

**Project:** Land West of Turners Hill Road, Crawley Down

**Date:** January 2025

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# Shadow Habitats Regulations Assessment

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## 1. Introduction and Background

- 1.1. Aspect Ecology is advising Wates Developments in respect of ecological matters relating to Land West of Turners Hill Road, Crawley Down, hereafter referred to as the 'site'.
- 1.2. The site is proposed for allocation for residential development within the emerging Mid Sussex District Plan (Regulation 19 submission dated December 2023) under Policy DPA9 (Land to west of Turners Hill Road, Crawley Down).
- 1.3. Wates Development are submitting two separate planning applications for residential development within the site as follows:
  - Land South of Huntsland – single application for 200 dwellings
  - Land North of Huntsland – single application for 150 dwellings
- 1.4. A number of European designations are located within the site surrounds, and as such, the proposed developments will need to be subject to a Habitats Regulations Assessment (HRA) under the Conservation of Habitats and Species Regulations 2017 (as amended). Given the HRA needs to consider plans and projects in-combination, this assessment is based on the combined effect of the residential schemes. On this basis, the following document sets out a shadow HRA of the proposed combined developments of up to 350 dwellings. The quantum of development under individual applications is below this level such that no additional effects would occur, and this shadow HRA is therefore relevant to each of the individual applications.

## 2. Legislation

- 2.1. All areas in England classified as Special Areas of Conservation (SACs) or Special Protection Areas (SPA), collectively known as European sites, receive statutory protection under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'). These Regulations transpose into UK legislation the 'Habitats Directive' 1992 (92/43/EEC) and the 'Birds Directive' 2009 (2009/147/EC). National planning policy in the form of the National Planning Policy Framework (NPPF, 2024) explicitly sets out that listed or proposed Ramsar sites should be considered in the same way, as if they had been classified or designated as SACs or SPAs.
- 2.2. The Regulations impart a duty on Local Planning Authorities (competent authorities) to carefully consider whether any proposals may have a significant effect on a European site, either alone or in combination with other plans or projects. In most circumstances, permission may only be

given for a plan or project to proceed if it has been ascertained that it will not have an adverse effect on the integrity of any such designation.

### 3. Assessment Methodology

- 3.1. The procedure for assessment of projects that are not directly connected with, or necessary to, the management of the designation for conservation is an ordered process following a number of key stages, as set out within the National Planning Policy Framework (NPPF) (revised December 2024)<sup>1</sup> and accompanying ODPM circular 06/2005<sup>2</sup>, whilst further detail is provided by EC guidance relating to the Habitats Directive<sup>3,4</sup>.

#### Stage 1 – Screening

- 3.2. Under the first stage, it is necessary for the competent authority to examine if the proposals will result in any ‘likely significant effect’ on the internationally important features of the European site, either alone or in combination with other plans or projects. EC guidance recommends that key indicators should be used to determine the significance of effects.
- 3.3. If it can be objectively concluded that there are not likely to be significant effects on the European site, no further assessment is necessary and permission should not be refused under the assessment.
- 3.4. If any ‘likely significant effects’ are identified or where it remains unclear whether effects will be significant the assessment procedure should follow on to Stage 2.
- 3.5. Contrary to previous case law in England and Wales, following the recent Court of Justice of the European Union (CJEU) ruling (People over Wind, Peter Sweetman v Coillte Teoranta, Case C-323/17, dated 12 April 2018), measures intended to avoid or reduce the harmful effects of a plan or project on a European site should not be taken into account at this screening stage, and instead these must be considered as part of an Appropriate Assessment (Stage 2).

#### Stage 2 – Appropriate Assessment

- 3.6. Should it be determined that (in the absence of mitigation/avoidance measures) a plan or project will result in ‘likely significant effects’ on a European site (or that such effects cannot be ruled out), the competent authority should proceed to the next stage, where further assessment is required.
- 3.7. Under the second stage, it is necessary for the competent authority to determine whether the proposals, either alone or in combination with other projects or plans, will result in any adverse effects on the integrity of the site as defined by the conservation objectives and status of the site. The precautionary principle should be applied, and the focus should be on objectively demonstrating, with supporting evidence, that there will be no adverse effects on the integrity of the European site. Where this is not the case, adverse effects must be assumed.

