

# **Herstmonceux Neighbourhood Development Plan**

## **Habitats Regulations Assessment**

### **1. About this document**

1.1 This report presents the findings and recommendations of the Habitats Regulations Assessment (HRA) undertaken by Wealden District Council, as the Local Planning Authority and competent body, in regards to the Herstmonceux Parish Neighbourhood Plan. The purpose of the HRA is to ensure that the requirements and legislative procedure as provided by The Conservation of Habitats and Species Regulations 2010 (as amended) has been met as part of the plan making process. The purpose of this HRA is to ensure that the Herstmonceux Parish Neighbourhood Plan, once in place, will not result in an adverse effect on the integrity of the Natura 2000 network of European sites, designated for their biodiversity and conservation interest.

### **2. Herstmonceux Parish Neighbourhood Development Plan**

2.1 The Herstmonceux Parish Neighbourhood Plan has been produced to guide development within the parish up to 2027. The Neighbourhood Plan sets out a vision for Herstmonceux based around 10 Strategic Objectives and provides 15 policies.

2.2 If the Herstmonceux Parish Neighbourhood Plan is approved by the local community through a referendum, and subsequently made by Wealden District Council, it will be used in determining planning applications within the Neighbourhood Plan Area, as part of the Development Plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

### **3. Legislation**

3.1 The Conservation of Habitats and Species Regulations 2010 (As amended) (Habitat Regulations) transpose the requirements of EC Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive).

3.2 The Habitat Regulations set out a requirement for a Habitat Regulations Assessment (HRA) to be applied to all land use plans to assess the potential effect of a plan against the conservation objectives of European Sites including Special Areas of Conservation (SACs) Special Protection Areas (SPAs) and Sites of Community Importance. The National Planning Policy Framework states that Ramsar Sites should be given the same protection as European sites.

3.3 SACs are sites classified in accordance with Article 3 of the Habitats Directive, which seeks to establish a European network of important high-quality conservation sites that will make a significant contribution to conserving habitat types and species identified in Annex I and II of the Habitats Directive. SPAs are sites classified in accordance with Article 4 of the Birds Directive seeking to protect rare, vulnerable and regularly migratory birds as listed in Annex I of the Birds Directive. SPAs and SACs are commonly referred to as European Sites, and as part of a system known as the Natura 2000 network.

3.4 The main aim of the Habitats Directive is to promote the maintenance of biodiversity by requiring Member EU States to take measures to maintain or restore natural habitats and wild species listed in the Annexes of the Directive at a favourable conservation status, introducing robust protection for those habitats and species of European importance (Habitats Directive, Article 2(2)). This aim relates to habitats and species, not the European sites themselves, although the sites have a significant role in delivering conservation measures including management plans to achieve favourable conservation status and the objective of the Directive within the designated site.

3.5 Ramsar sites are designated under the International Convention on Wetlands of International Importance (the Ramsar Convention in Iran, 1971 and amended by the Paris protocol 1992). The Habitats Directive does not protect Ramsar sites in law, however the National Planning Policy Framework (NPPF) sets out that Ramsar sites together with potential SPAs and candidate SACs (cSACs) should be given the same level of protection as European sites.

#### **4. Habitats Regulation Assessment (HRA)**

4.1 Under the Habitat Regulations (Regulation 61 & 102), competent authorities have a duty to undertake an appropriate assessment where a land use plan or any other regulatory activity including projects and programmes is likely to have a significant effect on a European site. The purpose of an Appropriate Assessment is to assess the implications of a plan against the conservation objectives of the

European site, and to ascertain that the plan would not, even in combination with other plans or projects, adversely affect the integrity of the site. The Habitats Directive applies the precautionary principle to European sites when assessing whether the effects of a plan are significant. This means that a plan can only be permitted after it has been determined that there is no likely significant effect, using the precautionary principle<sup>1</sup>, or there is scientific certainty that there will be no adverse effect on the integrity of the site(s) in question.

4.2 Where an adverse effect is identified, The Habitat Regulations promote the use of mitigation measures and avoidance of any potential damaging effects to the site. However, article 6 (4) of the Habitats Directive provides a derogation which allows a plan or project to be approved in limited circumstances even if it would or may have an adverse effect on the integrity of a European site.

4.3 Under article 6 (4) a plan may only progress provided three sequential tests are met:

- There must be no feasible alternative solutions to the plan which are less damaging to the affected European site;
- There must be social or economic 'imperative reasons of overriding public interest' (IROPI) for the plan or project to proceed; and
- All necessary compensatory measures must be secured to ensure that the overall coherence of the network of European sites is protected.

4.4 These tests can only formally be considered once an appropriate assessment in line with article 6 (3) of the Directive has been undertaken and in the case of plans, it is for the competent authority to prove, as a prerequisite, that each test can be met. With regards to public interest, this must be overriding, be of long-term gain and must outweigh the potentially damaging impacts that the plan or project may have on a European site. IROPI should only be considered in exceptional circumstances. However, if the above tests are met the plan or project can be approved.

4.5 Whilst it is the responsibility of the competent authority to prove that the sequential tests can be met, the decision as to whether a Plan or project can proceed lies with the Secretary of State, who must grant authorisation only when

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<sup>1</sup> Definition of precautionary principle is identified in subsequent sections.

satisfied that any necessary compensation measures are taken to ensure the overall coherence of the network of European sites<sup>2</sup>.

4.6 Prior to undertaking an appropriate assessment a local authority must first assess whether or not a plan is likely to result in a significant effect. This is essentially a risk assessment or screening process to decide whether or not the full appropriate assessment is required. Should it be determined that a plan will not result in significant effects then no further assessment will be required. If significant effects cannot be ruled out as unlikely, then an appropriate assessment will be required to consider any potential impacts further.

## 5. Habitats Regulations Assessment Guidance

5.1 There is no statutory method for undertaking a Habitats Regulations Assessment (HRA); however, the adopted method must be appropriate to its purpose under the Habitats Directive and Regulations.

5.2 The European Commission<sup>3</sup> recommends a four stage approach to addressing the requirements of Articles 6 (3) and (4) of the Habitats Directive, as set out below.

- **Stage 1: Formal Screening / Likely Significant Effect test** - The first stage in the HRA process is to identify the likely impacts of a plan or project upon a European site, either alone or in combination with other plans or projects. This stage will also need to consider whether any of the potential impacts are likely to be significant. The objective is to 'screen out' those sites or elements of the plan, without any detailed appraisal, which will not result in a likely significant adverse effect on a European site.
- **Stage 2: Appropriate Assessment (AA)** - An appropriate assessment is required if it is identified at the screening stage that the plan is likely to result in a significant effect either alone or in combination with other projects or plans. An appropriate assessment considers the impacts on the integrity of the European or Ramsar site(s). Where there are adverse impacts, it also includes an assessment of the potential avoidance and mitigation of those impacts.
- **Stage 3: Assessment of alternative solutions** - Following the appropriate assessment stage and consultation on this, should it be considered by a

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<sup>2</sup> Other mechanisms need to be followed for European Sites that hosts a priority natural habitat type or a priority species

<sup>3</sup> Assessment of plans and projects significantly affecting Natura 2000 sites. European Commission (2001).

competent authority that residual adverse effects remain then it is necessary as part of a Stage 3 assessment to examine whether there are alternative ways of achieving the objectives of the plan that avoid the adverse impacts on the integrity of European or Ramsar sites or reduce them. It must be objectively concluded that no alternative solutions exist.

