

Habitat Regulations Assessment Background Paper

March 2014



1. Introduction

Policy 10 (Natural Environment and Landscape Character) of the Proposed Submission Core Strategy introduced a requirement for residential development within a 7km 'zone of influence' from the Ashdown Forest to contribute to mitigation measures to ameliorate the impacts of increased recreational pressure on the Forest.

The purpose of this report is to consider the detail of the policy, examine the need for mitigation measures, and introduce the mechanisms for implementation and delivery. It is not intended to repeat the Habitats Regulations Assessment (HRA), which is available online at www.lewes.gov.uk/planning/20408.asp.

This report begins with some context in section 2 and explains the reasons behind the 7km zone in section 3. Section 4 explores the rate of Suitable Alternative Natural Greenspace (SANG) needed to mitigate new residential development and section 5 considers the need for monitoring and management of the Forest.

Section 6 describes the steps taken towards providing the necessary measures to allow development to come forward in the 7km zone. Section 7 provides a summary of this report.

2. Context

The EU Habitats Directive protects plants and animal species identified as being particularly vulnerable. The UK Conservation of Habitats and Species Regulations, the implementation of the EU Directive in this country, require a HRA of development plans such as the Core Strategy. The purpose is to examine whether land use proposals are likely to have an adverse impact on the integrity of sites that are subject to EU habitats designations.

The Ashdown Forest is protected by European Obligations due to its status as a Special Area of Conservation (SAC) and Special Protection Area (SPA) and thus the effect on it has to be considered by HRA¹. The HRA, which was undertaken in close consultation with Natural England, found that the Core Strategy in combination with development plans in neighbouring Mid Sussex and Wealden districts could have a significant negative impact on the Ashdown Forest.

The concerns relate to the potential adverse impact that would be caused by additional recreational disturbance generated from new residential development. Without appropriate mitigation, recreational disturbance, particularly from dog walking, would have a significant negative impact on the habitats of protected ground nesting birds on the Forest. This judgement is based on the 'precautionary principle'. This is because it is considered likely

¹ www.lewes.gov.uk/planning/20408.asp

that recreational disturbance is having a significant negative effect on the protected birds (there is no proof that it is not), whilst it has been recorded that the breeding success of the birds is low.

Given that the three districts' development plans would collectively impact on the Forest, it was considered prudent for the local authorities to take a consistent approach to mitigation. This has been factored into the respective development plan HRA reports.

Wealden District Council's Core Strategy was the first to be adopted and includes a policy relating to Ashdown Forest mitigation. The Lewes and Mid Sussex draft development plans both included a policy consistent with Wealden's adopted policy. The policies state that all applications for development of net additional residential dwellings within 7km of the Ashdown Forest will be required to contribute towards the following:

- The provision of Suitable Alternative Natural Greenspace (SANG) at the ratio of 8 hectares per 1,000 additional residents;
- The implementation of an Ashdown Forest Management Strategy;
- A programme of monitoring and research at Ashdown Forest.

This paper examines the reasons for the above criteria. In particular, it concentrates on the reason for the 7km zone and the ratio of SANG provision needed. It also examines potential options for providing SANG.

3. The 7km zone of influence

In 2009, Mid Sussex and Wealden District Councils commissioned evidence that investigated visitor access patterns at Ashdown Forest². This evidence was supplemented by research commissioned by Natural England in 2010³. Together, these studies identified that most visitors to the Forest came from the local area, mainly from settlements such as Crowborough, East Grinstead and Uckfield.

Similar to the approach taken at Thames Basin Heaths, a zone of influence was created to capture the area in which a large majority of the visitors to the Forest reside. A distance of 7km was defined as the zone of influence in the Wealden District Core Strategy Habitat Regulations Assessment⁴, in consultation with Natural England.

The Wealden District Core Strategy was adopted in 2012, including a policy that established the 7km zone of influence and methods for mitigation within it.

In recognition of the need for a consistent approach across the relevant local authorities, the 7km zone was endorsed by Lewes District Council Cabinet in July 2012⁵.

