



Land at Bird in Eye Farm,
South of Bird in Eye Hill,
Uckfield

Statement of Information to Inform Habitats Regulations Assessment

Prepared by
CSA Environmental

on behalf of
Croudace Homes Ltd and
Mr and Mrs Berry

Report Ref: CSA/2646/12

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This report may contain sensitive ecological information. It is the responsibility of the Local Authority to determine if this should be made publicly available.

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CONTENTS	Page
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1.0	Introduction	2
2.0	Legislation and Planning Policy Summary	3
3.0	Habitats Regulations Assessment Process	4
4.0	internationally designated sites within Zol	8
5.0	Exemption, Exclusion and Elimination	11
6.0	Screening for Likely Significant Effects	12
	Ashdown Forest SAC	12
	Ashdown Forest SPA	18
7.0	Appropriate Assessment	23
	Recreational Pressure	23
	Avoidance / Mitigation Measures	26
	Effects on Integrity	27
8.0	Summary and Conclusion	28
9.0	References	29

Appendices

Appendix A: Habitats Plan (CSA/2646/108/C)

Appendix B: MAGIC map showing International Designations

Appendix C: Landscape Strategy and SANG Design Plan (CSA/2646/114/H)

Appendix D: Habitats Regulations – Notable Case Law

Appendix E: Description of Internationally Designated Sites

Appendix F: Wealden District Council SANG Criteria & Bird in Eye Farm Provision

Appendix G: Natural England Consultation Responses

1.0 INTRODUCTION

- 1.1 This Statement of Information has been prepared by CSA Environmental on behalf of Croudace Homes Ltd and Mr and Mrs Berry, in relation to Land at Bird in Eye Farm, South of Bird in Eye Hill, Uckfield (hereafter referred to as 'the Application Site') where residential development is proposed. It provides information to assist the Wealden District Council, as Competent Authority, in their consideration of whether the proposed development will have any likely significant effects on internationally designated sites (previously referred to as Natura 2000 / European sites), and in ascertaining any adverse effects on their integrity, as required under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.
- 1.2 The information presented here has been prepared with regard to the current legal context for Habitats Regulations Assessment. In April 2018 the Court of Justice for the European Union (CJEU) ruled that, contrary to domestic case law, guidance and common practice in the UK, it is not correct to take into consideration any factors intended to avoid or reduce harmful effects (i.e. 'mitigation' measures) at the initial screening stage of HRA (see Case C-323/17). Rather, such measures should be considered in the second stage of assessment under Article 6(3) of the Habitats Directive, i.e. Appropriate Assessment.

Project Description

- 1.3 The Application Site comprises c 40.53ha in total. Residential development of up to 290 units with associated gardens, parking, landscaping and access infrastructure is proposed. The development will also include c. 6.28ha of Public Open Space (POS) and green infrastructure to include new native species planting, a play area and recreation routes including new pedestrian footpath links, and a Sustainable Drainage System (SUDs) including a large attenuation basin. The proposed development also comprises provision of 26.16ha of strategic Suitable Alternative Natural Greenspace (SANG), situated immediately to the east and south of the proposed development area.

2.0 LEGISLATION AND PLANNING POLICY SUMMARY

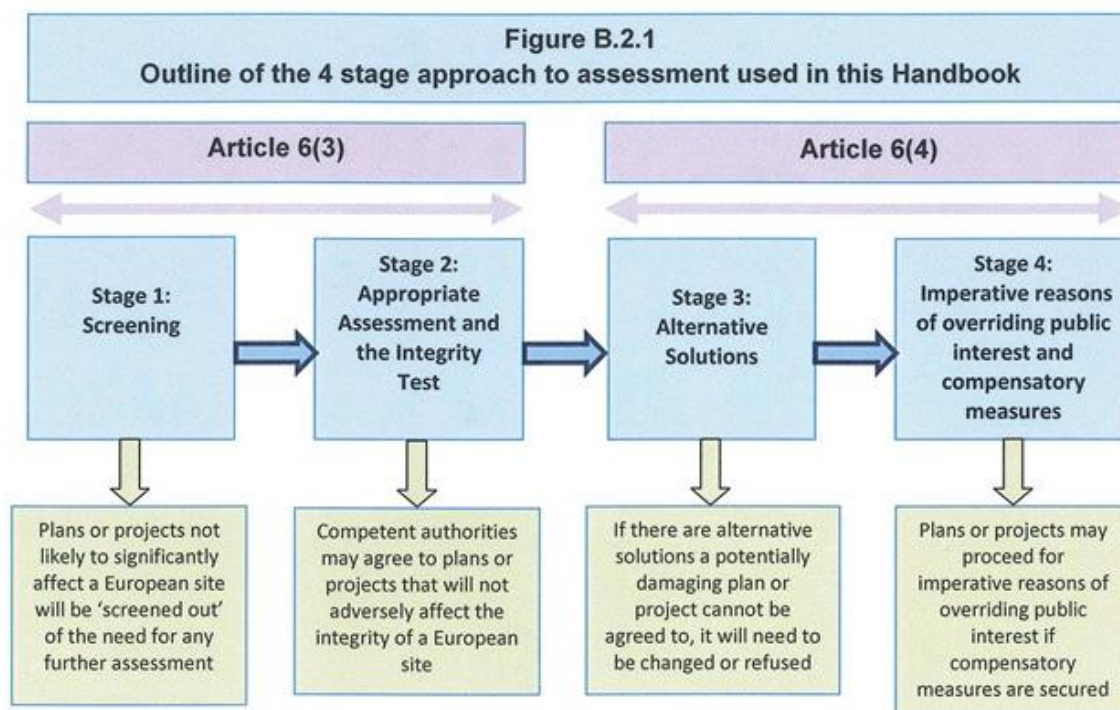
Internationally Designated Sites

- 2.1 All Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) collectively form part of a network of internationally designated sites (formerly referred to as Natura 2000 / European sites prior to the UK departure from the European Union), and are afforded strict protection from the potentially damaging effects of human activities. For ease of reference here, and consistent with their treatment under UK government policy, sites designated by the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971), or 'Ramsar sites', are also included.
- 2.2 The national network of internationally designated sites in England and Wales are afforded protection through the Conservation of Habitats and Species Regulations 2017 (as amended). These Regulations are widely referred to as the 'Habitats Regulations'. Regulation 63 of these Regulations states that, *'A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European site...(either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.'* This assessment process is commonly referred to as 'Habitats Regulations Assessment' (HRA).
- 2.3 The above Regulations formally transposed Article 6(3) of Council Directive 92/43/EEC on the 'Conservation of Natural Habitats and of Wild Fauna and Flora', commonly referred to as the 'Habitats Directive'. This Directive is the means by which the European Union meets its obligations under the Bern Convention (1992) on the Conservation of European Wildlife and Natural Habitats. Following the UK's departure from the European Union, the provisions of the Regulations have been retained through enactment of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, which came into force on 31 December 2020.
- 2.4 Further details of the legal and policy background to HRA are provided within Appendix B.

3.0 HABITATS REGULATIONS ASSESSMENT PROCESS

- 3.1 Habitats Regulations Assessment is a step-wise, decision-influencing process, undertaken by a competent authority to ensure compliance with the provisions of the Habitats Regulations, introduced in the preceding section.
- 3.2 The HRA process is set out in Figure 1 below, which is taken from the online DTA Ecology HRA Handbook which aims to improve the understanding and interpretation of the Habitats Regulations; and aid consistency in applying their requirements in respect of plans and projects. The Handbook is intended for use by decision makers in 'competent authorities'; those in Government, statutory agencies or third sector organizations; and lawyers or consultants providing advice. Guidance provided within the Handbook is considered to be consistent with guidance produced, and the approaches adopted, by the statutory bodies (including Natural England).

Figure 1. HRA Process as outline within Figure B.2.1. of the HRA Handbook (DTA Ecology)



Screening (Stage 1)

- 3.3 The screening stage is a preliminary examination of possible significant effects. The screening process should decide if a project is exempt (e.g. if it is directly connected to the management of the internationally designated site), or if aspects of the project may be

'screened out' from further consideration because they would not be likely to have a significant effect on the designated site, either alone or in combination with other plans or projects. If significant effects cannot be excluded on the basis of objective information without extensive investigation, a project should be considered to have likely significant effects and be taken through to Stage 2: Appropriate Assessment.

3.4 The screening exercise is often referred to as the test for 'likely significant effect'. Further to European case law, separate from the common English meaning, 'a likely significant effect' should be interpreted as a possible effect that would undermine the conservation objectives for an internationally (European) designated site, either from the proposal alone or in combination with other plans or projects. The possible effects which should be considered in the screening assessment will need to include, and not necessarily be limited to:

- Physical Loss (e.g. direct land take for development)
- Physical Damage (e.g. habitat degradation arising from recreation)
- Non-Physical Disturbance (e.g. noise or vibration during construction)
- Water Table/Availability (e.g. flooding due to increased run-off)
- Toxic Contamination (e.g. water pollution from chemical spills)
- Non-Toxic Contamination (e.g. airborne dust pollution during construction)
- Biological Disturbance (e.g. introduction of domestic animals)

3.5 An effect which is not considered to be significant might be described as '*de minimis*'.

Conservation Objectives

3.6 For all internationally designated sites (formerly referred to as Natura 2000 / European sites), site selection information is stored on a standard data form. Article 4 of the Habitats Directive sets out what information is required and the main objectives of the Natura Standard Data Form is to provide the necessary information for the Commission to co-ordinate measures to create a coherent network of sites and to evaluate its effectiveness for the conservation of Annex I habitats and Annex II species of Council Directive 92/43/EEC and Annex I bird species covered by Council Directive 79/409/EEC.

3.7 EU guidance (Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/CEE) makes it clear that maintenance of favourable conservation status at a site level must be evaluated

against the initial conditions provided in the original Natura 2000 standard data form, as prepared when the site was proposed for designation. In respect of any assessment of effects of a plan or project on the Natura 2000 site, the integrity of the site is defined as *“the coherence of the site’s ecological structure and function, across the whole area, or of the habitats, complex of habitats and/or populations of species for which the site is or will be classified.”* The guidance goes on to say that the integrity of the site involves its ecological functions and any decision as to whether a site is adversely affected should focus on and be limited to the site’s conservation objectives.

3.8 Details of Conservation Objectives for the designations considered within this report are provided within Section 4.0. In addition to this information, the following Natural England data sources have also been considered as appropriate, although it should be noted that the current reportable condition of a feature, based on latest condition assessment information, should not be used to justify screening out effects on a feature (Natural England, 2018):

- Condition Assessments for component Sites of Scientific Interest (SSSI) which make up the international (European) Designations; and
- Site Improvement Plans for international (European) sites.

Appropriate Assessment (Stage 2)

3.9 Within Article 6(3) of the Habitats Directive, any plan or project *“likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment”*. As such, Appropriate Assessment (AA) may be triggered by the finding of a potentially significant effect, either alone or in combination with other plans or projects, which undermines the conservation objectives of the respective designated site.

3.10 AA provides an objective assessment of the implications of a plan or project on the conservation objectives for a designated site, based on the best scientific knowledge, in order to inform the ‘Integrity Test’ which follows. It is a key conservation objective of the Habitats Directive to maintain or restore habitats and species at ‘Favourable Conservation Status’.

3.11 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 for which it was classified. It therefore relates to the lasting preservation of qualifying features at favourable conservation status, and the constitutive characteristics of the site which are connected with the presence of that features. This in turn highlights the importance of the conservation objectives. It follows that not all 'effects' are adverse to site integrity.

- 3.12 The 'Integrity Test' must take account of the 'Precautionary Principle', which requires the Competent Authority to only give consent / carry out the plan or project only after having ascertained that the plan / project will not adversely affect the integrity of the internationally designated (European) Site.
- 3.13 This document provides information required to undertake AA of any likely significant effect in relation to those internationally (European) designated sites which have been 'screened in' during Stage 1.