- **Stage 4: Imperative Reasons of Overriding Public Interest (IROPI)** - If there are no alternative solutions or mitigation solutions to remove or reduce any identified adverse effect to a level that is considered acceptable in view of a sites conservation objectives then it will be necessary, under Regulation 103 of the Habitats Regulations, to demonstrate that there are Imperative Reasons of Overriding Public Interest to continue with the implementation of the Plan. The IROPI stage should only be explored in exceptional circumstances. Compensatory measures to offset negative impacts must be identified and assessed as appropriate before the project or plan can proceed.

5.3 The following methodology was undertaken to assess whether the Herstmonceux Parish Neighbourhood Plan is likely to result in a significant adverse effect on a Natura site.

#### Stage 1: Screening for likely significant effect

5.4 Stage 1 of the assessment considered whether the plan is likely to result in a significant effect on a European Site. The following steps were undertaken during the screening stage:

- a. Determining whether the plan / project is directly connected with or necessary to the management of a European site;
- b. Identifying the European sites that should be considered within the HRA;
- c. Gathering information in relation to the European Sites including:
  - i. Characteristics of European Sites;
  - ii. Qualifying interests;
  - iii. Conservation objectives;
  - iv. Current site condition.
  - v. Threats to qualifying interests
  - vi. Identification of relevant site management statements / plans.
- d. Identification of all plans or projects that could, in combination, have the potential to result in a significant adverse effect on a Natura 2000 site;

- e. Screening the plan for likely significant effects, alone and in combination with other Plans and projects.
- f. Assess whether 'likely significant effects' can be avoided or mitigated through changes to the Plan.
- g. Rescreening of the Plan where changes to the Plan were made.

5.5 The purpose of screening / stage 1 was to assess whether further steps in the HRA process are required. This involved:

- Identifying and eliminating the elements of the plan which will have no effect on a European site;
- Identifying elements of the plan which would not be likely to have a significant effect on a European Site, either alone or in combination with other plans and projects;
- Identifying the elements of the plan where it cannot be ruled out to not result in a likely significant effect, either alone or in combination with other plans or projects; and
- Assessing the significance of any effects on the European Site.

5.6 The assessment involved screening the content of the plan and its policies against a number of criteria.

5.7 During the Stage 1 assessment, existing current information and knowledge about the European Sites were relied upon. The European Commission Guidance endorses this approach.

## **6. Important considerations taken into account during Stage 1 of the HRA**

6.1 As part of the HRA, in particular the stage 1 assessment, it was necessary to consider a number of provisions provided by the Habitats Directive and Regulations. The application of these provisions is key to meeting the legislation.

### What is a 'likely significant effect'?

6.2 The screening stage is based on a 'likely significant effect' test. A 'likely effect' is one that cannot be ruled out on the basis of objective information. European Commission Guidance sets out that the test is a 'likelihood' of effects rather than a 'certainty' of effects<sup>4</sup>.

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<sup>4</sup> Managing Natura 2000 Sites, EC, 2000. Section 4.4.2

6.3 In the Waddenzee case, the European Court of Justice ruled that a project should be subject to appropriate assessment 'if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site, either individually or in combination with other plans or projects'. In using this case law, 'likely' should not be interpreted as 'probable' or 'more likely than not', but rather whether a significant effect can objectively be ruled out.

6.4 The European Commission provide guidance on 'significant effect'. Ultimately, the test of significance is where a plan or project could undermine the sites conservation objectives. The likelihood of this occurring is a case-by-case judgement, taking into account the specific features and environmental conditions of the protected site concerned by the plan or project and the precautionary principle.

6.5 During the 'likely significant effect' test, the precautionary principle must be applied in relation to whether the next stage in the HRA process is required.

#### Precautionary principle

6.6 The precautionary principle is defined as "where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation"<sup>5</sup>.

6.7 In line with this definition and as appropriate to the Habitats Directive, European Commission guidance states that 'the conservation objectives of Natura 2000 should prevail where there is uncertainty'<sup>6</sup> (Section 2.2). It further sets out that the use of the precautionary principle in the case that 'a scientific evaluation of the risks which, because of the insufficiency of the data, their inconclusive or imprecise nature, makes it impossible to determine with sufficient certainty the risk in question. The guidance further states that 'this means that the emphasis for assessment should be objectively demonstrating, with supporting evidence, that there will be no adverse effects on the integrity of the site'.

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<sup>5</sup> 1992 Rio Declaration on Environment and Development

<sup>6</sup> Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6 (3) and (4) of the Habitats Directive 92/43/EEC (European Commission, 2001, pg 11).

6.8 Further information is provided by the European Commission in its communication on the use of the Precautionary Principle<sup>7</sup>. The Communication sets out a number of steps to be followed as below:

- If a preliminary scientific evaluation shows that there are reasonable grounds for concern that a particular activity might lead to damaging effects on the environment, or on human, animal or plant health, which would be inconsistent with the protection normally afforded to these within the European Community, the Precautionary Principle is triggered;
- Decision-makers then have to determine what action to take. They should take account of the potential consequences of taking no action, the uncertainties inherent in the scientific evaluation, and they should consult interested parties on the possible ways of managing the risk. Measures should be proportionate to the level of risk, and to the desired level of protection. They should be provisional in nature pending the availability of more reliable scientific data; and
- Action is then undertaken to obtain further information enabling a more objective assessment of the risk. The measures taken to manage the risk should be maintained so long as the scientific information remains inconclusive and the risk unacceptable.

#### In Combination Effect

6.9 Article 6 (3) of the Habitats Directive requires a HRA to take into account the in combination effects of plans and projects. The Directive recognises that in some cases the effects of a plan or project on its own could result in an unlikely significant effect or an insignificant effect. However, it is recognised that there may be a number of plans or projects, each of which on their own would be unlikely to have a significant effect. However, if their individual effects were added together, by them all coming forward over time, the effects in combination would be likely to be significant.

6.10 It is important to note that the intention of this in-combination provision is to take account of cumulative impacts, and these will often only occur over time. The Directive would be undermined if the combinations of plans and projects escaped assessment, especially if their combined effects are likely to be damaging to a site as the effects of one large plan or project alone<sup>8</sup>.

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<sup>7</sup> Communication from the Commission on the Precautionary Principle, (European Commission, 2000).

<sup>8</sup> Habitats Regulations Appraisal Of Plans - Guidance For Plan-Making Bodies In Scotland, (David Tyldesley and Associates, Version 3.0, January 2015).

6.11 The European Commission Guidance provides that the focus of the in combination assessment should be on those plans or projects actually proposed. This should also include approved projects and plans that are currently uncompleted or unimplemented. Recent case law identifies the need to consider completed plans and projects as part of the in combination assessment.

