



**Report to inform Habitat Regulations
Assessment Screening Assessment**

**Land at Bird in Eye Farm,
Uckfield**

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LIABILITIES:

Whilst every effort has been made to guarantee the accuracy of this report, it should be noted that living creatures are capable of migration and whilst protected species may not have been located during the survey duration, their presence may be found on a site at a later date.

The views and opinions contained within this document are based on a reasonable timeframe between the completion of the survey and the commencement of any works. If there is any delay between the commencement of works that may conflict with timeframes laid out within this document, or have the potential to allow the ingress of protected species, a suitably qualified ecologist should be consulted.

It is the duty of care of the landowner/developer to act responsibly and comply with current environmental legislation if protected species are suspected or found prior to or during works.

1.0 Introduction

Background

- 1.1 The Ecology Partnership Ltd was commissioned by Croudace to undertake a Habitats Regulations Screening Assessment of the development proposed at Bird in Eye Farm, Uckfield. Proposals are for a new residential development of up to 190 units and an area of Suitable Alternative Natural Greenspace (SANGS), formal and informal open space, along with access.
- 1.2 The site is c20.08 ha with the central grid reference TQ48402075. The site is located to the east of Uckfield town centre, south of the B2102. The site is largely managed grassland habitats with the associated Bird in Eye Farm buildings at the centre of the site. Ancient woodland is located to the south and west of the site. Further west is Uckfield, with new development around Uckfield Hospital. To the north, east and south, arable landscape is present in the form of fields, woodlands and hedgerows. The approximately red line boundary is shown in Figure 1 below.



Figure 1: Approximate location of the development boundary (in red). Taken from Google Earth (imagery date May 2022).



Figure 2: Current illustrative proposals for the site

- 1.2 The Ecology Partnership have been instructed to review the proposed development and masterplan with regards to the Habitat Regulations due to the proposed development being located within 7km of the Ashdown Forest SPA. No additional internationally designated sites are present within 10km of the red line boundary of the site and therefore no further internationally designated sites have been included within this assessment.
- 1.3 Section 2 of this report sets the legislation by which the designated sites are protected and describes 'significance' and 'impacts' in relation to development and the designated sites. Section 3 reviews the Core Strategy and Local Plan policies in terms of the Habitats Regulations. Section 4 looks at the site which is proposed for development. Section 5 addresses potential impacts, with section 6 assessing mitigation methods. Finally, conclusions are provided in section 7.

2.0 Legislation

- 2.1 The site lies approximately 5.29km from the designated site at its nearest point. It is therefore considered that an assessment of the likely impacts of the proposed development on the Ashdown Forest SPA SAC SSSI. As these sites are also protected by the Habitat Regulations (Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019), an assessment of the likely impacts of this development on these sites is required.
- 2.2 In Great Britain, the Habitats Regulations aim to protect sites in the UK that have rare or important habitats and species in order to safeguard biodiversity. Under these Regulations, the LPA have a duty to assess whether there is a risk of any plan or proposal having a significant impact on the integrity of the European Sites.
- 2.3 The need for Appropriate Assessment is set out within the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Under these Regulations, land use plans must be subject to Appropriate Assessment if they are likely to have a significant [adverse] effect on the National Site Network in the UK (including Special Areas of Conservation (SAC) and Special Protection Areas (SPA)).
- 2.4 The Habitats Directive applies a precautionary approach to protected areas and as such plans and projects can only be permitted once it is ascertained that there will be no adverse effect on the integrity of the site(s) in question. Projects may be granted permission if there are no alternatives to them and there are Imperative Reasons of Overriding Public Interest (IROPI), such as large infrastructure development proposals etc. In such cases, compensation would be necessary to ensure the overall integrity of the site network.
- 2.5 In order to assess the likely significance of a site(s) and the site(s) integrity being affected an assessment under the Habitat Regulations is required. The first stage of the assessment is 'screening' the proposals.
- 2.6 The purpose of the Appropriate Assessment Screening is to analyse likely significant effects, as well as those effects, which were uncertain or not well understood and taken forward for assessment in accordance with the precautionary principle. The assessment should seek to establish whether or not the plans effects, either alone or in combination

with other plans or projects, will lead to adverse effects on site integrity, in view of the sites conservation objectives. Site integrity can be described as follows (ODPM, 2005b):

“The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified.”

