant trans-boundary effects.	N
<b>2d)</b> The risks to human health or the environment (e.g. due to accidents).	There are no significant risks to human health or the environment.	N
<b>2e)</b> The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The Neighbourhood Plan area covers part of the Parish of Worth which includes the settlement of Copthorne. The Neighbourhood Plan is to be written for a small area and modest population. Its impacts are unlikely to be extensive.	N
<b>2f)</b> The value and vulnerability of the area likely to be affected due to:		
<b>i)</b> special natural characteristics or cultural heritage.	It is unclear what effect the plan will have on natural characteristics and cultural heritage. The Plan Area contains some listed buildings but is rural in nature with a wealth of biodiversity and natural habitats.	N

	The directing of development to the Built-Up Area Boundary may affect the setting of listed buildings but the Plan Area should be protected from significant development on greenfield sites. It should be noted that other policy considerations at District and National level will ensure no significant environmental issues in any event.	
ii) exceeded environmental quality standards or limit values.	It is not expected for the development proposed in Neighbourhood Plans to exceed environmental quality standards or limit values.	N
iii) intensive land-use.	The Neighbourhood Plan seeks to make efficient use of land by directing development to the Built Up Area Boundary. Other policies within the District Plan will however mitigate against over-development.	N
2g) The effects on areas or landscapes which have a recognised national, Community or international protection status.	<p>Whilst there are no areas within Mid Sussex that are EC or internationally protected, the Ashdown Forest SPA/SAC European designation is sited in an adjacent authority area (Wealden) which can be of concern for recreational impacts and air quality. With regard to recreational impacts, the Copthorne Neighbourhood Plan direct new development to the built-up area which is outside of the 7km zone of influence (as determined by the Habitats Regulations Assessment for the District Plan). Therefore, the Plan is unlikely to impact upon the designated site.</p> <p>In terms of atmospheric pollution, the Copthorne Neighbourhood Plan does not propose to allocate sites but provide additional policies to inform the planning application process within the Plan Area. It also directs new development to the built-up area at Copthorne. This is considered windfall which was accounted for within Habitat Regulations Assessment for the District Plan. It concluded that adverse effects on the designated site are unlikely and that no further measures were necessary at this stage.</p> <p>Air quality monitoring on the Ashdown Forest SAC is ongoing and if any future results change our understanding of the associated impacts that information will be fed into this report at a later stage.</p> <p>A large proportion of the district, including within the neighbourhood area is within a nationally designated landscape, the High Weald AONB. New development within the plan area is directed to the built-up area at Copthorne. Therefore, the proposal is unlikely to have adverse effects on the</p>	N

	designated landscape.	
<b>Part 2 Overall Conclusion:</b>	The Copthorne Neighbourhood Plan is unlikely to have a significant effect on the environment.	

## 5. Statement of Reasons for Determination

In reviewing the criteria in Part 1 and Part 2, the District Council is mindful of the following:

- That the Copthorne Neighbourhood Plan does not seek to allocate specific sites for development but to direct development to the existing Built Up Area Boundary (and that this maintains the status quo).
- Development that takes place is likely to be windfall development of a small scale and so unlikely to have a significant impact
- Other policies at District and National level will mitigate against any significant negative effects.
- No likely significant environmental effect is likely to occur and therefore SEA is not required.

As demonstrated by Part 1 and Part 2 above, it is considered by Mid Sussex District Council that **SEA will not be required** for the Copthorne Neighbourhood Plan as it does not specifically allocate additional land for housing or employment.

A draft of this screening report was subject to consultation with the three statutory bodies (Historic England, Environment Agency and Natural England) in July and August 2020. Comments were received from Historic England and Natural England. Both statutory bodies agreed with our conclusions.

Of particular note, Historic England commented:

“We are surprised at the comment at 2(g) on page 8 that the District does not contain nationally designated landscapes, where such a large proportion of the District lies within the High Weald AONB, including a part of the neighbourhood plan area. Is it possible that the methodology at this point has been restricted to consideration of factors relevant to HRA rather than the wider remit of SEA?”