## **7. Habitat Regulations Assessment (Screening) for the Herstmonceux Parish Neighbourhood Plan**

### Determining whether the plan / project is directly connected with or necessary to the management of a European site

7.1 The Herstmonceux Parish Neighbourhood Plan is not directly connected with, or necessary to the nature conservation management of a European site / Ramsar site. Therefore, the Plan requires a Habitat Regulations Assessment.

### Identifying the European sites that should be considered within the HRA

7.2 The screening exercise identifies the following European sites for consideration within the HRA:

- a) Ashdown Forest Special Area of Conservation (SAC);
- b) Ashdown Forest Special Protection Area (SPA);
- c) Pevensy Levels SAC;
- d) Lewes Downs SAC; and
- e) Castle Hill SAC.

### Information gathered in relation to the European sites:

7.3 Appendix 1 provides a summary of information considered as part of the screening / stage 1 process.

### Screening the plan for likely significant effects, alone and in combination with other Plans and projects

7.4 The following potential significant effects are identified that could result from the Herstmonceux Parish Neighbourhood Plan, either alone or in combination:

- a) Increased atmospheric pollution at Ashdown Forest SAC, Lewes Downs SAC, Castle Hill SAC and Pevensy Levels SAC/Ramsar;

- b) Multiple effects of urbanisation at Ashdown Forest SPA/SAC;
- c) Increased recreational pressure at Ashdown Forest SPA;
- d) Altered hydrological regime at Pevensy Levels SAC/Ramsar; and
- e) Decreased water quality at Pevensy Levels SAC/Ramsar.

Screening assessment

7.5 Table 1 below provides the findings of the screening assessment for each of the policies within the Herstmonceux Parish Neighbourhood Plan.

Table 1 Screening Assessment of Policies within the HPNP

<b>Herstmonceux Neighbourhood Development Plan Policy</b>	<b>Comment</b>	<b>Likely Significant Effect?</b>
Policy 1 Spatial Planning Principles for the Parish	This Policy does not allocate development, but seeks to protect the character of the Parish including its settlements, countryside and landscape. This is a general criteria based policy expressing the tests and/or expectations of the Parish when it comes to consider particular proposals.	No likely significant effect. The policy is general in nature and there are no impact pathways present.
Policy 2: Local Green Spaces	The Policy seeks to designate a number of locally important green areas as Local Green Spaces, in line with the provisions in the NPPF. The policy also sets out the Parish Council's support in providing new or improved links to Local Green Spaces. In general terms the Policy seeks to resist	The policy is general in nature and does not identify any quantum or specific location of development. However, a likely significant effect cannot be ruled out on the basis that: a) development could result in additional traffic movements and air pollutant effects on

Herstmonceux Neighbourhood Development Plan Policy	Comment	Likely Significant Effect?
	<p>proposals for development on Local Green Spaces with the exception of Herstmonceux Castle and grounds where support is expressed for certain proposals.</p>	<p>Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC/Ramsar, either alone or in combination with other Plans or projects; and b) development could result in hydrological impacts on Pevensey Levels SAC/Ramsar.</p>
<p>Policy 3: Resisting the Loss of Employment Locations</p>	<p>This Policy seeks to resist the loss of land and buildings in employment use. The policy does not allocate land for growth. However, the policy does make provision for equivalent floorspace and / or alternative uses where loss cannot be avoided. The Policy also sets out the Parish Council's support for the improvement and enhancement of identified key employment sites.</p>	<p>The policy does not identify any quantum or specific location of development. However, a likely significant effect cannot be ruled out on the basis that:  a) development could result in additional traffic movements and air pollutant effects on Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC/Ramsar, either alone or in combination with other Plans or projects; and  b) development could result in hydrological impacts on Pevensey Levels SAC/Ramsar.</p>

<b>Herstmonceux Neighbourhood Development Plan Policy</b>	<b>Comment</b>	<b>Likely Significant Effect?</b>
Policy 4: Retail Development in the Parish	This Policy seeks to retain and protect key local retail, hospitality, community and visitor facilities within the Parish. The Policy also provides criteria for consideration of proposals for retail development.	The policy does not identify any quantum or specific location of development. However, a likely significant effect cannot be ruled out on the basis that: a) development could result in additional traffic movements and air pollutant effects on Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC/Ramsar, either alone or in combination with other Plans or projects; and b) development could result in hydrological impacts on Pevensey Levels SAC/Ramsar.
Policy 5: Sports, Leisure and Recreation Facilities in Herstmonceux Parish	This Policy seeks to protect existing areas used for sports, leisure and recreation in the parish. The Policy also supports the provision of new or improved sport, leisure and recreation buildings subject to certain criteria. The Policy also supports the development of sports,	A likely significant effect cannot be ruled out on the basis that: a) development could result in additional traffic movements and air pollutant effects on Ashdown Forest SAC, Lewes Downs SAC

Herstmonceux Neighbourhood Development Plan Policy	Comment	Likely Significant Effect?
	leisure and recreation facilities which have already been granted through existing planning permissions within the Parish as well as a sports and youth facility at Lime Cross Recreation Area.	and Pevensey Levels SAC/Ramsar, either alone or in combination with other Plans or projects; and b) development could result in hydrological impacts on Pevensey Levels SAC/Ramsar.
Policy 6: Redevelopment of the former public toilet site, Herstmonceux	This Policy seeks to support the reinstatement of a former use (public toilets) alongside a preference for small office units, although other business or retail uses alongside the toilets could be considered.	A likely significant effect cannot be ruled out on the basis that: a) development could result in additional traffic movements and air pollutant effects on Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC, either alone or in combination with other Plans or projects; and b) development could result in hydrological impacts on Pevensey Levels SAC/Ramsar.
Policy 7: Refurbishment and extension to the car park at Herstmonceux Recreation Ground	This Policy seeks to support the refurbishment and extension of the existing car park at the recreation ground. The Policy also provides some development criteria.	A likely significant effect cannot be ruled out on the basis that: a) development could result in additional traffic movements and

Herstmonceux Neighbourhood Development Plan Policy	Comment	Likely Significant Effect?
		<p>air pollutant effects on Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC, either alone or in combination with other Plans or projects; and</p> <p>b) development could result in hydrological impacts on Pevensey Levels SAC/Ramsar.</p>
Policy 8: Rights of Way in Herstmonceux Parish	This Policy does not allocate development, but seeks to promote, support, protect and enhance the rights of way network within the Parish. This is a general criteria based policy expressing the expectations of the Parish when it comes to consider development proposals.	No likely significant effect. The policy is general in nature and there are no impact pathways present. The policy does not identify any quantum or specific location of development.
Policy 9: Creation of new shared access from Windmill Hill to Herstmonceux	This Policy does not allocate development, but seeks to provide a safe network of routes for cyclists and walkers within the Parish. The policy refers to hard	The policy is general in nature and does not identify any quantum or specific location of development. However, a likely