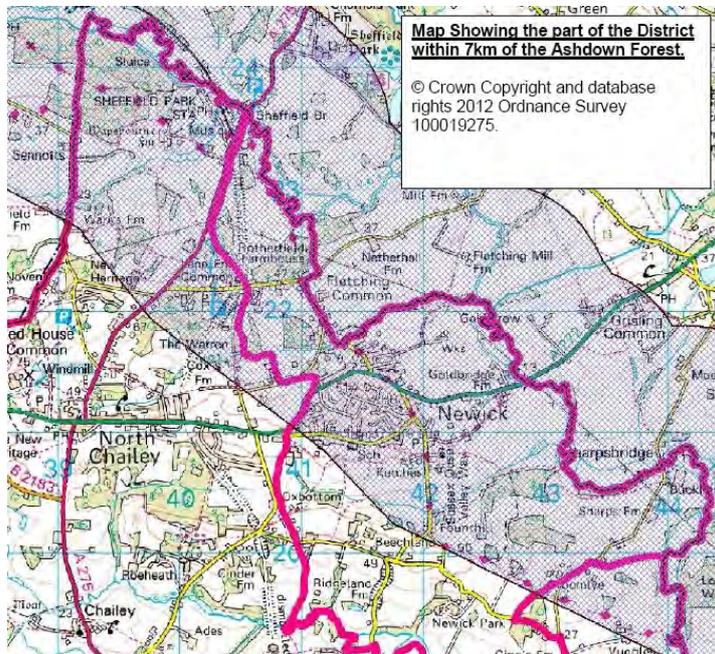
² www.wealden.gov.uk/Wealden/Planning_and_Building_Control/Planning_Policy/Planning_Policy_Publications/Evidence_Base_for_LDF/Planning_Evidence_Base_LDF_Appropriate_Assessment.aspx

³ <http://publications.naturalengland.org.uk/publication/46010>

⁴ <http://www.wealden.gov.uk/nmsruntime/saveasdialog.aspx?IID=7451&sID=2838>

⁵ <http://cmis.lewes.gov.uk/CmisWebPublic/Binary.ashx?Document=5102>

The 7km zone was referred to in the HRA of the Lewes District Proposed Submission Core Strategy and has been agreed by Natural England as an appropriately sized zone in order for the Council's European Obligations to be met.



4. Suitable Alternative Natural Greenspace (SANG)

A Suitable Alternative Natural Greenspace (SANG) is intended to relieve recreational pressure from protected sites by attracting visits away from threatened sites/habitats and species. SANGs are sometimes referred to as interceptor or reliever sites.

As a minimum, a SANG is expected to provide a circular 2.5km walk and be predominantly natural in character. Ideally, it should have a varied habitat to allow for multiple experiences during a visit to a SANG. Car parking provision at the SANG is also preferred.

The precedent for using SANG to mitigate harm to protected sites from new residential development was set at Thames Basin Heaths and the related Policy NRM 6 of the South East Plan. The Assessor's Report on the draft policy relating to the Thames Basin Heath found a ratio of 8 hectares of SANG per 1,000 new residents to be appropriate, reduced from the rate initially supported by Natural England⁶. The 8 hectares/1000 new residents ratio was subsequently accepted at the South East Plan Examination in Public. Policy NRM6 remains in force, the only policy in the South East Plan that remains extant.

⁶ Pages 47- 50, www.lewes.gov.uk/File/plan_HRA_Paper_Footnote_6

Based on Policy NRM6 and with the agreement of Natural England, the 8 hectares of SANG per 1,000 new residents was included in the Wealden District Core Strategy policy and replicated in the Lewes District Proposed Submission Core Strategy, given the need for a consistent approach. As a result, all net additional residential development in the 7km zone would need to contribute to SANG provision at that ratio in order to be acceptable with regard to the protection of vulnerable species at the Ashdown Forest.

5. Monitoring and Management

Whilst SANGs aim to reduce the amount of visits to the Ashdown Forest from new residents, another critical factor relating to the mitigation of harmful impacts on the Forest is the management of visitors at the site itself as well as the monitoring visitor activity and of the protected habitats/species.

A Strategic Access Management and Monitoring Strategy (SAMMS) is being developed by a group of authorities, agencies and organisations affected by the 7km zone. The group comprises Lewes, Mid Sussex and Wealden District Councils, Tunbridge Wells Borough Council, Natural England and the Conservators of the Ashdown Forest.

The SAMMS will introduce on-site schemes to be implemented in order to reduce the impact of visitors the Forest. It will also establish measures for monitoring the effectiveness of those schemes and for developing improved understanding of the protected birds and their habitat.

6. Enabling development in the 7km zone

SAMMS

It is anticipated that the SAMMS will be agreed in 2014 by all of the authorities affected by the 7km zone. The schemes that it identifies will be paid for by a tariff from new residential development in the 7km zone, based on the number of bedrooms provided. The schemes and monitoring measures in the SAMMS will ensure that the local authorities' European Obligations in this matter are met.

