

Habitat Regulations Assessment: Rother District Council

Likely Significant Effects and Appropriate Assessment

September 2018

Quality information

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1. Introduction

Scope of the Project

- 1.1 AECOM was appointed by Rother District Council to assist in undertaking a Habitats Regulations Assessment (HRA) of its Development and Site Allocation Plan (DaSA) which develops detailed “development management” policies and allocates specific sites suitable for development in order to meet the Local Plan Core Strategy’s targets for the quantum of housing and employment to the end of the Plan period (2028). The commission also covered the Neighbourhood Plans that are in preparation in the district, which will allocate sites to meet the balance of the Core Strategy’s development requirements.
- 1.2 The DaSA itself identifies sites or a range of uses, mostly residential, across 11 settlements, including Bexhill, where growth is focused. It is noted that while some sites were previously allocated in Rother’s current Local Plan (2006), they are re-appraised within this HRA. Many of the sites that are outlined within the DaSA report have already been allocated. The updated DaSA report brings forward additional sites within 11 new settlements.
- 1.3 In respect of the Dungeness SAC, Dungeness to Pett Level SPA, Dungeness, Romney Marsh and Rye Bay potential SPA (as it was at the time, it is now adopted) and Dungeness, Romney Marsh and Rye Bay proposed Ramsar site (ditto), the Local Plan Core Strategy of Rother Council and of the neighbouring Council of Shepway (now Folkestone & Hythe District Council) were subject to joint HRAs prior to their submission. These HRA reports focussed on the overall quantum of housing and employment growth in both districts (in addition to other policies such as tourism) and had specific regard to the impacts of disturbance, water quality, water resources, changes in air quality and coastal squeeze and inhibition of coastal processes. Their primary conclusion was a need to address the potentially damaging impacts of recreational pressure on European sites posed by the housing and tourism policies of Rother and Shepway Councils and growth across both authorities ‘in combination’ with growth from further afield. A key outcome of that HRA work was a need for the preparation of a Sustainable Access and Recreation Management Strategy (SARMS) for the Dungeness Complex. This has now been prepared for the two Councils, in liaison with Natural England, and a draft Strategy has been consulted upon.
- 1.4 Elsewhere, the Rother Core Strategy HRA included Appropriate Assessments of hydrology local to the Pevensey Levels and of air quality local to the Pevensey Levels Ramsar Site, while impacts on the Hastings Cliffs SAC, along with impacts on other sites, were specifically screened out.
- 1.5 The Core Strategy HRAs have therefore already addressed the strategic effect of growth across Rother District ‘in combination’ with growth in other authority areas over the same time period. As such, these strategic issues do not require reinvestigating for Rother’s DaSA (and related Neighbourhood Plans) report. However, because it was focussed on the overall quantum and broad distribution of growth, the Core Strategy HRA work was not able to scrutinise individual site allocations or the detailed policy interpretation of strategic approaches.
- 1.6 The objective of this particular (DaSA/Neighbourhood Plans) HRA is to identify if any particular site allocations and policies have the potential to cause an adverse effect on Natura 2000 or European designated sites (Special Areas of Conservation, SACs, Special Protection Areas, SPAs, and Ramsar sites designated under the Ramsar convention), either in isolation or in combination with other plans and projects, and to determine whether site-specific mitigation measures are required.
- 1.7 In addition, since the Core Strategy HRA work was undertaken several issues have arisen within the area that could be affected by growth in the district, and the opportunity is therefore taken to examine these within this report:
 - There is now a declaration to extend the Dungeness, Romney Marsh and Rye Bay SPA into the coastal waters covering an area from Bexhill to Hythe and a maximum distance out to sea of 10km. This is in order to extend the protection already afforded to the tern nesting colonies of the SPA into their marine fishing areas;

- Wealden District Council have suggested that Pevensey Levels SAC and Ramsar site may be susceptible to elevated nitrogen deposition from the atmosphere;
- Wealden District Council have also suggested that growth in the Rother and Hastings area could operate in combination with growth in Wealden and other authorities to affect Ashdown Forest SAC/SPA (30km from the main town of Bexhill) and Lewes Downs SAC (25km from the main town of Bexhill) via traffic-related nitrogen deposition. As a result of this several local authorities have commissioned traffic and air quality modelling which can be drawn upon to inform this report; and
- Wealden District Council has since published a visitor survey of Ashdown Forest SAC/SPA which defines the core recreational catchment of the site. The opportunity is therefore taken to discuss that survey and any implications for Rother District.

Legislation

- 1.8 The need for HRA is set out within Article 6 of the EC Habitats Directive 1992, and interpreted into British law by the Conservation of Habitats & Species Regulations 2017. The ultimate aim of the Habitats Directive is to “*maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest*” (Habitats Directive, Article 2(2)). This aim relates to habitats and species, not the European sites themselves, although the sites have a significant role in delivering favourable conservation status. European sites (also called Natura 2000 sites) can be defined as actual or proposed/candidate Special Areas of Conservation (SAC) or Special Protection Areas (SPA). It is also Government policy for sites designated under the Convention on Wetlands of International Importance (Ramsar sites) to be treated as having equivalent status to Natura 2000 sites.
- 1.9 The Habitats Directive applies the precautionary principle to protected areas. Plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question. This is in contrast to the SEA Directive which does not prescribe how plan or programme proponents should respond to the findings of an environmental assessment; merely that the assessment findings (as documented in the ‘environmental report’) should be ‘taken into account’ during preparation of the plan or programme. In the case of the Habitats Directive, plans and projects may still be permitted if there are no alternatives to them and there are Imperative Reasons of Overriding Public Interest (IROPI) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network.
- 1.10 All the European sites mentioned in this document are shown in **Appendix A, Figure A1**. In order to ascertain whether or not site integrity will be affected, a HRA should be undertaken of the plan or project in question.

Habitats Directive 1992

Article 6 (3) states that:

“Any plan of project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives.”

Conservation of Habitats and Species Regulations 2017

Regulation 63 states that:

“A competent authority, before deciding to ... give any consent for a plan or project which is likely to have a significant effect on a European site ... must make an appropriate assessment of the implications for the plan or project in view of that site’s conservation objectives... The competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.”

Box 1: The legislative basis for HRA

- 1.11 Over the years, 'Habitats Regulations Assessment' (HRA) has come into wide currency to describe the overall process set out in the Habitats Regulations, from screening through to identification of IROPI. This has arisen in order to distinguish the overall process from the individual stage of "Appropriate Assessment". Throughout this Report the term HRA is used for the overall process and restricts the use of Appropriate Assessment to the specific stage of that name.

2. Methodology

Introduction

- 2.1 This section sets out the approach and methodology for undertaking the HRA. HRA itself operates independently from the Planning Policy system, being a legal requirement of a discrete Statutory Instrument. Therefore there is no direct relationship to the 'Test of Soundness'.
- 2.2 The HRA is being carried out in the absence of formal Government guidance. The Department for Communities and Local Government (DCLG) released a consultation paper on Appropriate Assessment (AA) of Plans in 2006¹. As yet, no further formal guidance has emerged. However, Court Judgements can be used to shape the approaches used.
- 2.3 The draft DCLG guidance² makes it clear that when implementing HRA of land-use plans, the AA should be undertaken at a level of detail that is appropriate and proportional to the level of detail provided within the plan itself: *"The comprehensiveness of the [Appropriate] assessment work undertaken should be proportionate to the geographical scope of the option and the nature and extent of any effects identified. An AA need not be done in any more detail, or using more resources, than is useful for its purpose. It would be inappropriate and impracticable to assess the effects [of a strategic land use plan] in the degree of detail that would normally be required for the Environmental Impact Assessment (EIA) of a project."* More recently, the Court of Appeal³ ruled that providing the Council (competent authority) was duly satisfied that proposed mitigation could be 'achieved in practice' to avoid an adverse effect, then this would suffice. This ruling has since been applied to a planning permission (rather than a Core Strategy)⁴. In this case the High Court ruled that for *'a multistage process, so long as there is sufficient information at any particular stage to enable the authority to be satisfied that the proposed mitigation can be achieved in practice it is not necessary for all matters concerning mitigation to be fully resolved before a decision maker is able to conclude that a development will satisfy the requirements of reg. 61 of the Habitats Regulations'*.
- 2.4 In other words, there is a tacit acceptance that HRA can be tiered and that all impacts are not necessarily appropriate for consideration to the same degree of detail at all tiers.
- 2.5 **Figure 1** below outlines the stages of HRA according to current draft CLG guidance. The stages are essentially iterative, being revisited as necessary in response to more detailed information, recommendations and any relevant changes to the plan until no significant adverse effects remain.

¹ DCLG (was CLG) (2006) Planning for the Protection of European Sites, Consultation Paper

² Ibid

³ No Adastral New Town Ltd (NANT) v Suffolk Coastal District Council Court of Appeal, 17th February 2015

⁴ High Court case of R (Devon Wildlife Trust) v Teignbridge District Council, 28 July 2015

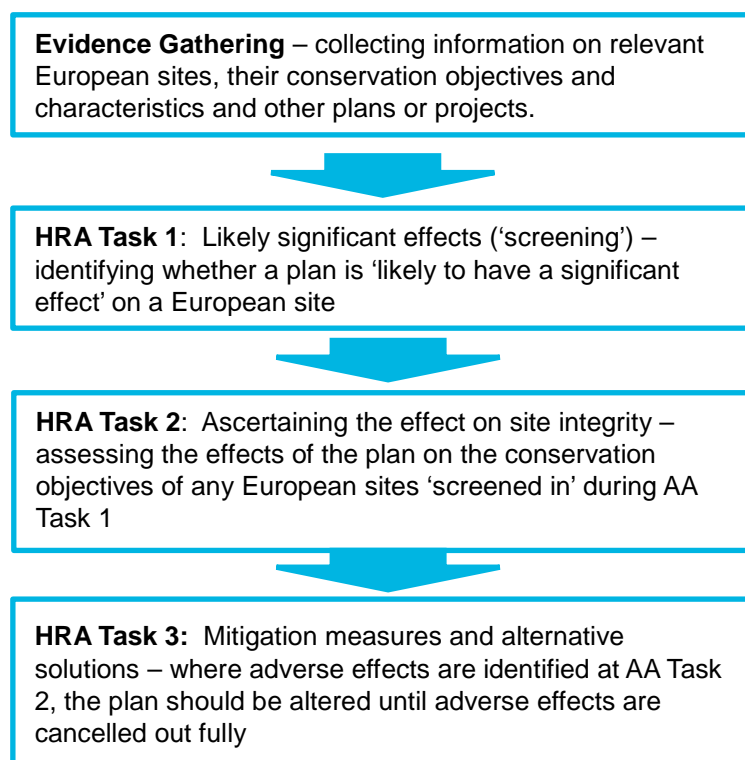


Figure 1: Four-Stage Approach to Habitats Regulations Assessment (Source: CLG, 2006)

Likely Significant Effects (LSE)

- 2.6 The first stage of any Habitats Regulations Assessment (HRA Task 1) is a Likely Significant Effect (LSE) test - essentially a risk assessment to decide whether the full subsequent stage known as Appropriate Assessment is required. The essential question is:
- 2.7 *"Is the Plan, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites?"*
- 2.8 The objective is to 'screen out' those plans and projects that can, without any detailed appraisal, be said to be unlikely to result in significant adverse effects upon European sites, usually because there is no mechanism for an adverse interaction with European sites.
- 2.9 This HRA report is part of a suite of documents including the HRA of the Rother District's Core Strategy and the Dungeness Complex SARMS. HRA's for both Core Strategies undertook a strategic assessment 'in combination' of all housing and other development planned for the Rother district, regarding, disturbance water quality, water resources and other impact pathways. Rother District Council does not seek to deviate from the Core Strategy in terms of the overall quantum and distribution of housing. Rather, this document identifies specific locations where new development will be delivered.
- 2.10 The purpose of this HRA is therefore very specific. It does not re-examine strategic in combination issues that were examined in the HRA of the Core Strategies for Rother and Shepway Council. Rather, it examines each preferred site allocation in order to determine whether it would present any potential for site-specific impacts that could not have been identified during the strategic HRA. It will also assess proposed topic policies, notwithstanding that they have also been prepared in conformity with the Core Strategy. As discussed in the Introduction, the report also takes the opportunity to discuss several matters that have emerged since the HRA of the Core Strategy was produced, which may impact on sites now coming forward.

HRA Task 2 – Appropriate Assessment (AA)

- 2.11 Where it is determined that a conclusion of 'no likely significant effect' cannot be drawn, the analysis has proceeded to the next stage of HRA known as Appropriate Assessment. Case law has clarified that 'appropriate assessment' is not a technical term. In other words, there are no

particular technical analyses, or level of technical analysis, that are classified by law as belonging to appropriate assessment.

- 2.12 By virtue of the fact that it follows Screening, there is a clear implication that the analysis will be more detailed than undertaken at the Screening stage and one of the key considerations during appropriate assessment is whether there is available mitigation that would entirely address the potential effect. In practice, the appropriate assessment would take any policies or allocations that could not be dismissed following the high-level Screening analysis and analyse the potential for an effect in more detail, with a view to concluding whether there would actually be an adverse effect on integrity (in other words, disruption of the coherent structure and function of the European site(s)).
- 2.13 There has been a very recent decision by the European Court of Justice⁵, which appears to conclude that measures intended to avoid or reduce the harmful effects of a proposed project on a European site, but which are not an integral part of the project or plan, may no longer be taken into account by competent authorities at the Likely Significant Effects or 'screening' stage of HRA. The implications of the ECJ ruling are structural, essentially meaning that the role of avoidance and measures should be discussed in the subsequent 'appropriate assessment' stage instead, with a more in-depth, reasoned scientific basis.

HRA Task 3 – Avoidance and Mitigation

- 2.14 Where necessary, measures are recommended for incorporation into the Plan in order to avoid or mitigate adverse effects on European sites. There is considerable precedent concerning the level of detail that a Local Plan document needs to contain regarding mitigation for recreational impacts on European sites. The implication of this precedent is that it is not necessary for all measures that will be deployed to be fully developed prior to adoption of the Plan, but the Plan must provide an adequate policy framework within which these measures can be delivered.
- 2.15 In evaluating significance, AECOM has relied on professional judgement as well as the results of previous stakeholder consultation regarding development impacts on the European sites considered within this assessment.
- 2.16 When discussing 'mitigation' for the proposed development sites, one is concerned primarily with the policy framework to enable the delivery of such mitigation rather than the details of the mitigation measures themselves since the Local Plan document is a high-level policy document.

