



Land off Fryatts Way, Bexhill

Shadow Habitats Regulations Assessment

Prepared by
CSA Environmental

on behalf of
Gladman Developments

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1.0 INTRODUCTION

- 1.1 This shadow Habitats Regulations Assessment (sHRA) has been prepared by CSA Environmental on behalf of Gladman Developments, in relation to land off Fryatts Way, Bexhill in East Sussex (hereafter referred to as 'the Site').
- 1.2 The Site is situated on the north-western edge of Bexhill around central grid reference TQ 72390 08814. It currently comprises grazed grassland pasture, with fields bordered by mature trees and hedgerows. There is one pond within the Site and another located at the south-western boundary. There are seven ditches within and around the Site, some of which contain flowing water.
- 1.3 Residential development consisting of up to 210 dwellings with associated landscaping and infrastructure is proposed at the Site, for which outline planning permission will be sought. A Preliminary Ecological Appraisal (PEA) undertaken by FPCR Environment and Design Ltd (November 2019) identified that the Site's proximity to designated European sites represented a potential constraint to development, for which further investigation and consultation under a shadow Habitats Regulations Assessment (sHRA) was required.
- 1.4 The sHRA presented here provides information to assist Rother District Council, as competent authority, in their consideration of whether the proposed development will have likely significant effects on European sites, and in ascertaining any adverse effects on their integrity, as required under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

2.0 LEGISLATION AND PLANNING POLICY SUMMARY

- 2.1 All SACs and SPAs collectively form part of a European suite of sites known as Natura 2000 sites, and are afforded strict protection from the potentially damaging effects of urban development. For ease of reference here, and consistent with their treatment under UK government policy, sites listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971), or 'Ramsar sites', are also referred to as European sites.
- 2.2 Article 6(3) of the Habitats Directive states that any plan or project likely to have a significant effect on a European site, either individually or in combination with other plans or projects, shall be subject to an Appropriate Assessment of its implications for the site in view of the site's conservation objectives.
- 2.3 In England and Wales, the Habitats Directive has been transposed into domestic legislation through the Conservation of Habitats and Species Regulations 2017. These Regulations are widely referred to as the 'Habitats Regulations'. Regulation 63 of these Regulations states that, "*A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.*" This assessment process is commonly referred to as 'Habitats Regulations Assessment' (HRA).
- 2.4 Further detail of the legal and policy background to HRA is provided within Appendix B.

3.0 EXEMPTION, EXCLUSION AND ELIMINATION

3.1 If the proposed development passes any of Questions 1-3 (Table 1), then no further screening for likely significant effects under the Habitats Regulations is required.

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

3.2 In view of the final preliminary screening test (Table 1), the following European sites have been identified as being conceivably affected by the proposed development:

- Dungeness, Romney Marsh and Rye Bay SPA
- Pevensey Levels SAC
- Pevensey Levels Ramsar
- Hastings Cliffs SAC

3.3 Mapping showing the locations of these European designations in relation to the Site are shown in Appendix A. Comprehensive details on the characteristics of the above European sites are presented in Appendix C, including their distances from the Site, component Sites of Special Scientific Interest (SSSI), qualifying features, published conservation objectives and any known vulnerabilities or threats to their favourable conservation statuses.

4.0 SCREENING FOR LIKELY SIGNIFICANT EFFECTS

- 4.1 In the context of the information on European site characteristics (Appendix C), potential impact pathways between the Site and the European sites are screened within Appendix D. The screening outcome is summarised in Table 2 below.
- 4.2 Pathways are considered on the basis of the development as proposed, including any facets which may, in addition to their primary purpose, act to mitigate potential effects on European sites. However, in accordance with the 'People Over Wind' ruling of the CJEU (Case C-323/17), screening for likely significant effects takes place in the absence of measures specifically adopted to avoid or reduce harmful effects on European sites.

