

DRAFT HABITATS REGULATIONS ASSESSMENT (HRA)**Proposed Care Development: Land at Highfields, West Hill,
East Grinstead, East Sussex, RH19 4DL**

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

HRA details	
<i>HRA completion date:</i>	TBC

Planning application details	
<i>Application reference:</i>	TBC
<i>Application address:</i>	Highfields, West Hill, East Grinstead, West Sussex, RH19 4DL
<i>Application description:</i>	Detailed application for the demolition of the existing residential dwelling and the erection of a 71 No. bed care home and a detached building containing 9 No. care apartments, along with works to facilitate access and re-levelling.

Details of the planning application (the project)	
<i>European sites for nature conservation potentially impacted by the planning application:</i>	Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
<i>Proximity to the Ashdown Forest SPA:</i>	Site is within the 7km 'Zone of Influence' for the Ashdown Forest SPA.
<i>Is the planning application directly connected with or necessary to the management of the European sites for nature conservation?</i>	No. The planning application is for a care development, which is neither connected with, nor necessary for, the management of a European site for nature conservation.
<i>Net increase in dwellings:</i>	Zero. The proposal is for care, which is fully within use class C2 (residential institution)

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

<p>Stage 1 – HRA screening for the Ashdown Forest SPA</p> <p>To test for a likely significant effect on the Ashdown Forest SPA under Regulation 63(1)(a) of the Habitats Regulations</p>	
<p><i>How might the planning application affect the Ashdown Forest SPA?</i></p>	
<p>The HRA for the Mid Sussex District Plan (especially policy DP17) indicates that the net increase in residential development within the 7km zone of influence is likely to have a significant effect on the Ashdown Forest SPA. However, the proposed development is falls within Class C2 and will operate as a <i>traditional</i> care home, providing high levels of care, especially to those with dementia and other cognitive/physiological impairment.</p>	
<p><i>Are there any other projects or plans that together with this planning application could affect the European site, the ‘in combination’ impact?</i></p>	
<p>Whilst all new residential development within 7km of the Ashdown Forest SPA has then potential to contribute towards impacts on SPA (especially by recreational disturbance in combination with other residential development in other local authority areas surrounding the Ashdown Forest SPA), there is no requirement to assessed combined effects where the proposed development is considered impact neutral.</p>	
<p><i>Would the proposed development lead to a likely significant effect on the Ashdown Forest SPA?</i></p>	<p>No. The proposed development does not lead to a net increase in dwellings within the 7km zone of influence.</p>

Ashdown Forest SAC

<p>Stage 1 – HRA screening for the Ashdown Forest SAC</p> <p>To test for a likely significant effect on the Ashdown Forest SAC under Regulation 63(1)(a) of the Habitats Regulations</p>	
<p><i>How might the planning application affect the Ashdown Forest SAC?</i></p>	
<p>Increased traffic emissions as a consequence of new development may result in atmospheric pollution at Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition.</p>	
<p><i>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?</i></p>	
<p>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.</p>	
<p><i>How have the potential transport impacts of the proposed development been assessed?</i></p>	

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 measures relating to Ashdown Forest that are likely to come forward.

The potential effects of the proposed development have already been incorporated into the overall results of the transport model. The Planning Committee report into the previous care home application here, confirmed:

“The proposal was modelled in the Mid Sussex Transport Study as a ‘windfall development’ and therefore its potential effects assessed and confirmed there would not be an overall impact on Ashdown Forest. Furthermore, the traffic generation is minimal, such that there is no combination effect on the Ashdown Forest SAC.”

The Council has already concluded, therefore, that there would not be a significant impact on the SAC. The proposed development is not materially larger than the one previously assessed by the Council (85 No beds previously, now 71 No beds + 9 care units), to the extent the same conclusions can safely be reached.

Furthermore, the proposed care home and care units are intended to support elderly residents requiring high levels of intervention and specialist care. For this reason, they are unlikely to leave the building for leisure purposes and therefore the prospect of them visiting the SAC or creating emissions specifically related to travel within or adjacent to the SAC are extremely low.

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 be likely to have 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).