Confirming Other Plans and Projects that may act 'In combination'

- 2.17 The Conservation of Habitats and Species Regulations (2017) require that plans are not considered purely in isolation but 'in combination' with other projects and plans. That analysis has already been undertaken as part of the strategic HRA undertaken for Rother's Core Strategy. However, since this time neighbouring Authorities have progressed their own strategic planning policy and other relevant plans have been produced. The most relevant are:
- Dungeness Complex: Sustainable Access and Recreation Management Strategy (SARMS) October 2017, The Places Team for Rother DC/Shepway DC;
 - Hastings Borough Council have produced an air quality impact assessment relating to traffic growth in Ashdown Forest SAC/SPA to 2033 and are also working on their Hastings Town Centre and Bohemia Area Action Plan;
 - Wealden District Council is shortly to publish for public consultation their Local Plan and its supporting Habitat Regulations Assessment. This is of particular relevance for Ashdown Forest SAC/SPA, Lewes Downs SAC and Pevensey Levels SAC/Ramsar site; and
 - Folkestone & Hythe District Council consulted on a review of their Core Strategy Local Plan in spring 2018.
 - Lewes District Part 2 Local Plan and supporting amended HRA (currently in progress)

⁵ People Over Wind and Sweetman v Coillte Teoranta (C-323/17)
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- South Downs National Park Submission Local Plan and supporting HRA (submitted in spring 2018).

3. Internationally Designated Sites within and around Rother District

- 3.1 There are several internationally designated sites that lie within Rother District. These are:
- Pevensey Levels SAC;
 - Pevensey Levels Ramsar site;
 - Dungeness, Romney Marsh and Rye Bay SPA (including the marine SPA extension);
 - Dungeness, Romney Marsh and Rye Bay Ramsar; and
 - Dungeness SAC.
- 3.2 Relevant European sites outside Rother District are:
- Hastings Cliffs SAC, within Hastings District.
- 3.3 The locations of these are illustrated in (**Appendix A, Figure A1**). Due to work undertaken by Wealden District there is also some discussion in this report of Ashdown Forest SAC/SPA and Lewes Downs SAC even though both lie at least 25-30km from the main population centres of the district.

Ecological context and interest features of designated sites

- 3.4 The complex of European sites located at Dungeness, Rye and Romney Marsh are collectively underpinned by the Dungeness, Romney Marsh and Rye Bay SSSI.
- 3.5 This large area contains a wide variety of coastal habitats and is notified for its saltmarsh, sand dunes, vegetated shingle, saline lagoons, standing waters, lowland ditch systems, and basin fens. Dungeness is a shingle beach of international importance as a large cusped shingle foreland with a complex pattern of ridges reflecting its accretion and development over hundreds of years. The site also contains a natural succession of wetlands from species-rich fen through to sallow carr.
- 3.6 Dungeness is the UK's largest shingle structure and represents the habitat type on the south-east coast of England. The total area of exposed shingle covers some 1,600 ha, although the extent of the buried shingle ridges is much greater. Despite considerable disturbance and destruction of the surface shingle, the site retains very large areas of intact parallel ridges with characteristic zonation of vegetation. It still has the most diverse and most extensive examples of stable vegetated shingle in Europe, including the best representation of scrub on shingle. A feature of the site, thought to be unique in the UK, is the small depressions formed within the shingle structure, which support fen and open-water communities. The extensive areas of natural and semi-natural habitats support a large assemblage of nationally rare and nationally scarce vascular plant species, including populations of four plant species that are listed in Schedule 8 of the Wildlife and Countryside Act 1981 (as amended).
- 3.7 The SSSI is regularly used by an assemblage of at least 40 breeding bird species typical of shingle beaches and saltmarshes, lowland damp grasslands, lowland open waters and their margins, and scrub. This assemblage regularly includes nationally important breeding numbers of several species. Four areas in particular support particular concentrations associated with different combinations of habitats: Dungeness (particularly the RSPB Reserve); Rye Harbour Local Nature Reserve; Pett Level (particularly the Pannel Valley); and Cheyne Court. The extensive areas of open water, grazing marsh, reedbed and intertidal habitat in the SSSI provide safe feeding and roosting sites for nationally important numbers of waterfowl, together regularly supporting in excess of 20,000 individuals of more than 60 species. The SSSI also supports nationally important numbers of hen harrier *Circus cyaneus* in winter and aquatic warbler *Acrocephalus paludicola* on autumn passage.
- 3.8 The grazing marsh ditches support a large population of water vole *Arvicola amphibius*. Three metapopulations of great crested newt are found within the SSSI. Assemblages of invertebrates include nationally rare, endangered and vulnerable species associated with many of the habitats present on site.

Pevensey Levels SAC and Ramsar site

3.9 Pevensey Levels SAC and Ramsar site is designated for⁶:

- Little ramshorn whirlpool snail *Anisus vorticulus*;
- Outstanding assemblage of wetland plants and invertebrates including many British Red Data Book species associated with the ditch network on site; and
- Supporting 68% of vascular plant species in Great Britain that can be described as aquatic, associated with the ditch network on site. It is probably the best site in Britain for freshwater molluscs, one of the five best sites for aquatic beetles Coleoptera and supports an outstanding assemblage of dragonflies Odonata.

3.10 Relevant environmental factors include:

- Good water quality; low direct nutrient enrichment, particularly from fluvial sources; management of non-native species and an appropriate hydrological regime.

Dungeness SAC

3.11 Dungeness SAC is designated for its:

- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- Great crested newt (*Triturus cristatus*)

3.12 The Dungeness foreshore is one of two representatives of Annual vegetation of drift lines on the south coast of England and represents Perennial vegetation of stony banks on the south-east coast of England. The SAC supports a large and viable great crested newt population in a range of natural and manmade aquatic and terrestrial habitats.

3.13 The current known pressures of the site are of recreational pressure; the most noticeable evidence of this can be found around the Old Lighthouse, Café and Romney, Hyth and Dymchurch Railway (RHDR) car park. Damage to vegetation has also been recorded around the other access points of the site and some of the additional historic features.

Dungeness, Romney Marsh and Rye Bay SPA and Ramsar

3.14 Dungeness, Romney Marsh & Rye Bay SPA and Ramsar site is designated for its:

- Breeding and wintering water birds;
- Birds of prey;
- Passage warblers; and
- Breeding seabirds.

3.15 This site was fairly recently designated with full SPA and Ramsar designation in March 2016. The marine SPA extension is designated in order to protect the marine fishing habitat of the tern colonies for which the SPA is designated. There are other selected features that can be found on site that support this designation; these include the complex network of habitat types that support a variety of bryophytes, vascular plants, invertebrates and vunerale, endangered and critically endangered wetland species.

3.16 Additional rare habitats that are also supported on site include saltmarsh, natural freshwater pits, pens, ponds, gravel pits and grazing marsh and ditches. The Dungeness Complex SARMS sets out protective actions for the SPA/Ramsar site in its discussions of sub-areas 1 to 6.

⁶ JNCC (2011). Natura 2000. Standard Data Form. Pevensey Levels SAC
<http://jncc.defra.gov.uk/protectedsites/sacselection/n2kforms/UK0030367.pdf> [accessed 03/10/2017]

JNCC (2008). Information Sheet on Ramsar Wetlands (RIS). Pevensey Levels Ramsar.
<http://jncc.defra.gov.uk/pdf/RIS/UK11053.pdf> [accessed 03/10/2017]

Hastings Cliffs SAC

3.17 Hastings Cliffs SAC is designated for:

- Vegetated sea cliffs of the Atlantic Baltic Coasts.

- 3.18 Hastings Cliffs are of clay topography; as such they are fast eroding allowing for the successional development of grassland and scrub after each cliff fall. Further inland, the cliffs support pockets of woodland and scrubland of Atlantic bryophyte flora.
- 3.19 Hastings Cliffs SAC is within Hastings District. The HRA of the Rother Core Strategy, the Hastings Core Strategy and the emerging Hastings Town Centre & Bohemia AAP all conclude that the scale of housing growth expected over the period to 2028 (or 2033 in the case of the AAP) will not result in adverse recreational pressure effects on the SAC.
- 3.20 The cliff face vegetation itself is not vulnerable to recreational trampling and indeed erosion is an essential feature to expose new areas of substrate for plant colonisation. The SAC includes a range of additional habitats other than the cliffs themselves and these are sensitive to excessive trampling. However, the footpaths within the SAC already direct recreational activity in such a way as to minimise damage to these features. Much of the footpath network within the Country Park is actually outside the SAC. The SAC forms the most inaccessible parts of the site thereby naturally protecting the special features of the SAC.
- 3.21 The main features within the SAC that are used for recreation are Ecclesbourne Glen, Fairlight Glen, Warren Glen and Firehills. Each of these areas is crossed by numerous clear and well-signed footpaths. There are strategically placed directional bollards to keep people informed of the footpaths as well as large and instructive map boards around the site showing the entire footpath network of the Reserve. Also, due to the restricted access points for the site, illegal use by 4-wheel drive vehicles and motorbikes is not currently a problem.
- 3.22 Recreational activity in the Reserve (and SAC) is well-managed and since the Country Park is much larger than the SAC there is sufficient scope to control recreational access to the SAC without preventing people from accessing and enjoying the remainder of the Reserve to enable management of any increase in recreational visitors; a detailed framework and mechanism already exists to ensure that any necessary access management can be delivered.
- 3.23 Finally, there is an ongoing programme to provide alternative areas of accessible natural greenspace declared as Local Nature Reserves or country parks. Most notably, Coombe Valley Countryside Park between St Leonards and Bexhill is the relatively recent result of a partnership between Hastings Borough Council, Rother District Council, East Sussex County Council and other interests. It will be gradually developed over plan period and will provide an important accessible greenspace between the two towns of Hastings and Bexhill.
- 3.24 Given the above and since the quantum of growth in the DaSA is in line with that in the adopted Core Strategy, the earlier HRA conclusion can be carried forward and it is similarly found that the individual site allocations will not result in likely significant effects, alone or in combination with other plans and projects. Hastings Cliffs SAC is therefore not discussed further in this HRA.

4. Likely Significant Effects

Strategic issues requiring consideration (including Ashdown Forest and Lewes Downs)

- 4.1 As discussed earlier in this report there are several strategic matters that have arisen since the HRA of the Core Strategy was prepared and which need discussion before the analysis of each allocated site and topic policies in the DaSA is undertaken.

Dungeness, Romney Marsh and Rye Bay marine SPA Extension

- 4.2 There is now a declaration to extend the Dungeness, Romney Marsh and Rye Bay SPA into the coastal waters covering an area from Bexhill to Hythe and a maximum distance out to sea of 10km. This is in order to extend the protection already afforded to the tern nesting colonies of the SPA into their marine fishing areas. Since the marine SPA extension covers the open waters around the coast and is intended to ensure that fish stocks do not become depleted and can therefore continue to support the tern colonies that breed on land, it is considered that the only potential pathway which links growth in Rother to the SPA is any marine discharge of treated sewage effluent. This is a strategic issue but was not covered in the Core Strategy HRA since the SPA designation did not exist.
- 4.3 Hastings Wastewater Treatment Works (WwTW) serves both Hastings and Bexhill. Final effluent is transferred by pipeline to two long sea outfalls, each approximately 3 kilometres long. The WwTW therefore does discharge into the SPA extension. However, the quality of the discharge effluent is managed through an Environment Agency consent. The consent has been deemed to be environmentally acceptable and therefore provided the growth that is planned for delivery in Bexhill and Hastings can be managed within the headroom of the existing discharge consent no likely significant effect will arise. In discussions over planning in Rother District, Southern Water has advised that the existing WwTW has headroom for currently planned growth across Hastings and Bexhill. As such, this extension to the SPA is not discussed further in this report.

Air quality at Pevensey Levels SAC and Ramsar site

- 4.4 The Pevensey Levels SAC and Ramsar interest features are not sensitive to atmospheric ammonia, NO_x or nitrogen deposition. This is supported by reference to the UK Air Pollution Information System which does not list any interest features of the SAC as being sensitive to atmospheric nitrogen deposition, NO_x or ammonia. It is also noted that the Site Improvement Plan produced by Natural England does not mention air quality as a concern and AECOM understands from personal communication from Natural England officers that they do not currently see atmospheric nitrogen deposition as a risk to the integrity of this site. The Pevensey Levels SAC is designated for its population of lesser ramshorn whirlpool snail (*Anisus vorticulus*), while the Ramsar site is designated for both this snail and a range of other internationally important aquatic invertebrates and aquatic plants in the ditch network on site. The site also provides habitat for breeding and wintering birds but these are not a reason for Ramsar designation.
- 4.5 While eutrophication (excessive vegetation growth from nutrient enrichment) is a risk, the ditches of the Pevensey Levels (like most freshwater bodies) are understood to be 'phosphate-limited', meaning that phosphate is the most important nutrient to control. Natural England emphasise the role of phosphorus in text quoted in paragraph 15.46 of the recently published Wealden Local Plan HRA. Phosphate does not derive from atmosphere but does come in large volumes from agricultural runoff and treated sewage effluent. For Pevensey Levels SAC/Ramsar site the discharges of Hailsham North and Hailsham South WwTW will be particularly significant. Provided phosphate levels can be controlled then nitrogen inputs (even through the water column) are unlikely to have a material effect on plant growth/habitat structure in the ditches. This is why, in most freshwater SACs and Ramsar sites, the attention is focussed on controlling phosphate inputs rather than nitrogen inputs.

- 4.6 In their recently published HRA of their Local Plan, Wealden District Council model nitrogen deposition under three scenarios. Each scenario postulates a differing trend in future vehicle emissions technology from no improvement and thus a reversal of current trends (Scenario A) to the full improvement allowance advocated in the Design Manual for Roads and Bridges (Scenario C). The most balanced scenario is Scenario B, which is more cautious than DMRB but not unrealistically conservative. Since there are no applicable nitrogen critical loads, or NOx or ammonia critical levels, for the interest features of this SAC or Ramsar site, there are no appropriate reference levels/damage thresholds for any impact assessment. In the Wealden Local Plan modelling this is circumvented in the following manner: *'a generic 'fen, marsh and swamp' habitat [for which a critical load is available] is considered in this assessment of ditch freshwater habitat'* (paragraph 15.39) despite the fact that these are not equivalent habitats. Even taking this approach, when all growth in combination is taken into account Scenario B indicates that *'...exceedances are predicted 1m from the A259 and apply to around 65% of its length only'* (paragraph 15.27). Moreover Table 67 shows that, while the critical load for generic fen, marsh and swamp will continue to be exceeded, there is nonetheless forecast to be a net improvement in both pollutants expected by 2028 under Scenario B and Scenario C and as already discussed 'fen, marsh and swamp' is not the interest feature of the SAC or Ramsar site.
- 4.7 It is therefore considered that a conclusion of no likely significant effect due to air quality, either alone or in combination, remains appropriate.
- 4.8 Water quality and surface water runoff regarding Pevensy Levels SAC and Ramsar site are included within the scope of this HRA and are considered further in Section Table 3.