Table 2. Screening Summary of Likely Significant Effects – Potential Impact Pathways				
European site	Dungeness, Romney Marsh and Rye Bay SPA	Pevensey Levels SAC	Pevensey Levels Ramsar	Hastings Cliffs SAC
Land take by development within European site	No	No	No	No
Fragmentation of European site habitats	No	No	No	No
Increased mortality of key species	No	No	No	No
Disturbance to key species / deterioration of habitats	Yes	No	No	No
Damage or deterioration of supporting habitats, outside European site	No	No	No	No
Atmospheric pollution/air quality	No	No	No	No
Changes to soil chemistry	No	No	No	No
Hydrological regime change	No	No	No	No
Pollution of surface/ground/marine water	Yes	Yes	Yes	No

4.3 Informed by the identified impact pathways, conclusions on the potential for likely significant effects on European sites to arise from the proposed development, alone and in combination with other plans or projects, are made in the following tables.

Table 3. Outcome of Screening (proposed development alone)			
	Dungeness, Romney Marsh and Rye Bay SPA	Pevensey Levels SAC and Ramsar	Hastings Cliffs SAC
Will there be <u>any effect</u> on a European site? <i>If no, proposed development is screened out</i>	YES Sewage from the proposed development will be processed by the Hastings and Bexhill WwTW, which discharges into the marine component of the SPA. New residents of the proposed development may visit the Dungeness Complex, including the terrestrial component of the SPA, increasing recreational pressure.	YES The Site is within the Pevensey Levels Hydrological Catchment Area. The proposed development therefore has the potential to result in water quality impacts associated with surface run off during construction and operation.	NO
Will there be likely significant effects on the European site, or does uncertainty remain over the potential for significant effects? (proposed development alone) <i>If yes, proposed development is screened in</i> <i>If no, assess in combination with other plans or projects below</i>	NO The minor addition of sewage effluent to the WwTW, and potential increase in recreational pressure at the terrestrial component of the SPA would be insignificant, in isolation.	YES In the absence of mitigation, water quality impacts have the potential to undermine the published conservation objectives for the SAC.	N/A

4.4 As likely significant effects of development on the Pevensey Levels SAC / Ramsar have been identified for the Site alone, in the absence of mitigation, these sites are screened in to Stage 2: Appropriate Assessment.

- 4.5 It has been determined that the proposed development has the potential to affect the Dungeness, Romney Marsh and Rye Bay SPA, but that when considered in isolation such effects would be unlikely to meet the threshold of significance, i.e. having the potential to undermine published conservation objectives. The potential for likely significant effects on the SPA, of development when considered in combination with other plans or projects, is therefore considered in Table 4 below.

Table 4. Outcome of Screening (proposed development in combination with other plans or projects)
<i>Outline any other plans or projects with likely significant effects when considered in combination with the proposed development:</i>
The Rother Local Plan Core Strategy includes a housing increase target of 5,300 households in the period 2011 – 2028 (312 per annum), with the number of households in Rother expected to rise to 46,215. Further new residential development will come forward within the adjacent District of Folkestone & Hythe.
<i>Describe any potential impact pathways and characterise any likely significant effects on the European site:</i>

Water Quality

The minor contribution to an increase in the local population brought about by the proposed development may act in combination with provision of any new housing within Rother which will be connected to the Hastings and Bexhill WwTW. This could, theoretically, produce a significant increase in effluent beyond the capacity of the Hastings and Bexhill WwTW and beyond the headroom of the existing discharge consent, thus leading to a likely significant effect on the marine arm of the SPA. However, Southern Water have advised that this WwTW does have capacity to manage the expected rise in effluent from the currently planned growth across Hastings and Bexhill, and to maintain discharge quality to an environmentally acceptable standard (Aecom, 2018). Therefore, no likely significant effect is anticipated.