2.7 Natural England guidance on determining likely significant effect states that;

‘Likely significant effect is, in this context, any effect that may reasonably be predicted as a consequence of a plan or project that may affect the conservation objectives of the features for which the site was designated, but excluding de minimis or inconsequential effects’

And furthermore;

“The ‘significance test’ is a coarse filter intended to identify which proposed plans and projects require further assessment. It is the first stage of the process, and is distinct from the appropriate assessment of ‘adverse effect on integrity’... Proposals having no, or de minimis, effects can be progressed without further consideration under the Habitats Regulations although reasons for reaching this decision must be justified and recorded” (English Nature, 1999).

2.8 This initial determination is intended to ensure that all relevant plans and projects likely to have a significant effect on European sites are subject to an appropriate assessment. The notion of what is significant needs to be interpreted objectively. The significance of effects should be determined in relation to the specific features and environmental conditions of the site concerned, taking particular account of the site’s conservation objectives.

2.9 The following is a list of examples of types of effects that are likely to be significant and therefore need to be considered more fully. Effects must be considered for both on site effects as well as off site and indirect effects, as well as alone and in combination with other projects.

- Causing damage to the coherence of the site or to the Natura 2000 series (for example, presenting a barrier between isolated fragments, or reducing the ability of the site to act as a source of new colonisers);
- Causing reduction in the area of habitat or of the site;
- Causing direct or indirect change to the physical quality of the environment

(including the hydrology) or habitat within the site;

- Causing ongoing disturbance to species or habitats for which the site is notified;
- Altering community structure (species composition);
- Causing direct or indirect damage to the size, characteristics or reproductive ability of populations on the site;
- Altering the vulnerability of populations/habitats to other impacts;
- Causing a reduction in the resilience of the feature against external change (for example its ability to respond to extremes of environmental conditions);
- Affecting restoration of a feature.

2.10 Proposals having no, or de minimis, effects can be progressed without further consideration under the Habitats Regulations, although reasons for reaching this decision must be justified and recorded.

2.11 Where it was considered not possible to 'screen out' the developments, alone or in combination, it is necessary to progress to the later 'Appropriate Assessment' stage to explore the adverse effects and devise mitigation. This will include addressing the following issues:

- Identify the effects of the proposal on the European site features and how those effects are likely to affect the site's conservation objectives.
- Decide whether the plan or project, as proposed, would adversely affect the integrity of the site in the light of the conservation objectives.
- Consider the manner in which the plan or project is proposed to be carried out, whether it could be modified, or whether conditions or restrictions could be imposed, so as to avoid adverse effects on the integrity of the site.
- Conclude whether the plan or project, as modified by conditions or restrictions, would adversely affect the integrity of the site.
- Where the plan or project is assessed as having an adverse effect on the integrity of the site alternative solutions should be considered and where appropriate a re-assessment undertaken.

2.12 Therefore, there are three stages that are considered:

- **Stage 1 – Likely Significant Effects:** identifying if the plan is likely to have a

significant effect on a European Site either alone or in combination with other plans and projects

- **Stage 2 – Appropriate Assessment:** if significant effects are anticipated, identifying the implications of the plan on the integrity of the relevant European Sites in view of their conservation objectives. This stage is intrinsically linked to Stage 3 as the adoption of mitigation measures will influence the conclusions of the Appropriate Assessment.
- **Stage 3 – Mitigation Measures and Alternative Solutions:** identifying mitigation measures to avoid adverse effects or developing alternative solutions in cases where it is not possible to avoid these.

Scope and Objectives

2.13 The Ecology Partnership Ltd has been instructed to undertake an assessment for the proposed development at Bird in Eye Farm in relation to the Ashdown Forest SPA and SAC, which is also a SSSI. No additional internationally designated sites are present within 10km of the red-line boundary of the site.

2.14 This report identifies the proposals of the site and the significance of these proposals in terms of the protected site. A description of the site and the development proposals as shown on the sketch masterplan are presented within this report.

3.0 Review of Planning Policy with regards to Protected Areas

3.1 A review of literature, including Local Plan policies, the adopted Core Strategy, and a review of other literature, which should be considered as part of the assessment, is included within this section of the report.