Section 2(g) was amended to reflect this comment.



### Copthorne Neighbourhood Plan

#### Habitats Regulations Assessment Screening Report

Produced for Regulation 14 of the Neighbourhood Planning (General) Regulations 2012

28<sup>th</sup> October 2020

#### 1.0 Introduction

1.1 This Habitats Regulations Assessment (HRA) screening report has been undertaken by Mid Sussex District Council in respect of the Copthorne Neighbourhood Plan which has been produced by Worth Parish Council in accordance with the Neighbourhood Planning (General) Regulations 2012. This HRA screening report accompanies the Copthorne Neighbourhood Plan produced for Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

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

‘In 2031, Copthorne will be a thriving and attractive village community set in unspoilt and accessible countryside that provides an excellent quality of life for residents, visitors, and those who work in, or travel through, the area.’

(Copthorne Neighbourhood Plan, August 2020: page 8)

1.3 If the Copthorne 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 which was adopted in March 2018. It is considered that the background information in the District Plan HRA can be used for this screening report of the Copthorne 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 2.0<sup>3</sup>

---

<sup>3</sup> <http://www.snh.gov.uk/planning-and-development/environmental-assessment/habitat-regulations-appraisal/>

- 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 Directive<sup>4</sup>

It is noted that there is a different legislative framework in Scotland, however, in the absence of formal guidance for England, 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).

- 2.3 The Conservation of Habitats and Species Regulations 2017 (the ‘Habitats Regulations’), the UK’s transposition of the Habitats Directive and Regulation 105, 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’.

---

<sup>4</sup> <http://www.ccg.gov.uk/landscape--wildlife/managing-land-and-sea/environmental-assessment/habitats-regulations-assessmen.aspx>

- 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). 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. The appropriate assessment looks at the implications of a plan for a European site in view of the site's conservation objectives. 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 1990<sup>5</sup>. 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 sites<sup>6</sup> 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 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**

---

<sup>5</sup> Regulation 15(1)(d).

<sup>6</sup> Ashdown Forest SPA, Ashdown Forest SAC, Castle Hill SAC, Lewes Downs SAC, and Mole Gap to Reigate Escarpment SAC.

- 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 effects<sup>7</sup> 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 2017). It is considered that that assessment can be applied to the HRAs for neighbourhood plans.
- 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 DP17 in the District Plan 2014-2031 (March 2018) outlines the proposed approach to protecting Ashdown Forest. Any residential development allocation included within the Copthorne 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 The District Plan HRA considered 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 and Ashplats Wood SANG Strategy](#) has been agreed by the District Council and a [Joint SAMM Strategy](#) has been approved by Natural England.

## **5.0 Screening Assessment for the Copthorne 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 Mid Sussex District Plan 2014-2031 and

---

<sup>7</sup> 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.

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 Copthorne Neighbourhood Plan directly connected with, or necessary to the management of a European site for nature conservation?**

From review of the Copthorne 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 Copthorne Neighbourhood Plan propose new development or allocate sites for development?**

No – but Policy CNP1 sets out the general requirements for development proposals and Policy CNP2 sets out the requirements for infill development.

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

Yes, the Mid Sussex District Plan 2014-2031 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 Copthorne Neighbourhood Plan has been assessed as part of the housing strategy considered through the District Plan HRA.

The Copthorne 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. Any relevant development in Tunbridge Wells Borough will be making a contribution towards SAMM measures.

### **Atmospheric Pollution**

5.5 In March 2017, the High Court handed down a judgment in relation to nitrogen deposition on the Ashdown Forest SAC. Wealden District Council brought a legal challenge against the Joint Core Strategy prepared by Lewes District Council and the South Downs National Park Authority. The legal challenge centred on the assessment of air quality impact on the Ashdown Forest SAC which was based on advice provided by Natural England. The *Wealden* judgment found that the advice provided by Natural England on the in combination assessment was flawed and the outcome was that the judge quashed part of the Joint Core Strategy.