HRA Stages 3 & 4

- 3.14 Where it cannot be ascertained that there will be no adverse effects upon the integrity of a designated site, HRA must progress to Stage 3 (Alternative Solutions) and Stage 4 (Imperative Reasons of Overriding Public Interest and Compensatory Measures), pursuant to Article 6(4) of the Habitats Directive.
- 3.15 If there are no alternative solutions to a potentially damaging plan or project, it will need to be changed or refused in the absence of imperative reasons of overriding public interest, in which case all compensatory measures necessary to ensure the protection of the coherence of the overall national network of internationally designed sites must be secured.

4.0 INTERNATIONALLY DESIGNATED SITES WITHIN ZOI

Zone of Influence

- 4.1 The spatial scope of any HRA should be based on the likely environmental outcomes of the plan and the anticipated range of any effects, i.e. the Zone of Influence (Zoi), and the features for designation of the internationally designated sites that may be affected, their conservation objectives and their potential vulnerabilities.
- 4.2 The Zoi of a project will vary according to the aspect being considered (i.e. impact pathway, feature for designation or vulnerability) and as such, use of arbitrary special buffers may not always be possible. However, as distance strongly influences the scale and likelihood of most effects it is considered that the use of precautionary radii is appropriate as a starting point.
- 4.3 HRA Screening has been undertaken in relation to plans and projects within the region, the Zoi of the proposed development is considered to comprise internationally designated sites within a 10km radii of the Application Site.
- 4.4 The following designated sites are considered within the scope of this assessment and are identified within Appendix B:
- Ashdown Forest SAC (c. 5.8km north)
 - Ashdown Forest SPA (c. 5.4km north)

Conservation Status, Objectives and Vulnerabilities

Conservation Status

- 4.13 The conservation status of internationally designated sites is not routinely reported on by Natural England, however condition monitoring of component Sites of Scientific Interest (SSSIs) is undertaken at regular intervals. Whilst the boundaries of component SSSI units do not always match the boundaries of internationally designated sites, SSSI condition status gives an indication of overall ecological status.

Conservation Objectives

- 4.14 In line with conservation objectives for internationally designated sites published by Natural England, the following high level objectives apply to all of the SACs and SPAs.

4.15 SACs: With regards to SACs and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features') 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 (as applicable to each site):

- 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 the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

4.16 SPAs: With regards to SPAs the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features') 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 maintain or restoring (as applicable to each site):

- 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 population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

4.17 With regards to Ramsar sites, Natural England has indicated that as the provisions of the Habitats Regulations relating to HRA extend to Ramsar sites, it is considered that the Conservation Objectives and associated advice packages, for SACs/ SPAs with overlapping boundaries and similar features for designation for Ramsar sites, should be considered when assessing potential effects (Natural England, 2019). For the purpose of this assessment the same conservation objectives have been applied to potential SPAs (pSPAs).

Known Vulnerabilities

4.18 Known vulnerabilities were identified within published research and Natural England Site Improvement Plans, as available. Threats,

pressures and activities with impacts on the site are also considered, as stated within the Natura Standard Data Form for each of the internationally designated sites.

5.0 EXEMPTION, EXCLUSION AND ELIMINATION

- 5.1 It is necessary in the first instance to undertake preliminary screening to determine whether the proposed development is exempt, excluded or eliminated from the Regulation 63 requirements, and to refine which internationally designated sites warrant further consideration. If the proposed development 'passes' any of the preliminary screening tests shown below in Table 1, then no further screening for likely significant effects is required.

Table 1. Preliminary Screening		
Screening Test	Pass?	Further screening required?
Q1. Is the whole proposed development directly connected with or necessary to the management of an internationally designated Site for nature conservation purposes?	No	Yes
Q2. Is the proposed development the continuation, without material change, of ongoing activities not subject to any form of authorisation?	No	Yes
Q3. In light of the nature, scale, duration and location of the proposed development, is it obvious that it could not have any conceivable effect on any internationally designated site?	No	Yes

- 5.2 In view of the final preliminary screening test in Table 1, it is the professional opinion of the author that the following internationally designated sites could conceivably be affected by the scheme, in view of its nature, scale, duration and location. These designations will therefore be screened for likely significant effects:

- Ashdown Forest SAC (c. 5.8km north)
- Ashdown Forest SPA (c. 5.4km north)

- 5.3 Comprehensive details on the characteristics of the above internationally designated sites are presented in Appendix E. These characteristics form the basis of assessment and include their spatial relationship with the Site, component Sites of Special Scientific Interest (SSSIs), qualifying features, published conservation objectives and any known vulnerabilities or threats to their favourable conservation statuses.

6.0 SCREENING FOR LIKELY SIGNIFICANT EFFECTS

- 6.1 In the context of the information on internationally designated site characteristics (Appendix E), potential impact pathways shared by the proposed development and the conservation objectives of the internationally designated sites identified in Section 5 of this report are screened below.
- 6.2 Pathways are considered on the basis of the development as *proposed*, including any facets which may, in addition/secondary to their primary purpose, act to mitigate potential effects that might otherwise occur on internationally designated sites (such as standard pollution prevention controls). However, in accordance with the 'People Over Wind' ruling of the CJEU (Case C-323/17), screening for likely significant effects takes place in the absence of measures specifically adopted to avoid or reduce harmful effects on internationally designated sites.

Ashdown Forest SAC

Table 2. Screening for Likely Significant Effects: Ashdown Forest SAC	
Describe any likely changes to the site or its qualifying features arising as a result of the following impact pathways:	
Land take by development within internationally designated site	None: Application Site not within or immediately adjacent to SAC
Fragmentation of internationally designated site habitats	None: Application Site not within or immediately adjacent to SAC
Increased mortality of key species	<p>None:</p> <p><i>Construction Phase:</i></p> <p>No direct impacts to habitats which form qualifying features of the SAC (i.e. wet and dry heath) shall occur as a result of the proposed development, given the intervening distance.</p> <p>No direct impacts to populations of great crested newt (Annex II species; qualifying feature) are anticipated during construction. In line with Natural England guidance (2001) it is accepted that great crested newts have a typical dispersal range of approximately 500m. Given that the development site is located in excess of 5.8km of the SAC, it is considered that populations associated with the SAC would not be affected by construction of the proposed development. In addition, surveys of ponds within 500m of the Application Site were undertaken by CSA in 2019 (where access allowed); with eDNA sampling returning negative results and pond surveys using bottle trapping and torching techniques recording no presence of great crested newts (CSA Environmental, 2021). As such no adverse impacts to this species are anticipated.</p>

	<p><i>Operational Phase:</i> No direct loss of heathland species are predicted as a result of the proposed development (potential habitat degradation effects are discussed herein).</p> <p>Whilst new residential development has the potential for increases in domestic pets (which may predate GCN), given the intervening distance between the proposed development and the SAC no adverse effect from increased predation of GCN within the SAC is anticipated. Domestic cats are known to range up to 355m to hunt their prey (Hanmer, H.J. <i>et al</i>; 2017); and the SAC is well in excess of this from the proposed development.</p>
Disturbance to key species / deterioration of habitats within the internationally designated site	<p><i>Construction Phase:</i> No direct disturbance of qualifying features within the SAC is anticipated during the construction phase as the proposed development is remote from the SAC.</p> <p><i>Operational Phase:</i> The Data Form for the SAC identifies recreational activities as being a risk to wet and dry heathland habitats which form qualifying features of the SAC. Visitor studies undertaken between 2008 and 2016 have identified high and frequent use of Ashdown Forest by local people, primarily for dog walking; with the majority of visitors (including 100% of frequent visitors) travelling to Ashdown Forest from within a distance of 7km (Wealden District Council, 2019).</p> <p>The proposed development will accommodate an increase of c. 696 people (based on 2.4 per dwelling) within 5.8km of the SAC. The proposed development includes the provision of public open space, which would absorb a proportion of frequent recreation, such as dog walking, however it is possible that a proportion of new residents may also visit Ashdown Forest for this purpose. The potential for likely significant effects to arise as a result of this are discussed below.</p>
Disturbance to key species/deterioration of supporting habitats, beyond the internationally designated site	<p>None: No supporting habitats for the SAC qualifying features are present within the proposed development.</p>
Atmospheric pollution/air quality	<p>Woodland and heathland habitats and their associated flora are sensitive to the effects of air pollution, in particular through eutrophication/acidification as a result of increased atmospheric nitrogen from road traffic emissions. Habitats within Ashdown Forest are known to be sensitive to nitrogen deposition.</p> <p>Increases in vehicle movements have the potential to increase NOx (nitrogen oxide) emissions, which can an effect botanical species composition and structure as a result of acidification and eutrophication. In addition,</p>

	<p>increased ammonia (NH₃) concentrations within the atmosphere can lead to increased rates of nitrogen deposition. Eutrophication could have an effect on the composition of habitats for which the SAC is designated.</p> <p>Increases in NO_x emissions (and therefore nitrogen deposition) can impact vegetation within 200m of a road network, with pollutant concentration dropping off rapidly with distance from the road, and any impact considered to be negligible at distances over 200m (Highway Agency, 2007). Natural England (June 2018) and Highways England are in agreement that effects of protected sites fall within this radii need to be considered.</p> <p>A total of 68 roads occur within 200m of the SAC; a number of which may be used by new residents of the proposed development during its operational phase. The potential for construction phase effects should also be considered.</p> <p>As such, the potential for likely significant effects to arise as a result of increased vehicle emissions on this road network are discussed below.</p>
Hydrological regime change	None: Surface water from the proposed development will drain into the Framfield Stream, immediately west of the Site, which drains into the River Uck. The River Uck ultimately drains into the River Ouse and the English Channel at Seaford, and does not share any hydrological connectivity with the Ashdown Forest SAC.
Pollution of surface/ground water	None: as above.
<i>Describe from the above those facets of the proposed development, or combination of facets, where the above effects have the potential to be significant, or where the scale or magnitude of effects is not known.</i>	
<p>Recreational Disturbance / Habitat Degradation</p> <p>The majority of data published in relation to degradation / disturbance as a result of increased visitor pressure at Ashdown Forest has been published in relation to Ashdown Forest SPA; and the effects that such disturbance can have on the reproductive success of ground nesting bird species for which the SPA is designated (discussed in relation to the SPA herein).</p> <p>However, increased visitor pressure may also have the potential to result in degradation of qualifying features of the SAC (wet and dry heaths) as well as populations of great crested newt. The proposed development will accommodate an increase of c. 696 residents (based on 2.4 per dwelling for 290 units) within 5.8km of the SAC. Based on the methodology presented in the NECR048 Report (Natural England, 2010), it can be calculated that this level of population increase could result in up to an additional 11.31 visitors per 16 hrs (based on the NE Metric which suggests 3.9 visitors to the SPA from Uckfield per increase of 100 houses (per 16 hours in September)).</p> <p>Although this metric suggests there will be some increase in visitor numbers to Ashdown Forest (SAC / SPA), this increase is not expected to represent more than c. 0.3% of the estimated total number of annual visitors to the SPA, which is around 1,355,026 (UE Associates, 2009). Given that this predicted increase is fairly small, and the large area that the SCA covers and numerous access points across the SAC, and the fact that many visitors may stick to existing paths which</p>	

may limit direct impacts to heathland habitats and ponds used by GCN, **it is considered unlikely that the proposed development along would result in likely significant adverse effects on the qualifying features of the SAC.** However, the potential for likely significant adverse effects in-combination with other plans / projects is discussed herein.

Air Quality

In line with published Natural England (2018) guidance on road traffic and HRA, it is advised that a step-wise screening approach is taken, where by the habitat sensitivity (of the qualifying feature or which supports the qualifying features) to the emission type (e.g. nitrogen deposition) is ascertained (i.e. critical load), the likely exposure to of sensitive habitats / features to emissions is determined, the increase in emissions / deposition from the proposed plan / project is determined (either Annual Averaged Daily Traffic (AADT) OR % of critical load) and that this is assessed for the project alone and in-combination with other plans / projects.

Where a project would result in an increase of over 1000 AADT for private cars, 200 AADT for heavy good vehicles (HGV) in a 24 hours period OR a $\geq 1\%$ increase in the critical load is anticipated, then a likely significant effect may occur and the plan / project should be screened-in for appropriate assessment. below these thresholds it may be possible to screen out likely significant effects via this pathway.

