



Habitats Regulations Assessment (HRA) of
the Mid Sussex Site Allocations Development
Plan Document: Addendum relating to
Proposed Main Modifications.

Durwyn Liley

FOOTPRINT ECOLOGY, FOREST OFFICE, BERE ROAD,
WAREHAM, DORSET BH20 7PA
WWW.FOOTPRINT-ECOLOGY.CO.UK
01929 552444



FOOTPRINT
ECOLOGY

Footprint Contract Reference: 482

Date: 26th November 2021

Version: Final

Recommended Citation: Liley, D. (2021). Habitats Regulations Assessment (HRA) of the Mid Sussex Site Allocations Development Plan Document: Addendum relating to Proposed Main Modifications. Report by Footprint Ecology.

Summary

The Conservation of Habitats and Species Regulations 2017 (as amended) require local authorities to assess the impact of their local plan on the internationally important sites for biodiversity in and around their administrative areas. These sites - Special Protection Areas, Special Areas of Conservation and Ramsar sites - are known as European sites. The task is achieved by means of a Habitats Regulations Assessment (HRA).

An HRA asks very specific questions of a plan. Firstly, it 'screens' the plan to identify if there is a risk that certain policies or allocations may have a 'likely significant effect' on a European site, alone or (if necessary) in-combination with other plans and projects. If the risk of likely significant effects can be ruled out, then the plan may be adopted but if they cannot, the plan must be subjected to the greater scrutiny of an 'appropriate assessment' to find out if the plan will have an 'adverse effect on the integrity' of the European sites.

Following an appropriate assessment, a Plan may only be adopted if an adverse effect on the integrity of the site can be ruled out.

This document is an addendum to the HRA for the Mid Sussex Site Allocations Development Plan Document (DPD) and has been produced alongside the Main Modifications to the Plan. This update should be read alongside the previous HRA report (in March 2020 to accompany the submission version), which was able to conclude that the Plan would not result in adverse effects on European site integrity.

Following Main Modifications of the Site Allocations DPD, the previous HRA conclusions have been checked and all Main Modifications reviewed. None of the Main Modifications change the previous conclusions or findings of the HRA of the Final Draft Plan.

As such, adverse effects on integrity, alone or in-combination are ruled out for all European sites, as a result of the Plan at Main Modifications.

Contents

Summary	ii
Contents.....	iii
Acknowledgements	iii
1. Introduction	1
2. Implications of the Mid Sussex Site Allocations Development Plan Document: Main Modifications on the 2020 HRA.....	3
3. Formal Integrity Test and Conclusions.....	4
Appendix 1: Schedule of Main Modifications (MMs)	5

Acknowledgements

Thanks to Jennifer Hollingum at Mid Sussex District Council for commissioning the work, for provision of the draft modifications and for comments on an initial draft of this addendum.

1. Introduction

- 1.1 The Mid Sussex Site Allocations Development Plan Document (DPD) (the Plan) was submitted to the Secretary of State for independent examination in December 2020. Following the close of the Examination Hearing, in June 2021, the Inspector wrote to the Council setting out their views on the next steps for the examination of the Plan. This includes public consultation on the Main Modifications identified and discussed during the hearing that are required to make the Plan legally compliant or sound.
- 1.2 The designation, protection and restoration of European wildlife sites is embedded in the Conservation of Habitats and Species Regulations 2017, as amended, which are commonly referred to as the 'Habitats Regulations'. The most recent amendments (the Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019¹) take account of the UK's departure from the EU.
- 1.3 The Habitats Regulations require local authorities to assess the impact of their local plan on the internationally important sites for biodiversity in and around their administrative areas². Together, these Special Protection Areas, Special Areas of Conservation and Ramsar sites are known as European sites. The task is achieved by means of a Habitats Regulations Assessment (HRA).
- 1.4 The HRA for the Plan was finalised in March 2020 and concluded that at a plan level, the Plan will not result in adverse effects on European site integrity. This report is a review of the Main Modifications to check whether they influence findings of the previous HRA. This report should therefore be read alongside the previous 2020 HRA report.
- 1.5 All Modifications have been checked, with the focus on the Main Modifications. Appendix 1 summarises the schedule of Main Modifications

¹ The amending regulations generally seek to retain the requirements of the 2017 Regulations but with adjustments for the UK's exit from the European Union. See Regulation 4, which also confirms that the interpretation of these Regulations as they had effect, or any guidance as it applied, before exit day, shall continue to do so.