<b>Herstmonceux Neighbourhood Development Plan Policy</b>	<b>Comment</b>	<b>Likely Significant Effect?</b>
	and soft landscaping of access routes.	significant effect cannot be ruled out on the basis that development could result in hydrological impacts on Pevensey Levels SAC/Ramsar.
Policy 10: Mobile Phone Connectivity and Broadband	This Policy does not allocate development, but seeks to improve the communications infrastructure within the Parish.	No likely significant effect. The policy is general in nature and there are no impact pathways present. The policy does not identify any quantum or specific location of development.
Policy 11: The Design of Development in the Parish	This Policy does not allocate development and is a general criteria based policy expressing the tests or expectations of the Parish when it comes to consider particular proposals.	No likely significant effect. The policy is general in nature and there are no impact pathways present. The policy does not identify any quantum or specific location of development.
Policy 12 Windfall Sites	This Policy provides support to windfall development subject to certain criteria.	. The policy does not identify any quantum or specific location of development. However, a likely significant effect cannot be ruled out on the basis that: a) development could result in additional traffic movements and air

Herstmonceux Neighbourhood Development Plan Policy	Comment	Likely Significant Effect?
		<p>pollutant effects on Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC/Ramsar, either alone or in combination with other Plans or projects; and</p> <p>b) development could result in hydrological impacts on Pevensey Levels SAC/Ramsar.</p>
<p>Policy 13: Older People's Housing Needs</p>	<p>This Policy provides support to development proposals for a range of housing for older people.</p>	<p>The policy does not identify any quantum or specific location of development. However, a likely significant effect cannot be ruled out on the basis that:</p> <p>a) development could result in additional traffic movements and air pollutant effects on Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC/Ramsar, either alone or in combination with other Plans or projects; and</p> <p>b) development could result in hydrological impacts</p>

Herstmonceux Neighbourhood Development Plan Policy	Comment	Likely Significant Effect?
		on Pevensey Levels SAC/Ramsar.
Policy 14: Herstmonceux Community Land Trust	This Policy supports the development of a Community Land Trust for the Parish. The Policy is very general in nature.	No likely significant effect. The policy is general in nature and there are no impact pathways present. The policy does not identify any quantum or specific location of development.
Policy 15: Infrastructure Investment	This Policy sets out the projects for which CIL investment shall be directed towards.	No likely significant effect. The policy is general in nature and there are no impact pathways present. The policy does not identify any quantum or specific location of development.

#### Results of screening exercise

7.6 A number of policies provided within the Herstmonceux Parish Neighbourhood Plan were identified to have potential to result in a likely significant effect on a European Site or Ramsar site.

7.7 It is possible to apply straightforward mitigation measures to the plan if there are any policies likely to have a significant effect alone, and then re-screen the policy to see if it can then be determined no likely significant effect. This is considered in more detail in the sections below.

7.8 The Herstmonceux Parish Neighbourhood Plan does not seek to allocate specific sites for a specific amount of growth within its plan. It does not therefore seek to deliver growth to meet any identified local need, as set out in the Wealden District Council Core Strategy (Adopted February 2013) or the emerging Draft Wealden Local Plan as published for the Wealden District Full Council meeting on

14<sup>th</sup> March 2017<sup>9</sup>. Notwithstanding this, Policies 6 and 7 respectively, do seek to support development at two specific locations including:

- the re-development of the former public toilet site including the potential to provide two individual office units or other retail, business or community uses as appropriate; and
- the refurbishment and extension of the car park at Herstmonceux Recreation Ground.

7.9 Policy 5 supports the proposed development of a sports and youth facility at Lime Cross Recreation Area and other policies, as detailed in Table 1 above, also support the notion of development in particular circumstances.

#### Urbanisation and recreational pressure at Ashdown Forest SPA, Lewes Downs SAC and Castle Hill SAC

7.10 The Herstmonceux Parish Neighbourhood Plan does not allocate land or support the development of land for residential use. It can therefore be concluded that the plan will not result in a likely significant effect on the conservation objectives of Ashdown Forest SPA, Lewes Downs SAC and Castle Hill SAC.

#### Increased atmospheric pollution as a result of additional traffic movements arising from development

7.11 Should development take place, as per that supported by the Neighbourhood Plan, development could result in a likely significant effect either alone or in combination with other plans and projects should such development result in an increase in road trips in and around Ashdown Forest SAC, Lewes Downs SAC and / or Pevensey Levels SAC/Ramsar. Each of these sites are potentially sensitive to the impacts of air pollution and more specifically nitrogen deposition.

7.12 Due to Castle Hill SAC, being located more than 200m from a road; it is possible to screen out any atmospheric pollution impact at this site.

7.13 The three main effects of nitrogen deposition include eutrophication by gradual increase of nitrogen availability, acidification of soil and water and the negative effects of the increased availability of reduced nitrogen (ammonium).

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<sup>9</sup> <http://modern.gov/ie/ListDocuments.aspx?CIId=299&MIId=4336&Ver=4>

7.14 With regards to Policy 6 and 7, it is noted that the proposals are supported and neither policy specifically allocates the land. On this basis, it is considered that both Policy 6 and Policy 7 are aspirational. In addition, it is not possible to conclude whether or not 'support' for development in these locations would result in additional traffic movements and ultimately a potential significant effect on a European Site because the required detail in relation to type, design or quantum of development has not been provided at the Plan stage. A similar conclusion is also relevant to policies 2, 3, 4, 5, 9, 12 and 13. Notwithstanding the aspirational nature of the policies, a precautionary approach has been taken and all policies, where it has been concluded that there could be potential for a 'likely significant effect', have been amended to provide wording to ensure that the Habitats Regulations are adhered to should development be proposed. In accordance with the Habitats Regulations, development will only be permitted where it will not result in a significant impact on the integrity of a European Site.

7.15 A fully considered scheme for development as per that supported in Policy 6 and Policy 7 will ultimately need to be agreed by Natural England and the Council and sufficient detail will need to be submitted prior to the determination of a planning application to allow a Habitats Regulation Assessment to be undertaken at the Planning Application stage. Developers are therefore advised to consult with the Council and other relevant organisations prior to making any application.

#### Altered hydrological regime and decreased water quality at Pevensey levels SAC/Ramsar

7.16 Additional new development located within the hydrological catchment area of the Pevensey Levels has the potential to impose additional pressure on the conservation status of the Pevensey Levels Ramsar site and SAC through:

- Change in hydrological conditions; and
- Deterioration of water quality.

7.17 Likely significant effects can result from an increase in surface water run-off as well as from wastewater discharge. Further information in relation to these issues can be found in the 'Hydrology Local to the Pevensey Levels' Report<sup>10</sup>.

7.18 Similar to considerations above, it is not possible to conclude whether or not 'supported' development would result in an increase in surface water or contribute to waste water discharge. This is on the basis that specific detail is not

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<sup>10</sup> Wealden & Rother Core Strategies Appropriate Assessment Hydrology Local to the Pevensey Levels [http://www.wealden.gov.uk/Wealden/Residents/Planning\\_and\\_Building\\_Control/Planning\\_Policy/CoreStrategy/CoreStrategyLibrary/Planning\\_Evidence\\_Base\\_Habitat\\_Regulations\\_Assessment.aspx](http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/CoreStrategy/CoreStrategyLibrary/Planning_Evidence_Base_Habitat_Regulations_Assessment.aspx)

provided at the Plan stage that would allow a conclusion to be made as to whether development could result in an adverse impact on the integrity of the Pevensy levels Ramsar site / SAC.