Protected Area – Ashdown Forest SPA, SAC and SSSI

3.2 Ashdown Forest is an area of 2,715ha with continuous lowland heath and semi-natural woodland, both wet and dry. The Forest was designated as a SAC for its European dry heaths and North Atlantic wet heaths with *E. tetralix*. Great crested newts are present in qualifying numbers but are not a primary reason for site selection. The site is classified as an SPA and qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the

Directive: Dartford Warbler (*Sylvia undata*), representing at least 1.8% of the breeding population in Great Britain (count as at 1994); and Nightjar (*Caprimulgus europaeus*), representing at least 1.0% of the breeding population in Great Britain (two year mean, 1991 & 1992). Ashdown Forest gained SSSI designation in 1986 and part of the site is a Local Nature Reserve (LNR) managed by the Sussex Trust for Nature Conservation. The site supports several uncommon plants, a rich invertebrate fauna, and important populations of heath and woodland birds.

National Planning Documentation

- 3.3 National policy guidance is provided by National Planning Policy Framework (NPPF 2023), which sets out the Government's planning policies for England and how they should be applied. Section 15 of the document is entitled 'Conserving and Enhancing the Natural Environment', notably section, notably section 181 and 182.

Local Policy

- 3.4 On 19 February 2020, Wealden District Council formally withdrew its draft Wealden Local Plan 2019 following its Stage One examination process.
- 3.5 It should be noted that the Council still has a statutory development plan that consists of the adopted Wealden District Core Strategy Local Plan (February, 2013), the saved policies of the adopted Wealden Local Plan (1998) and the Affordable Housing Delivery Local Plan (May, 2016).
- 3.6 On 9 July 2015 in response to a Court of Appeal decision the Council has made changes to its Core Strategy Policy WCS 12 relating to Ashdown Forest. Prior to the Court of Appeal Judgement Policy WCS12 provided that any net increase in residential development between 400m and 7km would be required to mitigate its recreational impact through the provision of Suitable Alternative Natural Green Space (SANGS) and on-site visitor management measures. The reference to the 7km zone of influence and the specific mitigation detailed has now been removed.
- 3.7 As a result of the CoA decision, all planning applications will be screened by WDC (the competent authority) and if it is determined that an application either alone, or in

combination with other plans or projects, is likely to result in a significant effect on the SPA, then an appropriate assessment will be required to determine the implications for that site in view of the site conservation objectives. Where the implications for the site are not known or they are uncertain then the precautionary approach must be applied.

- 3.8 Policies which are considered to be relevant are the altered WCS12 Biodiversity; WCS13 Green Infrastructure and WCS14 Presumption in Favour of Sustainable Development.
- 3.9 Policy WCS12 (Biodiversity) states that the Delivery and Site Allocations Development Plan Document will create a 400m exclusion zone *“for net increases in dwellings”*. It must be noted that the application site is located within the 7km exclusion zone around Ashdown Forest.

Natural England Guidelines – SANGS Guidance

- 3.10 Suitable Accessible Natural Green Space, has been considered effective in delivering development whilst not compromising the integrity of the Thames Basin Heaths which are SPAs.
- 3.11 SANGS are intended to provide mitigation for the potential impact of residential development on the SPA by preventing an increase in visitor pressure on the SPA. SANGS guidance has been briefly reviewed here to identify key points for which the land and open space provision is to be provided for within the Bird in Eye Farm master plan and to ensure it can be used for design guidance. These design guides will help develop the greenspace/SANGS land which can be used by local people for every day activities, such as dog walking, which other wise they will use on the Ashdown Forest SPA/SAC.
- 3.12 SANGS may be created from:
- Existing open space of SANGS quality with no existing public access or limited public access, which for the purposes of mitigation could be made fully accessible to the public;
 - Existing open space which is already accessible but which could be changed in character so that it is more attractive to the specific group of visitors who might otherwise visit the SPA;
 - Land in other uses which could be converted into SANGS.

