

**Newick
Now
to 2030**



NEWICK NEIGHBOURHOOD DEVELOPMENT PLAN

HABITAT REGULATIONS SCREENING REPORT

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1. Introduction

- 1.1 It is acknowledged that some of Europe's natural habitats are deteriorating and, as a result, a number of wild species are becoming seriously threatened. The effect is partly caused due to development. As a result, when preparing plans or projects, member states of the European Community are required to take into account habitats and wild species of European importance through Article 6 of Council Directive 92/43/EEC on the Conservation of Natural Habitats and of wild fauna and flora (known as the Habitats Directive).
- 1.2 The Conservation of Habitats and Species Regulations 2010 (known as the Habitats Regulations) transposes the requirements of the Habitats Directive into British Law.
- 1.3 In order to fulfil such requirements, those making land use plans must carry out a Habitats Regulations Assessment (HRA). This process, also known as an Appropriate Assessment, ensures that the protection of the integrity of sites protected by European Law is a part of the planning process. Such sites are referred to as "protected sites" throughout the rest of the report.
- 1.4 This report presents the finding of the screening stage of the HRA process, examining whether or not the emerging Newick Neighbourhood Development Plan (NDP) is likely to have a likely significant effect on any protected sites.
- 1.5 This screening assessment should be read alongside the Habitat Regulations Assessment of the Lewes District Core Strategy: Proposed Submission Version¹.
- 1.6 This report has been prepared by officers at Lewes District Council on behalf of Newick Parish Council in order to inform the preparation of the NDP, to ensure that the NDP meets the basic conditions as prescribed by the Neighbourhood Planning Regulations and related legislation and to meet the requirements of European Directives.

¹ http://www.lewes.gov.uk/Files/plan_2013_HRA.pdf

2. Process

- 2.1 In 2006, the Department for Communities and Local Government (DCLG) released draft guidance for the Appropriate Assessment on local development documents and Regional Spatial Strategies.
- 2.2 Whilst the guidance never progressed from the draft version and nor was it produced when neighbourhood planning had come into force, it still prescribes a useful process for undertaking HRA on land use plans, such as a NDP.
- 2.3 The draft guidance described three main tasks to follow when developing a land use plan. These are:
 1. Screening for likely significant effects.
 2. Appropriate Assessment and ascertaining the effect on site integrity.
 3. Mitigation Measures and alternative solutions.
- 2.4 This report relates to the first stage of the process – the screening stage -and thus it is important to understand what this stage demands before carrying out the screening report.

Screening for likely significant effects

- 2.5 The initial stage of the HRA is to assess whether a plan is likely to have a significant negative effect on a protected site. This is known as screening. This screening process determines whether it is necessary to carry out the subsequent stages of HRA.
- 2.6 If it is assessed that there is likely to be no significant effect on a protected site from the consequences of a plan, then carrying on with the HRA is deemed unnecessary and thus, the site can be screened out from the rest of the process.
- 2.7 Conversely, if it is found that a plan is likely to cause a significant effect on a protected site, the site would not be able to be screened out and would have to undergo the further stages.
- 2.8 Other plans and strategies that could have an impact on protected sites “in combination” with the plan under production, also have to be taken into account during the screening stage. As an example, it may be assessed that there would be no significant effect caused by an individual plan on a particular protected site, but when considering it with a number of other plans and strategies, the cumulative outcome could be assessed to cause a likely significant effect. In this case, the protected site impacted upon would be unable to be screened out of the further stages.
- 2.9 Importantly, the HRA process is underpinned by the precautionary principle, especially in the assessment of potential impacts and their

resolution. Therefore if it is not possible to rule out a risk of harm, based on the evidence available, to a protected site, it is assumed a risk may exist. As a result, it would mean that such a site could not be 'screened out' at the initial stage of the process.

3. The Protected Sites

- 3.1 There are three types of protected sites that a HRA would have to consider. These are:
- Special Areas of Conservation (SACs) – sites designated for flora, fauna and habitats of community interest under powers derived from the Habitats Directive; and
 - Special Protection Areas (SPAs) – sites designated to conserve the habitat of protected wild birds to ensure their survival and reproduction in their area of distribution under powers derived from Directive 2009/147/EC on the conservation of wild birds² (the Birds Directive).
 - Ramsar Sites – wetland sites of international importance, designated under the Ramsar Convention
- 3.2 The HRA for the Lewes District Core Strategy considered 4 protected sites, both within and outside of the district, which could be affected by development in the district. These were:
- Castle Hill SAC
 - Lewes Downs SAC
 - Pevensey Levels Ramsar Site and Candidate SAC
 - Ashdown Forest SAC and SPA
- 3.3 The Newick Neighbourhood Area covers a far smaller geographical area than the Lewes District Core Strategy. The only protected site near to its area is the Ashdown Forest SAC/SPA. The site is located to the north of the parish in neighbouring Wealden District and, at its nearest point is around 5km away. As such, it is only considered appropriate to carry out the screening for likely significant effects for the Ashdown Forest SAC/SPA.