7.19 Notwithstanding the above, a precautionary approach has been taken and policies have been amended to provide wording to ensure that the Habitats Regulations are adhered to, should development come forward and be supported as set out in the policies. Development will only be permitted where it will not result in a significant impact on the integrity of a European Site.

#### Rescreening of the plan

7.20 The following wording has been added to policies, 2, 3, 4, 5, 6, 7, 9, 12 and 13.

'Any development relevant to this policy must be subject to a Habitats Regulations Assessment'.

7.21 All policies have been re-screened and it can be concluded that the Herstmonceux Parish Neighbourhood Plan will not result in a 'likely significant effect'.

#### Consideration of other plans and projects

7.22 It is a requirement of the Habitats Regulations that a HRA examines the potential for plans and programmes to have a significant effect not just individually but 'in combination' with other plans and projects. Since there are no impacts subject to the provision of the additional wording as set out above no residual impacts have been identified as part of the in combination assessment.

### **8. Conclusion of the HRA Screening / Stage 1 Assessment**

8.1 The HRA process identified a number of European Sites within and adjacent to Wealden District. As a precautionary approach, wording has been added to policies within the Herstmonceux Parish Neighbourhood Plan as part of the HRA process. The additional wording has been added to ensure that any forthcoming development in line with that supported within the Plan meets the requirements of the Habitats Regulations. It can therefore be concluded that the Herstmonceux Parish Neighbourhood Plan will not result in a likely significant effect and that an Appropriate Assessment will not be required.

8.2 This screening opinion is pending consideration from the statutory consultation bodies<sup>11</sup>.

8.3 As a precautionary measure, any residential development proposed within Herstmonceux Parish will be subject to the recommendations of the HRA at the planning application stage and the current approach to Habitat Regulation matters implemented at that time. Applicants for planning permission are advised to contact the District Council for further advice prior to submitting a planning application.

8.4 Wealden District Council will conduct a further Habitats Regulations Assessment of the Herstmonceux Parish Neighbourhood Development Plan prior to 'making' the plan in order to comply with the Habitats Regulations. The Habitats Regulation Assessment for the Herstmonceux Parish Neighbourhood Plan must be considered alongside the SA and vice-versa.

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<sup>11</sup> In England, the consultation bodies are Historic England, Natural England and the Environment Agency.

## Appendix 1 European and Ramsar Site information

<b>Lewes Downs Special Area of Conservation</b>
<b>Characteristics of European Site</b>
<ul style="list-style-type: none"><li>• Heath, Scrub, Maquis and Garrigue, Phygrana (5%)</li><li>• Dry grassland, Steppes (85%)</li><li>• Humid grassland, Mesophile grassland (5%)</li><li>• Improved grassland (5%)</li></ul>
<u>Other characteristics</u>
1 Terrestrial: Soil & Geology: sedimentary, nutrient-poor, basic
2 Terrestrial: Geomorphology and landscape: valley, slope, lowland
<b>Qualifying interests</b>
<u>Annex I habitats that are a primary reason for selection of this site:</u>
6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)
This site hosts the priority habitat type "orchid rich sites". This chalk grassland site consists largely of CG2 Festuca ovina-Avenula pratensis and CG3 Bromus erectus calcareous grasslands. This site contains an important assemblage of rare and scarce orchids, including early spider-orchid Ophrys sphegodes, burnt orchid Orchis ustulata and musk orchid Herminium monorchis. The colony of burnt orchid is one of the largest in the UK.
<u>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:</u>

Not applicable.

Annex II species that are a primary reason for selection of this site:

Not applicable.

Annex II species present as a qualifying feature, but not a primary reason for site selection:

Not applicable.

### **Conservation objectives**

Conservation objectives have not been specifically published. However, the Conservation Objectives are likely to be the same as other SAC sites and are as follows:

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

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

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

**Current site condition**

The SSSI is considered to be in 95.5% favourable condition and 4.5% unfavourable condition.

**Threats to qualifying interests**

Threats and pressures

Negative

- HO4 Air pollution, air-borne pollutants (inside and outside site)
- FO3 Hunting and collection of wild animals (terrestrial), including damage caused by game etc (inside site)
- GO1 Outdoor sports and leisure activities, recreational activities (inside site)
- AO4 Grazing (inside site)

Positive

- AO2 Modification of cultivation practices (inside site)
- AO4 Grazing (inside site)
- BO2 Forest and Plantation management & use (inside site)
- DO5 Improved access to site (inside site)

**Key environmental conditions to maintain site integrity**

- Appropriate grazing by sheep and cattle (to conserve and enhance plant species diversity)
- Absence of encroachment by scrub
- Absence of leaching
- Absence of spray-drift from surrounding arable fields
- Absence of exposure to atmospheric pollutants

## **Relevant site management plans / statements**

### Improvement Programme for England's Natura 2000 Sites (IPENS): Site Improvement Plan Lewes Downs

The plan identifies a number of priorities, issues and actions in relation to:

- Game management: pheasant rearing
- Undergrazing
- Public access / disturbance
- Air pollution: impact of atmospheric nitrogen deposition

The plan can be accessed here:

<http://publications.naturalengland.org.uk/category/6149691318206464>

## **Pevensey Levels SAC**

### **Characteristics of European Site**

Pevensey Levels is one of the largest and least-fragmented lowland wet grassland systems in southeast England. The low-lying grazing meadows are intersected by a complex system of ditches which support a variety of important wetland communities, including nationally rare and scarce aquatic plants and invertebrates. The site also supports a notable assemblage of breeding and wintering wildfowl. A small area of shingle and intertidal muds and sands is included within the site.

#### Habitat present

- NO6 – Inland water bodies (standing water, Running water) (2.5% coverage)
- N10 – Humid grassland, Mesophile grassland (97.5% coverage)

#### Other characteristics

- 1 Terrestrial: Soil & Geology: nutrient-poor, clay, alluvium, peat, basic, shingle, sand, mud, sedimentary
- 2 Terrestrial: Geomorphology and landscape: lowland, coastal, floodplain

### **Qualifying interests**

Special Area of Conservation

Annex I habitats that are a primary reason for selection of this site:

Not applicable

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:

Not applicable

Annex II species that are a primary reason for selection of this site:

4056 Ramshorn snail *Anisus vorticulus*

*Anisus vorticulus* occurs across a range of sites in southern and eastern England. Pevensey Levels is a large and expansive grazing marsh that supports *Anisus vorticulus* in both a wide spatial distribution and in good population density classes. The Pevensey Levels is considered to be one of the best areas in the United Kingdom for this species.

Annex II species present as a qualifying feature, but not a primary reason for site selection:

Not applicable

**Conservation objectives**

Special Area of Conservation

Conservation objectives have not been specifically published. However, the Conservation Objectives are likely to be the same as other SAC sites and are as follows:

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

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

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

- The distribution of qualifying species within the site.