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<sup>1</sup> Ministry of Housing, Communities and Local Government (December 2024) *National Planning Policy Framework*

<sup>2</sup> ODPM Circular 06/2005: Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System (16 August 2005)

<sup>3</sup> European Commission (November 2001) *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*

<sup>4</sup> European Commission (April 2000) *Managing Natura 2000 sites: The provisions of Article 6 of the Habitats Directive 92/43/EEC*

- 3.8. If it is considered by the competent authority that the proposal will not adversely affect the integrity of the site, permission can be granted. If this cannot be ascertained, or there is uncertainty, the assessment procedure should follow on to Stage 3.

#### Stage 3 onwards

- 3.9. Under Stages 3 and 4, it is necessary for the competent authority to assess if there are alternative solutions and whether there are imperative reasons of overriding public interest. If these tests are passed, authorisation may be granted subject to compensation measures being secured.

## 4. Details of the plan or project

<b>Site location</b>	The site is located to the west of Crawley Down in West Sussex and comprises a number of land parcels, bound by a wooded belt and disused railway to the south and by Turners Hill Road and associated residential development to the east, beyond which lies the main settlement of Crawley Down. Woodland bounds the site to the west and north-west, with a private road bounding the south-western portion of the site.
<b>National grid reference</b>	TQ 336 375
<b>Site description</b>	The site itself comprises a number of grassland fields bounded by established hedgerows and treelines. The site also contains and is adjacent to a number of woodland blocks including a section of Ancient Woodland. A watercourse runs east to west through the southern part of the site, running along the site boundary within the central eastern field. A number of other habitats are present within the site including scrub, tall forbs, buildings, hardstanding and a small area containing invasive species.
<b>Description of the proposals</b>	This shadow HRA assessment accompanies the planning applications for the site as discussed at Section 1. Accordingly, this document assesses the combined proposed development of up to 350 dwellings and associated infrastructure and open space, termed the 'proposed development'.

## 5. Stage 1 - Screening

<b>European designations that could be affected by the proposals</b>	<p>An initial screening exercise has been undertaken to identify European designations to be considered and potential impact pathways. This has been based on a review of the Habitats Regulations Assessment (HRA) for the emerging Mid Sussex District Plan<sup>5</sup>, this including specific consideration of the site as a draft allocation (DPA9).</p> <p>Based on the HRA of the emerging District Plan, a number of European designations are to be considered in terms of potential effects:</p> <ul style="list-style-type: none"> <li>• Ashdown Forest SAC located 6.8km to the south-east of the proposed development;</li> <li>• Ashdown Forest SPA located 6.8km to the south-east of the proposed development;</li> <li>• Castle Hill SAC located 29.9km to the south of the proposed development;</li> <li>• Arun Valley SAC located 33.3km to the south-west of the proposed development.</li> </ul>
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<sup>5</sup> AECOM (November 2023) *Habitats Regulations Assessment of the Mid Sussex District Plan – Regulation 19*.

<b>Initial screening of impact pathways</b>	<p>Based on a review of the HRA of the emerging District Plan, a number of potential impact pathways have been identified in relation to European designations. Those relevant to the proposed development are:</p> <ul style="list-style-type: none"> <li>• Water neutrality in relation to Arun Valley SAC;</li> <li>• Atmospheric pollution in relation to Ashdown Forest SAC / SPA and Castle Hill SAC;</li> <li>• Recreational pressure in relation to Ashdown Forest SAC / SPA and Castle Hill SAC.</li> </ul>
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5.1. On this basis, further detail is set out below in relation to relevant European designations and whether a likely significant effect may occur as a result of the proposed development.