Ashdown Forest SAC/SPA

- 3.4 The Ashdown Forest has been designated as a SAC and SPA for the following reasons³:
- Ashdown Forest contains one of the largest single continuous blocks of lowland heath in south-east England, with both European dry heaths and, in a larger proportion, wet heath. The *Erica tetralix* – *Sphagnum compactum* wet heath element provides suitable conditions for several species of bog-mosses *Sphagnum* spp., bog asphodel *Narthecium ossifragum*, deergrass *Trichophorum cespitosum*, common cotton-grass *Eriophorum angustifolium*, marsh gentian *Gentiana pneumonanthe* and marsh clubmoss *Lycopodiella inundata*. The site supports important assemblages of beetles, dragonflies, damselflies and butterflies, including the nationally rare silver-studded blue *Plebejus argus*, and birds of European

² This directive replaced Council Directive 79/409/EEC on the same subject.

³ taken from the summary provided on the Joint Nature Conservation Committee's (JNCC's) website

importance, such as European nightjar *Caprimulgus europaeus*, Dartford warbler *Sylvia undata* and Eurasian hobby *Falco subbuteo*. (SAC)

- The dry heath in Ashdown Forest is an extensive example of the south-eastern H2 *Calluna vulgaris* – *Ulex minor* community. This vegetation type is dominated by heather *Calluna vulgaris*, bell heather *Erica cinerea* and dwarf gorse *Ulex minor*, with transitions to other habitats. It supports important lichen assemblages, including species such as *Pycnothelia papillaria*. This site supports the most inland remaining population of hairy greenweed *Genista pilosa* in Britain. (SAC)
- The site supports nationally important breeding populations of nightjar *Caprimulgus europaeus* and Dartford warbler *Sylvia undata*. (SPA)

3.5 When assessing whether the Newick NDP would cause a likely significant effect on the Ashdown Forest SAC/SPA, the above reasons for designation will be considered.

4. Screening the Protected Site

- 4.1 When producing a neighbourhood plan, one of the basic conditions is for it to be in general conformity with the strategic policies of the development plan. The Newick NDP is being produced in order to be in conformity with the Lewes District Core Strategy. At the time of writing this report, the Core Strategy is at an advanced stage of production and has recently undergone a period of representation on the proposed submission version of the document.

HRA on the Lewes District Core Strategy

- 4.2 Thus, when undertaking the screening assessment for the Newick NDP, consideration is made to the findings of the HRA on the Lewes District Core Strategy. That HRA assumed that 100 homes would be built in Newick by 2030.
- 4.3 Transport work was undertaken by East Sussex County Council for the Core Strategy's HRA. Such work revealed that development in the district, including development in Newick, was unlikely to lead to many additional trips on roads near the Ashdown Forest and consequently unlikely to increase significantly nitrogen deposition at the forest. Thus, the HRA noted that **"...it has been determined, in consultation with Natural England, that the Core Strategy would not have a significant negative effect on the Ashdown Forest SAC/SPA in terms of nitrogen deposition either alone or in combination with other plans. Therefore mitigation or avoidance measures are not required."**
- 4.4 The HRA also found that development within 7km of the Ashdown (within which most of Newick Parish lies) was likely to have a significant negative effect on the Ashdown Forest SAC/SPA in terms of recreational disturbance, unless mitigated against. Mitigation measures were introduced and thus the HRA noted that **"as a result, the Core Strategy complies with the Habitats Regulations and does not require further assessment."**
- 4.5 It is assumed that the Newick NDP will plan for the same amount of housing (100 homes) as tested in the HRA on the Core Strategy. It will also introduce a number of policies, covering a range of issues to deliver the vision of the community.

The Screening Assessment

- 4.6 As can be seen in Table 1 below, a screening assessment has been undertaken. From the findings of the screening assessment, it has been determined that the Newick NDP would not cause a likely significant effect to the Ashdown Forest SAC/SPA, either alone or in combination with other plans. As such, we have screened out the site from further stages of the HRA process.

Table 1: Screening Assessment of Ashdown Forest SAC/SPA

SITE
Ashdown Forest SAC/SPA
KEY ENVIRONMENTAL CONDITIONS NEEDED TO SUPPORT INTEGRITY
<ul style="list-style-type: none"> • Minimal air pollution. • Relatively unpolluted water (approx. neutral pH). • Low recreational disturbance. • Suitable foraging and refuge habitat within 500m of pond. • Balanced hydrological regime to maintain wet heath. • Grazing management to prevent succession. • Some ponds deep enough to retain water throughout February to August (at least once in three years). • Good connectivity of landscape features.
POSSIBLE EFFECTS OF NEIGHBOURHOOD DEVELOPMENT PLAN
<ul style="list-style-type: none"> • Increasing traffic on the part of the A22 which runs through the protected site. This could increase air pollution, negatively impacting on the site's protected habitats and wildlife. • Increasing recreational pressures on the site, negatively affecting the population of ground nesting birds found at the site as a result of increased recreational disturbance.
LIKELY SIGNIFICANT EFFECTS TO SITE (INCLUDING POTENTIAL 'IN-COMBINATION' IMPACTS)?
<p>The HRA for the Lewes District Core Strategy considered whether nitrogen deposition on the site, caused by traffic, would be significant. It found that it would not. As the Newick NDP will plan for the same amount of development as the Core Strategy, it is assumed that it would also not have a significant effect.</p> <p>The HRA for the Lewes District Core Strategy considered whether recreational disturbance caused by residents from new development would have a significant effect on the site. It found that development within 7km of the Forest would need to be mitigated against. The Core Strategy introduces the necessary mitigation and therefore the HRA found that development would not have a significant effect on the site. As the Newick NDP will plan for the same amount of development as the Core Strategy, it is assumed that it would also not have a significant effect.</p>
FURTHER STAGES OF HRA NEEDED?
No