The sensitivity and critical load for qualifying habitats / features of the Ashdown Forest SAC are published on line by the Air Pollution Information System (APIS; 2021), as follows:

- Wet heath (nitrogen sensitive): critical load 10-20kg N/ha/yr, exceed impacts = transition to grass, Ericaceous species susceptible to frost and drought. Current Nitrogen deposition = 14.2 N/ha/yr (average) (14.9 max – 13.7 min)
- Dry heath (nitrogen sensitive): critical load 10-20 kg N/ha/yr, exceedance impacts = transition from heather to grass dominance, decline in lichens, changes in plant biochemistry, increased sensitivity to abiotic stress. Current Nitrogen deposition = 14.2 N/ha/yr (average) (14.9 max – 13.7 min)
- Great crested newt (supporting habitat sensitive to nitrogen): no critical loading assigned, impacts likely to be site specific. Current Nitrogen deposition = 14.4 N/ha/yr (average) (16.2 max – 12.5 min)

Vehicle Movements

Bellamy Roberts' (2021) have confirmed that traffic modelling data for the proposed development (up to 300 units modelled) suggests that the proposed development will result in increases of HGV movements that are significantly less than the threshold of 200 vehicles AADT within a 24 hours period, including during the construction phase.

Bellamy Roberts (2021) have also confirmed that traffic data for the for the proposed development (up to 300 units modelled) indicates that up to 1740 AADT movements will be generated onto the highway network at the proposed access point onto Bird in Eye Hill (B2102). Whilst the proposed development will generate in excess of the 1000 AADT threshold overall, vehicular traffic will dissipate onto the highway network from the point of access and will be significantly lower than 1,000 AADT on any of the roads identified within 200m of the SAC.

Air Quality

In this instance information is not currently available with regards to the change in critical load levels likely to be generated by the proposed development. However, in line with Natural England (2018) guidance informed by the modelling published in the Design Manual for Roads and Bridges (Highways England, 2019), a change of >1000 AADT on a road was found to equate to a change in traffic flow which might increase emissions by 1% of the Critical Load or Level and might consequentially result in an environmental effect nearby (e.g. within 10 metres

of roadside). As a result, the AADT thresholds and 1% of critical load/level are considered by Natural England's air quality specialists (and by industry, regulators and other statutory nature conservation bodies) to be suitably precautionary, as any emissions below this level are widely considered to be imperceptible and, in the case of AADT, undetectable through the DMRB model. There can therefore be a high degree of confidence in its application to screen for risks of an effect.

Assessment

Given the above, **no likely significant effects** on Ashdown forest SAC are anticipated as a result of increased atmospheric pollution / nitrogen deposition **from the proposed development alone**.

However, given that some additional traffic / vehicular emissions will result from the proposed development, then the potential for likely significant effects in-combination with other plans / projects is discussed herein.

Table 3. Outcome of Screening (proposed development alone)

Could there be <u>any effect</u> on the internationally designated site? (proposed development alone) <i>If no, proposed development is screened out</i>	YES
<u>Will there be likely significant effects</u> on the internationally designated site, or does uncertainty remain over the potential for significant effects? (proposed development alone) <i>If yes, proposed development is screened in</i> <i>If no, assess in combination with other plans or projects below</i>	NO

Table 4. Outcome of Screening (proposed development in combination with other plans or projects)

<i>Outline any other plans or projects with likely significant effects when considered in combination with the proposed development:</i>
<p>The Wealden District Local Plan was published for consultation under Regulation 19 in 2018, and was submitted to the Secretary of State in January 2019. Following examination in spring/summer 2019, the Inspector concluded that the Plan could not be taken forward for adoption. Relevant local policy has therefore reverted to the previously adopted Wealden District Core Strategy Local Plan 2013.</p> <p>The Wealden Core Strategy Local Plan 2013 estimates that around 9,440 dwellings will be provided between 2006 and 2027 (a proportion of which have already been delivered), which includes urban extensions or infill in Uckfield, Hailsham, Polegate and Willingdon, Stone Cross and adjacent to the boundary with Tunbridge Wells in the Parish of Frant. This Plan does not include the Site with its housing allocation.</p> <p>Local Plans for the following districts will may also bring forwards further residential development in proximity to Ashdown Forest SPA, comprise:</p> <ul style="list-style-type: none"> • Lewes District Council • Mid Sussex District Council • Sevenoaks District Council • District of Tandridge • Tunbridge Wells Borough Council
<i>Describe any potential impact pathways and characterise any likely significant effects on the internationally designated sites:</i>
Recreational Pressure

The potential for increased residential development, resulting in increased visitor pressure on Ashdown Forest SAC has been highlighted herein. However, this impact pathway was not considered to result in likely significant effect on the SAC within the HRA undertaken in relation to the adopted Wealden Local Plan (2013) or the HRA for the Draft Local Plan (UE Associate's, 2019); with the main concern with regards to recreational pressure being in relation to Ashdown Forest SPA.

As such, it is considered uncertain if the residential development, in-combination with other new residential development within proposed Uckfield and the surrounding areas, will result in increase in visitor pressure on the Ashdown Forest at a level which may result in likely significant effects on the SAC qualifying heathland habitats, which support qualifying features of the Ashdown Forest SPA. As such, in-combination effects of increased recreational pressure on the SAC will be considered alongside the SPA in the Appropriate Assessment section hereafter.

Air Quality

Ashdown Forest is known to be sensitive to nitrogen deposition from increased traffic flows. The main road corridors of interest are the A22, A275, A26, B2026 and B2188 at Ashdown Forest.

To inform preparation of the new Local Plan (submission version January 2019) Wealden District Council (WDC) commissioned a number of studies to assess likely significant effects of increased nitrogen deposition on internationally designated sites (including Ashdown Forest) from increased vehicle emissions predicted to result from proposed development within the local plan period (2013 to 2028). WDCs appointed consultants modelled three growth scenarios for future baseline conditions;

- A: Existing baseline where no reduction in emission / no emissions improvements to vehicles between 2015 and 2028 and no increase in electric car numbers / no improvements to air quality over time
- B: Partial reduction in emissions as predicted by Defra. This is the approach advocated by the Council's air quality consultants and Natural England who felt it was the most likely and appropriate emissions model
- C: Full reduction in emissions as predicted by Defra taking account of proposed national and international actions (e.g. Clean Air Strategy, National Emissions Ceiling Directives and Road to Zero measures)

WDC (and other relevant LPAs) based their assessment on Scenario A which identified that increases in development coming forwards, would increase nitrogen deposition, NO_x and ammonia adjacent to roads that through Ashdown Forest from associated increased in transport. As such WDC proposed suggested 'mitigation' in the form of Transport Tariff.

However, Natural England advised the WDCs approach was too precautionary. Natural England published updated advice in relation to Ashdown Forest in February 2019 (Natural England, 2019), which states that the *'Modelling undertaken by Wealden District Council, Lewes District Council and other relevant Local Planning Authorities for Local Plan assessments has identified that increases in development coming forward within plans, would increase Nitrogen deposition, Nitrogen Oxides and ammonia adjacent to roads that run through Ashdown Forest from associated increased transport. However, 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.'*

Despite the SAC exceeding critical load / level for nitrogen, Natural England confirm that the *'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. The background levels of Nitrogen are expected to decline with EU and Government clean air strategies and continue the existing downward trend. Notwithstanding the above, large inputs from industrial processes that could disperse over greater distances or large increases in vehicular movements not included within Local Authority modelling would need to be assessed separately for potential impacts on the site.'

The Planning Inspector threw out the Local Plan at the Regulation 19 Examination stage due to it being unsound; with WDCs approach to Ashdown Forest being one of the reasons.

The 2019 Local Plan identifies 4,012 additional units to be delivered between 2013 and 2028, with the WDC modelling being based upon this figure. The proposed development at Bird in eye Farm was not included within the WDC modelling; at the Site was not proposed as a housing allocation with the Draft Local Plan (2019).

The proposed development (290 units) along with 2,104 units that are still to be delivered (as identified within the 2013 Local Plan) and a further 1,209 from other nearby developments, form a total of 3,603 units. The other nearby developments considered comprise: Mallard Drive, Uckfield (119 dwellings), application reference: WD/2013/0415/MRM WD/2012/0806/O, Land at Ridgewood Farm, Uckfield (up to 1,000 dwellings), application reference: WD/2019/1773/MRM WD/2015/0209/MEA, and Land off Eastbourne Road, Uckfield (up to 90 dwellings), application reference: WD/2020/0410/MAO.

As this figure is less than the 4,012 units upon which Natural England considered to have no likely significant effects on the SAC as a result of increased air pollution associated with rises in traffic levels, it is considered that likely significant effects resulting from the in-combination increase of 3,603 dwellings (including 290 from the Site) can be scoped out.

Are significant effects likely when considered in combination with other plans or projects? If yes, proposed development is screened in	Uncertain (recreation)
--	-----------------------------------

Ashdown Forest SPA

Table 5. Screening for Likely Significant Effects: Ashdown Forest SPA	
Describe any likely changes to the site or its qualifying features arising as a result of the following impact pathways:	
Land take by development within internationally designated site	None: Application Site not within or immediately adjacent to SPA
Fragmentation of internationally designated site habitats	None: Application Site not within or immediately adjacent to SPA
Increased mortality of key species	Application Site not within or immediately adjacent to SPA and no direct mortality effects anticipated. Whilst new residential development has the potential for increases in domestic pets (which may predate ground nesting bird species), given the intervening distance between the proposed development and the SPA no adverse effect from increased is anticipated. Domestic cats are known to range up to 355m to hunt their prey (Hanmer, H.J. <i>et al</i> ; 2017); and

	<p>the SPA is well in excess of this from the proposed development.</p> <p>The potential for indirect effects on the mortality / reduced breeding success as a result of increased visitor pressure is discussed below.</p>
Disturbance to key species/deterioration of habitats within the internationally designated site	<p><i>Construction Phase:</i></p> <p>The Application Site is located in excess of 5.4km from the SPA and therefore potential for construction impacts such as noise, light and vibration are considered to be negligible.</p> <p><i>Operational Phase:</i></p> <p>Potential direct impacts during the operational phase from increased noise and artificial light levels are negligible as the Site is situated c. 5.4km from the SPA.</p> <p>The proposed development will accommodate an increase of c. 696 people (based on 2.4 per dwelling for 290 units) within 5.4km of the SPA. This has potential to increase recreational pressure on the SPA habitats, contributing to disturbance of Annex I bird species. Evidence suggests that there is a clear correlation between increases in recreational pressure and breeding success of Annex I bird species, which form qualifying features of the SPA (Liley & Clarke, 2002; Murison, 2002). The potential for likely significant effects to arise as a result of this are discussed below.</p>
Disturbance to key species/deterioration of supporting habitats, beyond the internationally designated site	<p>None: Habitats within the Application Site are not suitable to support the Annex I species found at the Ashdown Forest SPA.</p>
Atmospheric pollution/air quality	<p>As discussed in relation to Ashdown Forest SAC, woodland and heathland habitats and their associated flora are sensitive to the effects of air pollution, in particular through eutrophication/acidification as a result of increased atmospheric nitrogen from road traffic emissions.</p> <p>Habitats within Ashdown Forest are known to be sensitive to nitrogen deposition; and any changes in the composition of habitats which support Annex I bird species (nightjar and Dartford warbler; both qualifying features of the SPA).</p> <p>A total of 68 roads occur within 200m of the SAC; a number of which may be used by new residents of the proposed development during its operational phase. The potential for construction phase effects should also be considered.</p> <p>As such, the potential for likely significant effects to arise as a result of increased vehicle emissions on this road network are discussed below.</p>
Hydrological regime change	<p>None: Surface water from the proposed development will drain into the Framfield Stream, immediately west of the Site, which drains into the River Uck. The River Uck ultimately</p>