#### Ashdown Forest SPA

<b>European site interest features</b>	<p>Ashdown Forest SPA is designated on the basis of the following features:</p> <ul style="list-style-type: none"> <li>• Dartford Warbler <i>Sylvia undata</i></li> <li>• Nightjar <i>Caprimulgus europaeus</i></li> </ul>
<b>Conservation objectives of the European site</b>	<p>The conservation objectives for the SPA are to:  <i>“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:</i></p> <ul style="list-style-type: none"> <li>• <i>The extent and distribution of the habitats of the qualifying features;</i></li> <li>• <i>The structure and function of the habitats of the qualifying features;</i></li> <li>• <i>The supporting processes on which the habitats of the qualifying features rely;</i></li> <li>• <i>The population of each of the qualifying features; and</i></li> <li>• <i>The distribution of the qualifying features within the site.”</i></li> </ul>
<b>Condition of European site</b>	<p>The most recent condition assessments for the Site of Special Scientific Interest (SSSI) which underpins the European designation states the majority of units are in unfavourable recovering condition. However, this is largely on the basis of habitats, and does not necessarily reflect the SPA interest.</p>
<b>Threats</b>	<p>A Site Improvement Plan (SIP) has been produced by Natural England in relation to Ashdown Forest SAC and SPA (dated November 2014). This identifies prioritised issues (pressures or threats) affecting the designation:</p> <ol style="list-style-type: none"> <li>1) Change in land management (largely relating to lack of appropriate grazing)</li> <li>2) Air pollution – impact of atmospheric nitrogen deposition</li> <li>3) Public access/disturbance (largely in relation to breeding birds)</li> <li>4) Hydrological changes</li> </ol>
<b>Screening of likely significant effects</b>	
Atmospheric pollution	<p>The bird species for which the SPA is designated would not be directly affected by air quality, and accordingly potential for a likely significant effect can be screened out.</p>
Recreational pressure	<p>In regard to recreational disturbance, whilst previous analysis of visitor intensity and bird territories did not find a negative relationship<sup>6</sup>, there is a point at which increasing visitor pressure is likely to cause birds to begin abandoning suitable habitat. The site is partly located within the</p>

<sup>6</sup> Clarke, R.T., Sharp, J. & Liley, D. (2010) *Ashdown Forest Visitor Survey Data Analysis*: Natural England Commissioned Reports. Number 048.

	identified 7km zone of influence from which the majority of visitors originate (based on 2008 and 2016 visitor surveys), and accordingly the proposed development could contribute to recreational disturbance at the SPA.
<b>Conclusion – could the proposed development result in a likely significant effect?</b>	
<b>Alone</b>	
No.	
No likely significant effects are identified as a result of atmospheric pollution, whilst any increase in recreational pressure from the proposed development alone would be minimal.	
<b>In combination with other plans or projects</b>	
Yes.	
Whilst predicted increases in recreational pressure arising from the proposed development are minimal, part of the site lies within the identified 7km zone of influence in regard to recreational effects and could contribute to a significant effect in-combination with other developments. As such, further assessment of potential for recreational disturbance is necessary and an Appropriate Assessment is required.	

### Ashdown Forest SAC

<b>European site interest features</b>	Ashdown Forest SAC is designated on the basis of the following features: <ul style="list-style-type: none"> <li>• European dry heaths</li> <li>• Northern Atlantic wet heaths with <i>Erica tetralix</i></li> <li>• Great Crested Newt <i>Triturus cristatus</i> (although does not form a primary reason for site selection)</li> </ul>
<b>Conservation objectives of the European site</b>	The conservation objectives for the SAC are to: <p><i>“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:</i></p> <ul style="list-style-type: none"> <li>• <i>The extent and distribution of qualifying natural habitats and habitats of qualifying species;</i></li> <li>• <i>The structure and function (including typical species) of qualifying natural habitats;</i></li> <li>• <i>The structure and function of the habitats of qualifying species;</i></li> <li>• <i>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;</i></li> <li>• <i>The populations of qualifying species; and</i></li> <li>• <i>The distribution of qualifying species within the site.”</i></li> </ul>
<b>Condition of European site</b>	The most recent condition assessments for the SSSI which underpins the European designation states the majority of units are in unfavourable recovering condition.
<b>Threats</b>	A Site Improvement Plan (SIP) has been produced by Natural England in relation to Ashdown Forest SAC and SPA (dated November 2014). This identifies prioritised issues (pressures or threats) affecting the designation: <ol style="list-style-type: none"> <li>1) Change in land management (largely relating to lack of appropriate grazing)</li> <li>2) Air pollution – impact of atmospheric nitrogen deposition</li> <li>3) Public access/disturbance (largely in relation to breeding birds)</li> <li>4) Hydrological changes</li> </ol>
<b>Screening of likely significant effects</b>	