Recreational pressure at Ashdown Forest SAC/SPA

- 4.9 A visitor survey undertaken for Ashdown Forest in 2016⁷ found that, of 452 visitors surveyed, 72% were day visitors from within Wealden District, 12% were from Mid-Sussex District and 5% were from Tunbridge Wells Borough. In contrast, only two visitors lived in Rother District (a previous survey found none at all). In the HRA of their Local Plan, Wealden District Council identifies a core catchment for the SAC/SPA of 7km; Rother district falls well outside that zone.

Air Quality at Lewes Downs SAC

- 4.10 AECOM consider that a conclusion of no likely significant effect 'in combination' can be drawn as follows:
- While the A26 does pass within 200m of a small section of the SAC at South Malling, the SAC is designated for calcareous grassland, the nearest area of which is 50m from the A26 with the intervening area occupied by mature woodland. The calcareous grassland therefore lies outside the area of SAC likely to be most affected by the road.
 - Modelling undertaken for South Downs National Park Authority and Lewes District Council identifies that even taking account of ammonia emissions from traffic (which are usually ignored) the nitrogen deposition rates at Lewes Downs SAC are forecast to be improving and are expected to have fallen below the critical load for calcareous grassland at 50m from the roadside by 2031. The total additional nitrogen deposition from all traffic growth (including Brighton & Hove, Wealden and other authorities) was forecast to be small, at 0.14 kgN/ha/yr at 50m from the roadside by 2031. Moreover, the total nitrogen deposition rate was forecast to fall to 14.39 kgN/ha/yr at the same location, compared with a critical load for calcareous grassland of 15kgN/ha/yr. As such there is considerable headroom between the forecast total deposition rate by 2031 and the critical load.
 - Modelling undertaken for Wealden District Council to support the HRA of their Local Plan in June 2018 draws a similar conclusion as the South Downs/Lewes modelling when the most realistic scenario (Scenario B) is examined. A net improvement in nitrogen deposition is forecast when all growth is considered 'in combination' and paragraph 14.53 states that under this scenario *'concentrations and deposition [due to additional traffic]... is not predicted to encroach into the area of calcareous grassland...'* i.e. it will only affect the area of woodland along the A26. The HRA report then

⁷ <http://www.wealden.gov.uk/nmsruntime/saveasdialog.aspx?IID=21693&slID=5680>

acknowledges in paragraph 14.62 '*Natural England's advice* [quoted in paragraph 14.52] *that this [the woodland] is not an area of concern*'

Air quality at Ashdown Forest SAC

4.11 Traffic modelling undertaken by Rother District Council estimates a total net change in Annual Average Daily Traffic (AADT) through Ashdown Forest SAC/SPA from the A26 and A22 combined of less than 20 AADT attributable to commuting trips. This is unsurprising given that the main settlement in Rother District (Bexhill) is 30km from Ashdown Forest SAC/SPA, while the district's other towns, Battle and Rye, are 37km and 57km distant respectively. Even if there were also some social and leisure trips affecting the Ashdown Forest (though these distances would suggest this negligible), a change this small to 24hr AADT flows through, or adjacent to, a European site is very unlikely to materially alter any air quality modelling results (and thus ecological effects) for three reasons:

- Firstly, daily traffic flows are not fixed numerals but fluctuate from day to day. The AADT for a given road is an annual average (specifically, the total volume of traffic for a year, divided by 365 days). It is this average number that is used in air quality modelling, but the 'true' flows on a given day will vary around this average figure. Small changes in average flow will lie well within normal variation (known as the standard deviation or variance) and would not make a statistically significant difference in the total AADT.
- Secondly, when converted into NO_x concentrations, ammonia concentrations or nitrogen deposition rates, very small changes in AADT would only affect those decimal places that are never reported in air quality modelling to avoid false precision. For this reason, nitrogen deposition is generally not reported to more than 2 decimal places at most (0.01 kgN/ha/yr). Anything smaller is simply reported as less than 0.01 (< 0.01) i.e. probably more than zero but too small to model with precision.
- Thirdly, ecological interpretation of the air quality implications of any change in flows is required. Research has identified that heathland vegetation parameters (for example) such as species richness or percentage grass cover are not sensitive to extremely small changes in nitrogen dose. Natural England Commissioned Report 210⁸ reports the nitrogen dose required to achieve particular changes in heathland vegetation at a range of background deposition rates. It is clear from this report that extremely small fluctuations in nitrogen deposition, such as would result from small changes in AADT, would not materially affect the vegetation response of a given dose.

4.12 Joint modelling work has been published for South Downs National Park Authority, Lewes District Council, Sevenoaks District Council and Tunbridge Wells Borough Council by AECOM. This modelling took a precautionary but realistic approach to future changes in background NO_x emissions and nitrogen deposition rates, allowing for a continuation of the existing improving trend in both pollutants but ensuring that this allowance is evidenced by being based upon recent historic rates of improvement. This concluded that, even when growth in all these authorities is added to that expected in Wealden District, Tandridge District, Mid- Sussex District and other authorities no adverse effect would be expected on the interest features of the SAC. This was due to a combination of:

- The fact that a significant net improvement in ammonia concentrations, NO_x concentrations and nitrogen deposition rates is expected at the roadside of the A22, A26 and A275 through the SAC by 2033, notwithstanding traffic growth over the same time period. This is attributable to expected improvements in vehicle emissions technology. The improving trend in NO_x concentrations and oxidised nitrogen deposition rates at the SAC can already be seen by examining trend graphs presented on www.apis.ac.uk which show that both pollutants have improved considerably since 2005; and
- The fact that all growth combined was forecast to result in a nitrogen dose of 0.3 kgN/ha/yr at the worst-case location, which following comparison with dose-response data for

⁸ CAPORN, S., FIELD, C., PAYNE, R., DISE, N., BRITTON, A., EMMETT, B., JONES, L., PHOENIX, G., S POWER, S., SHEPPARD, L. & STEVENS, C. 2016. Assessing the effects of small increments of atmospheric nitrogen deposition (above the critical load) on semi-natural habitats of conservation importance. Natural England Commissioned Reports, Number 210.

heathland published by Natural England was not expected to materially retard any ecological improvement which would otherwise occur due to the reduction in pollution.

- 4.13 This modelling has since also been updated using more precise growth estimates for Hastings District, the City of Brighton & Hove and Tandridge District, with identical conclusions. Indeed, the modelling shows that Hastings and Brighton & Hove in particular are so remote from the SAC that the substantial housing and employment growth planned nonetheless has a nugatory effect of tens of AADT on roadside pollutant concentrations in the SAC due to the small number of vehicle movements expected (even though the forecast flows were greater than those identified above for Rother growth). Rother was not specifically manually modelled for the work that has been undertaken but was included by virtue of the fact that all future scenarios were based on the National Trip End Model and its presentation programme (TEMPPro). The adopted Rother Core Strategy (Local Plan Part 1) assumes delivery of 335 dwellings per annum in the district from 2011 to 2028. TEMPPro assumes an average rate of 445 dwellings per annum. So TEMPPro is assuming a slightly higher delivery rate than the Core Strategy. The overall 'in combination' conclusion of the modelling was that no likely significant effect would arise.
- 4.14 In June 2018 Wealden District Council published the HRA of their Local Plan. This included modelling of several air quality scenarios for Ashdown Forest SAC/SPA. The main point to emerge from the most realistic scenario modelled (Scenario B) is that a net reduction in nitrogen deposition to the heathland in the SAC/SPA is expected to 2028. This matches the conclusion of the AECOM modelling undertaken for the other authorities. The maximum nitrogen dose from additional traffic on the network is greater than that forecast by AECOM but still affects only a very small proportion of all heathland in the SAC and (as with the dose reported in the AECOM modelling) means that, at worst, any vegetation recovery that would occur following the net reduction in nitrogen deposition to 2028 may be slightly less in those small areas than it would be in the absence of any growth (e.g. a 0.5% increase in grass cover over c. 0.03% of the heathland in the SAC). Moreover, given the confounding factors present, as demonstrated by vegetation and soil monitoring reported in the Wealden Local Plan HRA, it is entirely possible that even this effect may never materialise on the ground. Therefore, it is considered that the most realistic modelling scenario in the Wealden Local Plan HRA broadly corresponds with the modelling undertaken for the other authorities.
- 4.15 Having considered these strategic issues, the report now considers the effects of the site allocations and policies within the DaSA.

Screening of Residential Site Allocations and Settlements to Provide a Quantum of Residential Development

- 4.16 Table 3 below undertakes screening of settlements identified to provide residential development. Residential development is provided either in the form of specific site allocations or by referencing Neighbourhood Plans (adopted and emerging) that provide a quantum of development and in some cases allocates sites for development that meets the requirements of the Core Strategy. Table 3 also undertakes screening of the site allocations. In relation to surface water run-off and the Pevensy Levels SAC, evidence-based criteria for determining which sites require further consideration was used from the Pevensy Levels Hydrological Catchment Area⁹. This catchment area was applied to the screening of all sites allocated by the DaSA report.
- 4.17 Since recreational pressure on the Dungeness complex of sites is an overarching issue that applies to growth throughout Rother District in combination with that in Folkestone & Hythe and further afield (as per the SARMS: *'Most regular visitors to the sites live in Shepway or Rother district, and a high proportion live within a distance of 20km'*), it is not taken into account in the screening tables below as all residential sites would be coloured amber. This would not aid discrimination between whether some sites pose more of a risk to European sites than others. There is also a mitigation strategy close to publication (the SARMS). However, since the Dungeness SARMS constitutes mitigation it cannot be formally taken into account until the appropriate assessment stage. Therefore the pathway of recreational pressure on the Dungeness complex of sites is taken forward to appropriate assessment in order to enable the

⁹ Rother District Council DaSA : Figure 12. Pevensy Levels Hydrological Catchment Area.
Prepared for: Rother District Council

role of the SARMS to be taken into account in forming a view of the risk of actual adverse effects on integrity.

- 4.18 The locations of the Parishes providing development and residential site allocations identified in Table 2 are illustrated in **Appendix A, Figure A1**.

Table 3: Screening of Rother District DaSA allocations

Town	Policy	Site Reference Number	Development Site	Designated Site Locations	Brief Summary	Screening Outcome
Bexhill	BEX1	BX113	Land at Levetts Wood and Oaktree Farm, Sidley	<ul style="list-style-type: none">• Pevensey Levels SAC/Ramsar site: 8.1 km south west• Dungeness, Romney Marsh and Rye Bay SPA/Ramsar¹⁰: 16.4 km east	This site is located within Sidley. The existing land use of the site is farmland and equestrian. The proposed development is for employment purposes with a total of 33, 500 sqm to be built on the 14.2 ha of the site.	No likely significant effect This development is employment related and lies a considerable distance from any designated sites. The development is not likely to have a significant effect on European sites. In any event, outline planning permission for this development is already granted. As such it is justified to say that this site can be ‘ <i>screened out</i> ’.
	BEX2	BX19	Land at Preston Hall Farm, Sidley, Bexhill	<ul style="list-style-type: none">• Pevensey Levels SAC/Ramsar: 8.1 km south west• Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 16.4 km east	This site is just north of Sidley. The current land use of the site is greenfield, farmland and associated farm buildings. The proposed development is of 139 residential dwellings and amenity open space. For the purposes of this HRA it is therefore assumed to have a capacity of c. 150 dwellings.	No likely significant effect The development of c.150 dwellings within Bexhill lies a considerable distance from any designated sites. In any event, planning permission for this development is already granted. This site can therefore be ‘ <i>screened out</i> ’.
	BEX3	BX124	Land at North Bexhill	<ul style="list-style-type: none">• Pevensey Levels SAC: 3.3 km west• Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 16.1 km east	This site is located just north of Bexhill. The current land use of the site is mostly agricultural with small units of equestrian and residential use. The proposed development of the site is c. 530 residential dwellings within 17.5 ha of the site. For the purposes of this HRA it is therefore assumed to have a capacity of c. 600 dwellings. Open space and, semi-natural greenspace will also be included within this development.	No likely significant effect The development of c.550 residential units within Bexhill lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites.
	BEX4	BX4	Land at Former High School Site and Drill Hall, Down Road, Bexhill	<ul style="list-style-type: none">• Pevensey Levels SAC/Ramsar: 3.3 km• Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 16 km	This site is within the centre of Bexhill. The existing land use of the site is of mixed use, including a leisure centre, community hall, skate park, motorcycle training centre and a former school canteen. The development proposals consist of both commercial and residential units. The commercial units proposed at this site include up to 6,500sqm of leisure, around 400sqm of proposed a restaurant space and an 80-100 bed hotel. Residential dwellings are proposed to consist of either some 35 town houses or a mix of houses and apartments, totalling some 54 units a total area of 1.17 ha of the site. For the purposes of this HRA it is therefore assumed to have a capacity of c. 60 dwellings.	No likely significant effect This development of up to 60 units lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites. The addition of an 80-100 bed hotel could increase tourists to the local area. However, the issue of recreational pressure is not development site-specific but related to all housing growth and tourism across the district.
	BEX5	BX5	Land at Gullivers Bowls Club, Knole Road, Bexhill	<ul style="list-style-type: none">• Pevensey Levels SAC/Ramsar: 3.8 km south west• Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 15.2 km east	This site is located towards the seafront of Bexhill. The existing land use of the site is an outdoor bowls facility, pavilion, club house and ice rink. The proposed development of the site is 39 sheltered housing accommodation units. For the purposes of this HRA it is therefore assumed to have a capacity of c. 50 dwellings. A replacement bowls facility and indoor ice rink will also be replaced on site.	No likely significant effect This development of c. 50 units lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites.