² Regulation 105 *et seq* addresses the assessment of local plans and determines the scope of this HRA alongside recent Government Guidance on the interpretation and application of the Regulations, see <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site> (accessed 24 May 2021)

Mid Sussex Site Allocations DPD HRA Addendum
at Main Modifications

with an additional column to record whether the modification has any implications with respect to the 2020 HRA. This provides a record that all modifications have been checked. Section 2 of this report focuses on those modifications that could have implications for the HRA and considers the changes with reference to the 2020 HRA.

2. Implications of the Mid Sussex Site Allocations Development Plan Document: Main Modifications on the 2020 HRA

- 2.1 The HRA from 2020 that accompanied the submission version of the Plan identified likely significant effects for Ashdown Forest SPA/SAC in terms of air quality and recreation. The appropriate assessment ruled out adverse effects on integrity for air quality, based on the results of modelling of traffic flows and air quality. For recreation, the appropriate assessment section ruled out adverse effects on integrity through the established mitigation approaches of Strategic Access Management and Monitoring (SAMM) payments and Suitable Alternative Natural Greenspace (SANG). The HRA recommended that long-term monitoring of air quality was continued to allow for checks when the Plan is reviewed and also recommended monitoring for recreation (the delivery of SAMM and SANG).
- 2.2 A check of each modification has identified no changes that affect the quantum of growth or locations for development or that pose any further implications for the conclusions made in the HRA at submission. Many of the modifications are positive changes in relation to the environment as they strengthen landscape protection or ensure biodiversity net gain, but in themselves do not have any impact on the HRA conclusions.
- 2.3 Main Modification MM22 adds wording relating to mitigation and SANGs provision, by adding a requirement for regular monitoring of the SANG. This provides added confidence to the effectiveness of the mitigation as monitoring can identify whether there are any issues on the site (such as safety concerns, muddy footpaths, difficulty parking etc) that might deter visitors. Such measures can then be addressed. The need for SANGs monitoring is in accordance with the Ashdown Forest mitigation monitoring strategy (Liley, 2018).
- 2.4 Visitor surveys (commissioned by Mid Sussex District Council in partnership with neighbouring authorities) took place across Ashdown Forest SPA/SAC during the summer 2021 and in addition visitor surveys were undertaken at 4 SANGs sites. The reports are yet to be finalised but provide monitoring at a strategic level to check how access levels have changes and the implications for mitigation delivery.

3. Formal Integrity Test and Conclusions

- 3.1 The Mid Sussex Site Allocations DPD with Proposed Main Modifications has been subjected to an appropriate assessment and integrity test according to the statutory provisions laid out in the Habitats Regulations 2017 as amended.
- 3.2 The HRA of the DPD at Submission (in 2020) concluded that the Plan would not result in adverse effects on integrity for any European site, alone or in-combination with other plans or projects. Following the Main Modifications, the HRA conclusions have been checked and all Main Modifications reviewed. None of the Main Modifications change the previous conclusions or findings of the HRA of the Final Draft Plan. As such, adverse effects on integrity, alone or in-combination are ruled out for all European sites.

Appendix 1: Schedule of Main Modifications (MMs)

Proposed Main Modifications to Plan and implications in terms of the 2020 HRA.

MM	DPD Section	Proposed change	Implications for 2020 HRA findings
MM1	Policy SA25, page 73	<p><i>Modify policy SA25: Land West of Selsfield Road, Ardingly, for 70 dwellings, as follows:</i></p> <p>Number of Units: 70 35 dwellings.</p> <p><i>Under Urban Design Principles:</i> <i>New first bullet point:</i></p> <ul style="list-style-type: none"> • Locate the development at the eastern end of the open land between the South of England Showground and the Recreation Ground, fronting onto Selsfield Road. The proposed development should include strategic landscaping at its western end. <p><i>Amend Policies Map to reflect this modification.</i></p>	<p>None, the modification reduces the quantum of development at this location and does not affect the HRA findings in any way.</p>
MM2	Policy SA20, page 59	<p><i>Modify policy SA20: Land South and West of Imberhorne Upper School, Imberhorne Lane, East Grinstead, as follows:</i></p> <p><i>Under Social and Community:</i> Provision of a minimum of 142 dwellings (Use Class C2) in a dedicated site with the allocation, fronting onto Imberhorne Lane.</p>	<p>None, the modification quantifies the amount of C2 use within the allocation but does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way.</p>