Recreational Pressures

The Dungeness Complex, including the terrestrial component of the Dungeness, Romney Marsh and Rye Bay SPA, has been identified as vulnerable to the effects of increasing visitor pressure. As described in Table D.1, the greatest proportion of regular visitors to the Dungeness Complex live within Greatstone, Lade and Lydd-On-Sea; all situated among the Complex itself.

To address the anticipated increase in recreational pressures resulting from the planning policies of Rother and Folkestone & Hythe Councils, a Sustainable Access and Recreation Management Strategy (SARMS) has been prepared by The Places Team for Rother DC/Folkestone & Hythe DC (2017). The SARMS sets out protective actions for the Complex in relation to additional usage resulting from development, and more generally to ensure sensitive management of the Natura 2000 sites. Policy DEN4(v) of the adopted Rother District Council Development and Site Allocations Local Plan (DaSA) states that, "*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.*" However, the Site falls outwith the Strategy Area, as defined by Figure 10 of the DaSA.

In light of the foregoing, it is determined that the proposed development will not contribute significantly to visitor pressures on the habitats and species of the Dungeness Complex, and will therefore have no likely significant effect on the terrestrial SPA in combination with other plans and projects. This conclusion is consistent with that of the DaSA HRA (Aecom, 2018) in respect of residential site allocations in Bexhill.

Are significant effects likely when considered in combination with other plans or projects? If yes, proposed development is screened in	NO
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4.6 Based on the information provided here-in, it is anticipated that Rother District Council, in their capacity as competent authority under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, will conclude that, in the absence of mitigation, the proposed development:

- Has the potential to result in significant effects on the Pevensey Levels SAC / Ramsar site, in respect of water quality.
- Will have no likely significant effects, either alone or in combination with other plans or projects, on the Dungeness, Romney Marsh and Rye Bay SPA or the Hastings Cliffs SAC.

4.7 As such, further Appropriate Assessment is required, including consideration of any proposed measures intended to avoid or reduce effects, in order that Rother District Council may ascertain whether the proposed development will have any adverse effect on the integrity of the Pevensey Levels SAC / Ramsar site.

5.0 APPROPRIATE ASSESSMENT

Likely Significant Effects

- 5.1 The Pevensey Levels SAC and Ramsar site occupy the same area of land and are designated for similar interest features. As such, the Appropriate Assessment is made here with in respect of both designations.
- 5.2 Screening set out in Appendix D has identified that, in the absence of mitigation, the proposed development will have a likely (meaning, in this context, 'potential') significant effect on the Pevensey Levels through pollution of surface water run-off. The Site is located c. 2.1km north-east of the designations, within the Pevensey Levels Hydrological Catchment, as identified by Figure 12 of the adopted DaSA Local Plan.
- 5.3 During construction, the soil at the Site may become compacted, leading to increased surface run-off and a higher than normal input of waterborne pollution and loose sediment, which could reach the SAC via the interconnected ditch network. A similar potential impact pathway would exist following completion of construction, owing to an increase in area of impermeable land cover.

Mitigation Measures

- 5.4 The vulnerability of the Pevensey Levels to new development within its hydrological catchment area, and the requirement to mitigate surface water quality issues, are recognised within the adopted Rother Local Plan Core Strategy and DaSA. Core Strategy Policy SRM2 requires SuDS for all development that creates impermeable surfaces in the catchment area¹. Policy DEN5 (Sustainable Drainage) of the adopted DaSA states that, "*Drainage should be considered as an integral part of the development design process, with Sustainable Drainage Systems (SuDS) utilised unless demonstrated to be inappropriate. In particular (vi) within the Pevensey Levels Hydrological Catchment Area, SuDS designs should incorporate at least two stages of suitable treatment, unless demonstrably inappropriate.*"
- 5.5 In the HRA of the DaSA (Aecom, 2018) it was determined that the presence of this policy framework provided sufficient protection to ascertain that residential site allocations in Bexhill (notably BX116 Land off Spindlewood Drive, and BX101 Northeye, both of which are in significantly closer proximity to the Pevensey Levels than the Site is) would have no adverse effect on the integrity of the SAC/Ramsar site.