5.6 The potential air quality impacts on the Ashdown Forest SAC arise from additional nitrogen deposition resulting from increased traffic emissions as a consequence of new development. Natural England had advised that the Design Manual for Roads and Bridges could be used to assess air quality impacts, applying the 1,000 Annual Average Daily Traffic methodology. It was advised that if the development proposals in a Plan by itself were calculated to be below 1,000 AADT, then the air pollution impacts could be considered not significant and no further work would be needed.

- 5.7 The judge had to consider if development could be screened out for Habitats Regulations purposes if the development did not cause an increase of more than 1,000 AADT on roads within and surrounding Ashdown Forest where the assessment looked at the effects of the development by itself (alone). However, the judge found that the advice provided by Natural England was erroneous and that an assessment of air quality impact should include other development proposals thus considering the in combination effect of nitrogen deposition from increased traffic.
- 5.8 However, the judge gave no ruling as to the practical effects of the judgment. The parameters for any assessment of traffic impact are now unclear beyond a general presumption that any development that is likely to lead to air quality impacts on the Ashdown Forest SAC in the form of additional traffic will need to be considered through a Habitats Regulations Assessment.
- 5.9 An updated HRA for the Main Modifications District Plan was produced in September 2017<sup>8</sup>. This considered the implications of the *Wealden* judgment following further transport modelling and air pollution modelling analysis commissioned by the District Council. This HRA screening report should be read in conjunction with the updated District Plan HRA.
- 5.10 The Mid Sussex Transport Study (Amey, 2017) uses a Reference Case (which represents forecast baseline traffic flows at 2031) to predict the additional traffic flow impacts of a future Development Case scenario which could occur under the District Plan. The transport modelling exercise, which MSDC has undertaken, allows for provision in total of 17,797 homes. This comprises: completions (since 2008 as the base date of the model) of 5,234 dwellings (of which 2,426 dwellings have been completed since the Plan's start date of 2014); commitments (with planning permission) of 5,086 dwellings; existing allocations in the Mid Sussex District Plan and Neighbourhood Plans of 5,824 dwellings; the delivery of growth in line with the settlement hierarchy set out in District Plan Policy DP5 (based on expected housing sites beyond the 5 year supply) of 1,158 dwellings; and a proportionate windfall allowance of 495 dwellings.
- 5.11 The transport modelling shows that the Development Case results in an overall modest reduction in traffic on the assessed routes. However, the reduction of traffic flows on the A22 and A26 is matched by an increase in traffic flows on the A275. This has been assessed further through air pollution modelling which focused on the amount of nitrogen deposition from the additional traffic-source pollution contributed by developments proposed in the District Plan, in combination with growth assumptions for surrounding local authority areas. The analysis indicates that the predicted increase in nitrogen deposition is not considered to be ecologically significant. The overall effect of the District Plan's process contribution to pollution deposition within qualifying SAC habitats can be considered neutral.

### **Screening Assessment**

- 5.12 The following table illustrates the findings of the screening assessment for each of the policies within the Copthorne Neighbourhood Plan. This assesses whether there is a likely significant effect from these policies on the Ashdown Forest SPA and SAC.

---

<sup>8</sup> Habitats Regulations Assessment for the Mid Sussex District Plan: Appropriate Assessment Report for the Main Modifications District Plan (September 2017): [www.midsussex.gov.uk/districtplan](http://www.midsussex.gov.uk/districtplan).

- 5.13 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):
- 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;
  - 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;
  - 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;
  - 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;
  - 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.

<b>Copthorne Neighbourhood Plan Policy</b>	<b>Policy</b>	<b>Comment</b>	<b>Likely Significant Effect on the Ashdown Forest SPA and SAC</b>
CNP1	General Development Requirements	This policy seeks to set out general requirements for new development.	No likely significant effect – reason b).
CNP2	Infill Development	This policy seeks to set out criteria for infill development.	No likely significant effect – reason b).
CNP3	Homes for Older People	This policy seeks to retain existing bungalows and to ensure provision of bungalows in new developments.	No likely significant effect – reason b).
CNP4	Important Community Facilities	This policy seeks to retain existing community facilities.	No likely significant effect – reason b).
CNP5	Conversion of Public Houses	This policy seeks to retain existing public houses.	No likely significant effect – reason b).
CNP6	Assets of Community Value	This policy supports development proposals at assets of community value that are of benefit to the local community.	No likely significant effect – reason b).
CNP7	Local Green Space	This policy designates 11 areas as local green space.	No likely significant effect – reason a).