### **Current site condition**

The SSSI is considered to be in 99.5% unfavourable recovering and 0.50% partially destroyed.

### **Threats to qualifying interests**

#### Negative

- H02 - Pollution to groundwater (point sources and diffuse sources) (inside and outside site)
- I01 - Invasive non-native species (inside and outside site)
- J02 - Human induced changes in hydraulic conditions (inside and outside site)

#### Positive

- B02 - Forest and Plantation management & use (inside site)
- A02 - Modification of cultivation practices (inside site)
- A06 - Annual and perennial non-timber crops (inside site)
- A04 – Grazing (inside site)
- D05 - Improved access to site (inside site)

### **Factors that could adversely affect the site's ecological character including changes in land (including water) use and development projects**

- Introduction / invasion of non-native plant species (of particular relevance is floating pennywort);
- Pollution – domestic sewage (sewage treatment works).

Anisus vorticulus is a species of the upper water levels of ditches, frequently amidst botanically rich vascular plant assemblages in a mid to upper mid successional state. It favours alkaline waters although it appears tolerant of a relatively wide range of physio-chemical parameters. Appropriate ditch management is the key to the conservation of this species. Control of shade-inducing marginal vegetation is also important, as is maintaining access to the water's edge for livestock. It is also important to ensure good water quality by instigating the appropriate safeguards. This is being implemented through good environmental management, Catchment Sensitive Farming, Environmental Stewardship and Environment Agency's review of existing discharge and abstraction consents.

The main threats to the species include land drainage, inappropriate habitat management and eutrophication, and studies of its requirements and conservation management have been undertaken

#### **Key environmental conditions to maintain site integrity**

The Lesser whirlpool ram's-horn snail *Anisus vorticulus* is a small aquatic snail with a flattened spiral shell rarely more than 5 mm in diameter. It occurs in unpolluted, calcareous waters in marsh drains with a dense aquatic flora, and favours ditches with a diverse flora but little emergent vegetation. It often floats on the surface amongst duckweed *Lemna* spp. Ditches that are either completely cleared of vegetation or are choked with weed and silt are unsuitable. Winter flooding may be important in enabling young snails to colonise new ditches.

#### **Relevant site management plans / statements**

Improvement Programme for England's Natura 2000 Sites (IPENS): Site Improvement Plan Pevensey Levels SAC

The plan identifies a number of priorities, issues and actions in relation to:

- Inappropriate water levels;
- Invasive species; and
- Water pollution.

The plan can be accessed here: <http://publications.naturalengland.org.uk/category/6149691318206464>

## **Pevensey Levels Ramsar**

### **Characteristics of European Site**

Pevensey Levels is one of the largest and least-fragmented lowland wet grassland systems in southeast England. The low-lying grazing meadows are intersected by a complex system of ditches that support a variety of important wetland communities, including nationally rare and scarce aquatic plants and invertebrates. The site also supports a notable assemblage of breeding and wintering wildfowl. A small area of shingle and intertidal muds and sands is included within the site.

### **Qualifying interests**

#### Ramsar Criterion 2a

The site supports an outstanding assemblage of wetland plants and invertebrates including many British Red Data Book species.

#### Ramsar criterion 2b

The site is of special value for maintaining the genetic and ecological diversity of the region. It is probably the best site in Britain for freshwater molluscs, one of five best sites for aquatic Coleoptera and supports an outstanding assemblage of dragonflies Odonata spp.

### **Ecological features**

Pevensey Levels supports a range of important communities of wetland flora and fauna. Various stages of succession are present in the ditches. Floating and submerged aquatic plants such as duckweeds *Lemna* spp., pondweeds *Potamogeton* spp. or water fern *Azolla* spp. represent the pioneer stages. Larger floating or emergent plants such as frogbit *Hydrocharis morsus-ranae*, bur-reed *Sparganium erectum* and arrow head *Sagittaria sagittifolia* follow these. Finally, common reed *Phragmites australis* or hawthorn *Crataegus monogyna* becomes dominant. Left undredged, the ditches lose their diversity and varied structure. A rich bankside flora is also present on site. An area of shingle and intertidal muds and sands is

another important component of the site. Some flora associated with the shingle is present. For example, yellow horned-poppo *Glaucium flavum* and sea campion *Silene uniflora*.

The site supports outstanding invertebrate populations and is a top site for Mollusca and aquatic Coleoptera. Over 15 species of dragonfly (Odonata) have been recorded, including several scarce species. One of Britain's largest and rarest spiders, the fen raft spider *Dolomides plantarius* has its stronghold at Pevensy.

The lowland wet grassland supports a variety of bird species. For example, wintering lapwing and snipe. Breeding bird species include sedge warblers, reed warblers that nest in the scrub and reeds in the ditches respectively.

### Noteworthy Flora

Nationally important species occurring on the site Higher plants:

- *Althaea officinalis*
- *Ceratophyllum submersum*
- *Crambe maritima*
- *Potamogeton acutifolius*
- *Potamogeton friesii*
- *Potamogeton trichoides*
- *Sium latifolium*
- *Stratiotes aloides*

### Noteworthy fauna

Nationally important species occurring on the site:

Invertebrates

- *Segmentina nitida*

- Anisus vorticulus
- Valvata macrostoma
- Hydrophilus piceus
- Gyrinus suffriani
- Elmatophilus brevicollis
- Bagous puncticollis
- Dolomedes plantarius
- Atylotus rusticus
- Odontomyia ornate
- Pherbellia argyra
- Psacadina zernyi
- Limophalia pictipennis
- Tipula marginata
- Placobdella costata

Assemblage of International importance

The site supports an appreciable assemblage of rare, vulnerable or endangered species or subspecies of plant or animal. Pevensey Levels is probably one of the best sites in Great Britain for freshwater molluscs, one of the very best sites for aquatic Coleoptera and supports an outstanding assemblage of Odonata.

**Adverse factors affecting the ecological character of the site**

- Vegetation succession;
- Eutrophication;
- Introduction of invasive / exotic species;
- Pollution – domestic sewage;
- Pollution – fertilisers;
- Pollution – pesticides/ agricultural runoff; and

- General disturbance from human activities

**Key environmental conditions of importance in sustaining the site integrity**

- Unpolluted water
- Low levels of nutrient enrichment (primarily from surface runoff and hydrological pathways, but also from atmospheric deposition)
- Control of non-native species (e.g. pennywort and *Crassula* sp.)
- Maintenance of appropriate hydrological regime
- Control of recreational disturbance

**Current site condition**

See above in relation to SAC

**Relevant site management plans / statements**

Improvement Programme for England's Natura 2000 Sites (IPENS): Site Improvement Plan Pevensey Levels Ramsar Site

This is the same as the IPENS for the SAC. Please see above.

