

Habitats Regulations Assessment (HRA)

Please note that all references to the Habitats Regulations in this HRA refer to the Conservation of Habitats and Species Regulations 2017 (as amended).

Under Regulation 63(1) of the Habitats Regulations, it is the responsibility of the decision-maker as the competent authority to undertake the HRA process, however, under Regulation 63(2) of the Habitats Regulations, it is the responsibility of the applicant to provide the competent authority with the information they require for the purposes of undertaking the HRA.

HRA details	
HRA completion date:	08/04/2024

Planning application details	
Application reference:	DM/25/3104
Application address:	Borde Hill Garden, Borde Hill Lane, Haywards Heath, West Sussex, RH16 1XP
Application description:	Variation of planning conditions 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14 and 18 relating to planning application DM/24/0433

Details of the planning application (the project)	
European sites for nature conservation potentially impacted by the planning application:	Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
Proximity to the Ashdown Forest SPA:	Outside the 7km zone of influence for the Ashdown Forest SPA
Is the planning application directly connected with or necessary to the management of the European sites for nature conservation?	No. The planning application is for enhanced tourist, community and leisure facilities to the site, which is neither connected with nor necessary to the management of the European sites.
Net increase in dwellings:	Zero.

European site information
Ashdown Forest lies within Wealden District, and is adjacent to the north-east boundary of Mid Sussex.
Ashdown Forest SPA
The Ashdown Forest SPA was classified in 1996. It is a 3,200Ha site comprising predominantly of lowland heathland and woodland. The Ashdown Forest SPA is an internationally important habitat classified because of the presence of breeding

populations of Dartford warbler *Sylvia undata* and European nightjar *Caprimulgus europaeus*. Ashdown Forest is also notified as a Site of Special Scientific Interest (SSSI).

European Site Conservation Objectives for the Ashdown Forest SPA

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

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

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

Qualifying Features:

A224 *Caprimulgus europaeus*; European nightjar (Breeding)

A302 *Sylvia undata*; Dartford warbler (Breeding)

Ashdown Forest SAC

The Ashdown Forest SAC was designated in 2005 and covers 2,700Ha. It has a different boundary to the SPA, but the two designations overlap. The qualifying features for the designation are the Annex I habitats: Northern Atlantic wet heaths with *Erica tetralix* and European dry heaths, and the Annex II species: Great crested newt *Triturus cristatus*. It is also part of the SSSI.

European Site Conservation Objectives for the Ashdown Forest SAC

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

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

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

Qualifying Features:

H4010 Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath

H4030 European dry heaths

S1166 *Triturus cristatus*; Great crested newt

Ashdown Forest SPA

Stage 1 – HRA screening for the Ashdown Forest SPA

To test for a likely significant effect on the Ashdown Forest SPA under Regulation 63(1)(a) of the Habitats Regulations

How might the planning application affect the Ashdown Forest SPA?

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest. In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the District Plan Policy DP17, a net increase in residential development within the 7km zone of influence is likely to have a significant effect on the Ashdown Forest SPA.

The proposed development does not result in a net increase in residential dwellings.

Are there any other projects or plans that together with this planning application could affect the European site, the 'in combination' impact?

All new residential development within 7km of the Ashdown Forest SPA is considered to contribute towards a significant effect on the site as a result of increased recreational disturbance in combination with other residential development in other local authority areas surrounding the Ashdown Forest SPA.

The following local planning authorities have agreed that, based on current evidence, 7km remains the most appropriate distance for a strategic zone for mitigation:

- Lewes District Council
- Mid Sussex District Council
- Sevenoaks District Council
- Tandridge District Council
- Tunbridge Wells Borough Council
- Wealden District Council

Individual HRAs will be undertaken for such development proposals.

Would the proposed development lead to a likely significant effect on the Ashdown Forest SPA?

No.

The proposed development does not lead to a net increase in dwellings within the 7km zone of influence.

Ashdown Forest SAC

Stage 1 – HRA screening for the Ashdown Forest SAC

To test for a likely significant effect on the Ashdown Forest SAC under Regulation 63(1)(a) of the Habitats Regulations

How might the planning application affect the Ashdown Forest SAC?

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

Are there any other projects or plans that together with this planning application could impact on the integrity of the European site, the 'in combination' impact?

Yes. Other proposals for development in the District and other local authority areas may lead to an 'in combination' effect on the Ashdown Forest SAC.

How have the potential transport impacts of the proposed development been assessed?

As part of the preparation for the Site Allocations DPD, Mid Sussex District Council commissioned SYSTRA to build a strategic in combination highway model to underpin the Mid Sussex Transport Study and update the Mid Sussex Transport Study. The SYSTRA work is required to test the impact of proposed development on the strategic and local transport network and upon significant routes in Ashdown Forest. The subsequent air quality modelling and ecological interpretation of the Sites DPD Scenario (which reflects the growth proposed at the Regulation 19 stage) considers that the highways improvements will serve to improve the functioning of the road network and reduce congestion. It is apparent from the modelling results that these highways improvements are likely to be making a small but positive contribution to reducing the air quality impacts of new growth.

The modelling results for the Sites DPD scenario is such that the breaches of 1% of the critical loads for pollutants at some locations are so low that, having regard for the wider context, they are considered to be a minor retardation low enough to rule out adverse effects on integrity, as a result of the development in Mid Sussex and neighbouring authorities. This conclusion is drawn with consideration of factors such as the long-term trajectory of air quality improvement and the scientific basis of those predictions, and consideration of other wider measures relating to Ashdown Forest that are likely to come forward.

The potential effects of the proposed development are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Additionally, the proposed development would result in enhanced facilities to the existing site which provides tourist facilities. It is considered based on the evidence provided and the transport modelling that the proposed development would not have a significant in combination effect on the Ashdown Forest SAC.

Would the proposed development lead to a likely significant effect on the Ashdown Forest SAC?

No.

Conclusion of the HRA

This HRA represents the competent authority's duty under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the "Habitats Regulations"), Article 6(3) of the Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the "Habitats Directive") and having regard to its duty under Section 40(1) of the Natural Environment and Rural Communities Act 2006 to the purpose of conserving biodiversity.

Ashdown Forest SPA

The proposed development in this planning application would not have a likely significant effect on the Ashdown Forest SPA.

Ashdown Forest SAC

The proposed development in this planning application would not have a likely significant effect on the Ashdown Forest SAC.

Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives, the competent authority may now agree to the project under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).