<b>Copthorne Neighbourhood Plan Policy</b>	<b>Policy</b>	<b>Comment</b>	<b>Likely Significant Effect on the Ashdown Forest SPA and SAC</b>
CNP8	Parish Heritage Assets	This policy seeks to protect 9 assets identified as Parish Heritage Assets.	No likely significant effect – reason a).
CNP9	CA1: High Weald AONB	This policy seeks to ensure development proposals protect and enhance this character area.	No likely significant effect – reason a).
CNP10	CA2: Agricultural Belt	This policy seeks to ensure development proposals protect and enhance this character area.	No likely significant effect – reason a).
CNP11	CA3: Copthorne Common and Woodland	This policy seeks to ensure development proposals protect and enhance this character area.	No likely significant effect – reason a).
CNP12	CA4: Historic Core	This policy seeks to ensure development proposals protect and enhance this character area.	No likely significant effect – reason a).
CNP13	CA5: Post War Copthorne	This policy seeks to ensure development proposals protect and enhance this character area.	No likely significant effect – reason a).
CNP14	Our Economy	This policy seeks to retain shops and services, and supports the provision of improved telecommunication infrastructure.	No likely significant effect – reason b).
CNP15	Sustainable Transport	This policy supports sustainable transport measures including new footpaths and cycle lanes. This policy also seeks the provision of electric charging points for off-road parking spaces.	No likely significant effect – reason b).
CNP16	Car Parking	This policy seeks to retain off-road parking spaces and ensure new development provides sufficient parking.	No likely significant effect – reason b).



Cophthorne Neighbourhood Plan Policy	Policy	Comment	Likely Significant Effect on the Ashdown Forest SPA and SAC
CNP17	New Parking Areas	This policy supports proposals that seek to address on-street parking issues.	No likely significant effect – reason b).

5.14 No policies in the Cophthorne Neighbourhood Plan were found to have a likely significant effect alone on the Ashdown Forest SPA and SAC. Cophthorne Parish is 7.5km and Cophthorne village is 9.5km from the boundary of the Ashdown Forest SPA and therefore is outside the 7km zone of influence so there is unlikely to be an in-plan in combination effect (that is, there is unlikely to be an in combination effect from the policies in the Neighbourhood Plan). Any wider in combination effect with other plans will be considered in the section below.

### **In Combination Effects**

5.15 Other neighbourhood plans and windfall sites within the 7km zone in Mid Sussex will 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. 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 SAC and SPA (as assessed through the District Plan HRA) although this will be explored in further detail in the HRAs of those neighbourhood plans.

5.16 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. Any relevant development in Tunbridge Wells Borough will be making a contribution towards SAMM measures.

5.17 All affected local authorities are involved in the Joint SAMM Strategy and their work on mitigation described above demonstrates their commitment to protecting the Ashdown Forest SPA and SAC under the Habitats Regulations.

5.18 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.

## **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 policies included within the Cophthorne Neighbourhood Plan. A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the Cophthorne Neighbourhood Plan is not required.

- 6.2 As a precautionary measure, any residential development proposed within Copthorne Parish will be subject to the recommendations of the HRA and if relevant, the current approach to Ashdown Forest being implemented at that time. Applicants for planning permission are advised to contact the District Council for further advice prior to submitting a planning application.

**Development Management**

01444 – 477566

[planninginfo@midsussex.gov.uk](mailto:planninginfo@midsussex.gov.uk)

Approved by:



Sally Blomfield

Divisional Leader for Planning and Economy

Date: 28<sup>th</sup> October 2020

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