## Ashdown Forest SAC

### Characteristics of European Site

N08 – Heath, Scrub, Maquis and Garrigue, Phygrana 60% coverage

N19 – Mixed woodland 40% coverage

### Other Characteristics

- 1 Terrestrial: Soil & Geology: sandstone, acidic, clay, nutrient-poor
- 2 Terrestrial: Geomorphology and landscape: lowland

### Qualifying interests

Special Area of Conservation (SAC)

Annex I habitats that are a primary reason for selection of this site:

#### **4010 Northern Atlantic wet heaths with *Erica tetralix* for which this is considered to be one of the best areas in the United Kingdom.**

Ashdown Forest contains one of the largest single continuous blocks of lowland heath in south-east England, with both 4030 European dry heaths and, in a larger proportion, wet heath. The M16 *Erica tetralix* – *Sphagnum compactum* wet heath element provides suitable conditions for several species of bog-mosses *Sphagnum* spp., bog asphodel *Narthecium ossifragum*, deergrass *Trichophorum cespitosum*, common cotton-grass *Eriophorum angustifolium*, marsh gentian *Gentiana pneumonanthe* and marsh clubmoss *Lycopodiella inundata*. The site supports important assemblages of beetles, dragonflies, damselflies and butterflies, including the nationally rare silver-studded blue *Plebejus argus*, and birds of European importance, such as European nightjar *Caprimulgus europaeus*, Dartford warbler *Sylvia undata* and Eurasian hobby *Falco subbuteo*.

**4030 European dry heaths for which this is considered one of the best areas in the United Kingdom.**

The dry heath in Ashdown Forest is an extensive example of the south-eastern H2 *Calluna vulgaris* – *Ulex minor* community. This vegetation type is dominated by heather *Calluna vulgaris*, bell heather *Erica cinerea* and dwarf gorse *Ulex minor*, with transitions to other habitats. It supports important lichen assemblages, including species such as *Pycnothelia papillaria*. This site supports the most inland remaining population of hairy greenweed *Genista pilosa* in Britain.

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:

Not applicable

Annex II species that are a primary reason for selection of this site:

Not applicable

Annex II species present as a qualifying feature, but not a primary reason for site selection:

**1166 [Great crested newt](#) *Triturus cristatus*** for which the area is considered to support a significant presence

**Conservation objectives**

Natural England published the conservation objective for Ashdown Forest SAC on 30<sup>th</sup> June 2014, updating the earlier version dated 29<sup>th</sup> May 2012:

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

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

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

### **Current site condition**

Ashdown Forest SSSI is currently considered to be in 20.31% favourable, 79.29 unfavourable recovering and 0.40% unfavourable declining.

### **Threats to qualifying interests**

#### Negative

- H04 - Air pollution, air-borne pollutants (inside and outside site)
- J02 - Human induced changes in hydraulic conditions (inside and outside site)
- A02 - Modification of cultivation practices (inside site)
- G01 - Outdoor sports and leisure activities, recreational activities (inside site)

#### Positive

- A02 - Modification of cultivation practices (inside site)

### **Ecological requirements of Annex I habitats and Annex II species**

H4010 Northern Atlantic Wet Heaths *Erica tetralix* – Wet heath is a community that requires acid, nutrient poor soils that are at least seasonally water logged. Wet heath often occupies areas of impeded drainage on lower valley sides and less-steeply sloping ground. Drainage is a key factor. Wet heath can occur naturally, due to abiotic factors such as soil acidity, low nutrient status and waterlogged soil conditions, which impedes succession to woodland. Wet heaths require relatively high rainfall

and an even spread of rain throughout the year. Relative humidity is required to remain moderately high with winters not too cold and summers not too hot. Mild winter temperatures are important for many of the individual plant and animal species.

H4030 European dry heaths – European dry heaths typically occur on freely-draining, dry acidic to calcareous soils with generally low nutrient content. Nearly all dry heath is semi-natural, being derived from woodland and developed through grazing and burning. Dry heaths vary in their flora and fauna according to climate, and are also influenced by altitude, aspect, soil conditions (especially base-status and drainage), maritime influence and grazing and burning intensity.

Great crested newt - Great crested newts rely on waterbodies for breeding but otherwise they spend much of their lives on land. They over winter on land, normally hibernating underground and emerge soon after the first frost-free days in January or February to begin the migration to breeding ponds. Movement on land occurs almost exclusively at night and their progress is dependent on factors such as evening temperatures and rainfall, favouring wet or damp conditions with temperatures above 5 oC. Great crested newts require quite specific pond conditions for breeding. Ponds ideally need to have neutral to alkaline water (pH 6 or above) with areas of open water and well vegetated margins. Breeding ponds tend to be nutrient rich, not too shaded, free of fish with not too many waterfowl present. They require suitable refuges to use in extreme weather and during daytimes, such as large pieces of rotting deadwood, rubble piles or disused mammal burrows.

#### **Relevant site management plans / statements**

##### Improvement Programme for England's Natura 2000 Sites (IPENS): Site Improvement Plan Ashdown Forest SAC

The plan identifies a number of priorities, issues and actions in relation to:

- Change in land management;
- Air Pollution: impact of atmospheric nitrogen deposition;
- Public Access/Disturbance; and
- Hydrological changes.

The plan can be accessed here: <http://publications.naturalengland.org.uk/category/6149691318206464>

## Ashdown Forest SPA

### Characteristics of European Site

#### Special Protection Area

Ashdown Forest is located in the High Weald of East Sussex in south-east England, where valley mires, heath and damp woodland have developed on soils derived from Hastings Sands (Lower Cretaceous). Once a royal hunting forest, reduced grazing has resulted in the accelerated development of woodland and encroachment of bracken over former heath. Nevertheless, some fine examples of heathland habitats remain, with humid or wet heath predominating, dominated by Heather *Calluna vulgaris*, Bell Heather *Erica cinerea* and Cross-leaved Heath *E. tetralix* in the dampest conditions. Where drier heaths occur they are dominated by heather in association with Gorse *Ulex europaeus* and Dwarf Gorse *U. minor*. Streamsides and mires add further variety, with *Sphagnum* mosses, Cottongrass *Eriophorum* sp., Bog Asphodel *Narthecium ossifragum* and Round-leaved Sundew *Drosera rotundifolia* all characteristic plants. The woodlands are also varied, with Birch *Betula* sp. typically establishing first over heath, followed by Oak *Quercus robur*, Willow *Salix* sp. and Pine *Pinus* sp. in places, eventually forming dense and shaded areas with sparse ground flora. Breeding birds of heath, scrub and woodland are associated with the varied mosaic of their respective habitats, distributed over the higher slopes and valleys of the High Weald.

Together with the nearby Wealden Heaths SPA and Thames Basin Heath SPA, Ashdown Forest forms part of a complex of heathlands in southern England that support breeding bird populations of European importance.