¹⁰ Note that this does not include the marine SPA extension as site-specific pathways to that part of the SPA/Ramsar site have already been scoped out of assessment

BEX6	BX30	Land adjacent to Cemetery Lodge /276 Turkey Road, Bexhill	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 2.9 km south west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 17.1 km east 	This site is located towards the north west of Bexhill. The existing land use of the site is of recreational fields. The proposed development of the site is 30 residential buildings within an area of 1.05 ha of the site. For the purposes of this HRA it is therefore assumed to have a capacity of c. 50 dwellings.	<p>Likely significant effect</p> <p>This development of c. 40 units lies within the Pevensey Levels Hydrological Catchment Area it is therefore considered probable that surface water discharge may reach the SAC/Ramsar given the well-connected ditch network. Therefore it is not possible to say a <i>priori</i> that the development at Cemetery Lodge would not have likely significant effects on the European sites with regards to water quality. Note that this judgment is made prior to the consideration of any mitigation measures devised for the site or set out in Core Strategy policy.</p>
BEX7	BX64	Land at Moleynes Mead, Fryatts Way, Bexhill	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 2.9 km south west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 17.1 km east 	This site is located towards the north west of Bexhill. The existing land use of the site is residential with additional equestrian uses. The proposed development is 24 residential dwellings. For the purposes of this HRA it is therefore assumed to have a capacity of c. 30 dwellings.	<p>Likely significant effect</p> <p>This development of c. 30 units lies within the Pevensey Levels Hydrological Catchment Area it is therefore considered probable that surface water discharge may reach the SAC/Ramsar. Therefore it is not possible to say a <i>priori</i> that the development at Moleynes Mead would not have likely significant effects on the European sites with regards to water quality. Note that this judgment is made prior to the consideration of any mitigation measures devised for the site or set out in Core Strategy policy.</p>
BEX8	BX81	Land south of Terminus Road, Bexhill	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 3.4 km west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 15.8 km east 	This site is located close to the seafront of Bexhill. The existing land use of the site is of car sales and car wash. The development proposals of the site are of mixed units. Consisting of up to 10 residential dwellings	<p>No likely significant effect</p> <p>This development of c. 10 units lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites.</p>
BEX9	BX116	Land off Spindlewood Drive, Bexhill	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar site: 422m south west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 18.7 km east 	This site is located towards the north of Bexhill. The existing land use of the site is grazing land. The proposed development is of 160 residential dwellings. For the purposes of this HRA it is therefore assumed to have a capacity of c. 180 dwellings.	<p>Likely significant effect</p> <p>This site is located within 500m of Pevensey Levels SAC. Based upon the Pevensey Levels Hydrological Catchment Area this site is located within surface water discharge pathways that can reach for several hundred metres, particularly given the ditch network that links west Bexhill to the SAC/Ramsar site. Therefore it is not possible to say a <i>priori</i> that the development at Spindlewood Drive would not have likely significant effects on the SAC/Ramsar site through water quality associated with surface water runoff. Note that this judgment is made prior to the consideration of any mitigation measures</p>

						devised for the site or set out in Core Strategy policy.
				•		
	BEX10	BX101	Northeye, Bexhill	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 675km west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 19.6km east 	The development of this site is for some 140 residential dwellings and playing pitch/open space. For the purposes of this HRA it is therefore assumed to have a capacity of c. 150 dwellings as well as playing pitches on the northern part of the site.	<p>Likely significant effect</p> <p>This site is located within 700m of Pevensey Levels SAC. Based upon the Pevensey Levels Hydrological Catchment Area it has been considered highly likely that this site is within catchment of surface water discharge pathways. These pathways can reach for several hundred metres, particularly given the ditch network that links west Bexhill to the SAC/Ramsar site. Therefore it is not possible to say a <i>priori</i> that the development would not have likely significant effects on the SAC/Ramsar site through water quality associated with surface water runoff. Note that this judgment is made prior to the consideration of any mitigation measures devised for the site or set out in Core Strategy policy.</p>
	BEX11	BX123	Land at Sidley Sports and Social Club, Bexhill	<ul style="list-style-type: none"> • Pevensey Levels SAC: N/A • Dungeness Romney Marsh and Rye Bay Ramsar: N/A 	There are no housing or employment development proposals for the site as it is intended to deliver playing pitches and associated community facilities.	<p>No likely significant effect</p> <p>Since there are no housing or employment proposals for the site it can be 'screened out'.</p>
	BEX14	BX122	Land south-east of Beeching Road, Bexhill	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar site: 3.4 km west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 16 km east 	This site is located in the centre of Bexhill and is currently in use as an employment estate. The proposed development of the site is to create a large retail space of 2,000spm of convenience goods floor space, potentially with an element of office accommodation.	<p>No likely significant effect</p> <p>This is an employment site that lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites.</p>
Battle	-	-		<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 5.8km west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 9.3km east 	At least a further 295 dwellings are required to be allocated in the Battle Neighbourhood Plan. For the purposes of this HRA it is therefore assumed to make provision for c. 340 dwellings.	<p>No likely significant effect</p> <p>Individual site allocations not known at this stage. However, the parish of Battle is a considerable distance from any European sites such that no site-specific likely significant effect would arise.</p>
	GYP1	BA77	Land adjacent to High Views, Loose Farm Lane	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 10 km south-west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 12.1 km east 	This site is located towards the south-east of Battle. The site is to be allocated for one pitch for Gypsies and Travellers.	<p>No likely significant effect</p> <p>This site is considerable distance from designated sites. Furthermore, the proposal is for the allocation for an individual plot and it is therefore considered unlikely that the site allocation would cause a significant effect to European sites.</p>
Rye				<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: Over 20km west • Dungeness Romney Marsh and Rye Bay SAC/SPA/Ramsar: N/A 	A Neighbourhood Plan for Rye is in preparation. At least a further 121 dwellings are required to be allocated in Rye/Rye Harbour. The draft Rye	<p>Likely significant effect</p> <p>As the neighbourhood Plan has not yet</p>

Neighbourhood Plan identified sites for up to 160 dwellings. For the purposes of this HRA, Rye is assumed to make provision for c. 160 dwellings.						reached Submission stage, the locations of sites are not clear at this point in the HRA process. Since parts of Rye town are close to Dungeness, Romney Marsh and Rye Bay SPA/Ramsar site and parts of Dungeness SAC, it is therefore possible that site-specific adverse effects could arise through the pathways of surface water runoff or construction-related disturbance. Note that this judgment is made prior to the consideration of any mitigation measures devised for the site or set out in Core Strategy policy.
Rye Harbour	RHA1	RH10	Land at the Stonework Cottages, Rye Harbour	<ul style="list-style-type: none">Pevensey Levels SAC/Ramsar: Over 20km westDungeness Romney Marsh and Rye Bay SPA/Ramsar: 119m	The development of this site is for 40 residential dwellings.	Likely significant effect Since parts of Rye town and all of Rye Harbour are adjacent to Dungeness, Romney Marsh and Rye Bay SPA/Ramsar site and parts of Dungeness SAC it is therefore possible that site-specific adverse effects could arise through the pathways of surface water runoff or construction-related disturbance and loss of functionally-linked land. Note that this judgment is made prior to the consideration of any mitigation measures devised for the site or set out in Core Strategy policy.
	RHA2	Harbour Road Employment Area, Rye Harbour (DaSA Figure 114)	<ul style="list-style-type: none">Pevensey Levels SAC/Ramsar: Over 20km westDungeness Romney Marsh and Rye Bay SPA/Ramsar: 119mDungeness SAC: 945m west	The site is the whole of the employment area, which has capacity, albeit limited, for further intensification.		Likely significant effect This site is located within 200m of Dungeness, Romney Marsh & Rye Bay SPA/Ramsar. Surface water discharge pathways can reach for several hundred metres. Therefore it is not possible to say a priori that the development would not have likely significant effects on the SPA/Ramsar site through water quality associated with surface water runoff. Note that this judgment is made prior to the consideration of any mitigation measures devised for the site or set out in Core Strategy policy.
Beckley/ Four Oaks	BEC1	FO15	Land east of Hobbs Lane, Beckley Four Oaks	<ul style="list-style-type: none">Pevensey Levels SAC: Over 20 km south eastHastings Cliffs SAC: 12.4 km southDungeness Romney Marsh and Rye Bay Ramsar: 7.2 km south east	This site is located north east of rural Beckley. The site was formerly used as an engineering factory; however, this has been vacated for some time. The existing site use is farmland. The development proposals are of 14 new residential dwellings on a site of 0.71 ha.	No likely significant effect This development lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites. As such this development may be 'screened out'.
	BEC2	FO12	Land south of Buddens Green, Beckley Four Oaks	<ul style="list-style-type: none">Pevensey Levels SAC: Over 20 km south eastHastings Cliffs SAC: 12.2 km south	This site is located towards the centre of rural Beckley. The site's current use is of pastoral land. The	No likely significant effect

				<ul style="list-style-type: none">Dungeness Romney Marsh and Rye Bay Ramsar: 7.2 km south east	development proposals are for 6 new residential dwellings.	This development lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites. As such this development may be 'screened out'.
Broad Oak	BRO1	BO16	Land west of A28, Northiam Road, Broad Oak	<ul style="list-style-type: none">Pevensey Levels SAC: 16.8 km south eastHastings Cliffs SAC: 9 km southDungeness Romney Marsh and Rye Bay Ramsar: 7.8 km south east	This site is located towards the north of rural Broad Oak. The existing uses of the site are two residential buildings and adjoining pastoral land. The development proposals for this site are for 40 (net) dwellings and allotment gardens.	No likely significant effect This development lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites.
	BRO2	BO17	Land south of the Rainbow Trout Pub, Broad Oak	<ul style="list-style-type: none">Pevensey Levels SAC: 17.8 km south eastHastings Cliffs SAC: 9 km southDungeness Romney Marsh and Rye Bay Ramsar: 7.9 km south east	This site is located towards the south west of rural Broad Oak. The existing site is of a public house and adjoining meadows with the proposal to develop a total of 20 residential dwellings and retain the PH..	No likely significant effect This development lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites.
Burwash	-			<ul style="list-style-type: none">Pevensey Levels SAC/Ramsar: 9.6km south-westDungeness Romney Marsh and Rye Bay SPA/Ramsar: 19km south-east	A Neighbourhood Plan for Burwash is in preparation. At least a further 22 dwellings are required to be allocated in Burwash village. At the time of writing, Burwash Neighbourhood Plan is in development stage. However, a planning appeal is running for 42 dwellings; hence, for the purposes of this HRA, it is assumed to make provision for c. 42 dwellings.	No likely significant effect Individual site allocations not known at this stage. However, the parish of Burwash is a considerable distance from any European sites such that no site-specific likely significant effect would arise.
Camber	CAM1	CM2	Land at the Former Putting Green Site, Camber	<ul style="list-style-type: none">Pevensey Levels SAC/Ramsar: 29 km south westDungeness Romney Marsh and Rye Bay SPA/Ramsar: 150 m southDungeness SAC: 1.6 km south west	This site is located towards the sea front of Camber-Sands. The existing land use of the site is a car park. The proposed development of the site is to develop 10 residential buildings.	Likely significant effect This site is located within 200m of Dungeness, Romney Marsh & Rye Bay SPA/Ramsar. Surface water discharge pathways can reach for several hundred metres. Therefore it is not possible to say a priori that the development would not have likely significant effects on the SPA/Ramsar site through water quality associated with surface water runoff. Note that this judgment is made prior to the consideration of any mitigation measures devised for the site or set out in Core Strategy policy.
	CAM2	CM6	Land at the Central Car Park, Camber	<ul style="list-style-type: none">Pevensey Levels SAC: 29 km south westDungeness Romney Marsh and Rye Bay SPA/Ramsar: adjoining site to both east and westDungeness SAC: 1.6 km south westDungeness NNR: 2.7 km east	This site is currently located at the sea front of Camber-Sands. The existing land use of the site is a relatively large, paved car park that is directly on the beech of Camber. The development proposals of this site are of mixed units, including holiday property, with a likely total of some 10 units proposed at the site.	Likely significant effect This site is located adjacent to Dungeness, Romney Marsh & Rye Bay SPA/Ramsar. Surface water discharge pathways can reach for several hundred metres. Therefore it is not possible to say a priori that the development would not have likely significant effects on the SPA/Ramsar site through water quality associated with surface water runoff. Depending on the timing of works there may also be issues with construction-related disturbance. Note that this judgment is made prior to the

						consideration of any mitigation measures devised for the site or set out in Core Strategy policy.
						This site is currently a concrete car park; therefore there are no issues associated with habitat loss.
Catsfield	CAT1	CA12	Land to the rear of The White Hart, Catsfield	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 6.2 km south west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 17.4 km south east 	This site is located within the centre of the rural Catsfield. The existing land use of the site is greenfield: scrub and grassland. The proposed development is of 35 residential dwellings and amenity open green space. For the purposes of this HRA, Catsfield is assumed to make provision for c.38 dwellings, which is its full Core Strategy target.	<p>Likely significant effect</p> <p>This development lies within the Pevensey Levels Hydrological Catchment Area it is therefore considered probable that surface water discharge may reach the SAC/Ramsar given the well-connected ditch network. Therefore it is not possible to say <i>priori</i> that the development at The White Hart would not have likely significant effects on the European sites within regards to water quality. Note that this judgment is made prior to the consideration of any mitigation measures devised for the site or set out in Core Strategy policy.</p>
Crowhurst				<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 6.2 km south west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 17.4 km south east 	A Neighbourhood Plan for Crowhurst is in preparation. At least a further 20 dwellings are required to be allocated in Crowhurst village. The draft Crowhurst Neighbourhood Plan identified sites for up to 30 dwellings. For the purposes of this HRA, Crowhurst is assumed to make provision for c. 30 dwellings.	<p>No likely significant effect</p> <p>As the neighbourhood Plan has not yet reached Submission stage, the locations of sites are not clear at this point in the HRA process. However, the village lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites.</p>
Etchingham				<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 12.8km south • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 18km south 	A Neighbourhood Plan for Etchingham is in preparation. At least a further 20 dwellings are required to be allocated in Etchingham village. At the time of writing, Etchingham Neighbourhood Plan is in development stage. For the purposes of this HRA, it is assumed to make provision for c. 30 dwellings.	<p>No likely significant effect</p> <p>Individual site allocations not known at this stage. However, the parish of Etchingham is a considerable distance from any European sites such that no site-specific likely significant effect would arise.</p>
Fairlight Cove	FAC1	FC1	Land at the Former Market Garden, Lower Waites Lane, Fairlight Cove	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 15.2km west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 1.1km east 	The development proposals for this site are pending for 16 dwellings that are currently awaiting completion of a S106 agreement.	<p>No likely significant effect</p> <p>Fairlight parish is adjacent to Hastings Cliffs SAC but likely significant effects on that site were dismissed at the Core Strategy level as related earlier in this report. The parish of Fairlight is a considerable distance from any other European sites such that no site-specific likely significant effect would arise</p>
	FAC2	FC2	Land east of Waites Lane, Fairlight Cove	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 15.2km west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 1.1km east 	The development proposals for the site are for 30 dwellings as well as a doctor's surgery and green space/amenity area.	<p>No likely significant effect</p> <p>Fairlight parish is adjacent to Hastings Cliffs SAC but likely significant effects on that site were dismissed at the Core Strategy level as related earlier in this</p>