	drains into the River Ouse and the English Channel at Seaford, and does not share any hydrological connectivity with the Ashdown Forest SPA.
Pollution of surface/ground water	None: as above.
<i>Describe from the above those facets of the proposed development, or combination of facets, where the above effects have the potential to be significant, or where the scale or magnitude of effects is not known.</i>	
<p>Recreational Disturbance / Habitat Degradation</p> <p>As set out above, the proposed development will accommodate an increase of c. 696 people (based on 2.4 per dwelling) within 5.4km of the SPA. Given the proximity of the Site to the SPA, the resulting increase in local population may increase recreational pressure, and published research has demonstrated a clear link between recreational pressure and reduced reproductive success of Annex I bird species which form qualifying features for the SPA (Liley & Clarke, 2002; Murison, 2002).</p> <p>Based on the methodology presented in the NECR048 Report (Natural England, 2010), it can be calculated that this level of population increase could result in up to an additional 11.31 visitors per 16 hrs (based on the NE Metric which suggests 3.9 visitors to the SPA from Uckfield per increase of 100 houses (per 16 hours in September)).</p> <p>Although this metric suggests there will be some increase in visitor numbers to the SPA, this increase is not expected to represent more than c. 0.3% of the estimated total number of annual visitors to the SPA, which is around 1,355,026 (UE Associates, 2009). Given that this predicted increase is fairly small, and that any such rise would be dispersed across the high number of walking routes and access points that are available within a large area, it is considered unlikely that increases in visitor pressure from the proposed development alone will significantly impact the breeding success of Annex I bird species at the SPA. As such, no likely significant adverse effects from the proposed development alone are anticipated. However, the potential for likely significant adverse effects in-combination with other plans / projects is discussed herein.</p> <p>Air Quality</p> <p>Woodland and heathland habitats present within the Ashdown Forest SPA are sensitive to the effects of air pollution, in particular through eutrophication/acidification as a result of increased atmospheric nitrogen from road traffic emissions. As such, the species which rely on these habitats (Annex I bird species, which form qualifying features of the SPA) may also be vulnerable to changes in air quality as a result of changes in habitat composition / quality.</p> <p>However, with reference to the discussion provided in relation to Ashdown Forest SAC it has been established that no likely significant effects are anticipated in relation to degradation of habitats within Ashdown Forest as a result of the proposed development alone. As such, no likely significant effects to qualifying features of the SPA are anticipated either.</p> <p>However, given that some additional traffic / vehicular emissions will result from the proposed development, then the potential for likely significant effects in-combination with other plans / projects is discussed herein.</p>	

Table 6. Outcome of Screening (proposed development alone)

Could there be any effect on the internationally designated site? (proposed)	YES
--	------------

development alone) <i>If no, proposed development is screened out</i>	
<u>Will there be likely significant effects</u> on the internationally designated site, or does uncertainty remain over the potential for significant effects? (proposed development alone) <i>If yes, proposed development is screened in</i> <i>If no, assess in combination with other plans or projects below</i>	NO

Table 7. Outcome of Screening (proposed development in combination with other plans or projects)

Outline any other plans or projects with likely significant effects when considered in combination with the proposed development:

The Wealden District Local Plan was published for consultation under Regulation 19 in 2018, and was submitted to the Secretary of State in January 2019. Following examination in spring/summer 2019, the Inspector concluded that the Plan could not be taken forward for adoption. Relevant local policy has therefore reverted to the previously adopted Wealden District Core Strategy Local Plan 2013.

The Wealden Core Strategy Local Plan 2013 estimates that around 9,440 dwellings will be provided between 2006 and 2027 (a proportion of which have already been delivered), which includes urban extensions or infill in Uckfield, Hailsham, Polegate and Willingdon, Stone Cross and adjacent to the boundary with Tunbridge Wells in the Parish of Frant. This Plan does not include the Site with its housing allocation.

Local Plans for the following districts will may also bring forwards further residential development in proximity to Ashdown Forest SPA, comprise:

- Lewes District Council
- Mid Sussex District Council
- Sevenoaks District Council
- District of Tandridge
- Tunbridge Wells Borough Council

Describe any potential impact pathways and characterise any likely significant effects on the internationally designated sites:

Recreational Pressure

Policy WCS12 of the adopted Wealden Core Strategy (2013) states that residential development within a 7km radii of Ashdown Forest SPA has the potential for likely significant effects on qualifying features (ground nesting birds; Dartford warbler and nightjar) as a result of increased visitor pressure to the SPA (e.g. especially from increases in dig walking activities). Whilst the application of the 7km catchment has now been removed from the policy (in response to a Court of Appeal decision. 09 July 2015), the policy still highlights the potential for new residential development within proximity Ashdown Forest to have likely significant adverse effects on the SPA.

The contribution to an increase in the local population brought about by the proposed development may act in combination with the general increase of new housing within Uckfield and the surrounding areas to produce an increase in visitor pressure on the Ashdown Forest sites. This impact pathway is well documented to have the potential to adversely affect the Annex 1 bird species forming the qualifying features for the SPA.

As such, it is considered that (in the absence of mitigation) **likely significant adverse effects could occur in relation to qualifying features of the SPA, when the development is considered in-combination with other plans and projects.**

Air Quality

As discussed in relation to Ashdown Forest SPA; no likely significant effects on the habitats at Ashdown Forest have been identified from the proposed development in-combination with other plans or projects. As such, **no likely significant effects** are anticipated to qualifying species for the SPA; which relay on habitats within Ashdown Forest SPA.

Are significant effects likely when considered in combination with other plans or projects?

If yes, proposed development is screened in

**YES
(recreation)**

6.3 Based on the information provided here-in, it is anticipated that Wealden District Council, in their capacity as Competent Authority under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, will conclude that, in the absence of mitigation, the proposed development:

- Has the further potential to result, in significant effects on the Ashdown Forest SPA and SAC as a result of increased recreational pressure, when considered in combination with other plans or projects.

6.4 As such, further Appropriate Assessment is required in relation to the above potential impact pathway, including consideration of any proposed measures intended to avoid or reduce effects, in order that Wealden District Council may ascertain whether the proposed development will have any adverse effect on the integrity of the Ashdown Forest SAC and SPA sites.

7.0 APPROPRIATE ASSESSMENT

Recreational Pressure

Relevant Planning Policy

- 7.1 Policy WCS12 of the adopted Wealden Core Strategy (2013) originally stated that residential development within a 7km radii of Ashdown Forest SPA / SAC has the potential for likely significant effects on qualifying features. However, on the 09 July 2015, in response to a Court of Appeal decision the Council made changes to policy WCS12 relating to Ashdown Forest, which removed specific reference to the 7km Zone of Influence. Details of the amended policy is provided below.

'In order to avoid the adverse effect on the integrity of the Ashdown Forest Special Protection Area and Special Area of Conservation it is the Council's intention to reduce the recreational impact of visitors resulting from new housing development ~~within 7 kilometres of Ashdown Forest~~ by creating an exclusion zone of 400 metres for net increases in dwellings in the Delivery and Site Allocations Development Plan Document and requiring provision of Suitable Alternative Natural Green Space and contributions to on-site visitor management measures as part of policies required as a result of development at SD1, SD8, SD9 and SD10 in the Strategic Sites Development Plan Document. Mitigation measures ~~within 7 kilometres of Ashdown Forest~~ for windfall development, including provision of Suitable Alternative Natural Green Space and on-site visitor management measures will be contained within the Delivery and Sites Allocation Development Plan Document and will be associated with the implementation of the integrated green network strategy. In the meantime the Council will work with appropriate partners to identify Suitable Alternative Natural Green Space and on-site management measures at Ashdown Forest so that otherwise acceptable development is not prevented from coming forward by the absence of acceptable mitigation.'

- 7.2 Despite the removal of policy wording relating to the 7km zone and specific mitigation measures planning applications will continue to be subject to the Habitats Regulations which protect the Ashdown Forest SPA / SAC.
- 7.3 The proposed development will result in an increased human population within 5.4km of the Ashdown Forest SPA and SAC sites; and as such whilst the 7km zone no longer applies, residential development at Application Site would be anticipated to have an in-combination effect with other residential development proposed in proximity to Ashdown Forest.

Ashdown Forest SPA

7.4 Research undertaken at the Ashdown Forest SPA and other SPAs in the country has indicated that one of the key threats to the European protected Dartford warbler and nightjar (both qualifying features of the SPA) is the negative effects that arise as a result of disturbance caused by recreation during the breeding season. Particular exacerbation of these effects from freely roaming dogs trampling on nests or flushing birds, causing nest abandonment is also well documented. The following potential impacts to ground nesting breeding bird species can be summarised below (as set out in UE Associates, 2011):

- Increased nest predation from natural predators when adults are flushed from the nest or deterred from returning to it by the presence of people / dogs
- Chicks or eggs dying of exposure because adults are kept away from the nest
- Accidental trampling of eggs by people, given that nest 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

7.5 The above impacts may result in adverse effects on the integrity of the Ashdown Forest SPA by:

- Interrupting progress towards achieving factorable conservation objectives for the site
- Disruption of factors which maintain favourable conservation status OR are indicators of favourable conservation status
- Reduces inhabitable areas of key habitats
- Reduces the diversity of the site
- Results in disturbance which could affect population size or density of the balance between key species
- Results in fragmentation.

7.6 UE Associates (2009) highlight that the Ashdown Forest is particularly popular for dog walkers, with access points being monitored over a 320 hour period and finding 1,499 people and 953 dogs leaving the site. Murison (2007) and Murison *et al.* (2007) found that dog-walking disturbance of Dartford warbler accounted for 60-72% of disturbance events. With visitor modelling predictions produced by Natural England (2010) predicting that with an increase in 100 houses, the number of additional visitors to the SPA from Uckfield will increase by 3.9 (per 16 hours in September).

- 7.7 Whilst individual developments alone (including that at that proposed at the Application Site) may not result in significant increases in visitor numbers to the SPA, it is clear that the delivery of strategic development (as allocated within the WDC Local Plan (2013) and the Local Plans of other districts within proximity to Ashdown Forest SPA) and other windfall development within the region, could result in in-combination disturbance effects on the success of ground nesting bird populations and threaten the integrity of Ashdown Forest SPA.
- 7.8 Indeed, the Local Plan (2013) HRA (UE Associates, 2011) (which assessed the impact of the Local Plan along and in-combination with other relevant plans / projects) concluded that in accordance with the precautionary principle (enshrined in the HRA process), avoidance and/or mitigation measures would be required to ensure that any adverse effects on the integrity of the Ashdown Forest SPA were removed or reduced.
- 7.9 As such, proposed avoidance / mitigation measures to be delivered alongside proposed development at the Application Site are described herein.

Ashdown Forest SAC

- 7.10 Whilst potential adverse effects from increased recreational pressures are primarily raised in relation to the Ashdown Forest SPA designation; the potential for degradation of wet and dry heath habitats for which the Ashdown Forest SAC is designated, are also considered here, as the published vulnerabilities (Natura 2000 Standard Data Form; 2015) for the SAC include risks posed from outdoor sports, leisure and recreational activities.
- 7.11 As such, activities such as walking, horse riding and biking, which will likely increase as a result of development in the region, could lead to degradation of the habitats, such as through trampling and new paths created through them. Heathland habitats are also more sensitive to trampling, particularly by horses and motorcycles, as compared to other habitats such as grasslands.
- 7.12 This impact pathway therefore has the potential to damage the qualifying features of the Ashdown Forest SAC and have adverse effects on the integrity of this designation. Whilst individual developments alone (including that at that proposed at the Application Site) may not result in significant increases in visitor numbers to the SAC, as described above the potential for in-combination effects cannot be ruled out. However, as the impact pathways and proposed impact avoidance / mitigation measures are similar to those proposed for the SPA; the measures set out below are also considered appropriate to address any potential impacts to the SAC.

Avoidance / Mitigation Measures

- 7.13 The Wealden District Adopted Core Strategy Local Plan (2013) sets out the established approach to enabling development in within the Zone of Influence of the Ashdown Forest SPA / SAC through the implementation of measures to avoid adverse effects on the integrity of the Ashdown Forest sites. These measures are primarily intended to avoid potential impacts on the integrity of the SPA, but will also have a similar effect in relation to the SAC.
- 7.14 The Strategy include the provision of Suitable Alternative Natural Greenspace (SANG) to draw visitors away from using Ashdown Forest for recreation, and implementation of a Strategic Access Management and Monitoring (SAMM) approach to within Ashdown Forest itself. These measures as described herein.