<p>Atmospheric pollution</p>	<p>Nitrogen deposition at the SAC is currently in exceedance of the critical load for heathland habitats, and on the basis that development within Mid Sussex is likely to result in increased commuter journeys within 200m of the SAC, this pathway has been subject to detailed air quality modelling and assessment within the HRA of the emerging Mid Sussex District Plan.</p> <p>This modelling shows that levels of key pollutants are forecast to be significantly better in 2039 than 2019 given background improvements in vehicle emissions. Along a small number of transects, growth in Mid Sussex was identified to make a contribution to nitrogen deposition and ammonia concentrations, although with the exception of a single transect, this was not visible in the model more than 10m from the roadside and therefore does not affect SAC habitats. Accordingly, the forecast contribution of the Mid Sussex District Plan is considered very small indeed, being barely above zero, and the ability of the SAC to achieve its conservation objectives would not be significantly compromised by the District Plan, either alone or in combination with other plans or projects.</p> <p>This is supported by Natural England’s European Site Conservation Objectives Supplementary Advice for the SAC<sup>7</sup> setting out that <i>“assessment of improvements in vehicular technology and in particular Euro6/VI standards that all vehicles are currently being manufactured to, will outweigh impacts from new development. The improvements will be marginally retarded by additional development but future nitrogen deposition and concentration will continue to decline with the existing trend.”</i> The Supplementary Advice continues by stating that the <i>“Natural England Commissioned Report 210 identifies that expected increase in Nitrogen levels from additional transport would fall below the level that would reduce species richness on the site even if the expected declining trend in Nitrogen failed to materialise.”</i></p> <p>Given the proposed development itself is located some distance from the SAC and would make a negligible contribution to traffic along roads adjacent to the SAC, within the range of daily variation that would be expected in any event, the contribution of the proposed development to air quality would effectively be nil. Accordingly, potential for a likely significant effect as a result of changes to air quality can be screened out.</p>
<p>Recreational Pressure</p>	<p>Recreational pressure is primarily identified as a concern in relation to bird species for which the SPA is designated, albeit visitor activity could affect SAC habitats. Given the site is partly located within the identified 7km zone of influence, it contributes to such effects.</p>
<p><b>Conclusion – could the proposed development result in a likely significant effect?</b></p>	
<p><b>Alone</b></p> <p>No.</p> <p>No likely significant effects are identified as a result of atmospheric pollution or recreational pressure from the development alone.</p>	

<sup>7</sup> Natural England (February 2019) *European Site Conservation Objectives: Supplementary advice on conserving and restoring site features – Ashdown Forest Special Area of Conservation (SAC) Site Code UK0030080*

<p><b>In combination with other plans or projects</b></p> <p>No.</p> <p>Based on the assessment set out in the HRA of the emerging Mid Sussex Local Plan, the proposed development is not considered to contribute to any in combination effect as a result of air quality. However, the site is located within the identified 7km zone of influence in regard to recreational pressure and could therefore contribute to an in combination effect.</p>
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### Castle Hill SAC

<b>European site interest features</b>	<p>Castle Hill SAC is designated on the basis of the following features:</p> <ul style="list-style-type: none"> <li>• Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (*important orchid sites);</li> <li>• Early Gentian <i>Gentianella anglica</i></li> </ul>
<b>Conservation objectives of the European site</b>	<p>The conservation objectives for the SAC are to:</p> <p><i>“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;</i></p> <ul style="list-style-type: none"> <li>• <i>The extent and distribution of qualifying natural habitats and habitats of qualifying species;</i></li> <li>• <i>The structure and function (including typical species) of qualifying natural habitats;</i></li> <li>• <i>The structure and function of the habitats of qualifying species;</i></li> <li>• <i>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;</i></li> <li>• <i>The populations of qualifying species; and</i></li> <li>• <i>The distribution of qualifying species within the site.”</i></li> </ul>
<b>Condition of European site</b>	<p>The most recent condition assessments for the Site of Special Scientific Interest (SSSI) which underpins the European designation state that all units are in favourable or unfavourable recovering condition.</p>
<b>Threats</b>	<p>A Site Improvement Plan (SIP) has been produced by Natural England in relation to Castle Hill SAC (dated May 2015). This identifies prioritised issues (pressures or threats) affecting the designation:</p> <ol style="list-style-type: none"> <li>1) Undergrazing;</li> <li>2) Fertiliser use;</li> <li>3) Air pollution: impact of atmospheric nitrogen deposition</li> </ol>
<b>Screening of likely significant effects</b>	
Atmospheric pollution	<p>The HRA of the emerging Mid Sussex District Plan sets out there are no major A roads within 200m of the SAC, and therefore road traffic is unlikely to be a major contribution to nitrogen deposition across the SAC. Therefore this pathway can be screened out in terms of a likely significant effect.</p>
Recreational pressure	<p>The HRA of the emerging Mid Sussex District Plan sets out the SAC is located more than 5km from the district boundary, and given limited footpath access and car park availability, it is unlikely to be subject to recreational pressure arising from development within Mid Sussex. Therefore this pathway can be screened out in terms of a likely significant effect.</p>
<b>Conclusion – could the proposed development result in a likely significant effect?</b>	
<b>Alone</b>	
<p>No.</p> <p>No likely significant effects are identified as a result of atmospheric pollution or recreational pressure from the development alone.</p>	