### Qualifying interests

#### Special Area of Conservation (SPA)

Ashdown Forest qualifies under Article 4.1 of the Birds Directive by regularly supporting nationally important breeding populations of two Annex 1 species as it is used by 1% or more of the Great Britain population of species of European importance listed in Annex I of the Directive. During the breeding season this includes:

Annex I species/habitats that are a primary reason for selection of this site:

**During the breeding season:**

- Dartford Warbler *Sylvia undata*, 29 pairs representing at least 1.8% of the breeding population in Great Britain (Count as at 1994)
- Nightjar *Caprimulgus europaeus*, 35 pairs representing at least 1.0% of the breeding population in Great Britain (Two year mean, 1991 & 1992)

Annex I species/habitats present as a qualifying feature, but not a primary reason for selection of this site:

Not applicable

Annex II species/habitats that are a primary reason for selection of this site:

Not applicable

Annex II species/habitats present as a qualifying feature, but not a primary reason for site selection:

**1166** [Great crested newt](#) **Triturus cristatus** for which the area is considered to support a significant presence

**Conservation objectives**

The conservation objective is set for each bird feature for the SPA. Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving the aims of the Wild Birds Directive.

Natural England published the conservation objective for Ashdown Forest SPA on 30<sup>th</sup> June 2014, updating the earlier version dated 29<sup>th</sup> May 2012.

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

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

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

### **Current site condition**

Please also see SSSI data presented above for Ashdown Forest SAC.

#### Dartford Warbler – Current Status at Ashdown Forest SPA

The Dartford warbler re-colonised Ashdown Forest in 1989 (one pair) and the population at the SPA has since expanded from 28 territories recorded in 1994 to 38 in 2006.

No formal surveys have been undertaken since 2006; however, records provided by the Sussex Biodiversity Record centre identified 53 records of possible or probable breeding and 20 records of presence in 2014.

#### Nightjar – Current Status at Ashdown Forest SPA

According to the 2004 survey, Sussex typically holds 5.8% of the UK's nightjars. In regards to Ashdown Forest the nightjar population grew by almost 29% from 1997 – 2004, while the national population increased by 35% between 1992 and 2004. However, there was a decline in the 2005 population by 21.7% based on the 2001 figures. The reasons for this are not known but could relate to weather conditions, survey coverage, or increasing disturbance from visitors or other activities.

### **Threats to qualifying interests**

Main threats to Dartford Warbler:

- Habitat fragmentation
- Lack of or inadequate habitat management
- Development pressures
- Increased levels of disturbance and recreational use affecting breeding productivity
- Provision of suitable habitat to account for any future changes in the global range of Dartford warbler distribution i.e. from southern Europe to more counties in the UK.

Main threats to Nightjar:

- Loss of nesting habitat
- Loss of feeding habitat
- Decline in food availability
- Disturbance by humans and recreational activities

**Ecological requirements of SPA bird species**

The Dartford warbler requires an adequate provision of suitable habitat in relation to extent and distribution. Habitat should include the provision of gorse at a various age and structure amongst a mainly heathland habitat. Invasive scrub and bracken need to be controlled. Scattered European and/or Western gorse (*Ulex europaeus* and *Ulex gallii*) cover of 5% is optimal, and should be of a range of ages to provide a continuum of suitable bushes, i.e. dense (6-12 years old) and up to 1.5 m high. Larger blocks of dense gorse have been shown to be especially important during periods of snow, when the birds retreat to them. It also requires an abundance of shrub layer insects.

Nightjars feed on seasonally available suitable prey consisting of flying insects (such as moths, beetles and flies), being most active at dusk and dawn and in some circumstances well into the night. The nightjar will travel from nest sites to feed on a range of habitats such as heathland, deciduous or mixed woodland, orchards, diverse plantations, riparian habitats, freshwater wetlands and gardens. The birds will travel an average 3km from the nest site to locate suitable feeding areas, although they can range further.

To achieve favourable conservation condition the nightjar requires:

- an abundance of night flying insects;
- open ground with predominantly low vegetation;
- bare patches and sparse woodland/scrub cover;
- reduction of displacement birds; and
- extent and distribution of habitat area.

Relevant site management plans / statements

Improvement Programme for England's Natura 2000 Sites (IPENS): Site Improvement Plan Ashdown Forest SPA

The plan identifies a number of priorities, issues and actions in relation to:

- Change in land management;
- Air Pollution: impact of atmospheric nitrogen deposition;
- Public Access/Disturbance; and
- Hydrological changes.

The plan can be accessed here: <http://publications.naturalengland.org.uk/category/6149691318206464>

## Castle Hill SAC

### Characteristics of European Site

Castle Hill is located within Brighton and Hove and covers an area of 114.68 hectares. The character of the site includes:

- N08 - Heath, Scrub, Maquis and Garrigue, Phygrana (5% coverage)
- N09 - Dry grassland, Steppes (90% coverage)
- N10 - Humid grassland, Mesophile grassland (5% coverage)

#### Other site characteristics

- 1 Terrestrial: Soil & Geology: basic, nutrient-poor, sedimentary
- 2 Terrestrial: Geomorphology and landscape: slope, lowland, valley

### Qualifying interests

Annex I species/habitats that are a primary reason for selection of this site:

#### **6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (\* important orchid sites)**

This site hosts the priority habitat type "orchid rich sites". This chalk grassland consists of a mosaic of calcareous semi-natural dry grasslands, notably CG2 *Festuca ovina* – *Avenula pratensis* grassland, CG3 *Bromus erectus* grassland and CG4 *Brachypodium pinnatum* grassland. Castle Hill's important assemblage of rare and scarce species includes early spider-orchid *Ophrys sphegodes* and burnt orchid *Orchis ustulata*. The colony of early spider-orchid is one of the largest in the UK.

Annex I species/habitats present as a qualifying feature, but not a primary reason for selection of this site:

Not applicable

Annex II species/habitats that are a primary reason for selection of this site:

Not applicable

Annex II species/habitats present as a qualifying feature, but not a primary reason for site selection:

1654 [Early gentian](#) *Gentianella anglica*

### **Conservation objectives**

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

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

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

### **Current site condition**

SSSI Condition assessment

SSSI Condition assessment data provided by Natural England<sup>12</sup> identifies that the 90.81 hectares that were most recently assessed (2014/2015) were either in favourable (25.37%) or unfavourable recovering (65.44%) condition.

### **Key environmental conditions to support site integrity**

- Minimal air pollution;
- Controlled scrub encroachment;
- Maintenance of grazing;
- Absence of direct fertilisation;
- Absence of nutrient enrichment;
- Low / controlled recreational pressure;
- Absence of non-native species; and
- Absence of leaching and spray-drift of chemicals from bordering arable land

### **Threats to qualifying interests**

Threats and pressures:

#### Negative

- H04 - Air pollution, air-borne pollutants (inside and outside site)
- A04 – Grazing (inside site)
- A08 – Fertilisation (inside and outside site)

#### Positive

- D05 - Improved access to site (inside site)
- A02 - Modification of cultivation practices (inside site)

- A04 – Grazing (inside site)

**Relevant site management plans / statements**Improvement Programme for England's Natura 2000 Sites (IPENS): Site Improvement Plan Castle Hill SAC

The plan identifies a number of priorities, issues and actions in relation to:

- Undergrazing;
- Fertiliser use; and
- Air pollution: impact of atmospheric nitrogen deposition.

The plan can be accessed here: <http://publications.naturalengland.org.uk/category/6149691318206464>