SANG

- 7.15 The provision of SANG is primarily intended to draw visitor and recreational pressure of new and/or existing residents away from the protected sites. A detailed SANG proposal has been designed in line accordance with Guidelines for the Creation of SANG, produced by Wealden District Council (in relation to Ashdown Forest) and Natural England (in relation to SANG in general).
- 7.16 Full details of the SANG provision is provided within the SANG Design and Framework Management Plan (CSA Environmental, 2021). To summarise the SANG provision shall include the following:
- SANG (c.26.16ha) to be provided immediately adjacent (east and south) of the proposed residential development.
 - SANG will be provided on former farmland comprising open grassland and woodland blocks; set within an undulating landscape unencumbered by other development / visual intrusion.
 - A circular walk length (total 2.7km) will be delivered within the SANG, in addition various other shorter routes; and these walking routes will link into the existing Public Rights of Way (PRoW) network providing opportunities for longer walk within the surrounding countryside.
 - Additional SANG infrastructure will comprise the provision of benches, dog waste bins and boundary fencing as appropriate to allow dogs to be safely exercised off the lead.
 - The SANG is designed to be attractive to new and existing residents within the local area; and a SANG car park will be provided to facilitate access, which will be signed posted from the main site access (of the B2102).

- In addition to the delivery of the above measures required under standard SANG criteria, new tree planting / wildflower seeding and creation of new wildlife ponds, along with improved habitat management for the benefit of biodiversity, will result in significant biodiversity net gains.
- 7.17 The SANG proposals have been developed in consultation with Natural England via the Discretionary Advice Service (DAS); with Natural England undertaking two site visits and confirming that they are more than satisfied with the proposals. Details of the consultation responses are provided within Appendix F.
- 7.18 Whilst the Wealden District Council SANG Guidelines focus on the quality of SANG only; Natural England have confirmed that the capacity for the proposed SANG can be based around the ratio of 8ha per 1000 residents as used for SANG mitigation for the Thames Basin Heaths SPA (via email dated 26 June 2020, see Appendix F). As such, c.5.57ha of SANG would be required to mitigate the proposed development of up to 290 dwellings; leaving a headroom capacity of 15.6ha which could potential become available to mitigate for the effects of other local development on Ashdown Forest SPA.
- 7.19 However, it should be noted that the full delivery of the proposed 26.17ha of the SANG will come forwards prior to the first occupation of the proposed development. A Framework Management Plan (CSA Environmental, 2021) has been produced; and the Land Trust have been identified as a possible delivery partner. The Applicant will be responsible for funding the SANG implementation and management in perpetuity (to be secured through Section 106 Agreement).

SAMM

- 7.20 In line with Policy WCS12 of the Wealden District Adopted Core Strategy Local Plan (2013) and the Ashdown Forest SPA SAMM Strategy (Wealden District Council, 2018), all new residential development within the Zone of Influence of Ashdown Forest SPA is required to make a financial contribution inline with the approved tariff (based on a per dwelling rate). This contribution will be used to fund the employment visitor management measures within the Ashdown Forest and monitor the success of these measures. SAMM contributions may be collected through Community Infrastructure Levey (CIL) or other planning obligations.

Effects on Integrity

- 7.21 With consideration of the proposed measures (SANG and SAMM) intended to avoid or reduce development effects it can be concluded that the proposed development will have no adverse

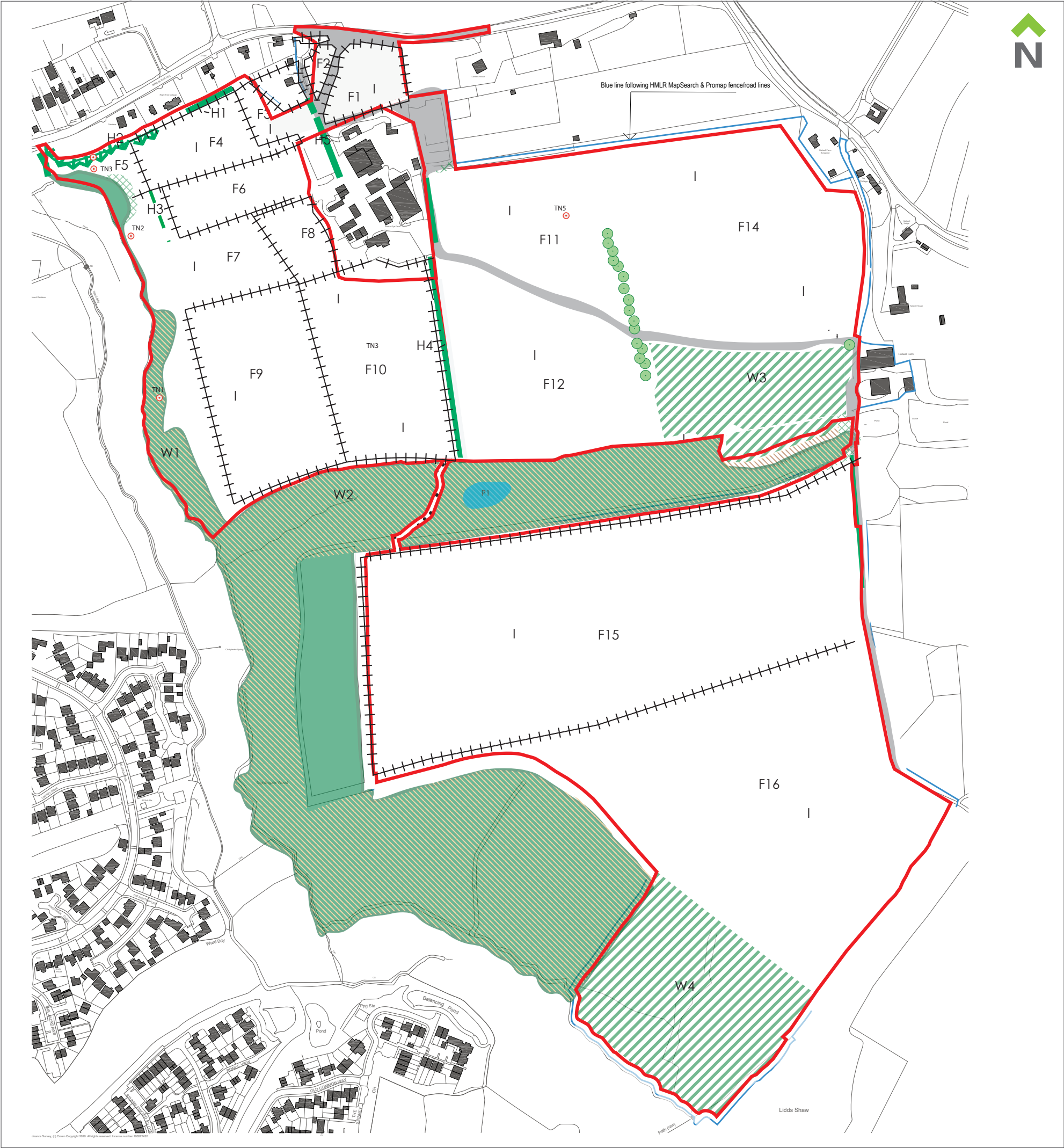
effect on the integrity of Ashdown Forest SPA / SAC, either alone or in combination with other plans or projects.

8.0 SUMMARY AND CONCLUSION

- 8.1 Based on the information provided here-in, it is anticipated that the Wealden District Council, in their capacity as competent authority under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, will conclude that the proposed development has the potential to result in likely significant effects on the Ashdown Forest SPA and SAC, when considered in combination with other plans or projects (in light of the definition of these terms in the 'Waddenzee' ruling of the European Court of Justice Case C-127/02).
- 8.2 The Wealden District Council must therefore undertake an Appropriate Assessment of the implications of the proposed development on the qualifying features of the Ashdown Forest SPA and SAC in light of their published conservation objectives.
- 8.3 With consideration of the proposed measures intended to avoid or reduce effects (i.e. provision of bespoke SANG and SAMMs payments) it is anticipated that the Wealden District Council's Appropriate Assessment will conclude the following:
- that the proposed development will not have any adverse effect on the integrity of any internationally designated site alone;
 - that the proposed development will not have any adverse effect on the integrity of any internationally designated site in combination with other plans or projects; and
 - that suitable measures have been proposed to secure the viability of the proposed development within the context of Regulation 63 of the Conservation of Habitats and Species Regulations 2017
- 8.4 Through submission of the information contain herein, it is considered that the applicants (Croudace Homes Ltd and Mr and Mrs Berry) have discharged their duty under Regulation 63(2) to, *"provide such information as the competent authority may reasonably require for the purposes of the assessment."*

Appendix A

Habitats Plan (CSA/2646/108/C)



Application Site Boundary

Improved Grassland

Ancient Woodland and Number

Broadleaved Woodland

Hedgerow and Number

Hardstanding

Scrub

Tall Ruderal Vegetation

Pond and Number

Plantation Woodland

Line of Trees

Tn

Target Notes

TN1- Bluebells in Woodland

TN2- Trees with woodpecker holes providing bat roost potential. Tree Creeper seen entering a woodpecker hole