¹ Core Strategy Policy SRM2(iii): "*Effective management of water resources will be supported by the promotion of sustainable drainage systems to control the quantity and rate of run-off as well as to improve water quality wherever practicable, and specifically for all development that creates impermeable surfaces within the hydrological catchment of the Pevensey Levels.*"

- 5.6 Planning permission is in this instance sought in outline only, with all matters except access reserved. As such, detailed arrangements for the management of surface water run-off are not available for assessment. However, the accompanying Indicative Surface Water Drainage Strategy (RSK Land & Development Engineering Ltd, 2019) demonstrates that surface water management can be delivered at the Site so as to be policy compliant. Boundary swales and attenuation basins will be used to intercept surface water run-off, allowing sediments held in suspension to settle on-site.
- 5.7 Prior to the SuDS features being installed and operational, temporary bunding and settlement ponds will be installed as necessary during construction. A cut-off valve will be placed on the outfall of pond(s) to capture run-off and assess it. Water can be released at greenfield runoff rates once sediment settlement / treatment has taken place, or has been decanted off the surface.
- 5.8 In order to avoid individual pollution events during construction, all relevant activities will adhere to the Pollution Prevention Guidance for Businesses provided by the Department for Environment, Food and Rural Affairs and Environment Agency, in particular the section 'Construction, inspection and maintenance' which includes 'Work in, over or near a river, stream, lake or pond'. Details of specific pollution prevention and control measures will be set out in a Construction Environment Management Plan (CEMP) at the Reserved Matters stage of planning. These control measures will include, but not be limited to:
- Safe storage/use of fuel and careful refuelling procedures.
 - Safe storage/use of solvents, cements, adhesives, grout and concrete.
 - Sufficient spill kits available on Site.
 - Strict adherence to COSHH procedure.
 - Minimising the escape of dust and mud.
 - Prevention of water pollution through run off via the use of gully guards, straw bales, gravel traps, silt fencing, etc.
 - Emergency protocol should a major pollution incident occur.

Effects on Integrity

- 5.9 In light of the foregoing, and subject to the identified pollution prevention and control measures, it can be ascertained that the proposed development will have no adverse effect on the integrity of the Pevensey Levels SAC / Ramsar site, either alone or in combination with other plans or projects.

6.0 SUMMARY AND CONCLUSION

- 6.1 Based on the information provided here-in, it is anticipated that the Rother District Council, in their capacity as competent authority under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, will conclude that the proposed development has the potential to result in likely significant effects on the Pevensey Levels SAC / Ramsar site, when considered alone (in light of the definition of these terms in the 'Waddenzee' ruling of the European Court of Justice Case C-127/02).
- 6.2 The Council must therefore undertake an Appropriate Assessment of the implications of the proposed development on the qualifying features of the Pevensey Levels SAC / Ramsar site in light of their published conservation objectives.
- 6.3 With consideration of the proposed measures intended to avoid or reduce effects (i.e. policy compliant pollution prevention controls during construction and operation of the proposed development) it is anticipated that the Council's Appropriate Assessment will conclude that the proposed development will not have any adverse effect on the integrity of the Pevensey Levels SAC / Ramsar site, either alone or in combination with other plans or projects.
- 6.4 Through submission of this shadow Habitats Regulations Assessment, it is considered that Gladman Developments Ltd has discharged their duty under Regulation 63(2) to, *"provide such information as the competent authority may reasonably require for the purposes of the assessment."*

7.0 REFERENCES

Aecom (2018). *Habitat Regulations Assessment: Rother District Council*.

FPCR (2019). *Land off Fryatts Way, Bexhill-on-Sea: Preliminary Ecological Appraisal*.