<p><b>In combination with other plans or projects</b></p> <p>No.</p> <p>Development within Mid Sussex is considered unlikely to contribute to recreational pressure or atmospheric pollution at the SAC.</p>
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Arun Valley SAC

<b>European site interest features</b>	<p>Arun Valley SAC is designated on the basis of the following features:</p> <ul style="list-style-type: none"> <li>• Lesser Ram’s-horn Snail <i>Anisus vorticulus</i></li> </ul>
<b>Conservation objectives of the European site</b>	<p>The conservation objectives for the SAC are to:</p> <p><i>“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;</i></p> <ul style="list-style-type: none"> <li>• <i>The extent and distribution of the habitats of qualifying species;</i></li> <li>• <i>The structure and function of the habitats of qualifying species;</i></li> <li>• <i>The supporting processes on which the habitats of qualifying species rely;</i></li> <li>• <i>The populations of qualifying species; and</i></li> <li>• <i>The distribution of qualifying species within the site.”</i></li> </ul>
<b>Condition of European site</b>	<p>The most recent condition assessments for the SSSIs which underpin the European designation state the majority of units are in unfavourable recovering condition, with units within Pulborough Brooks SSSI in favourable condition.</p>
<b>Threats</b>	<p>A Site Improvement Plan (SIP) has been produced by Natural England in relation to Arun Valley SAC (dated October 2014). This identifies prioritised issues (pressures or threats) affecting the designation:</p> <ol style="list-style-type: none"> <li>1) Inappropriate water levels</li> <li>2) Water pollution</li> <li>3) Inappropriate ditch management</li> </ol>
<b>Screening of likely significant effects</b>	
Water neutrality	<p>The impact pathway of water neutrality in relation to Arun Valley SAC relates to additional abstraction within the Southern Water Sussex North Water Resource Zone (WRZ), with potential to alter water levels within the SAC. The site is located outside of this zone, being located within the Haywards Heath WRZ. Accordingly, a likely significant effect can be screened out in terms of water neutrality.</p>
<b>Conclusion – could the proposed development result in a likely significant effect?</b>	
<b>Alone</b>	
<p>No.</p> <p>The site is located outside of the Sussex North WRZ and accordingly would not result in effects on Arun Valley SAC as a result of water neutrality.</p>	
<b>In combination with other plans or projects</b>	
<p>No.</p> <p>The site is located outside of the Sussex North WRZ and accordingly would not result in effects on Arun Valley SAC as a result of water neutrality in combination with other plans and projects.</p>	

## Conclusion

<b>Conclusion – in the absence of mitigation, do the proposals have potential to result in a likely significant effect on a European designation?</b>
Yes, in relation to recreational disturbance at Ashdown Forest SPA and SAC arising from in-combination increases in visitor pressure.
An Appropriate Assessment is therefore required.