3.13 Individual SANGS checklist is as follows:

- It should be possible to complete a circular walk of 2.3-2.5km around the SANGS;
- The accessibility of the site must include access points appropriate for the particular visitor use the SANGS is intended to cater for;
- The SANGS must have a safe route of access on foot from the nearest car park and/or footpath/s.
- All SANGS with car parks must have a circular walk which starts and finishes at the car park.
- SANGS must be designed so that they are perceived to be safe by users; they must not have tree and scrub covering parts of the walking routes.
- Paths must be easily used and well maintained but most should remain unsurfaced to avoid the site becoming too urban in feel.
- SANGS 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.
- Access within the SANGS must be largely unrestricted with plenty of space provided where it is possible for dogs to exercise freely and safely off lead.
- SANGS must be free from unpleasant intrusions (e.g. sewage treatment works smells etc).
- SANGS should be clearly sign-posted or advertised in some way.
- SANGS should have leaflets and/or websites advertising their location to potential users. It would be desirable for leaflets to be distributed to new homes in the area and be made available at entrance points and car parks.

Desirable features:

- It would be desirable for an owner to be able to take dogs from the car park to the SANGS safely off the lead.
- Where possible it is desirable to choose sites with a gently undulating topography for SANGS
- It is desirable for access points to have signage outlining the layout of the SANGS and the routes available to visitors.
- It is desirable that SANGS 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 on part, but not the majority of sites is desirable.

- Where possible it is desirable to have a focal point such as a view point, monument etc within the SANGS.

Supporting Documentation

- 3.14 A number of reports / notes and publications have been reviewed including;
- Visitor Surveys at Potential SANGs sites in Wealden District. Footprint Ecology 2015
 - Progress on the development of an Interim SANGS mitigation Strategy Wealden District Council (not dated);
 - Protecting the Ashdown Forest – the Local Plan 2013 – 2027 WDC 2013;
 - Note relating to Wealden district council core strategy supporting document ‘Wealden District Council Proposed Submission Core Strategy Habitats Assessment Regulations The assessment of the increase in traffic resulting from the Wealden District Proposed Submission Core Strategy on The Ashdown Forest Special Area of Conservation and The Lewes Downs Special Area of Conservation February 2011’.
 - Wealden District Local Development Framework Assessment of the Core Strategy under the Habitats Regulations (August 2011);
 - Clarke et al (2010): Ashdown Forest Visitor Survey Data Analysis;
 - UE Associates & University of Brighton (2009): Visitor Access Patterns on Ashdown Forest.
- 3.15 The Core Strategy HRA (2011) has also been reviewed. Whilst consideration for Nitrogen has now been reviewed due to the withdrawal of the Local Plan 2019 submissions. The HRA concluded there would be no impacts resulting from the Core Strategy resulting from increase car use and Nitrogen.

4.0 Discussion of Potential Impacts

4.1 Impacts can be divided in to direct and indirect impacts. Direct impacts are usually associated with development adjacent to or on land that has been designated or on land which is considered to be 'functionally linked'. Functionally linked land, land which is used by qualifying features (wintering birds for example), is land which is not designated but would be important to the qualifying futures. As such impacts on these habitats would also need to be considered within the development process.

4.2 Examples of direct impacts which are considered significant include:

- Causing damage to the coherence of the site or to the series (for example, presenting a barrier between isolated fragments, or reducing the ability of the site to act as a source of new colonisers) please note that this also includes functionally linked land;
- Causing reduction in the area of habitat or of the site;
- Causing direct change to the physical quality of the environment (including the hydrology).

4.3 Indirect effects, which may not result in the loss or fragmentation of habitats, are also significant in terms of protected habitats integrity.

4.4 Impacts can be screened, screening out impacts which will not result in a likely significant impact (LSE) and which would not require further assessments, and others which would be screened in. These are impacts which may result in a significant effect and result in impacting the qualifying features of the SPA.

4.5 Mitigation measures cannot be considered within the screening process as per the Judgment of the Court (Seventh Chamber) of 12 April 2018 *People Over Wind and Peter Sweetman v Coillte Teoranta* Request for a preliminary ruling from the High Court (Ireland).

4.6 The CJEU in *People over Wind v Coillte Teoranta* has revoked the position adopted under the *Dilly Lane* Decision that it was right and proper for mitigation or avoidance measures, which formed a feature of a plan / project, to be viewed as integral to the plan / project and not excluded when considering the likely significance test at Regulation 63(1).

