

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:	15.09.2026

Planning application details	
Application reference:	DM/26/1467
Application address:	Carlos Lopez And Son 151A London Road Burgess Hill West Sussex RH15 8LH
Application description:	Retrospective change of use from an annexe and workshop used incidental to main dwelling house, to a separate dwelling house.

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 a net increase in dwellings which is neither connected with nor necessary to the management of the European sites.
Net increase in dwellings:	One

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 <i>Erica tetralix</i> ; Wet heathland with cross-leaved heath
H4030	European dry heaths
S1166	<i>Triturus cristatus</i> ; 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?

The proposed development is outside the 7km zone of influence for the Ashdown Forest SPA. 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.

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.

The impacts to heathland breeding birds can be summarised as follows:

- 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 adult birds are kept away from the nest;
- Accidental trampling of eggs by people, where nests are on the ground and may be close to paths;
- Predation of chicks or eggs by domestic dogs; and
- Increasing stress levels in adult birds in response to perceived predation risk.

Work undertaken on behalf of Natural England in 2010¹ (using data from a visitor survey on Ashdown Forest undertaken in 2008²) indicates that:

- The current level of visitor pressure is not affecting the distribution of nightjar, woodlark³ or Dartford warbler within the Ashdown Forest SPA, although there will be a point at which levels of visitor pressure are so great that birds will abandon otherwise suitable breeding habitat and the ability of the site to support a given density of birds will be compromised.
- The current level of visitor pressure is not displacing the birds from otherwise suitable habitat, however, the level at which recreational pressure will be such that birds will begin to be displaced is not known.
- Evidence from other sites would suggest that if access levels were to increase, there may be avoidance of otherwise suitable habitat and there may be impacts on breeding success.
- Recreational disturbance may still be having an impact on the Annex I bird species at Ashdown Forest and 'in the absence of data on breeding success, and without understanding why bird densities are low, it currently cannot be concluded on the basis of scientific evidence that the ecological integrity of nightjar and Dartford

¹ Clarke, R. T., Sharp, J. and Liley, D. (2010) Ashdown Forest visitor survey data analysis: Natural England Commissioned Reports, Number 048.

² UE Associates (2009) Visitor access patterns on Ashdown Forest.

³ The woodlark is present in qualifying numbers on Ashdown Forest, but it is not listed as a qualifying feature of the Ashdown Forest SPA.

warbler populations is not being adversely affected by a combination of existing pressure and/ or habitat management' (Clarke <i>et al.</i>, 2010: p29). • An increase in population from new residential development is likely to result in additional recreational pressure on Ashdown Forest. The 2010 data analysis report concludes that 'information is not available to say definitively whether the quantum of new housing proposed in the vicinity of Ashdown Forest will impact upon breeding success or cause bird displacement. Taking into account the wider body of research available, along with the principles established and mitigation and monitoring being pursued as a result of plan level Habitats Regulations Assessments at other heathland sites, it is advised that a similar approach should be taken forward for Ashdown Forest SPA' (Clarke <i>et al.</i>, 2010: p30). In order to understand the pattern and origin of visitors to Ashdown Forest, visitor surveys have been conducted in 2008, 2016⁴ and 2021⁵. The data and information in these reports will be updated through monitoring and surveys in the future.	
Are there any other projects or plans that together with this planning application could affect the European site, the 'in combination' impact?	
Yes. 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	
Would the proposed development lead to a likely significant effect on the Ashdown Forest SPA?	No. The proposed development is outside 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?

⁴ Liley, D., Panter, C. and Blake, D. (2016) Ashdown Forest Visitor Survey.

⁵ Liley, D. and Caals, Z. (2022) Ashdown Forest Visitor Survey 2021.

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 proposed development was modelled in the Mid Sussex Transport Study as a **windfall development** such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. **Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across 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.

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).