## 6. Stage 2 – Appropriate Assessment

### Ashdown Forest SPA/SAC – Recreational Pressure

- 6.1. An analysis of visitor intensity and bird territories within Ashdown Forest SPA was undertaken by Clark et al. (2010)<sup>8</sup> to determine if existing visitor pressure was affecting the distribution of the Annex I bird species for which the SPA is designated (Dartford Warbler and Nightjar). This analysis did not find a negative relationship between visitor intensity and bird distribution, indicating that the current level of visitor pressure was not affecting the distribution of interest species. However, the study noted that bird densities and visitor numbers were comparatively low, and concluded that there is a point at which increasing visitor pressure would cause birds to begin abandoning suitable breeding habitat.
- 6.2. There is clear evidence of recreational pressure resulting in a significant adverse impact on bird species which nest on or close to the ground at other SPAs (such as Thames Basin Heaths SPA and Dorset Heathlands SPA), whilst recreational disturbance could be having an impact at Ashdown Forest SPA in terms of breeding success. Disturbance effects can include:
- Increased nest predation by natural predators when adults are flushed from the nest or deterred from returning to it by the presence of people or dogs;
  - Chicks or eggs dying of exposure because adults are kept away from the nest;
  - Accidental trampling of the eggs by people, given that the nest is on the ground and often close to footpaths;
  - Predation of chicks or eggs by domestic dogs; and
  - Increasing stress levels in adult birds.
- 6.3. On this basis, given that information is not available to demonstrate that increased visitor pressure from new housing would not have an adverse effect on the interest bird species, a precautionary approach has been advocated, with mitigation required for developments within 7km of the SPA/SAC, based on the zone of influence identified from visitor surveys.
- 6.4. The site is proposed for development of up to 350 dwellings, of which approximately 70 within the southern application will be located within the 7km zone of influence. The analysis undertaken by Clark et al. (2010) gives estimated visitor rates based on distance from the SPA/SAC, based on the 2008 visitor surveys. Extrapolating from the data set out, it is estimated that 100 new residential dwellings at 7km distance from the SPA/SAC would result in an additional 2.2 visits per 16 hour period to the Forest. Accordingly, with up to 350 dwellings under the proposed development, this is estimated to result in an additional 7.7 visits per 16 hour period, or 0.48 visits per hour. This would equate to an increase of 0.17% relative to existing visitor use (4,500 visits per day as indicated by the 2016 visitor survey).

<sup>8</sup> Clarke, R.T., Sharp, J. & Liley, D. (2010) *Ashdown Forest Visitor Survey Data Analysis*: Natural England Commissioned Reports. Number 048.

- 6.5. This is a very small increase, such that the anticipated unmitigated effect of the proposed development in terms of recreational pressure is considered to be negligible. Nevertheless, in the context of cumulative increases in recreational activity, it is acknowledged that such an increase could contribute to an overall significant effect, such that an adverse effect on integrity could occur and avoidance/mitigation measures are required.

*Proposed Avoidance/Mitigation Measures*

- 6.6. As outlined in the HRA of the emerging Mid Sussex District Plan, there is an existing agreed mitigation strategy for recreational pressure at Ashdown Forest which has been agreed by all authorities in the Ashdown Forest Working Group and with Natural England. This involves the provision of Suitable Alternative Natural Greenspace (SANG) and contributions to Strategic Access Management and Monitoring (SAMM), similar to that which has been shown to be effective at the Thames Basin Heaths SPA which is designated for the same species and experiences similar types of recreational impact. This is set out as a requirement for all residential development leading to a net increase in units within the identified 7km zone of influence around the SPA/SAC under Policy DP17 of the adopted District Plan and Policy DPC6 of the emerging District Plan.
- 6.7. However, for the majority of the proposed development, located outside of the 7km zone of influence (with approximately 70 dwellings located within the 7km zone), policy does not set out a specific requirement, stating that large schemes may require mitigation for the SPA, to be dealt with on a case-by-case basis.
- 6.8. Discussions have taken place with Natural England and MSDC to discuss the avoidance/mitigation approach for the proposed development on this basis, including a site meeting with Natural England on 21<sup>st</sup> November 2024. This has informed the proposed strategy set out below.
- 6.9. **Alternative greenspace provision.** As set out above, SANG provision forms a key element of the agreed mitigation strategy at Ashdown Forest. A SANG is a semi-natural area of greenspace located away from the SPA, with the aim of providing an alternative area for visitors (particularly dog walkers) to use, diverting activity away from the Ashdown Forest. The use of SANGs as mitigation for recreational pressure is well established, having formed one of the main strands of the mitigation strategy adopted at Thames Basin Heaths SPA and Dorset Heathlands SPA, and developed on the basis of various studies which provide evidence supporting the principle of alternative open space provision.
- 6.10. In the case of the proposed development, large areas of open space are to be delivered under the respective applications, including a country park to be located within the central and southern part of the site, with 9.39ha contained within the southern application and 1.58ha contained within the northern application. This will be semi-natural in character and although not specifically designated as such, has been designed in accordance with Suitable Alternative Natural Greenspace (SANG) guidelines<sup>9</sup>, providing an attractive area to accommodate the majority of recreational activity associated with the proposed development. Consideration of how the country park meets the site quality checklist set out under the SANG guidelines is set out below:

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<sup>9</sup> Natural England (August 2021) Guidelines for Creation of Suitable Alternative Natural Greenspace (SANG)

SANG requirement	Comments
<b>Must haves</b>	
For all sites larger than 4ha there must be adequate parking for visitors, unless the site is intended for local use, i.e. within easy walking distance (400m) of the developments linked to it. The amount of car parking space should be determined by the anticipated use of the site and reflect the visitor catchment of both the SANG and the SPA.	The country park is intended to serve residents of the proposed development, which is met by its location immediately adjacent to the residential development areas. Almost the entire development is located within 400m of the country park boundary, whilst a network of greenspace corridors provide for walking routes to the country park. As such, there is no requirement for car parking.
Possible to complete a circular walk of 2.3-2.5km around the SANG.	Given the area available of c.11ha, a walk length of at least 2.3km can readily be provided within the country park.
Car parks must be easily and safely accessible by car and should be clearly sign posted.	N/A – no car parking to be provided.
The accessibility of the site must include access points appropriate for the visitor use the SANG is intended to cater for.	Safe access points will be provided from the adjacent housing areas and footpath links to cater for walkers and dog walkers.
The SANG must have a safe route of access on foot from the nearest car park and/or footpath/s	Safe access points will be provided from the adjacent housing areas and footpath links to cater for walkers and dog walkers.
All SANG with car parks must have a circular walk which starts and finishes at the car park.	N/A – no car parking to be provided.
SANG must be designed so that they are perceived to be safe by users; they must not have tree and scrub cover along parts of the walking routes.	The walking routes will be designed to be perceived as safe by users, with planting set back from paths.
Paths must be easily used and well maintained but most should remain unsurfaced to avoid the site becoming to urban in feel.	Paths will be maintained as mown grass paths or will be subject to natural surfacing (e.g. hoggin), with short lengths of boardwalk in wetter areas.
SANG must be perceived as semi-natural spaces with little intrusion of artificial structures, except in the immediate vicinity of car parks. Visually sensitive way-markers and some benches are acceptable.	The proposed country park area currently benefits from a semi-natural character, with grassland fields bounded by trees and hedgerows. The area is well screened from any adjacent development, with the exception of some existing farm buildings to be retained. Existing hedgerows and new planting will provide screening from proposed residential development, and no other artificial structures are proposed within the country park
All SANG larger than 12 ha must aim to provide a variety of habitats for users to experience.	The country park area benefits from a variety of habitats including open grassland, more enclosed fields, woodland edge and wet grassland, which will be enhanced to provide wetland features.
Access within the SANG must be largely unrestricted with plenty of space provided where it is possible for dogs to exercise freely and safely off lead.	Access will be unrestricted within the country park to allow dogs to be let off lead, with dog proof fencing provided as required at the boundaries.
SANG must be free from unpleasant intrusions (e.g. sewage treatment works smells etc).	A number of overhead telegraph/power lines are currently present, although these are proposed to be undergrounded. No other intrusions are present.
<b>Should haves</b>	
SANG should be clearly sign-posted or advertised in some way.	The country park will be signposted from the adjacent residential areas.
SANG should have leaflets and/or websites advertising their location to potential users. It would be desirable for social media to be used as well, with the goal of reducing paper use. Although a leaflet for a new home is desirable.	Leaflets will be provided to all new residents advertising the country park.

SANG requirement	Comments
<b>Desirable</b>	
It would be desirable for an owner to be able to take dogs from the car park to the SANG safely off the lead.	N/A – no car parking to be provided.
Where possible it is desirable to choose sites with a gently undulating topography for SANG	The proposed country park area currently benefits from an undulating topography, providing variety in the visual experience and character across the area.
It is desirable for access points to have signage outlining the layout of the SANG and the routes available to visitors.	Signage will be provided at access points outlining the layout of the country park and walking routes.
It is desirable that SANG provide a naturalistic space with areas of open (non-wooded) countryside and areas of dense and scattered trees and shrubs. The provision of open water is encouraged and desirable on sites. However large areas of open water cannot count towards capacity.	The proposed country park area currently benefits from a variety of habitats including open grassland, more enclosed fields, woodland edge and wet grassland, which will be enhanced to provide wetland features.
Where possible it is desirable to have a focal point such as a viewpoint, monument etc within the SANG.	Focal points such as viewing areas will be provided within the country park.