- 4.7 The decision by the CJEU ruled that:
- “Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.”*
- 4.8 In accordance with this ruling, avoidance or mitigation measures cannot be considered at the first stage of the test (the ‘Likely Significant Effect’ stage) and can only be considered at the Appropriate Assessment stage.
- 4.9 Considering the review of the HRAs produced for the District Plan ranging from September 2010 (The Ashdown Forest Visitor Survey Data) to the review of the District Allocations (Lilley 2021) the following impacts required screening;
- Recreational pressure.

Recreational Pressure

- 4.10 An increase in recreational pressure and result in European site’s integrity include ‘wear and tear’ increasing resulting from an increase in the local population. Such recreational impacts can affect the qualifying features, such as increased disturbance which can impact the long term health of individuals / populations or trampling of supporting habitats.
- 4.11 With increasing residential development close to the SPA these habitats will experience additional pressure from people using the designated sites for recreation.
- 4.12 Disturbance is caused by people directly to the bird species of interest. The disturbance is intensified by its close proximity to the birds (walking within the SPA) and the frequency of the disturbance (increased usage). The two main groups of visitors to the heaths likely to cause disturbance are walkers and dog walkers, because of the nature of their activities and the frequency with which they visit the heaths
- 4.13 Some research indicates that people with dogs can have a greater impact on birds than people walking without dogs, especially where dog walkers let their dogs off the lead.

- However. It cannot be assumed that walkers without dogs do not have an impact on the SPA birds.
- 4.14 Disturbance causes stress to birds, regular fleeing adds to energy expenditure and reduces the amount of time an adult bird spends at its nest. Increased time away from the nest can affect nesting success, through the nest being more frequently exposed to predators, a reduction in the amount of time eggs are incubated and a reduction in the amount of food being brought to chicks. Disturbance can also cause delays to the start of breeding and thus the number of broods that could be raised in any one season.
- 4.15 The recreational use of the SPA can also lead to physical changes to the heathland habitat. Sites with increased recreational pressure have increased management costs, because the extra use inevitably results in extra damage. Essential habitat management and improvement work, such as grazing and scrub clearance, can be impeded, or more expensive, as a result of higher levels of people on the heaths.
- 4.16 As the proposed development lies within the 7km impact zone an increase in housing, will likely result in an increase use of the SPA. As such, recreational impact is screened in.

In Combination Effects

- 4.17 The development of the application area must be considered alongside the allocated sites and the District Plan, alongside other plans, notably Wealden District, Lewes District Council and Tunbridge Wells Borough Council.
- 4.18 It is considered that in combination with the above that likely significant impacts may arise. These include;
- Increase in 'wear and tear' of the designated habitats through increase recreational impacts; including increase in bird disturbance from recreational impacts, impacting upon the qualifying features of the designated site.
- 4.19 The screening assessment has identified that recreational pressure impacts can not be screened out. As such, an appropriate assessment of these potential effects, is required.

5.0 Appropriate Assessment

- 5.1 In the absence of avoidance or mitigation measures there is potential for the development proposals to lead to a significant effect on The Ashdown Forest SPA SAC site via potential disturbance effects through recreation.
- 5.2 As outlined in Section 5 above, potential disturbance effects to qualifying bird species arising from an increase in informal recreation on the Ashdown Forest have been identified.
- 5.3 To address these effects, a package of avoidance and mitigation measures are proposed. This comprises two key elements: firstly, provision of an appropriate financial contribution towards management and monitoring at the SPA, in accordance with the Wealden District Council SAMM requirements; secondly, the provision of enhancements to on-site public open space to maximise opportunities for informal recreation including dog walking, i.e. the creation of an on site SANG.
- 5.4 The landscape masterplan shows extensive areas of open space provision and SANG land, see figure 3 below. The figure shows the development boundaries and the SANG area (dark green) and public open space (light green).
- 5.5 The site will support SANGS, totalling 8.69ha. At 190 units, 2.4 people per unit a total increase in population of 456, where SANGS requirement is 8ha per 1000 increase in population, the SANG land at a minimum would be 3.65ha. It can be seen that the SANG land provided is over double what would be required. The required SANGS route would be a minimum of 2.5km circular walk. The SANGS land is shown in the landscape masterplan.
- 5.6 As such the proposed development fulfils the policy objective and provides additional more amenity land and space within the development proposals. Indeed, the SANGS supports an additional 5.04ha of land.