MM	DPD Section	Proposed change	Implications for 2020 HRA findings
		<p><i>The area for the older persons’ dwellings needs to be defined on the Policies Map.</i></p>	
MM3	<p>New policy to address the need for specialist accommodation for older people and care homes</p>	<p><i>Include new criteria based policy to provide for specialist accommodation for Older People and Care Homes within Mid Sussex, as follows:</i></p> <p>There is an identified need for specialist accommodation for older people comprising at least 665 additional extra care units (Use Class C2) by 2030, of which at least 570 should be leasehold. The Housing and Economic Needs Assessment Addendum (August 2016) identified forecast demand for care homes (Use Class C2) at 2031 as 2,442 bedspaces. The Council will support proposals that will contribute to meeting these types of specialist accommodation.</p> <p>Proposals for specialist accommodation for older people and care homes will be supported where:</p> <ul style="list-style-type: none"> a) It is allocated for such use within the District Plan, Site Allocations DPD or Neighbourhood Plan; or b) It forms part of a strategic allocation; or c) It is located within the Built-Up Area Boundary as defined on the Policies Map; or d) Where the site is outside the Built-Up Area, it is contiguous with the Built-Up Area Boundary as defined on the Policies Map and the development is demonstrated to be sustainable, including by reference to the settlement hierarchy (policy DP4). 	<p>New criteria-based strategic policy SA39. Policy does not allocate any particular sites nor set any particular quantum of growth. It does not affect the HRA findings in any way</p>

MM	DPD Section	Proposed change	Implications for 2020 HRA findings
		<p>In all circumstances, the site must be accessible by foot or public transport to local shops, services, community facilities and the wider public transport network. Proposals must demonstrate how reliance on the private car will be reduced and be accompanied by a Travel Plan which sets out how the proposal would seek to limit the need to travel and how it offers a genuine choice of transport modes, recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.</p>	
MM4	Policy SA13, page 43	<p><i>Modify policy SA13: Land East of Keymer Road and South of Folders Lane, Burgess Hill, for 300 dwellings, as follows:</i></p> <p><i>Under Objectives:</i></p> <ul style="list-style-type: none"> To deliver a sympathetic and well integrated extension to Burgess Hill, informed by a landscape led masterplan, which respects responds to the setting of the South Downs National Park in its design, creating <p><i>Under Landscape Considerations:</i></p> <ul style="list-style-type: none"> Undertake a Landscape and Visual Impact Assessment (LVIA) to inform the site layout, capacity and mitigation requirements, in order to minimise impacts on the most visible parts of the site on the wider countryside and the setting of and any potential views from the South Downs National park to the south. Any external lighting scheme shall be designed to minimise light spillage to protect the dark night skies. 	<p>None, the modification relates to landscape sensitivity and the setting of the South Downs National Park. The modification does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way.</p>

MM	DPD Section	Proposed change	Implications for 2020 HRA findings
		<ul style="list-style-type: none"> The LVIA will incorporate the findings of the Opportunities and Constraints Plan, paying particular attention to the increasing sensitivity moving through the site towards the south, and acknowledge its position as an edge of settlement development to Burgess hill that reflects the characteristics of its immediate area. <p>The design will take account of and respond to the findings of the LVIA.</p>	
MM5	Policy SA7, page 27	<p><i>Modify policy SA7: Cedars (Former Crawley Forest School), Brighton Road, Pease Pottage, for employment use, as follows:</i></p> <p><i>Under Site Specific Requirements, Second bullet point:</i></p> <p>Undertake a Landscape and Visual Impact Appraisal (LVIA) to inform the site layout, capacity and mitigation requirements, including a comprehensive landscape scheme in order to conserve and enhance the landscape and scenic beauty of minimise impact on the AONB.</p>	None, the modification relates to the landscape sensitivity and does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way.
MM6	Policy SA8, page 28	<p><i>Modify policy SA8: Pease Pottage Nurseries, Brighton Road, Pease Pottage, as follows:</i></p> <p><i>Under Site Specific Requirements, Second Bullet Point:</i></p> <p>Undertake a Landscape and Visual Impact Appraisal (LVIA) to inform the site layout, capacity and mitigation requirements, including a comprehensive landscape scheme in order to conserve and enhance the</p>	None, the modification relates to the landscape sensitivity and does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way.