						report. The parish of Fairlight is a considerable distance from any other European sites such that no site-specific likely significant effect would arise
Flimwell				<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: Over 20 km • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: Over 20 km south east 	At least a further 9 dwellings are required to be allocated in Netherfield as part of the Ticehurst Neighbourhood Plan. The draft Ticehurst Neighbourhood Plan identifies a site for 9 dwellings. Therefore, for HRA purposes, a capacity of 9 dwellings is assumed.	No likely significant effect As the neighbourhood Plan has not yet reached Submission stage, the locations of sites are not clear at this point in the HRA process. However, the village lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites.
Hurst Green	HUR1	HG18	Land off Foundry Close, Hurst Green	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 19 km south west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 19.4 km south east 	This site is located within the centre of rural Hurst Green. The existing land use of the site is vacant scrub. The proposed development of the site is 50 residential buildings within 2.2 ha.	No likely significant effect This development lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites.
	HUR2	HG17	Caravan Tech premises, High Street, Hurst Green	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 19 km south west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 19.4 km south east 	This site is located towards the south of Hurst Green. The existing land use of the site is for caravan sales. The development proposals of the site are for 15 residential dwellings within the 0.5 ha of the site.	No likely significant effect This development lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites.
Iden	IDE1	ID1a	Land south of Elmsmead, Iden	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: Over 20 km south west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 2.1 km south east 	This site is located towards the centre of rural Iden. The existing land use of the site is residential paddocks. The development proposals for the site are a total of 12 residential dwellings.	No likely significant effect This development lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites.
Marley Lane	MAR1	Marley Lane (MAR1)	Land at Felon's Field, Marley lane	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 9.9km west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 11.8km east 	Development proposals at Marley Lane are for 3,000sqm of employment space	No likely significant effect This development lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites.
Netherfield				<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 7.6km west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 16km east 	At least a further 23 dwellings are required to be allocated in Netherfield as part of the Battle Neighbourhood Plan. However, at the time of writing, Battle Neighbourhood Plan is in development stage For the purposes of this HRA, Netherfield is therefore assumed to make provision for c. 27 dwellings.	No likely significant effect Individual site allocations not known at this stage. However, Netherfield is a considerable distance from any European sites such that no site-specific likely significant effect would arise.
Northiam	NOR1	NO15	Land south of Northiam Church of England Primary School	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: Over 20 km south west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 10.3 km south east 	This site is located towards the south of rural Northiam. The existing land use of the site is currently meadow. The development proposals are for 6 residential buildings within 0.27 ha of the site.	No likely significant effect This development lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites.
	NOR2	NO17	Land at Goddens Gill	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: Over 20 km south west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 10.3 km south east 	This site is located just east of the centre of rural Northiam. The existing land use of the site is currently meadow. The site has planning permission for 58 (age restricted) units, but this is not expected to be	No likely significant effect This development lies a considerable distance from any designated site. The

					proceeded. A scheme of 52 units (or 36 houses) is more realistic. However, for the purposes of the HRA, it is assumed to have capacity for 58 units.	development is therefore not likely to have a significant effect on European sites.
Peasmarch	PEA1	PS24	Land south of Main Street, Peasmarch	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: Over 20 km south west • Hastings Cliffs SAC: 11.6 km south • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 4.5 km south east 	This site is located towards the north of rural Peasmarch. The existing current land use is paddock and equestrian that is privately owned by the current landowners. The development of the sites is for 45 (net) residential buildings.	<p>No likely significant effect</p> <p>This development lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites.</p>
Ticehurst				<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: Over 20 km south • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: Over 20 km south east 	At least a further 6 dwellings are required to be allocated in Ticehurst as part of the Ticehurst Neighbourhood Plan. The draft Ticehurst Neighbourhood Plan identifies sites for 16 dwellings. Therefore, for HRA purposes, a capacity of 16 dwellings is assumed.	<p>No likely significant effect</p> <p>As the neighbourhood Plan has not yet reached Submission stage, the locations of sites are not clear at this point in the HRA process. However, the village lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites.</p>
Westfield	WES1	WF26	Land at Westfield Down, Westfield	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 14 km south west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 6.7 km south east 	This site is located towards the north east of the small town of Westfield. The existing land use of the site is vacant greenfield and rough grassland. The development proposals of the site are for a total of 39 residential dwellings within 1.2 ha of the site. 2.5ha of the site is allocated for recreational purposes	<p>No likely significant effect</p> <p>This development lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites.</p>
				<ul style="list-style-type: none"> • 		
	WES2	WF23	Land at the former Moorhurst Care Home, Westfield	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 13.9 km south west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 6.6 km south east 	This site is located towards the north of Westfield. The existing site is brownfield with over grown scrub and gardens. The proposed development of the site is of 40 residential dwellings. It has been proposed that these houses are for retirement living/ sheltering housing for older persons.	<p>No likely significant effect</p> <p>This development lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites.</p>
	WES3	WF6E	Land off Goulds Drive, Westfield	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 14.2 km south west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 7.9 km south east 	This site is located towards the south of Westfield. The existing land use of the site is vacant greenfield of rough grassland. The proposed development is of 10 residential dwellings within 0.21 ha of the site.	<p>No likely significant effect</p> <p>This development lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites.</p>
	WES4	WF27	Land between Moor Lane and the A28	<ul style="list-style-type: none"> • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 6.9 km south east • Pevensey Levels SAC/Ramsar: 14.6 km south west 	This site is located towards the centre of Westfield. The site is to be allocated for allotment uses.	<p>No likely significant effect</p> <p>This site allocation lies at considerable distance from any European designated sites. The allocation of allotments is therefore not likely to have any significant effect to designated sites within Rother.</p>
Hastings Fringes	HAS2	HF4	Land at Michael Tyler Furniture, Woodlands Way, Hastings	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 13km west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 7km east 	The development proposals are of 40 residential dwellings.	<p>No likely significant effect</p> <p>This development lies a considerable distance from any designated site. The development is therefore not likely to have a significant effect on European sites.</p>
	HAS3	HF8e	Land north of A265, Ivyhouse Lane, Hastings	<ul style="list-style-type: none"> • Pevensey Levels SAC/Ramsar: 13.1km west • Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 6km east 	The development proposals are of 1,800 sqm for employment floor space.	<p>No likely significant effect</p> <p>This development lies a considerable distance from any designated site. The</p>

development is therefore not likely to have a significant effect on European sites.

Screening of Rother District Council pre-submission Local Plan Policies

- 4.19 Table 4 below undertakes screening of Rother Districts Pre-submission Local Plan Policies. Since these are currently at the pre-submission stage it is expected that minor changes will be made to the policy wordings, however, Rother aims and objectives with regards to these policies will remain the same.
- 4.20 Over 82% of Rother district lies within the High Weald Area of Outstanding Natural Beauty (AONB) with some 2, 500 Listed Buildings¹¹ within the district. As such the national character of Rother is frequently addressed within the policies listed within Table 4. This has resulted in policies to contain environmental mitigation measures to avoid issues relating to pollution, surface water run-off, water usage and building design.

¹¹ High Weald AONB Management Plan 2014-2019
Prepared for: Rother District
Council

Table 4: Screening of Rother District Pre-submission Local Plan policies.

Policy	Brief summary (Refer to DaSA for actual policy wording)	Screening outcome
Policy DRM1 Water Efficiency	New development should plan positively to minimise its impact on water resources. All new dwellings are required to be designed to achieve water consumption of no more than 110 litres per person per day.	No Likely significant effect. This policy ensures that all new developments incorporate water efficiency measures with the aim to reduce strain upon water resources. This measure is sustainable and therefore does not pose as a likely significant effect to European sites within Rother.
Policy DRM2 Renewable Energy Developments	Development proposals for low carbon and renewable energy schemes will be supported by the council provided these schemes are in accordance with the Council's Core Strategy policy SRM1. Proposals for large-scale, stand-alone wind turbines schemes are not supported by the Council as these are incompatible with the environmental objectives of the European sites found with the district, although, smaller schemes will be considered with in accordance with the paragraph above.	No Likely significant effect. This policy encourages small-scale low carbon and renewable energy schemes within Rother District. In addition, the policy also takes into account the environmental aims of designated sites within the district to preclude the development of large-scale wind turbine schemes that reduced the rich natural character of these sites.
Policy DRM3 Energy Requirements	Development proposals that incorporate good quality levels of renewable and low carbon energy technologies will be supported by the Council. Proposed developments of more than 100 dwellings or 10,000sqm of non-residential floorspace should demonstrate that due regard has been had to energy efficiency, including through the use of renewable and low carbon energy technologies, as part of their Design and Access Statement.	No Likely significant effect. This policy supports developers that have specific regard to the energy demands of their development. Developments that have higher levels of renewable and low carbon energy sources will be given priority and support from Rother council with the aim that this will encourage developers to incorporate such energy sources into their development designs. This policy contributes to sustainable practices and therefore does not have any likely significant effects to the designated sites within Rother.
Policy DCO1 Retention of sites of Social or Economic Value	Developments that propose the loss of sites of social economic value (i.e. community facilities, public houses, shops, tourist accommodation, attractions and employment uses) must demonstrate that there is no reasonable prospect on continual use. Supporting evidence for such development proposals much include: (i) Evidence of a comprehensive and sustained marketing campaign that clearly indicates a lack of demand for the existing use; and (ii) Evidence that demonstrates the site is not/ is not capable of being financially viable. Proposals should not result in the loss of facilities or features which may undermine the viability of its use, including, but not limited to, car parks, gardens and function rooms.	No Likely significant effect. This policy only supports development proposals with substantial supporting evidence that proposed sites are not financially viable and re-development would benefit Rother and local communities. This policy is most likely to apply to brownfield sites, such as neglected community centres; as such these development proposals are not likely to have likely significant effects on designated sites within Rother.
Policy DCO2 Equestrian Developments	Proposals for equestrian developments should safeguard the intrinsic and locally distinctive character and amenities of the countryside, with particular regard to the conservation of the High Weald Area of Outstanding Natural Beauty (AONB). Additional criteria: (i) The siting, scale and development of any new buildings should be appropriate to their rural setting; (ii) Proposals should not be sited in particularly prominent or isolated locations; (iii) Commercial riding schools, livery stables and related facilities should be satisfactorily integrated with existing buildings; (iv) Any associated floodlighting, earthworks, new access routes or ancillary structures, including storage facilities, manure bays, hard-standings, fencing and jumps, should not have an adverse impact on the surrounding countryside, biodiversity or local residential amenities; and (v) Adequate provision should be made for the safety and comfort of horses in terms of the land for stables, grazing and exercising. Where possible, facilities should have satisfactory access to the public bridleway network without the use of unsuitable roads. In some circumstances, conditions may be applied where it is considered that there is the need to control potential adverse landscape impacts which can arise from the poor management of sites.	No Likely significant effect. This policy encourages equestrian developments to maintain a good balance between equestrian needs/ community and the safeguarding of the intrinsic value of the local rural landscape. As such, developments must ensure that all equestrian facilities keep in character with local design and do not cause adverse effects to the national character area (AONB) and to biodiversity. The comprehensive criterion listed in this policy ensures that equestrian developments seek full planning permission for a range of activities from stable buildings to the propagation of fencing. It is therefore considered unlikely that this policy will have significant effects on European sites located within the Rother district.

	Permission may also be subject to the removal of excessive or inappropriate fencing which has already taken place.	
Policy DHG1 Affordable Housing	<p>On housing sites/ mixed use developments the Council will expect the following percentages and thresholds for affordable housing:</p> <ul style="list-style-type: none"> (i) In Bexhill and Hastings Fringes, 30% on-site affordable housing on schemes of 15 or more dwellings; (ii) In Rye, 30% on-site affordable housing on schemes of 10 or more dwellings; and (iii) In Battle, 35% on-site affordable housing on schemes of 10 or more dwellings. (iv) In rural areas: <ul style="list-style-type: none"> (a) In High Weald AONB, 40% on-site affordable housing on schemes of 6-9 dwellings; or (b) Elsewhere, 40% on-site affordable housing on schemes of 10 or more dwellings. <p>In certain circumstances, where it can be demonstrated that these requirements would either cause unviable developments or where the local need for affordable housing would no longer justify the above levels, the council will respectively expect the proportion of housing most suitable to the time of proposals.</p> <p>In normal circumstances, the full affordable housing obligation should be met on-site, and of a comparable design quality to the market units onsite. In all cases, planning permission will be subject to a legal agreement to ensure nomination rights and that the affordable housing will remain available.</p>	<p>No Likely significant effect.</p> <p>This policy does not identify sites for affordable housing development; alternatively this policy is applied to all larger scale housing development proposals that exceed 10 dwellings to ensure affordable housing targets are met. Therefore this policy does have pose as a likely significant effect to the integrity of European sites.</p>
Policy DHG2 Rural exception sites	Provision is made within this policy for a modest amount of enabling open market housing, being the minimum necessary for the delivery of a suitable scheme. This provision represents an amendment to Core Strategy policy LHN3. Other criteria relating to local need, housing mix, accessibility and impact are retained unchanged.	<p>Likely significant effect.</p> <p>This policy does not identify site allocations for housing developments allows housing to be delivered on sites that are not allocations in certain circumstances. It is therefore considered that in the absence of the correct mitigation this policy could cause likely significant effects, in relation to surface water discharge and disturbance issues to European sites, depending on the location of the dwellings involved.</p>
Policy DHG3 Residential internal space standards	<p>The Council adopts the Government's nationally-described space standard.</p> <p>All new dwellings (including houses converted into flats) should provide adequate minimum internal space in line with the standard.</p>	<p>No Likely significant effect.</p> <p>This policy outlines the guidance set by Government to ensure that all living spaces meet the nationally-described space standard. The policy therefore does not pose a likely significant effect to designated sites.</p>
Policy DHG4 Accessible and Adaptable Homes	<p>The Council adopts the Optional Buildings Regulations for Accessible and Adaptable Homes.</p> <p>All dwellings are required to meet M4(2): Category 2 – Accessible and Adaptable Dwellings.</p> <p>Where there is an identified need on the Housing Register, sites that provide affordable housing in line with Policy DHG1, are as part of the affordable housing requirement, expected to provide 5% of the total housing requirement to meet M4(3): Category 3 - Wheelchair Accessible Dwellings.</p> <p>Only in circumstances where it can be robustly demonstrated by the applicant that it is not practicable or financially viable to deliver the provisions above, new development will be exempt from either or both of these policy requirements.</p>	<p>No Likely significant effect.</p> <p>This policy outlines the guidance set by Government for 'standard accessibility'; accessibility for all includes basic amenity needs such as access to upper floors, bin stores, drainage and windows. In addition, dwellings must be adaptable for wheelchair users. Since this policy is not development site-specific and is instead related to all housing accessibility across the district the policy is unlikely to have a significant effect on designated sites.</p>
Policy DHG5 Specialist Housing for Older People	<p>Schemes comprising of specialist housing for older people to meet the needs set out in the East Sussex Bedded Care Strategy will be supported on suitable sites in the larger villages and towns.</p> <p>As well as the provision of higher access standards (as set out in policy DHG4) and specialist housing schemes (provided for above), regard should be had to the housing needs of older people</p>	<p>No Likely significant effect.</p> <p>This policy outlines the standards and schemes provided within the district to provide housing for older peoples. As this policy does not identify development areas there is no likely significant effect to European sites within Rother.</p>