Joint Nature Conservation Committee (2007). *Second Report by the UK under Article 17 on the implementation of the Habitats Directive from January 2001 to December 2006*. Peterborough: JNCC. Available from: <http://archive.jncc.gov.uk/pdf/Article17/fcs2007-S4056-final.pdf> (Accessed 20/01/2020)

Natural England (2014). *Site Improvement Plan: Dungeness*. Available at: <http://publications.naturalengland.org.uk/publication/6291480347934720> (accessed 22/01/2020).

Natural England (2014). *Site Improvement Plan: Hastings Cliffs*. Available at: <http://publications.naturalengland.org.uk/publication/5611006969511936> (accessed 08/01/2020)

Natural England (2014). *Site Improvement Plan: Pevensey Levels*. Available at: <http://publications.naturalengland.org.uk/publication/6057793526169600> (accessed 08/01/2020)

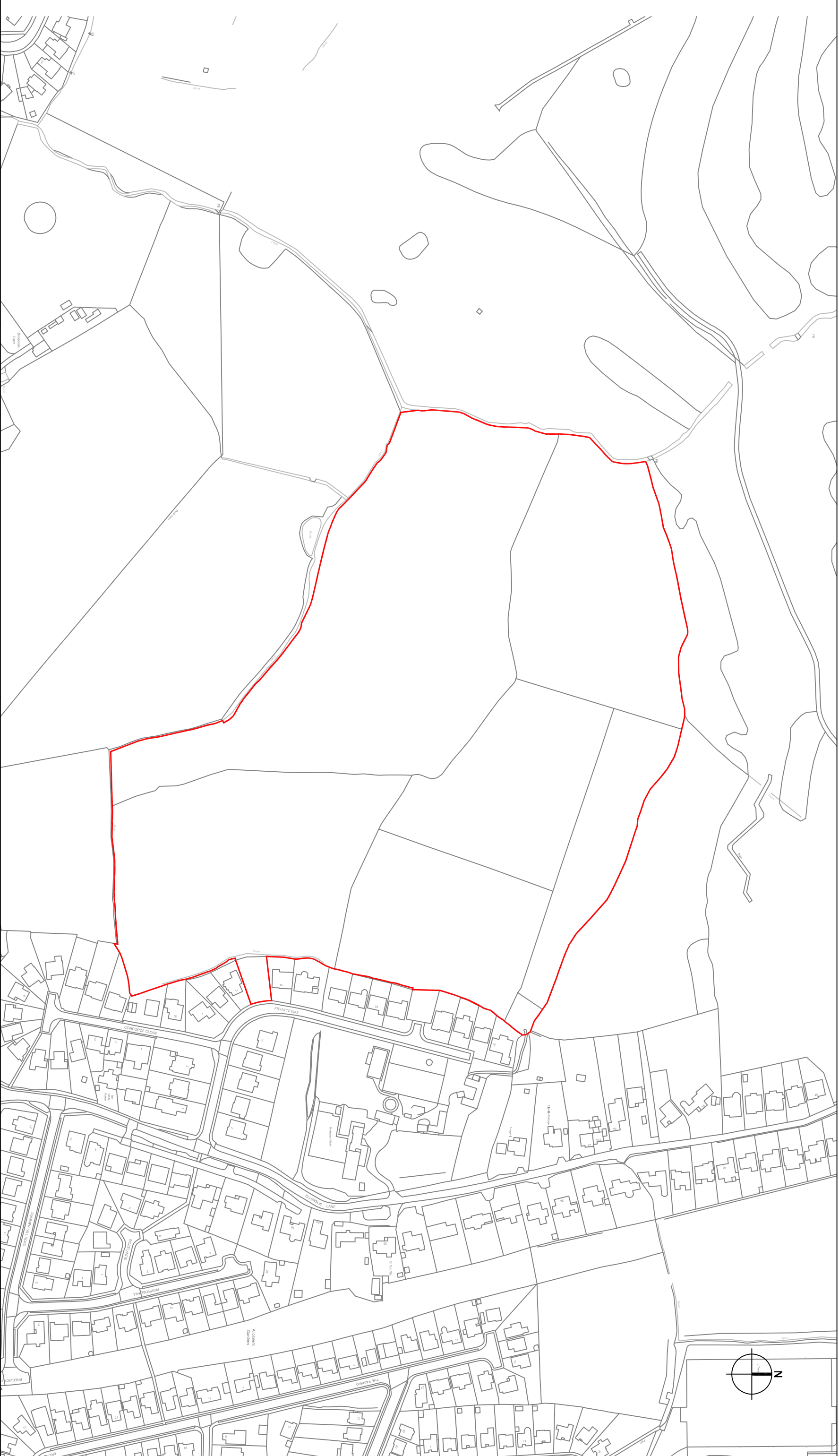
Rother District Council (2019). *Development and Site Allocations Local Plan*.