MM	DPD Section	Proposed change	Implications for 2020 HRA findings
		<p>landscape and scenic beauty of minimise impact on the AONB.</p>	
MM7	Policy SA23, page 67	<p><i>Modify policy SA23: Land at Hanlye Lane to the East of Ardingly Road, Cuckfield26, as follows:</i></p> <p><i>Under Objectives:</i></p> <p>To deliver a high quality, landscape led, sustainable extension to Cuckfield, which provides enhanced and accessible open space; respects the character of the village and conserves and enhances the setting of the High Weald AONB;</p>	None, the modification relates to the landscape sensitivity and does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way
MM8	Policy SA26, page 76	<p><i>Modify policy SA26: Land South of Hammerwood Road, Ashurst Wood, as follows:</i></p> <p><i>Under Objectives:</i></p> <ul style="list-style-type: none"> To deliver a sensitive extension to Ashurst Wood which reflects local distinctiveness and sits well within conserves and enhances the landscape and scenic beauty of the High Weald AONB <p><i>Under AONB:</i></p> <ul style="list-style-type: none"> Undertake a Landscape and Visual Impact Assessment (LVIA) to inform the site layout, capacity and mitigation requirements, in order to protect conserve and enhance the landscape and scenic beauty of the High Weald AONB. 	None, the modification relates to the landscape sensitivity and does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way
MM9	Policy SA27, page 78	<p><i>Modify policy SA27: Land at St Martin Close, Handcross, as follows:</i></p> <p><i>Under Objectives, insert new first bullet point:</i></p>	None, the modification relates to the landscape sensitivity and does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way

MM	DPD Section	Proposed change	Implications for 2020 HRA findings
		<p>To deliver a high quality, landscape led, sustainable extension to Handcross, which respects the character of the village and conserves and enhances the landscape and scenic beauty of the High Weald AONB, and which is comprehensively integrated with the settlement so residents can access existing facilities.</p>	
MM10	Policy SA28, page 80	<p><i>Modify policy SA28: Land South of The Old Police House, Birchgrove Road, Horsted Keynes, as follows:</i></p> <p><i>Under Objectives:</i></p> <p>To deliver a high quality, landscape led, sustainable extension to Horsted Keynes, which respects the character of the village and conserves and enhances the landscape and scenic beauty of the High Weald AONB, and which is comprehensively integrated with the settlement so residents can access existing facilities.</p>	None, the modification relates to the landscape sensitivity and does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way
MM11	Policy SA29, page 82	<p><i>Modify policy SA29: Land South of St Stephens Church, Hamsland, Horsted Keynes, as follows:</i></p> <p><i>Under Objectives:</i></p> <p>To deliver a high quality, landscape led, sustainable extension to Horsted Keynes, which respects the character of the village and conserves and enhances the landscape and scenic beauty of the High Weald AONB, and which is comprehensively integrated with the settlement so residents can access existing facilities.</p>	None, the modification relates to the landscape sensitivity and does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way

MM	DPD Section	Proposed change	Implications for 2020 HRA findings
MM12	Policy SA34, page 93	<p><i>Modify policy SA34: Existing Employment Sites</i></p> <p><i>After first paragraph, insert the following text:</i></p> <p>Development proposals outside the traditional employment use classes for non-employment generating uses will be supported on existing and allocated employment sites, if it is demonstrated that the continued use of the site, or its development for employment or employment uses, is not viable, through the provision of:</p> <ul style="list-style-type: none"> (i) Details of comprehensive marketing of the site for at least 12 months and appropriate to the prevailing marketing conditions; and (ii) A financial appraisal that demonstrates that the development of any employment generating use is unviable. <p>Development proposals outside the traditional employment use classes for non-employment generating uses will be supported on existing and allocated employment sites, if it is demonstrated that the continued use of the site, or its development for employment or employment uses causes, or would lead to site-specific, environmental problems, such as noise, pollution or disturbance through traffic generation, recognising the environmental benefits to be gained by redeveloping these sites for non-employment generating uses.</p>	<p>None, the modification does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way.</p>