- 6.11. The country park also benefits from connections to existing Public Rights of Way (PROWs), including Worth Way immediately to the south, linking Crawley Down to Three Bridges Station and East Grinstead Station. As such users will have access via the country park to the wider countryside, allowing for longer walks and additional variety of character and habitats.
- 6.12. The suitability of the land to form SANG (or alternative greenspace provision) formed the focus of the site meeting with Natural England on 21<sup>st</sup> November 2024, and Natural England agreed that the site had a good natural feel and in terms of its physical character, would be ideal for a SANG (albeit given its location mostly outside of the 7km zone, it was uncertain whether it could be specifically designated as such).
- 6.13. Accordingly, although not specifically forming SANG, the country park will function on a similar basis, accommodating the majority of recreational activity associated with the proposed development. Indeed, at c.11ha, the country park significantly exceeds the 8ha per 1,000 population standard for SANGs set out under local policy (6.72ha based on 350 dwellings at an average dwelling size of 2.4 people). Given the country park will be located immediately adjacent to the residential development, with closeness to home forming a key influence in the choice of sites visited for recreation, this will form effective mitigation to address the predicted small increase in recreational activity at Ashdown Forest SPA/SAC associated with the proposed development, for both units within and outside of the identified 7km zone of influence.
- 6.14. **SAMM contributions.** Whilst SANGs/alternative greenspace provision are considered to be an effective mitigation measure, it is acknowledged that new residents will likely still visit Ashdown Forest SPA from time to time, and on this basis, the alternative greenspace provided by the country park may not fully mitigate all visits to the SPA/SAC. Accordingly, access management measures at the Ashdown Forest, in the form of the SAMM strategy, form a complementary avoidance/mitigation measure.
- 6.15. A number of SAMM strategy projects are to be implemented including development and promotion of a Code of Conduct, provision of signage and interpretation, delivery of responsible dog ownership training and other education events, recruitment of rangers and officers to form a presence on the SPA and coordinate activities and ongoing monitoring. The commitment to deliver the SAMM Framework has been agreed by Natural England, the Ashdown Forest Conservators and relevant local authorities, and SAMM projects are currently being delivered based on funding provided from new developments to date. On this basis, the proposed

development will make a financial contribution to such projects through payment of the relevant SAMM tariff. This would be paid at the full rate for all dwellings under the proposed development, including those outside of the 7km zone of influence.

### Conclusion

- 6.16. Following the implementation of mitigation including alternative greenspace provision within the site in the form of the country park and financial contributions to SAMM, it considered that an adverse effect as a result of recreational disturbance would be avoided, and the proposed development, alone and in-combination with other plans and projects, would not result in an adverse effect on integrity at Ashdown Forest SPA/SAC in view of the site's conservation objectives.
- 6.17. Therefore it is considered that no further assessment is required and proceeding to Stage 3 is not necessary.

## **7. Summary and Conclusion**

- 7.1. This note provides information to inform a HRA of proposed development at Land West of Turners Hill Road, Crawley Down, given the presence of a number of European designations within the site surrounds. Two separate planning applications are being submitted for residential development at the site. This shadow HRA is based on the combined effects of these applications, for up to 350 dwellings. The quantum of development under individual applications is below this level such that no additional effects would occur, and this shadow HRA is therefore relevant to each of the individual applications.
- 7.2. A screening exercise has been undertaken to identify whether the proposed development could result in a likely significant effect on European designations, both alone and in-combination with other plans and projects (Stage 1). The screening exercise has concluded that in the absence of mitigation, potential for a likely significant effect is predicted in relation to recreational disturbance at Ashdown Forest SPA/SAC. Therefore an Appropriate Assessment is required.
- 7.3. The Appropriate Assessment (Stage 2) has concluded that, in view of the designations' conservation objectives, following the implementation of mitigation measures (in the form of alternative greenspace provision and contributions to SAMM), the proposed development would have no effect on the integrity of the surrounding European designations either alone or in-combination with other plans and projects.