SANG

The Proposed Submission Core Strategy identifies that land for a SANG will be allocated in the Site Allocations and Development Management Policies DPD (Local Plan Part 2). However, there are several options by which suitable mitigation could be delivered.

a) The District Council delivers a SANG

Desktop analysis and site visits with Natural England officers have identified a potential site that could be converted into a SANG if bought (or leased) and managed by the District Council for such purposes.

In addition to site assessment work, research has been undertaken looking at SANGs brought forward as mitigation of development at the Thames Basin Heaths. It found that there could be very high costs associated with providing SANGs and that no SANG had been brought forward for development at the relatively small scale of development proposed within the 7km zone in Lewes District (100 homes).

b) Shared SANG with another authority

Initially, Natural England advised us that a SANG must be closer to the new development than the Ashdown Forest itself. As a result, the scope for a SANG shared with another authority was highly limited.

Subsequent advice from Natural England indicates that a SANG does not need to be located closer to the Forest as long as it would attract visitors to it, thereby taking visits that would otherwise have been to the protected site. As a result of ongoing work with Mid Sussex District Council about the possibility of a shared SANG. An advantage of a shared SANG is that costs for each authority will be reduced, whilst it is also likely that a larger SANG, capable of attracting a greater number of visits, could be delivered when available resources are pooled.

c) Privately delivered SANG

There is the possibility of a SANG being provided as part of the delivery of an allocation for housing at Newick. At the time of writing, Newick Parish Council intends to allocate housing sites in the Neighbourhood Plan to meet the Proposed Submission Core Strategy housing target for Newick of 100 homes.

Whilst the housing sites are not known, a number of those promoting allocations to the Parish Council have considered delivering a SANG as part of their proposed development, indicating that there is a possibility of the necessary mitigation being delivered in this way.

d) Alternatives to SANGs

In certain circumstances, it would be possible to deliver development in the 7km zone without the need for SANGs to be provided. This is where bespoke, site specific mitigation would be provided. There is at least one example in Mid Sussex where bespoke mitigation has been accepted by Mid Sussex District Council and Natural England as being appropriate for the proposed residential development.

The wording of Core Policy 10 has been amended slightly in the Focussed Amendments version of the Core Strategy to reflect this precedent, thus allowing flexibility for site specific mitigation as an alternative to SANG provision.

7. Summary

This report has presented information relating to part of Core Policy 10, which states that all applications for development of net additional residential

dwellings within 7km of the Ashdown Forest will be required to contribute towards:

- The provision of Suitable Alternative Natural Greenspaces (SANGs) at the ratio of 8 hectares per 1,000 additional residents;
- The implementation of an Ashdown Forest Management Strategy;
- A programme of monitoring and research at Ashdown Forest.

The reason for the above provisions is that the Ashdown Forest is a site protected under European law. It has been assessed that the combination of residential development in multiple authorities would cause harm, unless mitigated against, due to disturbance to protected ground nesting birds caused by visitors to the Forest.

A 7km zone has been established in order to ensure that development occurring across multiple authorities in the vicinity of the Forest helps to mitigate against the threat of harm resulting from recreational disturbance associated with additional residential development. Studies have found that most visitors to the Forest come from within the 7km zone.

The report has identified that Suitable Alternative Natural Greenspaces (SANGs) should be sufficiently attractive in order to attract people to it and thus away from Ashdown Forest itself. It highlighted that the proposed ratio of 8 hectares of SANG per 1,000 additional residents was based on the ratio set in the retained South East Plan policy NRM6 relating to SANGs at Thames Basin Heath.

The monitoring and on-site management of visitors at Ashdown Forest is another important aspect of ensuring that the European Obligations are met. To this end a group of authorities, including Lewes District Council, is preparing a Strategic Access, Monitoring and Management Strategy (SAMMS), which is expected to be agreed in 2014. The implementation of the SAMMS will capture the impact of development on the Forest. The SAMMS will also identify ways in which the improved management of visitors to the Forest will reduce disturbance by visitors on ground nesting birds.

The report explained that land for a SANG is to be allocated in Part 2 of the Lewes District Local Plan and describes other potential ways in which a SANG might be delivered. The report also noted that it is possible to mitigate the effect of new development without using SANGs where site-specific mitigation is provided, based on precedent examples. The proposed wording of Core Policy 10 has been amended to allow flexibility for alternative solutions.