	in the siting of suitable housing in terms of “walkability” to services and public transport.	
Policy DHG6 Self-build and Custom Housebuilding	<p>The Council will support Self and Custom Housebuilding projects subject to compliance with other relevant Local Plan policies.</p> <p>On sites of 20 or more dwellings, provision for 5-10% of the total number of dwellings to be provided should be made available as serviced plots for self and custom housebuilders.</p> <p>Where appropriate, the Council will seek to ensure that self/custom build homes are developed in accordance with an agreed design code.</p>	<p>No Likely significant effect.</p> <p>This policy encourages self-builders to comply with other relevant policies previously described in relation to building design and what is considered acceptable within Rother’s national character areas. Based upon related policies of building design, boundary consideration this policy is not likely to have a significant impact on European designated sites.</p>
Policy DHG7 External Residential Areas	<p>An integrated approach to the provision, layout and treatment of external areas of dwellings should be taken in accordance with relevant Core Strategy policies and with specific regard to the following:</p> <ul style="list-style-type: none">(i) Private External Space: Appropriate and proportionate levels of private usable external space will be expected (i.e. private dwellings rear garden spaces of at least 10 metres in length and useable communal amenity space should be provide by flat developments);(ii) Car parking and cycle storage: Provision for car parking and safe and secure cycle storage should be made in accordance with Core Strategy Policy TR4 and East Sussex County Council’s ‘Guidance for Parking at New Residential Development’ and ‘Guidance for Parking at Non Residential Development’; and(iii) Waste and Recycling: Sufficient bin storage and collection points must be provided on all new residential developments and changes of use.	<p>No Likely significant effect.</p> <p>This policy encourages the access for both external open spaces for private dwellings and multi-occupancy flats. Car parking and cycle storage should also be provided in line with East Sussex County Council’s guidance and the appropriate waste and recycling facilities should also be provided for new residential developments. Since this policy only discusses guidance rather than site-specific development proposals there is no likely significant effect to designated sites within Rother.</p>
Policy DHG8 Extensions to residential Gardens	<p>Extensions to the gardens of existing dwellings in the countryside will not be permitted unless the extension:</p> <ul style="list-style-type: none">(i) Is modest in area and the change of use and associated domestic paraphernalia does not harm the rural character of the area; and(ii) Is to a natural boundary or is a logical rounding off.	<p>No Likely significant effect.</p> <p>This policy prevents the extension of private property to increase resident garden and parking space. The prime objective to the council is to ensure that the intrinsic value of rural areas within Rother is conserved. Only in certain circumstances will permission to increase garden space be granted. It is therefore unlikely that this policy will have a significant effect on designated sites.</p>
Policy DHG9 Extensions, Alternation and Outbuildings	<p>Extensions, alterations and outbuildings to existing dwellings will be permitted where:</p> <ul style="list-style-type: none">(i) they do not unreasonably harm the amenities of adjoining properties in terms of loss of light, massing or overlooking;(ii) they respect and respond positively to the character and appearance of the dwelling;(iii) they do not detract from the character and appearance of the wider street-scene, settlement or countryside location;(iv) they leave sufficient usable external private space for the occupiers of the dwelling;(v) they fully respect and are consistent with the character and qualities of historic buildings and areas;(vi) in the case of extensions and alterations, they are physically and visually subservient to the building; and(vii) in the case of outbuildings, they respect and respond positively to the character, appearance and setting of the main dwelling within its plot and the wider street-scene.	<p>No Likely significant effect.</p> <p>This policy ensures that any extensions, building alterations and outbuildings are built in accordance to the local setting and village character. The policy ensure that development proposals are limited to local design and therefore prohibits extravagant extensions and outbuildings thereby preventing any likely significant effect to designated sites within Rother.</p>
Policy DHG10 Annexes	<p>The creation of residential annexes will be considered in accordance:</p> <ul style="list-style-type: none">(i) An extension to the dwelling;(ii) The conversion of an existing outbuilding within the residential curtilage that is located in close proximity to the dwelling; and(iii) A new building that is located within the residential curtilage in close proximity to the existing dwelling and has a demonstrable link to the main dwelling. <p>All proposals will need to ensure that they are appropriate in terms of the existing dwelling,</p>	<p>No Likely significant effect.</p> <p>This policy ensures that all suitable consideration of the development of annexes are made before planning permission is granted. The council priorities the development of annexes that are least likely to have an impact on the national character of the area. This therefore results in an unlikely significant effect to designated sites within Rother.</p>

	<p>surrounding area and amenities of occupants of nearby properties.</p> <p>In all cases, the occupation of the annexe shall be managed by planning condition or legal agreement to ensure that the accommodation is tied to the main dwelling, cannot be used as a separate dwelling and cannot be sold separately.</p>	
<p>Policy DHG11</p> <p>Boundary Treatments</p>	<p>Planning permission for new or altered boundary treatments, including fences, walls, gates and gate piers and hedges will be supported where:</p> <ul style="list-style-type: none"> (i) There is no net loss of existing boundaries; (ii) Proposed development boundary is consistent within the local character; (iii) Proposed boundaries do no adversely impact on undeveloped character of the area; and (iv) Considered acceptable in terms of highway safety. 	<p>No Likely significant effect.</p> <p>This policy prohibits the development of boundaries that damages the integrity of the Rother's rural landscape character. As such this policy is unlikely to have a significant effect on the European designated sites.</p>
<p>Policy DHG12</p> <p>Accesses and Drives</p>	<p>Proposals for new drives and accesses will be supported where they are considered acceptable in terms of highway safety, including for pedestrians and cyclists, and maintain local character.</p>	<p>No Likely significant effect.</p> <p>This policy encourages that any proposals for driveways and access are maintained within the local character of the area. In addition, the benefits of highway relocations must be proved to be beneficial and existing access must be stopped to prevent net gain access points and driveways of residential dwellings. Since this policy aims to control the development of driveways and access to dwellings and to prevent net gain for vehicle access there is no likely significant effect to designated sites within Rother.</p>
<p>Policy DEC1</p> <p>Shopfronts, Signage and Advertising</p>	<p>Any proposal for a new shopfront, alteration to existing shopfront and signage on buildings will be permitted where it relates appropriately to the architectural and historic character and appearance of the building in which the shopfront is located and to its overall setting in the street scene.</p> <p>Particularly within Conservation Areas, the loss of features or fabric of historic, architectural and/or socio-cultural merit or the installation of external roller shutters will not normally be acceptable.</p> <p>Free-standing signage and advertisements will be permitted where they have an acceptable level of impact on amenity, including on the scenic, architectural and historic character of the locality.</p>	<p>No Likely significant effect.</p> <p>This policy prevents the cluttering of roadside by limiting shop signage to reflect the local character area. This policy does not provide for any specific site-designations and is therefore unlikely to have a significant effect on European sites within Rother.</p>
<p>Policy DEC2</p> <p>Holiday Sites</p>	<p>All proposals for camping, caravan and purpose-built holiday accommodation must:</p> <ul style="list-style-type: none"> (i) safeguard intrinsic and distinctive landscape character and amenities; (ii) conserve or enhance sensitive habitats and species; (iii) not significantly detract from the needs of agriculture; (iv) not unreasonably harm amenities of residents in nearby dwellings; (v) not be in an area at risk of flooding (unless proven otherwise); and (vi) accord with other relevant policies of the Plan. <p>Proposals for static caravan, chalet or lodge accommodation must also be of modest scale as not to disrupt the national character area and where within an existing site improve visual aspects and limit the extension area to the site's boundary. Touring caravan or tented camping proposals should be of a small scale appropriate to the area.</p>	<p>No Likely significant effect.</p> <p>This policy prevents the addition of holiday accommodation so that the national character area of Rother is maintained. The extension of holiday sites could increase tourists to Rother. However, the issue of recreational pressure is not development site-specific but related to planning proposals for holiday accommodation. As such there is no likely significant effect upon designated sites within Rother.</p>
<p>Policy DEC3</p> <p>Existing, Employment Sites and Premises</p>	<p>Effective use of existing employment sites will be secured by:</p> <ul style="list-style-type: none"> (i) land and premises currently in employment; (ii) permitting intensification, conversion, redevelopment and/or extension having regard to other policies of the Plan; (iii) facilitating access/environmental improvements, where appropriate; and (iv) where continued employment use of a site/premises is demonstrated not to be viable the priority should be for alternative community uses, affordable housing and then market 	<p>No Likely significant effect.</p> <p>This policy ensures that employment sites are selected where it does not affect the national character of the area. The council's aim is to increase employment space, however, it is desired that this is achieved through re-development schemes of existing employment sites. This policy does not hold site-specific development proposals and as such is only related to employment growth. This policy is not likely to have an impact on designated sites within Rother.</p>

	housing.	
Policy DEN1 Maintaining Landscape Character	<p>The siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristics, in accordance with Core Strategy Policy EN1.</p> <p>Particular care will be taken to maintain the sense of tranquillity of more remote areas, including through maintaining 'dark skies'.</p>	<p>No likely significant effect.</p> <p>This policy aims to maintain the natural beauty and landscape within Rother. It is therefore a positive policy with measures that are not likely to have any significant effect upon the European designated sites.</p>
Policy DEN2 The High Weald Area of Outstanding Natural Beauty (AONB)	<p>All development within or affecting the setting of the High Weald AONB shall conserve and seek to enhance its landscape and scenic beauty, having particular regard to the impacts on its character components, as set out in the High Weald AONB Management Plan ¹⁰.</p> <p>Development within the High Weald AONB should be small-scale, in keeping with the landscape and settlement pattern.</p>	<p>No likely significant effect.</p> <p>This policy aims to maintain the national character area within and around High Weald it is therefore a positive environmental policy and is not likely to have impacts on designated sites within Rother.</p>
Policy DEN3 Strategic Gaps	<p>Strategic gaps exist between the following settlements:</p> <ul style="list-style-type: none">(i) Bexhill and Hastings/St Leonards(ii) Crowhurst and Hastings/St Leonards(iii) Battle and Hastings/St Leonards(iv) Fairlight and Hastings/St Leonards(v) Rye and Rye Harbour <p>Within these Gaps development will be carefully controlled and development will only be permitted in exceptional circumstances.</p> <p>Enhancement of the Gaps through effective landscape management which strengthens and reinforces their significance as protected landscape areas will be supported.</p>	<p>No likely significant effect.</p> <p>This policy prohibits the development within 'strategic gaps' between associated settlements within Rother. This policy therefore positive effects the environment and will not have an impact on designated sites within Rother.</p>
Policy DEN4 Biodiversity and Green Space	<p>Development proposals should support the conservation of biodiversity and multi-functional green spaces in accordance with Core Strategy Policy EN5 and the following criteria:</p> <ul style="list-style-type: none">(i) proposals where the principal objective is to conserve or enhance biodiversity or geodiversity will be supported in principle;(ii) development proposals should seek to conserve and enhance the biodiversity value of international, national, regional and local designated sites of biodiversity and geological value;(iii) all developments should retain and enhance biodiversity in a manner appropriate to the local context;(iv) larger developments (more than 2 hectares or 50 dwellings) should produce a Green Infrastructure masterplan as part of their proposals; and(v) all developments within the strategy area of the Dungeness Complex Sustainable Access and Recreation Management Strategy should have regard to the measures identified in that Strategy.	<p>No likely significant effect.</p> <p>This policy ensures that all development within Rother does not have a negative impact on local biodiversity populations and landscapes. In addition, the policy identifies management strategies aimed at the Dungeness Complex to reduce urbanization and recreation pressures. This policy therefore does not have an impact on the European sites.</p>
Policy DEN5 Sustainable Drainage	<p>The Council believes that drainage should be considered as an integral part of the development design process, with Sustainable Drainage Systems (SuDS) utilised. Two stages of appropriate SuDS treatment are required in the hydrological catchment of the Pevensy Levels, while there are also specific requirements to manage surface water in the Fairlight/Pett Level area.</p>	<p>No likely significant effect.</p> <p>This policy ensures that all new development has incorporated sustainable drainage design in their proposals. This includes peak run-off rates from development should remain as close to greenfield sites as possible and address the Pevensy Levels Hydrological Catchment Area to ensure that at least two stages of suitable treatment is proposed to prevent water pollution within the Pevensy Levels. This policy encourages developer to have environmental concern for water run-off and is therefore not likely to have an impact on the integrity of designated sites.</p>