Figure 3: Outline SANGS plans

5.7 All housing will provide a SAMM contribution following Wealden District Council standard guidance.

5.8 The SANG contributions follow Natural England (2008) Guidance. Furthermore, the SAMM contributions support avoidance and mitigation measures. These are considered sufficient as to ensure that there is no adverse effect on the SPA through recreational impacts.

6..0 Assessment Method for Determining Effects on Site Integrity

6.1 Judgements of whether the integrity of the European sites are likely to be adversely and significantly affected should be made in relation to the features for which the European site was designated, their formal Conservation Objectives, and set against the definition of integrity.

6.2 English Nature (now Natural England) produced internal guidance on determining site integrity (English Nature, 2004), which includes “*a simple, pragmatic checklist for assessing the likely effect on integrity*”. This asks the competent authority to pose a series of five questions, as follows:

- a) That the area of Annex I habitats (or composite features) will not be reduced?
- b) That there will be no direct effects on the populations of the species for which the site was designated or classified?
- c) That there will be no indirect effects on the populations of the species for which the site was designated or classified due to loss or degradation of their habitat (quantity/quality)?
- d) That there will be no changes to the composition of the habitats for which the site was designated (e.g. reduction in species structure, abundance or diversity that comprises the habitat over time)?
- e) That there will be no interruption or degradation of the physical, chemical or biological processes that support habitats and species for which the site was designated or classified?

6.3 The guidance suggests that if the answer to all of these questions is ‘Yes’ then it is reasonable to conclude that there is not an adverse effect on the integrity. If the answer is ‘No’ to one or more of the questions, then further site-specific factors need to be considered in order to reach a decision.

6.4 The effects of the proposed development, together with avoidance and mitigation measures, are considered in relation to Natural England’s site integrity checklist in Table 1 below:

Table 1: Consideration of Natural England's integrity checklist

	Qualifying Interest Feature
Ashdown Forest SPA	Nightjar, woodlark, Dartford warbler
Has the Information for Appropriate Assessment shown that:-	
1) the area of Annex I habitats (or composite features) will not be reduced?	Yes – there is no land loss or land take. There is no fragmentation or isolation of SPA habitats.

2) there will be no direct effect on the population of the species for which the site was designated or classified?	Yes – habitats required for breeding, foraging within the SPA are being retained. There is no loss of habitat.
3) there will be no indirect effects on the populations of species for which the site was designated or classified due to loss or degradation of their habitat (quantity / quality)?	Yes – air quality has been assessed and is considered that impacts would not result in the alterations of on site habitats which could affect integrity. Recreational impacts have been addressed through SANGs creation and SAMM funding.
4) there will be no changes to the composition of the habitats for which the site was designated (e.g. reduction in species structure, abundance or diversity that comprises the habitat over time)?	Yes - air quality has been assessed and is considered that impacts would not result in the alterations of on site habitats which could affect integrity. Recreational impacts have been addressed through SANGs creation and SAMM funding.
5) that there will be no interruption or degradation of the physical, chemical or biological processes that support habitats and species for which the site was designated or classified?	Yes - urbanisation effects have been screened out and there are no predicted impacts from hydrological changes, light, dust, and other urban edge impacts. Recreational impacts have been addressed through SANGs creation and SAMM funding.

6.5 As the project alone or in combination would not contribute to an overall significant effect that may have an adverse effect on the integrity of this European / international designated site, the proposed development would by definition be acceptable, subject to securing the mitigation and avoidance measures proposed.

6.6 It is therefore concluded that the development proposals would by definition be acceptable under the tests of the Habitats Regulations and therefore in those terms it is considered that the Competent Authority could legally and safely grant consent for the proposed plan / project.

7.0 Conclusion of Appropriate Assessment

7.1 Having considered all of the potential significant effects that could arise from the development proposals, in light of the avoidance and mitigation measures which form an integral part of the development, it is concluded that the proposals would not be likely to give rise to a significant effect on the integrity of the Ashdown Forest SPA SAC when the

development proposals are considered, either alone or in combination with other plans or projects.

- 7.2 The findings of this work are set out within this document such that the Competent Authority (Wealden District Council), in exercising their duties under the Habitats Regulations, has all the necessary information before them in considering the development proposals.

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