TN3- Spoil/Log Piles

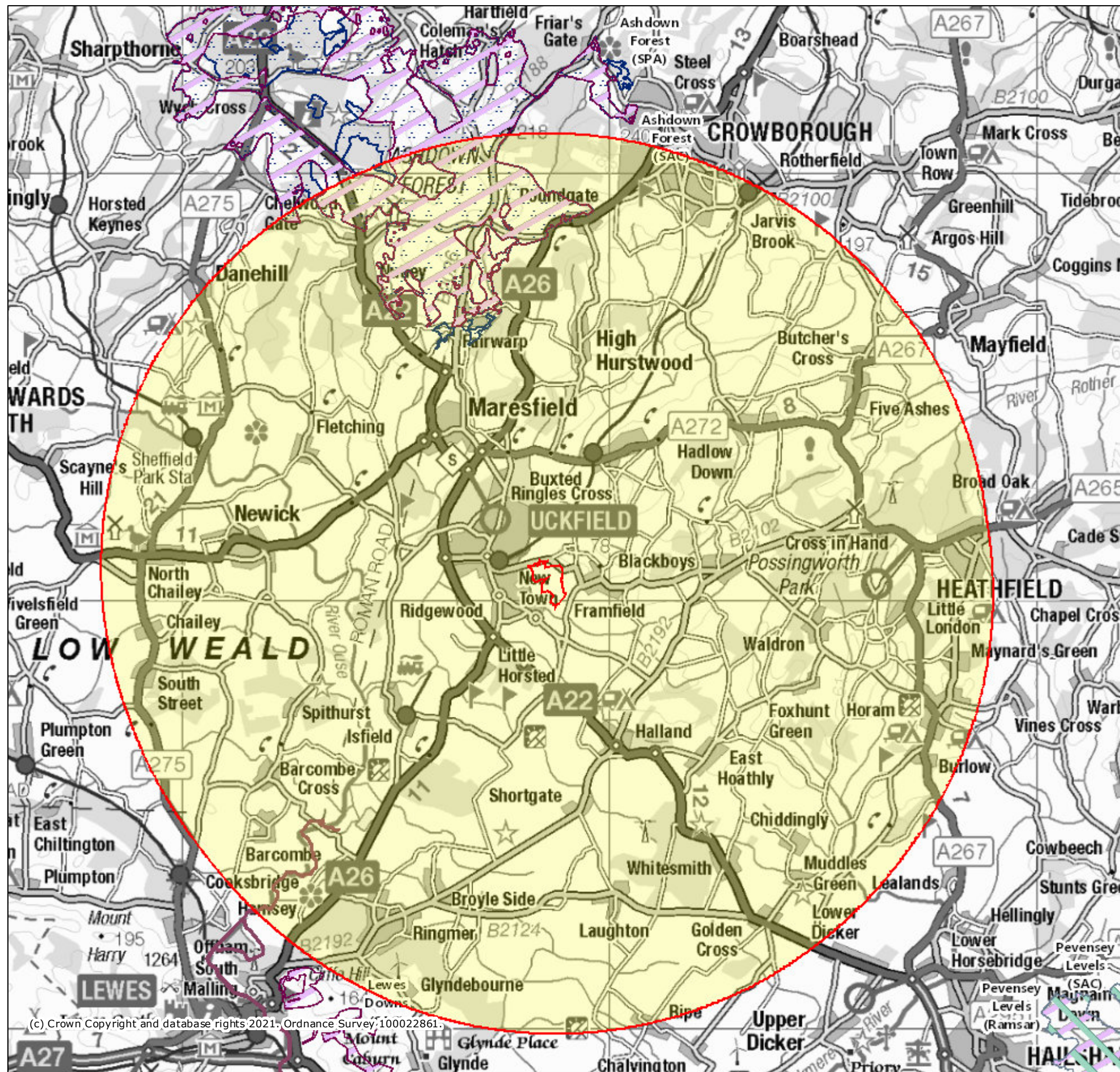
TN5- Barn Owl Sighting

<div><div>CSA</div><div>environmental</div></div> <div>Office 20, Citibase, 95 Ditchling Road, Brighton BN1 4ST</div> <div><div><div></div></div>01273 573871</div> <div><div><div></div></div>brighton@csaenvironmental.co.uk</div> <div><div><div></div></div>csaenvironmental.co.uk</div>	<div>Project</div> <div>Land at Bird in Eye Farm, Uckfield</div>	<div>Date</div> <div>March 2021</div>	<div>Drawing No.</div> <div>CSA/2646/108</div>
	<div>Drawing Title</div> <div>Habitats Plan</div>	<div>Scale</div> <div>See Bar</div>	<div>Rev</div> <div>C</div>
	<div>Client</div> <div>Croudace Homes Ltd</div>	<div>Drawn</div> <div>TF</div>	<div>Checked</div> <div>CC</div>

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Appendix B

MAGIC Map showing International Designations



Legend

- Ramsar Sites (England)
- Proposed Ramsar Sites (England)
- Special Areas of Conservation (England)
- Possible Special Areas of Conservation (England)
- Special Protection Areas (England)
- Potential Special Protection Areas (England)

Projection = OSGB36

xmin = 523600
ymin = 109000
xmax = 574400
ymax = 133800



Map produced by MAGIC on 6 April, 2021.

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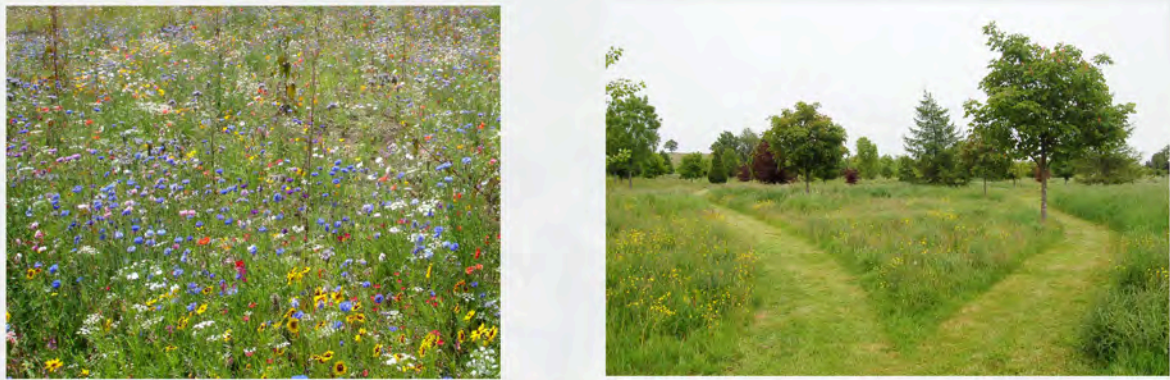
Appendix C

Landscape Strategy and SANG Design Plan (CSA/2646/114/L)

1. Public Open Space

The site benefits from approximately 75% being designed as public open space. Multi-functional green corridors, with new tree planting will break up the development parcels and provide a strong landscape framework for the new housing.

A key feature of the site is the green corridor, with planting designed to frame views of The Oast (Grade II Listed) within the Bird in the Eye Farm complex. A low cut hedgerow on the edge of the farm complex will allow for the building to be seen from within the public open space, while the green corridor will frame the views towards it, respecting its setting and enabling the building to continue to be seen from the higher parts of the town further to the west.



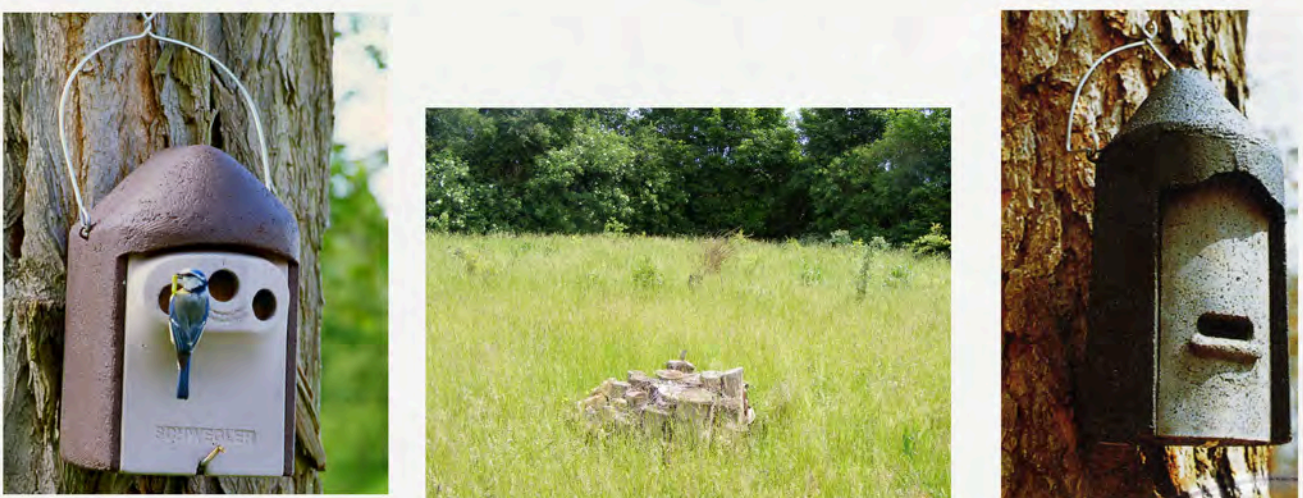
2. Strategic Suitable Alternative Natural Greenspace

A large area of land to the east and south of the new housing will be provided as a Strategic Suitable Alternative Natural Greenspace (SANG) providing a significant recreational resource adjoining the site and for the wider town. A car park within the area will allow for dogs to be off leads from the point they leave the car. A 2.7km circular walking route will be provided with secondary walking routes which link to the main one, offering users opportunities to vary their routes. The primary walking route will connect to public footpath Framfield 63b, which extends along the outside of the south eastern boundary of the SANG, opening the opportunity for access to the wider footpath network and longer walks. Planting within the Strategic SANG, including areas of woodland, trees and wildflowers, will draw the eye and add to the experience of the routes through the seasons. This new planting, as well as the establishment of a wildlife pond, will offer further biodiversity benefits and habitat creation.



3. Biodiversity Enhancements

The Site provides significant scope for a range of biodiversity enhancements to be delivered alongside the new development and Strategic SANG. New woodland and tree planting will strengthen existing habitat and maintain the ecological functionality of these features for dormice and foraging bats which have been recorded within the Site. New areas of wildflower planting will diversify the existing range of flora and provide new habitat for reptiles and invertebrates. In addition, the inclusion of dormouse nest boxes, bat boxes, bird boxes and the creation of log piles for reptiles will provide further opportunities for these species across the Site.



Consented Outline Application
WD/2010/2874/FE
146 dwellings and associated infrastructure

4. Retained Woodland and Trees

The site benefits from woodland and trees of high arboricultural and landscape quality, which are located on the boundaries. The vast majority of these can be protected, with some enhancements to provide further structure to the site.

Bird in the Eye Shaw, which bisects the site is a significant landscape feature, and will provide a mature backdrop to the development, as well as a sense of continuity, and of place. In addition, the woodland on the boundaries of the southern part of the SANG, including Nightingale Wood, will separate the walking routes from the new housing to the north, and indeed from the existing town to the west. Both Bird in the Eye Shaw and Nightingale Wood are designated as Ancient Woodland, and woodland margin planting and setting the development well back from the edge of Bird in the Eye Shaw will ensure their long term protection.



5. New Tree and Hedgerow Planting

Extensive native tree and hedgerow planting to be undertaken within the public open space to complement the well-wooded landscape character of the area and add to its wider green infrastructure. This will also provide opportunities for ecological enhancements.

Woodland margin planting on the northern edge of Bird in the Eye Shaw (Ancient Woodland) will provide planted protection to the woodland linking to the ecological corridors through the public open space of the development.

Street trees will be planted in the verges along the roads, and in the pocket parks to bring the benefits of green infrastructure into the centre of the development, in the form of improving air quality, providing wildlife refuges and assisting in absorbing surface water run-off.



6. Sustainable Drainage Features

Sustainable drainage basins to be located within the public open space. These basins will be planted with marginal plants which will offer enhanced ecological and habitat benefits.



7. Children's Play Provision

A LEAP (Locally Equipped Area for Play) will be located within public open space positioned centrally within the proposed residential area. This will allow easy access for residents. The LEAP will be designed in a 'rural style', incorporating timber elements of natural play befitting the settlement edge location of the Site. It will predominantly be aimed at younger children (up to 8 years) and will provide a range of play experiences and opportunities.



Proposed	Existing
Application boundary	Existing trees / vegetation
Structural Tree Planting Mix	Trees / vegetation removed
Woodland Margin Planting Mix	Existing public footpath
Thicket Mix	
Proposed Street / POS Tree	
Ornamental tree	
Native hedge planting	
Ornamental shrub / herbaceous ornamental grass planting	

Wildflower and marginal planting in attenuation basin	Wildlife Pond
Amenity grass	Recreational footways
Longer grass	Proposed cycleway
Wildflower meadow	
Natural Succession	

Play areas - LEAP	Timber seating
Rustic Post and Rail Fencing	Dog waste bin

Strategic SANG walking routes
Primary walking route within mown grass paths
Secondary walking route with mown grass paths

Rev	Date	Description
L	09/05/21	AS Updated Comments from Land Trust
J	01/06/21	AS Updated Comments from Land Trust
H	04/06/21	SP Amended site boundary
G	02/03/21	AJ Amended to new site boundary
F	22/02/21	AJ Amended to new layout
E	29/09/20	PH Amended to learn comments
D	21/09/20	PH Amended to learn comments
C	21/09/20	PH Amended to learn comments
B	21/09/20	PH Amended to match layout
A	30/05/20	PH Amended to match layout

CSA environmental	01462 743647 ashwell@csaenvironmental.co.uk csaenvironmental.co.uk
Project: Bird in the Eye Farm, Uckfield	
Title: Landscape Strategy & SANG Design	
Client: Croudace Homes Ltd.	
Scale: 1:1250 @ A0	Drawn: AS
Date: April 2020	Checked: JJ
Drawing No: CSA/2446/114	Rev: L

Appendix D

Habitats Regulations - Notable Case Law

Habitats Regulations - Notable case law

The Conservation of Habitats and Species Regulations 2017 (as amended) (widely referred to as the 'Habitats Regulations') formally transposed Article 6(3) of Council Directive 92/43/EEC on the 'Conservation of Natural Habitats and of Wild Fauna and Flora', commonly referred to as the 'Habitats Directive'.

This Directive is the means by which the European Union meets its obligations under the Bern Convention (1992) on the Conservation of European Wildlife and Natural Habitats. Following the UK's departure from the European Union, the provisions of the Regulations have been retained through enactment of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, which came into force on 31 December 2020.