¹⁰ The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019

Policy DEN6 Land Stability	<p>Development will only be permitted on unstable land in exceptional circumstances, such as where the nature in the instability has be properly assessed and any remedial measures do not contribute to the instability of the site/ surroundings.</p> <p>Additionally, soakaway drains will not be permitted within 50m of the cliff face at Fairlight Cove and elsewhere within the catchment of Pett Level.</p>	<p>No likely significant effect.</p> <p>This policy ensures that developers demonstrate that they have investigated the risks and likelihood on land instability within Rother. The policy outlines key areas where certain development works are not permitted due to the risk of land instability. As such this policy does not have a likely significant effect upon the designated sites.</p>
Policy DEN7 Environmental Pollution	<p>Development will only be permitted where it is demonstrated that there will be no significant adverse impacts on health, local amenities, biodiversity or environmental character as a result of lighting, noise, odour, contaminated land, hazardous and non-hazardous substances and/ or airborne particulates associated with development, including where appropriate, the cumulative impacts of existing and proposed developments.</p>	<p>No likely significant effect.</p> <p>This policy ensures that new developments do no cause environmental pollution in the Rother district. As such this in a positive environmental policy and does not have an impact on European sites.</p>
Policy DIM1 Comprehensive Development	<p>Comprehensive proposals for the development of sites will normally be required, including where sites are in multiple ownerships.</p> <p>In exceptional circumstances, proposals for part of a site may be permitted, but only where it demonstrably has regard to, and facilitates, an integrated scheme for development of the entire site.</p>	<p>No likely significant effect.</p> <p>This policy regards land ownership and development proposals to ensure that all development within Rother is sustainable in terms of economic, social and environmental objectives. This policy therefore contributes positively to the environment and does not have an impact on designated sites.</p>
Policy DIM2 Development Boundaries	<p>New development shall be focused within defined settlement boundaries, principally on already committed and allocated sites, together with other sites where proposals accord with relevant Local Plan policies.</p> <p>In the countryside development shall be normally limited to that which accords with specific Local Plan policies.</p>	<p>No likely significant effect.</p> <p>Rother council are keen to confine development within defined settlement boundaries. Only a small number of proposals within the countryside area will be accepted when it has been sufficiently proven that the development supports vital rural communities and also conserve or enhance its intrinsic qualities. This policy encourages developments to keep in line with the national character are and is therefore unlikely to have a negative impact on designated sites.</p>

Conclusion

4.21 The examination of strategic issues relating to Rother District Council's DaSA and Neighbourhood Plan allocations and pre-submission policies undertaken in Tables 3 and 4 identifies that for the majority of chosen development sites there is no likely significant effect (other than via the aforementioned 'in combination' recreational pressure pathway to the Dungeness complex) due to sheer distance and thus absence of impact pathways. However, the following sites and Local Plan policies have been screened in since they will (or, for some sites around Rye and Rye Harbour, may) be located within a few hundred metres of either Pevensey Levels SAC/Ramsar site or Dungeness, Romney Marsh and Rye Bay SPA/Ramsar site meaning that surface water quality and disturbance issues could arise in the absence of mitigation. These therefore require further consideration, including of mitigating measures built into DaSA or Core Strategy policy, during appropriate assessment. These sites/policies are as follows:

- **Pevensey Levels SAC/Ramsar site**
 - BX30 Land adjacent to Cemetery Lodge
 - BX64 Land at Moleynes Mead, Fryatts Way
 - BX101 Northeye, Bexhill
 - BX116 Land off Spindlewood Drive, Bexhill
 - CA12 Land to the rear of The White Hart, Catsfield
- **Dungeness, Romney Marsh & Rye Bay SPA/Ramsar site**
 - CAM1 Land at the Former Putting Green Site, Camber
 - CAM2 Land at the Central Car Park, Camber
 - Development in Rye Neighbourhood Plan
 - RHA1 Land at the Stonework Cottages, Rye Harbour
 - RHA2 Harbour Road Employment Area, Rye Harbour

4.22 In addition Policy DHG2: Rural Exception Sites has been screened in for appropriate assessment on the basis that it does permit housing to be delivered on sites other than those specifically allocated, in certain circumstances.

4.23 The strategic 'in combination' issue of recreational pressure will also be carried forward to appropriate assessment. While an identified mitigation measure exists (the soon-to-be-published SARMS, associated with Policy DEN4) case law has confirmed that mitigation measures cannot be taken into account during analysis of likely significant effects.

5. Appropriate Assessment

Introduction

- 5.1 The law does not prescribe how an appropriate assessment should be undertaken or presented but the appropriate assessment must consider all impact pathways that have been screened in, whether they are due to policies alone or to impact pathways that arise in combination with other projects and plans. That analysis is the purpose of this section. The law does not require the 'alone' and 'in combination' effects to be examined separately provided all effects are discussed.
- 5.2 The HRA screening exercise undertaken in Chapter 4, Table 3 indicated that several site designations (outlined in Rother's DaSA and in the Rye Neighbourhood Plan) within the Rother District that could theoretically lead to likely significant effects to European designated sites within the Dungeness complex. In addition to this, screening of Rother Council's preferred DaSA local plan policies concluded that all draft policies would have no likely significant effects.
- 5.3 The appropriate assessment of the proposed site allocations and any mitigation measures outlined by Rother Council's policies, are illustrated within Table 5 and 6.

Assessment that is appropriate

- 5.4 With regard to the internationally designated sites where it was considered not possible to 'screen out' the proposed development sites without detailed appraisal, it is necessary to progress to the later 'Appropriate Assessment' stage to explore the adverse effects and devise mitigation. Rother District Council is competent authority for any development within its planning control.
- 5.5 In evaluating significance, AECOM have relied on professional judgment as well as stakeholder consultation. The level of detail concerning developments that will be permitted under land use plans is rarely sufficient to make a detailed quantification of effects. Therefore, we have again taken a precautionary approach (in the absence of more precise data) assuming as the default position that if an adverse effect cannot be confidently ruled out, avoidance or mitigation measures must be provided. This is in line with draft DCLG guidance that the level of detail of the assessment, whilst meeting the relevant requirements of the Habitats Regulations, should be 'appropriate' to the level of plan or project that it addresses (see Box 3 for a summary of this 'tiering' of assessment).
- 5.6 This approach also fits with advice provided by Advocate-General Kokott¹², who commented that: *'It would ...hardly be proper to require a greater level of detail in preceding plans [rather than individual planning applications] or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure' [emphasis added].*
- 5.7 In other words, there is a tacit acceptance that Appropriate Assessment can be tiered and that all impacts are not necessarily appropriate for consideration to the same degree of detail at all tiers. The approach underlined above is particularly relevant to the appropriate assessment of Rother Districts DaSA because there are numerous policies for which there is a limit to the degree of assessment that is possible at this plan level. This is due to the fact that some of the potential impacts (notably surface water run-off) are very closely related to exactly how the development will be designed and constructed and therefore cannot be assessed in detail at the plan level. In these instances, the appropriate assessment focuses on the available mitigation measures, the extent to which such measures would be achievable and effective and whether an adequate protective framework exists to ensure that the policy would not lead to an adverse effect on the integrity of any internationally designated sites.

¹² Opinion of Advocate General Kokott, 9th June 2005, Case C-6/04. Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland, paragraph 49.

<http://curia.europa.eu/juris/document/document.jsf?docid=58359&doclang=EN>

Table 5: Appropriate assessment of problematic site allocations outlined in Rother District DaSA report.

Town	Policy	Site Reference Number	Development Site	Designated Site Locations	Conclusion
Bexhill	BEX9	BX116	Land off Spindlewood Drive, Bexhill	Pevensey Levels SAC/Ramsar site: 422m south west	<p>No adverse effects on the integrity of SAC/Ramsar sites</p> <p>The site proposals for this parcel of land are for 160 residential dwellings; however, these are located within 500m of Pevensey Levels SAC/ Ramsar. Surface water discharge pathways can reach for several hundred metres, particularly given the ditch network that links west Bexhill to the SAC/Ramsar site. It was therefore considered at the screening stage that development proposals for this site could affect the integrity of the SAC/Ramsar.</p> <p>It is important to note that at this stage, detailed proposals are not available, and as such can only be addressed via HRA at a project-specific level. At the time of writing Rother Council are in the process of preparing a draft of their local plan report. Detailed within the policies generated thus far, is their Sustainable Drainage policy (Policy DEN5). The Council recognise that the Pevensey Levels SAC/Ramsar are susceptible to surface water run-off and as such have issued mitigation strategies within their policies to ensure that the management of water discharge from new development are kept to an absolute minimum: <i>'peak run-off rates from development should remain as close to greenfield runoff rates as possible...new development should utilise opportunities to reduce the causes and impacts of all sources of flooding and...within the Pevensey Levels Hydrological Catchment Area, SuDS designs should incorporate at least two stages of suitable treatment'</i>. This policy approach is understood to have resulted from liaison between the Council and Natural England and the Environment Agency in the formulation of draft policies and addresses the critical importance of the water quality of the Levels to its SAC/Ramsar interest features.</p> <p>It is therefore concluded that an adequate protective framework exists (from policy DEN5) to ensure that the development site would not lead to an adverse effect on the integrity of any internationally designated sites.</p>

Town	Policy	Site Reference Number	Development Site	Designated Site Locations	Conclusion
Bexhill	BX101	Not known at this point	Northeye, Bexhill	Pevensey Levels SAC/Ramsar: 675km west	<p>No adverse effects on the integrity of SAC/Ramsar sites</p> <p>The site proposals for this parcel of land are for 140 residential dwellings; however, these are located within 700m of Pevensey Levels SAC. This site is subject to the same impact pathways as describe above for the Spindlewood Drive site.</p> <p>Again, Rother's Sustainable Drainage policy (Policy DEN5) describes the appropriate surface water run-off mitigation required for all new developments within the Rother district and outlines the further mitigation required for developments that are located within close proximity to the SAC. Again, it is therefore concluded that an adequate protective framework exists to ensure that the development site would not lead to an adverse effect on the integrity of any internationally designated sites.</p>
Bexhill	BEX6	BX30	Land adjacent to Cemetery Lodge /276 Turkey Road, Bexhill	Pevensey Levels SAC/Ramsar: 2.9 km south west	<p>No adverse effects on the integrity of SAC/Ramsar sites</p> <p>The development site proposals for this land are for 30 residential dwellings. However, this development site is located within the Pevensey Levels Hydrological Catchment Area. As such this site is subject to the same impact pathways as described above.</p> <p>Again, Rother's Sustainable Drainage policy (Policy DEN5) describes the appropriate surface water run-off mitigation required for all new developments within the Rother district and outlines the further mitigation required for developments that are located within close proximity to the SAC. Again, it is therefore concluded that an adequate protective framework exists to ensure that the development site would not lead to an adverse effect on the integrity of any internationally designated sites.</p>
Bexhill	BEX7	BX64	Land at Moleynes Mead, Fryatts Way	Pevensey Levels SAC/Ramsar: 2.9 km south west	<p>No adverse effects on the integrity of SAC/Ramsar sites</p> <p>The site proposals for this parcel of land are for 24 residential dwellings.</p>

Town	Policy	Site Reference Number	Development Site	Designated Site Locations	Conclusion
					<p>However, as before this development site is located within the Pevensey Levels Hydrological Catchment Area. As such this site is subject to the same impact pathways of water discharge issues.</p> <p>Again, Rother's Sustainable Drainage policy (Policy DEN5) describes the appropriate surface water run-off mitigation required for all new developments within the Rother district and outlines the further mitigation required for developments that are located within close proximity to the SAC. Again, it is therefore concluded that an adequate protective framework exists to ensure that the development site would not lead to an adverse effect on the integrity of any internationally designated sites.</p>
Carsfield	CAT1	CA12	Land to the rear of The White Hart, Catsfield	Pevensey Levels SAC/Ramsar: 6.2 km south west	<p>No adverse effects on the integrity of SAC/Ramsar sites</p> <p>The proposals for this development site are for a total of 35 residential dwellings. However, this land is located within the Pevensey Levels Hydrological Catchment Area. The site is therefore also subject to the same environmental impacts as described previously in relation to surface water discharge.</p> <p>Again, Rother's Sustainable Drainage policy (Policy DEN5) describes the appropriate surface water run-off mitigation required for all new developments within the Rother district and outlines the further mitigation required for developments that are located within close proximity to the SAC. Again, it is therefore concluded that an adequate protective framework exists to ensure that the development site would not lead to an adverse effect on the integrity of any internationally designated sites.</p>
Rye	N/A (not a DaSA allocation)	N/A	N/A	Dungeness Romney Marsh and Rye Bay SAC/SPA/Ramsar: N/A	<p>No adverse effects on the integrity of SAC/Ramsar sites</p> <p>Rye Town Council has identified the need to build a further 121 dwellings within Rye/ Rye Harbour. As the Neighbourhood Plan has not yet reached Submission stage, the locations of sites are not clear at this point in the</p>

Town	Policy	Site Reference Number	Development Site	Designated Site Locations	Conclusion
					<p>HRA process. However, Rye is within close distance of Dungeness, Romney Marsh and Rye SPA/Ramsar and issues relating to water discharge and/ or construction-related disturbance are possible in the absence of mitigation. Since there are no projects details available it is not possible to analyse the potential impacts in further detail. Whatever the details of any proposal, the application could not be permitted if the application-stage Habitat Regulations Assessment concluded adverse effects on the integrity of the SAC.</p> <p>Although development sites will be identified in the Neighbourhood Plan, DaSA policy DEN4, relating to the regard to the SARMS, provides the relevant statutory local plan framework also applicable or proposals in NP areas. On this basis, it is concluded that the Neighbourhood Plan would not have adverse effects on the integrity of the SAC/SPA/Ramsar site.</p>
Rye Harbour	RHA1	RH10	Land at the Stonework Cottages, Rye Harbour	Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 119m	<p>No adverse effects on the integrity of SAC/Ramsar sites</p> <p>The site proposals of 40 new residential units at Stonework Cottages within Rye Harbour are located within 119m of Dungeness Romney Marsh and Rye Bay SPA/Ramsar. It was therefore considered at the screening stage that the development of the site would pose as a likely significant effect to the SPA/Ramsar sites through the potential pathways of surface water runoff/water quality, construction-period disturbance and loss of functionally linked land outside the SPA/Ramsar site.</p> <p>The Council have drafted a site-specific policy for the land at Stoneworks Cottages, Rye Harbour. Policy RHA1 provides a detailed description of the Council's proposal requirements. Of most relevance to Dungeness Romney Marsh and Rye Bay SPA/Ramsar is included within recommendation (iv) where proposals will be considered provided: '<i>ecological surveys are carried out which demonstrate there is no adverse impact on protected species or, if protected species are found to be using the site, sets out appropriate mitigation for any loss of habitat</i>'. The policy also states that '<i>the tree belt on the south-western boundary is retained and enhanced with native</i></p>