Mid Sussex Site Allocations DPD HRA Addendum at Main Modifications

MM	DPD Section	Proposed change	Implications for 2020 HRA findings
MM13	Policy SA35, page 96	<p><i>Modify policy SA35: Safeguarding of Land for and Delivery of Strategic Highway Improvements, as follows:</i></p> <p><i>Amend fifth paragraph as follows:</i> New development in these areas should be carefully designed, having regard to matters such as building layout, noise insulation, landscaping, the historic environment, and means of access and meeting the requirement for biodiversity net gain.</p>	<p>None, the modification does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way. Addition of wording on Biodiversity Net Gain not relevant to HRA conclusions but environmentally positive.</p>
MM14	Policy SA37, page 103	<p><i>Modify policy SA37: Burgess Hill/Haywards Heath Multifunctional Network, as follows:</i></p> <p><i>Under third paragraph as follows:</i> The area shown on the Policies Map illustrates where policy SA37 will apply; the precise alignment for the scheme will be informed by detailed design work and it should be carefully designed having a clear consideration of matters such as biodiversity and landscape in order to avoid harmful impacts on those features.</p>	<p>None, the modification does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way. Additional wording environmentally positive.</p>
MM15	Appendix B, page 141	<p><i>Modify Appendix B by inserting additional table, as set out below in Appendix 1, following the following text:</i></p> <p>The Council has identified some of the additional information it intends to record if it is available.</p>	<p>None, the modification does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way.</p>
MM16	Housing Trajectory	<p><i>Include the Council's updated housing trajectory within the Plan.</i></p>	<p>None, the modification does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way.</p>
MM17	Policy SA16, page 50	<p><i>Modify policy SA16: St Wilfrid's Catholic Primary School, School Close, Burgess Hill, as follows:</i></p>	<p>None, the modification does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way.</p>

MM	DPD Section	Proposed change	Implications for 2020 HRA findings
		<p><i>Under Urban Design Principles, at the end of the first bullet point, insert:</i></p> <p>The anticipated yield of the comprehensive redevelopment scheme includes the 200 dwellings proposed in policy SA16, plus an additional 100 dwellings proposed in the Neighbourhood Plan for the Brow Quarter.</p>	
MM18	Policy SA31, page 50	<p><i>Modify policy SA31: Land to the rear of Firlands, Church Road, Scaynes Hill, as follows:</i></p> <p><i>Under Highways and Access, additional bullet point:</i></p> <p>Contribute towards provision of a footpath connecting the site to the existing footpath to the south. This could be done either as an extension to the Scaynes Hill Common footpath or exploring options for a formal footway alongside the carriageway.</p>	<p>None, the modification does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way. Scaynes Hill is around 8.5km from Ashdown Forest SPA/SAC so no risks from increased recreation to Ashdown Forest.</p>
MM19	SA14, page 46	<p><i>Modify policy SA14: Land to the South of Selby Close, Hammonds Ridge, Burgess Hill. As follows:</i></p> <p><i>Under Highways and Access, first bullet point:</i></p> <p>Provide access from Hammonds Ridge. or through CALA Homes development at Edwin Street to the west, the details of which need to be investigated further.</p>	<p>None, the modification does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way.</p>
MM20	SA29, page 82	<p><i>Modify policy SA29: Land South of St Stephens Church, Hamsland, Horsted Keynes, as follows:</i></p> <p><i>Under Highways and Access: Delete first bullet point and insert:</i></p> <ul style="list-style-type: none"> • Safe and convenient pedestrian and vehicular access needs to be secured, in accordance with 	<p>None, the modification does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way.</p>

MM	DPD Section	Proposed change	Implications for 2020 HRA findings
		<p>Manual for Streets (MfS) to enable (a) satisfactory access by waste collection vehicles and emergency services vehicles; and (b) safe and convenient pedestrian access, both along Hamsland and into the proposed development.</p> <p><i>Under Biodiversity and Green Infrastructure:</i> Add new bullet point: Ensure adequate protection of the existing trees along the site boundary.</p>	
MM21	SA22, page 65	<p><i>Modify policy SA22: Land North of Burleigh Lane, Crawley Down, as follows:</i></p> <p><i>Under Highways and Access:</i> Provide access from Sycamore Lane or Woodlands Close. Detailed access arrangements will need to be investigated further.</p>	<p>None, the modification does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way.</p>
MM22	SA20, page 61	<p><i>Modify policy SA20: Land South and West of Imberhorne Upper School, Imberhorne Lane, East Grinstead, as follows:</i></p> <p><i>Under Biodiversity and Green Infrastructure:</i> Additional text at end of bullet point 6: The management of the SANG should include regular monitoring of visitor numbers, where visitors travel from to visit the SANG, activities at the SANG, and any suggestions for future management.</p>	<p>None, the modification does not result in any changes to the proposed quantum or location of development or affect the HRA findings in any way. Wording helps further ensure effective SANG provision through requirement for additional monitoring.</p>