Many important aspects of the Habitats Directive and how HRA is completed have been established through case law. In light of Section 6(3) EU (Withdrawal) Act 2018 (as amended), UK courts will continue to be bound by HRA judgments handed down by the Court of Justice for the European Union CJEU prior to 31 December 2020 when interpreting the Conservation of Habitats and Species Regulations 2017 (as amended). A non-exhaustive summary of some of some key judgements is provided below:

In Relation to HRA Screening

Waddenzee (ECJ Case C-127/02; 07.09.04.)

This case considered when Appropriate Assessment might be triggered and concluded that it is required where there is a, "probability or risk," of significant effects, and that, "such a risk exists if it cannot be excluded on the basis of objective information that the plan or project will not have significant effects on the site concerned." The ruling clarifies that, "in case of doubt as to the absence of significant effects such an assessment must be carried out."

The ruling further states that, "in assessing the potential effects of a plan or project, their significance must be established in the light, inter alia, of the characteristics and species environmental conditions of the site concerned by that plan or project." As such, when assessing potential effects the current condition of the features for designation of an internationally designated site must be considered. Such information may be provided within, amongst other sources, published Condition Assessments of component Sites of Special Scientific Interest (SSSI's) and Site Improvement Plans (SIPs).

Boggis v Natural England (EWCA Civ 1061; 20.10.09.)

This case built upon guidance for the correct interpretation of what constitutes a 'likely' significant effect from that provided in Waddenzee. It was ruled that, "Notwithstanding the word 'likely'...the precondition before there can be a requirement to carry out an appropriate assessment is not

that significant effects are probable, a risk is sufficient..." (para 36) however this must be, *"real, rather than a hypothetical, risk..."* (para 37).

People over Wind (CJEU Case C-323/17, 12.04.2018)

The 'People Over Wind' ruling determined whether mitigation measures may be considered when determining if a an effect is 'likely' and therefore whether it should be 'screened-in' for further assessment within the HRA process (i.e. be subject to Appropriate Assessment). Previously it has been established (*R (Hart DC) v SSCLG*; known as the 'Dilly Lane' decision) that any measures introduced to avoid or mitigate effects on internationally designated sites could be considered in the initial screening stage. However, in the People Over Wind case the CJEU ruled that that such measures not be considered during HRA screening.

Paragraph 40: *"...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."*

In Relation to Appropriate Assessment

Waddenzee (ECJ Case C-127/02; 07.09.04)

Paragraph 59 of the ruling provides guidance on confidence thresholds in Appropriate Assessment, stating that, *"An appropriate assessment of the implications for the site concerned of the plan or project implies that prior to its approval, all the aspects of the plan or project which can...affect the site's conservation objectives must be identified in the light of the best scientific knowledge in the field. The competent national authorities, taking account of the conclusions of the appropriate assessment of the implications of [a project] for the site concerned, in light of the site's conservation objectives, are to authorise such activity only if they have made certain that it will not adversely affect the integrity of that site. That is the case where no reasonable scientific doubt remains as to the absence of such effects."*

Appendix E

Description of Internationally Designated Sites Scoped into Assessment

Table E.1. Site Characteristics of: Ashdown Forest SAC

Distance and direction from Site	c. 5.8km north
Size	2715.88ha
Grid reference	TQ 451306
Component SSSIs	Ashdown Forest SSSI
Qualifying features (Directive 92/43/EEC Annex I habitats / Annex II species)	<p>European dry heaths</p> <p>The dry heath in Ashdown Forest is an extensive example of the south-eastern H2 <i>Calluna vulgaris</i> – <i>Ulex minor</i> community. This vegetation type is dominated by heather <i>Calluna vulgaris</i>, bell heather <i>Erica cinerea</i> and dwarf gorse <i>Ulex minor</i>, with transitions to other habitats. It supports important lichen assemblages, including species such as <i>Pycnothelia papillaria</i>. This site supports the most inland remaining population of hairy greenweed <i>Genista pilosa</i> in Britain</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i></p> <p>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.</p> <p>Great crested newt <i>Triturus cristatus</i> – Annex II species present as a qualifying feature, but not a primary reason for site selection.</p>
Published Conservation Objectives	<p>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;</p> <ul style="list-style-type: none"> • 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 the habitats of qualifying species rely • The populations of qualifying species, and, • The distribution of qualifying species within the site

Known vulnerabilities	<p>The following threats which could result from nearby development and the features they affect have been identified within the Site Improvement Plan (SIP) ¹for Ashdown Forest;</p> <ul style="list-style-type: none"> • Hydrological changes: wet heathland • Air pollution, impact of atmospheric nitrogen deposition: wet heathlands and European dry heaths <p>The following threats, pressure and activities with impacts on the site which could result from nearby development, and the features they affect have been identified within the Standard Data Form (2015) for Ashdown Forest² :</p> <ul style="list-style-type: none"> • Outdoor sports and leisure activities, recreational activities • Pollution to groundwater (point sources and diffuse sources) • Human induced changes in hydraulic conditions • Modification of cultivation practices
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Table E.2. Site Characteristics of: Ashdown Forest SPA

Distance and direction from Site	c. 5.4km north
Size	3205.46ha
Grid reference	TQ 451306
Component SSSIs	Ashdown Forest SSSI
Qualifying features (Directive 79/409/EEC Annex I species)	Dartford Warbler <i>Sylvia undata</i> (Breeding) Nightjar <i>Caprimulgus europaeus</i> (Breeding)
Published Conservation Objectives	<p>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;</p> <ul style="list-style-type: none"> • 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 population of each of the qualifying features, and, • The distribution of the qualifying features within the site.

¹ Natural England (2014). Site Improvement Plan: Ashdown Forest. Available at: <http://publications.naturalengland.org.uk/publication/5793096570765312>

² Natura 2000 (2015). Standard Data Form. Ashdown Forest SAC. Available at: <https://sac.jncc.gov.uk/site/UK0030080>

Known vulnerabilities	<p>The following threats which could result from nearby development and the features they affect have been identified within the Site Improvement Plan (SIP) ³ for Ashdown Forest;</p> <ul style="list-style-type: none"> • Hydrological changes: wet heathland • Air pollution, impact of atmospheric nitrogen deposition: wet heathlands and European dry heaths • Public access/disturbance: European nightjar and Dartford warbler <p>The following threats, pressure and activities with impacts on the site which could result from nearby development, and the features they affect have been identified within the Standard Data Form (2015) for Ashdown Forest⁴ :</p> <ul style="list-style-type: none"> • Outdoor sports and leisure activities, recreational activities • Pollution to groundwater (point sources and diffuse sources) • Human induced changes in hydraulic conditions • Modification of cultivation practices
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³ Natural England. (2014). Site Improvement Plan: Ashdown Forest. Available at: <http://publications.naturalengland.org.uk/publication/5793096570765312>

⁴ Natura 2000 (2015). Standard Data Form. Ashdown Forest SPA. Available at: <https://sac.jncc.gov.uk/site/UK0030080>

Appendix F

Wealden District Council SANG Criteria and Bird in Eye Farm Provision

Table 1. WDC SANG Criteria Assessment

SANG Criteria	Key Requirements	Bird in Eye SANG
Accessibility	<p>Unless SANGs are very small or only designed to serve development immediately adjacent it is assumed that some car parking provision will be required. Direct access to SANG from new residential sites is seen as a significant benefit, as are close with accessibility to existing settlement (i.e. within 400m).</p> <p>Car parking must be designed to be as accessible as possible and well signed from the road. There should be safe access from the car park into the SANG, with the ability to take dogs from the car park into the SANG off the lead.</p> <p>Car parks must be located sensitively within the surround land landscape.</p>	<p>A car park will be provided at the entrance to the SANG (providing direct access away from main roads), to be access via a link road through the Croudace Homes development.</p> <p>There is ample room to provide adequate parking to serve all development currently proposed and some further additional development locally. SANG access can be clearly sign posted from the B2102 and within the development areas.</p>
Size & Length of Walking Routes	<p>Circular walk of minimum 2.5km to be provided, which must start and finish at car park / access points.</p> <p>For larger sites a range of longer circular routes of varying lengths must be provided (c.4-8km).</p> <p>WDC do not specify an area calculation, although provision of c.40ha is quoted to achieve a 2.5km walk.</p> <p>During a telephone call between CSA and Marian Ashdown at Natural England on 16th March 2016 (as part of DAS consultation), it was indicated that Natural England will accept c.8ha SANG / 1000 residents as a minimum, but emphasis is really on quality of walking experience. It should be noted that WDC do not endorse this quantitative approach, with their focus being solely on quality and level of current usage / potential for enhancement to assess capacity.</p>	<p>Site has capacity to achieve a main walking route of c.2.7km across the whole SANG area, with further walking routes providing additional linkages and access through the Millennium Wood to the north of the stream. The main walking route will also provide a direct linkage to the public footpath network to the south, providing access to longer walks within the wider countryside.</p> <p>The area identified for SANG is c. 26.17ha, a significant area of land. Whilst this doesn't meet the c.40ha quoted within the WDC guidance it should be noted that c.28.9ha of SANG has been consented for up to 1000 new dwellings consented at Ridgewood Farm, Uckfield (Ref: WD/2015/0209/MEA); which has been adopted and is being implemented by WDC. The proposed SANG at BIE Farm would have more generous provision per dwelling than that consented at Ridgewood Farm.</p> <p>If the 8ha / 1000 residents was applied then SANG proposed would be well within this threshold as the 290 units proposed would only require c.5.57ha of SANG land being required for mitigation leaving a headroom capacity of</p>

		<p>c.15.6ha (based on unit occupancy of 2.4 residents / unit); providing an adequate walk length could be achieved.</p> <p>As such the level of SANG provision is considered to be generous.</p> <p>During previous consultations, Natural England stated that due to the limitation of the pre-existing 'pinch point' to the east of the ancient woodland as part of the main walking route, that the SANG should only provide capacity for both areas of the Bird in Eye Farm development (up to 600 units across both land to the south and land to the north of Bird in Eye Hill), however this has now been resolved, and further land included within the SANG area. As such, it is suggested that this would open up the potential for capacity for further schemes within the area.</p>
Paths, Roads & Tracks	<p>Paths must be easily used and well maintained; they should remain unsurfaced where possible but must be accessible all year round.</p> <p>Path routes must be designed to avoid safety concerns, i.e. should be open and avoid long stretches through enclosed woodland.</p> <p>Where possible, footpaths should be routed where views can be maximised.</p>	<p>To provide a SANG with a strong semi-natural character, un-surfaced footpaths will be provided, including through areas of wildflower meadow and newly planted woodland.</p> <p>There may be a need to consider provision of surface path / boardwalk in areas of lower ground which may suffer from poorer drainage. Drainage improvements could be provided in order to ensure that footpaths along the circular walk are fit for purpose at all times of year. It may be appropriate to lay woodchips in some localised sections.</p> <p>Path routes over high ground would provide key views to the south / south-west.</p> <p>The existing pathway through the ancient woodland (which includes a wooden bridge which would require upgrading, will be used as part of the main walking route to connect the northern and southern fields.</p> <p>The walking route will also be directed around the eastern side of the ancient</p>