Town	Policy	Site Reference Number	Development Site	Designated Site Locations	Conclusion
					<p><i>species with appropriate fencing erected to maintain an effective barrier between the site and the adjacent Dungeness, Romney Marsh and Rye Bay SSSI, SPA and Ramsar Site, as well as screen tree and hedgerow planting employing native species provided on other boundaries of the site, as indicated on the Detail Map' in order to avoid any disturbance of the SPA/Ramsar site.</i></p> <p>Further recommendations that address issues related to surface water run-off includes that proposals will be considered provided: <i>'a ground contamination assessment has been undertaken which demonstrates that pollution risks, including to the underlying aquifer, will be managed appropriately through the re-development process'.</i></p> <p>In addition to this policy, an ecological report commissioned by the landowner of the site concluded that the habitats found do not support the qualifying habitats and/or species that are the reasoned designation of the Ramsar site. As such, it can be confirmed that development of the site will not result in loss of functionally-linked land.</p> <p>Finally, the matter of recreational pressure caused by net residents to the area is mitigated for in Dungeness's Sustainable Access and Recreation Management Strategy (SARMS). More generally, Rother Council's policy approach is to support the conservation of biodiversity within the district; Policy DEN4: Biodiversity and Green Space is a key policy that provides mitigation for environmental damage posed by new developments.</p> <p>It is therefore concluded that an adequate protective framework exists to ensure that the allocated development site would not lead to an adverse effect on the integrity of any internationally designated sites.</p>
Rye	RHA2	N/A	Harbour Road Employment Area, Rye Harbour (DaSA	Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 119m	<p>No adverse effects on the integrity of SAC/Ramsar sites</p> <p>This is an established business site, for which this policy provides a framework for any further proposals coming forward within it. The current</p>

Town	Policy	Site Reference Number	Development Site	Designated Site Locations	Conclusion
			Figure 114)		<p>site is brownfield with negligible possibility of further expansion, but with scope for intensification. The site is located within close proximity to the Dungeness, Romney Marsh and Rye Bay SPA/Ramsar sites via water quality and construction related disturbance and it is therefore likely that without appropriate mitigation that development could have an impact on the integrity of European sites.</p> <p>Policy RHA2 is site specific to Harbour Road Employment Area. This policy provides a detailed description of the Council's proposal requirements. Of most relevance to Dungeness, Romney Marsh and Rye Bay SPA/Ramsar is recommendation (iv) where proposals will be considered provided: <i>'there is no adverse impact on the adjacent Dungeness, Romney Marsh and Rye Bay SSSI, SPA and Ramsar Site or on the Rye Harbour SSSI'</i>.</p> <p>It is therefore concluded that an adequate protective framework exists to ensure that the development site allocation would not lead to an adverse effect on the integrity of any internationally designated sites.</p>
Camber	CAM1	CM2	Land at the Former Putting Green Site, Camber	Dungeness Romney Marsh and Rye Bay SPA/Ramsar: 150 m south	<p>No adverse effects on the integrity of SAC/Ramsar sites</p> <p>The proposed development of this site is for 10 residential dwellings; however the site is located within 200m of Dungeness, Romney Marsh & Rye Bay SPA/Ramsar. Similar to what has previously been described; surface water discharge pathways can reach for several hundred metres. As such it was considered at the screening stage that in the absence of mitigation there would be likely significant effects the SPA/Ramsar.</p> <p>Land and the Former Putting Green site has a site specific policy where the Council have detail their recommendations when seeking planning approval. Of most relevance to Dungeness Romney Marsh and Rye Bay SPA/Ramsar is that: <i>'there is no adverse impact on the adjacent Dungeness, Romney Marsh and Rye Bay SSSI'</i>; and that: <i>'the development contributes towards the implementation of the Dungeness Complex</i></p>

Town	Policy	Site Reference Number	Development Site	Designated Site Locations	Conclusion
					<p><i>Sustainable Access and Recreation Management Strategy (SARMS)</i>’.</p> <p>It is therefore concluded that there are multiple adequate protective frameworks that exist to ensure that the development site allocation would not lead to an adverse effect on the integrity of any internationally designated sites.</p>
Camber	CAM2	CM6	Land at the Central Car Park, Camber	Dungeness Romney Marsh and Rye Bay SPA/Ramsar: adjoining site to the east and west	<p>No adverse effects on the integrity of SAC/Ramsar sites</p> <p>This site’s current land use is as a car park with development proposals of 10 holiday units. The site is immediately adjacent to the Dungeness complex to both east and west. As such, it was considered at the screening stage that this development is likely to have a significant effect on the integrity of the SPA/Ramsar site in the absence of mitigation.</p> <p>Site-specific development issues related to this site are surface water runoff and disturbance from construction works, in particular the development timings. The Dungeness Romney Marsh and Rye Bay SPA/Ramsar are primarily designated for overwintering bird populations. It is therefore recommended, to avoid disturbance, that works are conducted during the summer months; outside of the bird over wintering period when populations will be least susceptible. There is also the issue of recreational pressure from the proposed holiday units and associated tourists to the SPA/Ramsar sites. Again, the concern of recreational pressure and disturbance is addressed within the Dungeness Sustainable Access and Recreation Management Strategy addendum.</p> <p>Rother Council have also drafted a site specific policy for the land at Central Car park, of most relevance to Dungeness Romney Marsh and Rye Bay SPA/Ramsar is recommendation (v), where proposals must: <i>‘there is no adverse impact on the adjacent Dungeness, Romney Marsh and Rye Bay SSSI, SPA or Ramsar site, including the sand dunes; and developer’s contributions towards the implementation of the Dungeness Complex Sustainable Access and Recreation Management Strategy (SARMS) are</i></p>

Town	Policy	Site Reference Number	Development Site	Designated Site Locations	Conclusion
					<p>provided.'</p> <p>Given this, it is considered that an adequate protective framework therefore exists to ensure that the development site would not lead to an adverse effect on the integrity of any internationally designated sites.</p>

Table 6: appropriate assessment of Policy DHG2

Policy	Conclusion
Policy DHG2: Rural Exception Sites	<p>No adverse effects on the integrity of SAC/Ramsar sites</p> <p>This policy allows for development outside of assessed sites allocations and between settlement development boundaries. It was therefore considered at the screening stage that this policy could have a significant effect to the integrity of European sites. Since the potential housing involved is not allocated to any site it is not possible at this level to assess this policy in further detail.</p> <p>However, any development applications that come forward under this policy will still have to comply with other relevant policies in the DaSA. With that in mind, the following policies provide appropriate mitigation in relation to developments that are located outside of allocated sites. Policy DEN4: Biodiversity and Green Space states that '<i>development proposals should seek to conserve and enhance the biodiversity value of international, national, regional and local designated sites of biodiversity and geological value; irreplaceable habitats (including ancient woodland and ancient or veteran trees); and Priority Habitats and Species, both within and outside designated sites. Depending on the status of habitats and species concerned</i>'. Specifically with regard to the Dungeness complex it states that '<i>all developments within the strategy area of the Dungeness Complex Sustainable Access and Recreation Management Strategy should have regard to the measures identified in that Strategy</i>'. Policy DEN5: Sustainable Drainage identifies that all proposed developments within Rother should have sustainable drainage systems and with specific regard to Pevensey Levels SAC requires two stages of appropriate SuDS treatment specifically in order to protect water quality in the SAC. More broadly, Policy DEN7: Environmental Pollution states that '<i>development will only be permitted where it is demonstrated that there will be no significant adverse impacts on health, local amenities, biodiversity or environmental character as a result of lighting, noise, odour, contaminated land, hazardous and non-hazardous substances and/or airborne particulates associated with development</i>'.</p> <p>It is therefore considered that the overall policy framework provided by the DaSA will ensure that sites which come forwards in line with policy DHG2 will not have adverse effects on the integrity of any European sites.</p>

Summary

- 5.8 The purpose of this Appropriate Assessment is to assess the potential impacts of Rother District Local Plan policies and housing allocation sites, together with those of emerging Neighbourhood Plans. As previously described, there are a total of nine sites that were identified at the screening stage to have a likely significant impact on the integrity of European sites, as well as the Rye Neighbourhood Plan. Table 5 describes these sites in more detail and several areas of mitigation measures that will prevent these proposed development sites having adverse effects on both Rother's protected sites. Table 6 provides the potential impacts to European Sites due to Policy CHG2 (Rural Exception Sites).
- 5.9 It was concluded that for all of the nine sites identified, the Rye Neighbourhood Plan and Policy CHG2, the policy framework provided by the DaSA will ensure no adverse effects would occur on the integrity of the SAC/Ramsar sites that are located within close proximity to the proposed development sites. Since these measures would address effects from development on each site alone they would also ensure that they did not contribute to any effect 'in combination'.

Implementation and Monitoring

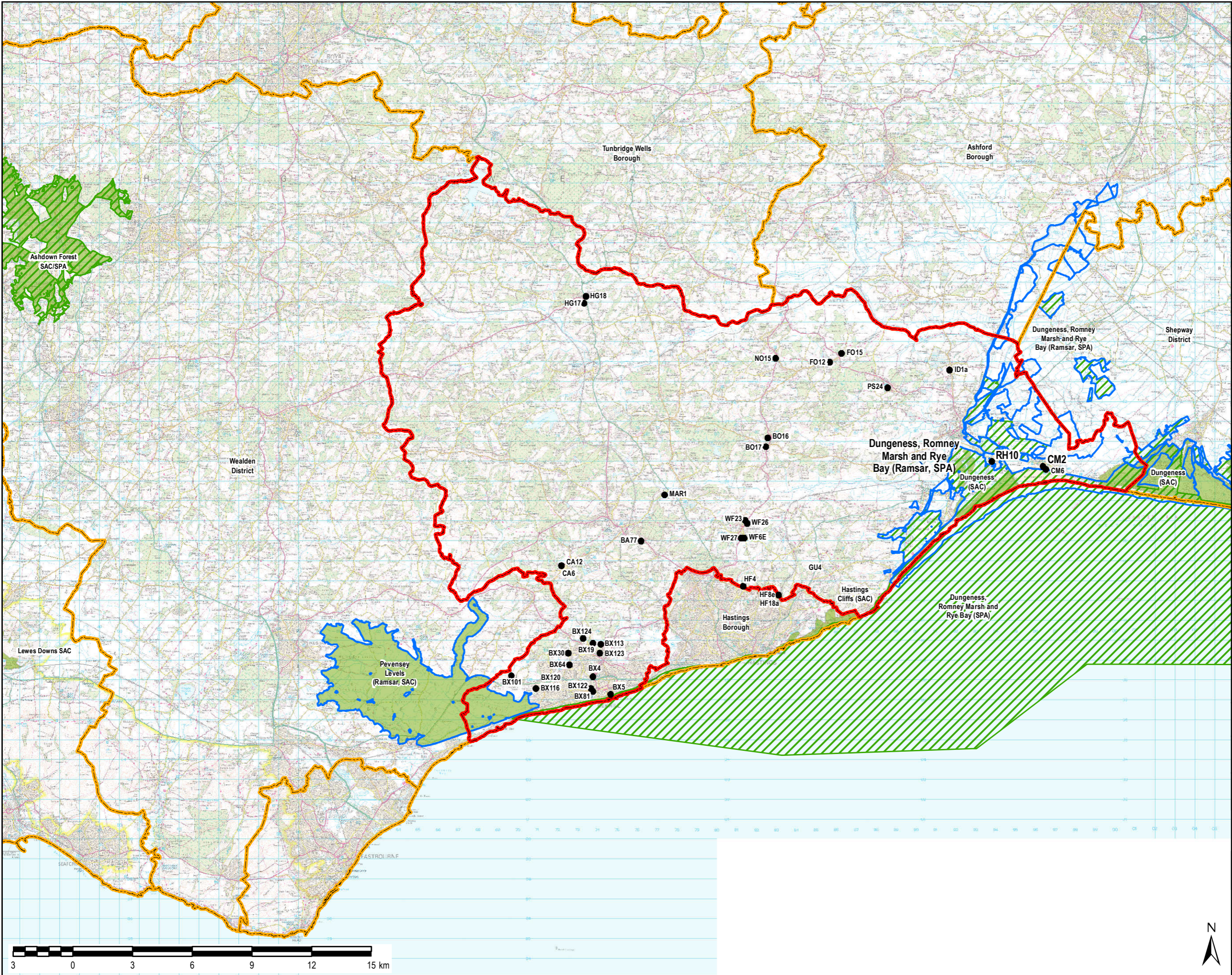
- 5.10 The implementation of the Strategic Access and Recreation Management Strategy (SARMS) for the Dungeness Complex is fundamental to ensuring that the recreation pressures are effectively managed to maintain the integrity of the Natura 2000 sites. Hence, the Council should have the final SARMS in place as soon as practicable. Furthermore, an implementation plan should also be developed to bring forward its recommended measures including for access management initiatives, promotion of alternative green space and enforcement of good visitor behaviours.
- 5.11 Regular monitoring of the condition of the Natura 2000 sites is vital to identifying any new trends and quantifying the effect of any mitigation measures. This is recognised in the SARMS by recommendations for further surveys, of both birds and visitors. These should form part of the implementation plan.
- 5.12 For the Pevensey Levels, monitoring of water quality and associated pollution is principally undertaken by Natural England and the Environment Agency. In terms of proposed developments in the Council's local plan, it is not possible at this stage to be certain of the effectiveness of SuDS proposals for individual developments to maintain water quality. Hence, site-specific Appropriate Assessments may be necessary. This would be advised by Natural England.
- 5.13 Reporting of monitoring actions, as well as progress on implementation of the SARMS and SuDS mitigations should form part of the Council's local plan monitoring report, which is open to public scrutiny.

6. Conclusion

- 6.1 It is considered that an adequate mitigation strategy for both the proposed development sites and development policies will be in place to ensure that there will be no adverse effects on the integrity of the Pevensey Levels SAC/Ramsar and Dungeness Romney Marsh and Rye Bay SPA/Ramsar.

Appendix A: Figure A1: Location of European Designated Sites

File Name: I:\5004 - Information Systems\60585251 Rother HRA\02 Maps\Figure 1 European Sites Within and Surrounding Rother District Smaller.mxd



THIS DRAWING IS TO BE USED ONLY FOR THE PURPOSE OF ISSUE THAT IT WAS ISSUED FOR AND IS SUBJECT TO AMENDMENT

- LEGEND**
- Site Allocation
 - ▭ Rother District
 - ▭ Local Authority Boundary
 - ▭ Ramsar
 - ▨ Special Protection Area (SPA)
 - ▨ Special Area of Conservation (SAC)

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Purpose of Issue
DRAFT

Client
ROTHER DISTRICT COUNCIL

Project Title
HRA

Drawing Title
EUROPEAN SITES WITHIN AND SURROUNDING ROTHER DISTRICT

Drawn JW	Checked DH	Approved JR	Date 24/09/2018
AECOM Internal Project No. 60585251		Scale @ A3 1:175,000	

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