		<p>woodland, where alterations to the existing bridge across the stream would be provided to separate vehicular and pedestrian routes (to allow vehicular access to the southern SANG fields for management).</p> <p>Vehicular access along the east of the ancient woodland and the southern SANG fields would need to be retained to allow access to the SANG for maintenance; however this would be in use infrequently. A new vehicular access along the northern boundary of the SANG (see the SANG Strategy Plan in Appendix B) connecting to the existing farm buildings will be required to allow access for the landowner. This access will be outside of the SANG area and will be screened by trees in relation to landscape and visual impacts.</p> <p>There is the potential for a new path to be created through the ancient woodland as an alternative option (see SANG Strategy Plan), however, the valley within the eastern section of the woodland is very steep and boggy and as such creation of a new access point is likely to be constrained to some degree.</p>
Artificial Infrastructure	<p>SANGs should be perceived as natural spaces without intrusion from artificial infrastructure, except within vicinity of car park. Visually sensitive way markers are acceptable.</p> <p>SANGs must be free from unpleasant visual, auditory or olfactory intrusions.</p>	<p>The car park would be set close to the area of residential development to the east, however the main area of the SANG is free from intrusion. The existing treeline south of the proposed car park area will be reinforced with additional trees and extended north and south, to include some screening around the car park to mitigate any landscape and visual impacts.</p> <p>No unpleasant intrusions are known of.</p>
Landscape & Vegetation	<p>SANG must seek to provide a rural and wild feel with a variety of habitats for visitors to experience (e.g. woodland, scrub, grassland, wetland and open water). Should include naturalistic open space, with inclusion of open water if possible.</p>	<p>The proposed SANG site currently has a rural feel, being part of a farm, with the vast majority of surrounding land currently undeveloped and comprising agricultural land. Habitats currently present within the SANG include open grassland, plantation woodland, Ancient Woodland and Ridgewood Stream. A variety of new habitats could be delivered as part of the SANG scheme including new native woodland/ shrub planting, wildflower grassland and</p>

	Where possible sites with undulating topography area desirable. Desirable to have a focal point, as such a view point or water features is desirable.	pond creation. The site gently slopes towards the south and west, providing view points from the north of the SANG fields across the south of the SANG and off-site rural land to the south and east.
Restrictions on Usage	Access within SANGs must largely be unrestricted with plenty of space for dogs to exercise freely and safely off the lead.	The SANG area is currently largely open and although some new planting will be incorporated, open spaces will be retained in order to allow dogs to exercise freely. The SANG area is not situated next to any busy roads so dogs can safely be let off of leads. Dog proof fencing can be provided where appropriate to avoid disturbance of stock in neighbouring fields.
Advertising	SANGs should be clearly sign posted or advertised to ensure that people know of their existence. Leaflets and websites should be provided to advertise SANG locations.	Signage, interpretation boards and a website could easily be provided to advertise, promote use of and educate the public regarding the SANG.
Implementation	It is common place that SANG must be delivered in full prior to the occupation of new residential development. It will be important to ensure that where enhancement works are required that these can be full established prior to this. Where large scale SANGs are proposed it may be possible to stage these works in line with a phased development approach.	It is anticipated that access and habitat creation / enhancement works will be required, and this will need to be in place in good time prior to first occupation of the Croudace Homes development. Funding for such works will be identified at an early stage.
Management	Management of SANGs in perpetuity must be detailed and secured (i.e. through legal agreement).	Consultation on ownership, management and funding arrangements is in progress with the Land Trust. Implementation of the SANG would be developer funded, with management contributions to be secured as part of planning obligations for the residential development proposed.

Appendix G

Natural England Consultation Responses

Date: 10 February 2020
Our ref: DAS/10886/302767



██████████
Ecologist
CSA Environmental

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

0300 060 3900

Dear ██████████,

Discretionary Advice Service (Charged Advice)
DAS 6106

Development proposal and location: Proposed Suitable Alternative Natural Greenspace (SANG) at land at Bird in Eye Farm, Bird in Eye Hill, Uckfield, East Sussex, TN22 5HA

Thank you for your consultation on the above which we received on 06 December 2019. Our apologies for the delay in being able to respond, which has been due to intense workload pressure on our team during this period.

This advice is being provided as part of Natural England's Discretionary Advice Service. CSA Environmental has asked Natural England to provide advice upon:

- The proposed use of an area as Suitable Alternative Natural Greenspace (SANG) in relation to proposed phased development at land at Bird in Eye Farm, Uckfield.
- Air quality impacts advice for the purposes of a shadow Habitats Regulations Assessment (HRA)

This advice is provided in accordance with the Quotation and Agreement dated 21 January 2020.

Natural England has provided previous DAS advice on this proposal in our letter dated 01 February 2019 (our ref DAS/10886/266614), 23 April 2019 (our ref DAS/10886/276420) and my follow-up email dated 10 May 2019.

The following advice is based upon the following documents and correspondence:

- 2646_03_Rev A_SANG Strategy Plan Briefing Note ISSUE (November 2019)
- Phone conversation with ~~Steve Gaddwell~~ on 27 January 2020
- Revised site plan as submitted by email to me from ██████████ of CSA Environmental, on 03 February 2020 (file name 20200203134107926)

No site visit was undertaken as part of this DAS agreement.

Protected sites – Ashdown Forest Special Protection Area (SPA)

Proposed Suitable Alternative Natural Greenspace (SANG)

This DAS advice relates to a proposed area for use as SANG, as avoidance mitigation for a proposed phased development of up to 700 dwellings at land at Bird in Eye Farm, Uckfield, in relation to recreational pressure on the Ashdown Forest SPA.

The proposed site for the housing and SANG is approximately 5.5km south of the Ashdown Forest SPA. The proposed SANG, as per the revised drawing, is approximately 24ha.

Ultimately, in order to ascertain the proposed development at land at Bird in Eye farm will not have an adverse effect on the integrity of the Ashdown Forest SPA from recreational pressure, the proposals will need to either:

- pay a sufficient financial contribution to the management of available strategic SANG; or
- provide sufficient bespoke SANG in line with agreed guidelines¹ as set out by Wealden District Council.

For both options, the proposals would also need to make the appropriate payment towards Strategic Access Management and Monitoring (SAMM) for Ashdown Forest SPA.

In my previous advice, as of May 2019, there were a number of issues regarding the quality of the SANG design, principally the pinchpoint in the circular path route between the two fields. To reflect this, I advised that Natural England may be able to accept the design including this pinchpoint if the SANG was only providing for the proposed 175 dwellings at Bird in Eye farm, and wouldn't be able to be used to offer extra visitor capacity to other separate developments. We also discussed issues concerning continued use of the southern part of the SANG by livestock grazing to still achieve good enough space for walkers and dogs to roam.

The SANG as depicted in the revised plan is made up of two main parts across the same two fields, immediately east of the proposed phase 1 and 2 of the development. I note the proposed development now has an increased quantum of 400 dwellings for phases 1 and 2, and a further 300 dwellings for phase 3 directly to the north. I also note the northern part of the SANG only occupies part of that field.

Overall, the SANG appears to have sufficient area to contain a circular path length of 2.5km, which is a key SANG requirement, along with scope for suitable design including habitat creation and enhancement. However the two fields continue to be connected only via the pinchpoint along the track, which remains a poor part of the overall design, and one which is not easily resolved unless more adjoining land is secured to expand the area.

During our phone call on 27 January 2020, we discussed SANG design and comparison with the Wealden DC strategic SANG at Owlsbury Park. The tunnel you referred to is an existing under road walkway and is the entrance to the SANG, so does not form an intrinsic part of the main circular path, and is therefore not regarded as a pinchpoint for that particular SANG.

Given the Bird in Eye proposed SANG design is not best practice in relation to the SANG criteria, I advise there is the potential for Natural England to accept the SANG on the basis that it only provides for the associated development at Bird in Eye farm (including phase 3 if appropriate pedestrian access to the SANG can be provided). Any headroom in capacity of the SANG (based on the 8ha/1000 population ratio) should not be released for other separate developments in the wider area, where visitors would need to travel to SANG.

¹ Wealden District Council (2018). *Guidelines for the Creation of Suitable Alternative Natural Green Space (SANGS)* <http://www.wealden.gov.uk/nmsruntime/saveasdialog.aspx?IID=13843&SID=3484>

In terms of other detailed comments on the SANG design, I strongly recommend a realistic main path route is planned which is not too convoluted, and reflects visitors' likely walking patterns which tend to be looser and more direct when walking around a site. Paths should avoid deep scalloped routes unless this is necessary to walk around certain features eg ponds.

It would also be useful to understand whether the track where the path incurs a pinchpoint would remain in vehicular use, and how frequently it would be used and by what type of vehicles, as this will have implications for pedestrian safety and overall suitability of the use of the site as SANG.

Habitats Regulations Assessment (HRA) – air quality

Given the situation regarding Wealden District Council's Local Plan, I advise you refer to Wealden DC on whether air quality modelling is required to inform the HRA. For instance, whether the council is using the previous Local Plan's housing delivery number as a proxy and if the Bird in Eye development falls within this figure, and whether it can therefore be concluded the proposals will not have an adverse effect on integrity of the SPA through air quality impacts alone or in combination – in which case there may not be a need for any detailed modelling.

Please refer to my previous DAS advice re long term management of the SANG, and biodiversity net gain.

I hope you find this letter helpful. For any points of clarification, or to arrange further advice, please contact me on 020802 68033.

This letter concludes Natural England's Advice within the Quotation and Agreement dated 21 January 2020.

Yours sincerely,



Sustainable Development Network
Sussex and Kent Team

cc commercialservices@naturalengland.org.uk

commercialservices@naturalengland.org.uk

As the Discretionary Advice Service is a new service, we would appreciate your feedback to help shape this service. We have attached a feedback form to this letter and would welcome any comments you might have about our service.

☒ The advice provided in this letter has been through Natural England's Quality Assurance process

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by

Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Annex 1

European Protected Species

A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development. Further information can be found in Natural England's ['How to get a licence'](#) publication.

If the application requires planning permission, it is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice Natural England provides at formal consultation on the likely impacts on favourable conservation status and Natural England's [guidance](#) on how the three tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) are applied when considering licence applications.

Natural England's pre-submission Screening Service can screen application drafts prior to formal submission, whether or not the relevant planning permission is already in place. Screening will help applicants by making an assessment of whether the draft application is likely to meet licensing requirements, and, if necessary, provide specific guidance on how to address any shortfalls. The advice should help developers and ecological consultants to better manage the risks or costs they may face in having to wait until the formal submission stage after planning permission is secured, or in responding to requests for further information following an initial formal application.

The service will be available for new applications, resubmissions or modifications – depending on customer requirements. More information can be found on [Natural England's website](#).

From: [REDACTED]@naturalengland.org.uk>
Sent: 26 June 2020 12:09
To: [REDACTED]
Subject: RE: Phone Call

Hi [REDACTED], yes this is fine. I encourage you to discuss with Wealden DC, and you can approach NE for further advice but please note it is unlikely we can provide this until September onwards due to restrictions arising from coronavirus.

With many thanks and stay safe,

[REDACTED]
Senior Advisor
Sustainable Development network
Sussex & Kent team
Natural England
[REDACTED]
[REDACTED]

My current working days are Wednesday, Thursday and Friday

www.gov.uk/natural-england



During the current coronavirus situation, Natural England staff are working remotely to provide our services and support our customers and stakeholders. All offices and our Mail Hub are closed, so please send any documents by email or contact us by phone or email to let us know how we can help you. See the latest news on the coronavirus at <http://www.gov.uk/coronavirus> and Natural England's regularly updated operational update at <https://www.gov.uk/government/news/operational-update-covid-19>.

Natural England is accredited to the Cabinet Office Customer Service Excellence Standard

Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

From: [REDACTED] [mailto:[REDACTED]@csaenvironmental.co.uk]
Sent: 25 June 2020 11:28
To: [REDACTED] <[REDACTED]@naturalengland.org.uk>
Subject: Phone Call

Good morning [REDACTED]

It was really useful to speak to you quickly regarding Bird in Eye Farm on Tuesday so many thanks for your time as I appreciate you are probably very busy!

During the phone call we discussed the issues that were previously considered to be constraining factors to the suitability of the SANG (and as a result, its capacity), which have now been addressed as follows:

- The issue of the 'pinch point' within the walk route has now been resolved due to inclusion of the central 'finger of woodland' between the northern and southern fields within the SANG land and a full circular route of c. 2.8km is now achievable without constraint (and is not convoluted)
- The overall size of the SANG has now increased to 29.62ha and provides an extensive area for recreation without restrictions and is free from intrusions (the whole of the SANG site will be useable, with no areas retained for grazing etc as was previously the considered)

As these issues have now been resolved, you suggested that the capacity for the SANG could be based around the metric of 8ha/1000 units and that we should discuss this with Wealden to agree. I was hoping you could just sent a quick email confirming this, then we can discuss this with Wealden and agree what is deemed acceptable in terms of capacity?

Many thanks in advance,

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