The Places Team for Rother DC/Shepway DC (2017). *Dungeness Complex: Sustainable Access and Recreation Management Strategy (SARMS)*

V. Hyland Associates Ltd. and Blackwood Bayne Ltd. (2015). *Rye Harbour, Camber, Dungeness and Shepway Visitor Surveys*.

Appendix A

Site Location Plans



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Rev	Date	By	Revision notes
*	*	*	*

Status

INFORMATION

Project

BEXHILL, FRYATTS WAY

Title

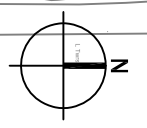
LOCATION PLAN

Drawn by	SR	Issue date	09.10.19
Title checked by		Title checked date	
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Appendix B

Legislation and Planning Context

European Sites

All SACs and SPAs collectively form part of a European suite of sites known as Natura 2000 sites, and are afforded strict protection from the potentially damaging effects of urban development.

Council Directive 92/43/EEC on the 'Conservation of Natural Habitats and of Wild Fauna and Flora', commonly referred to as the 'Habitats Directive', was adopted in 1992. This Directive is the means by which the European Union meets its obligations under the Bern Convention (1992) on the Conservation of European Wildlife and Natural Habitats. Under Article 2 of the Directive, Member States must take appropriate steps to avoid, in the case of SACs, the deterioration of natural habitats and the habitats of species, as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of the Directive. The Natura 2000 network also includes Special Protection Areas (SPAs) classified under Article 4 of Council Directive 79/409/EEC on the conservation of wild birds (the 'Birds Directive').

The term 'European site' is widely used in reference to the network of SAC and SPA Natura 2000 sites. For ease of reference here, and consistent with their treatment under UK government policy, sites listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971), or 'Ramsar sites', are also referred to as European sites.

Article 6(3) of the Habitats Directive states that any plan or project likely to have a significant effect on a European site, either individually or in combination with other plans or projects, shall be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of this assessment, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned.

In England and Wales, the Habitats Directive has been transposed into domestic legislation through the Conservation of Habitats and Species Regulations 2017. These Regulations are widely referred to as the 'Habitats Regulations'. Regulation 63 of these Regulations sets out the assessment provisions. Specifically, Regulation 63(1) states that, "*A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.*" This assessment process is commonly referred to as 'Habitats Regulations Assessment' (HRA).

Notable case law

Many important aspects of the Habitats Directive and how HRA is completed have been established through case law. A non-exhaustive summary of some of some key judgements is provided below:

In Relation to HRA Screening

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

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

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

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

This case built upon guidance for the correct interpretation of what constitutes a 'likely' significant effect from that provided in Waddenzee. It was ruled that, "Notwithstanding the word 'likely'...the precondition before there can be a requirement to carry out an appropriate assessment is not that significant effects are probable, a risk is sufficient..." however this must be, "real, rather than a hypothetical, risk..."

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

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

Paragraph 40: "...in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."

In Relation to Appropriate Assessment

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

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

Appendix C

European Site Characteristics

Table C.1. Site Characteristics of: Dungeness, Romney Marsh and Rye Bay SPA

Distance and direction from Site	c. 1.8km south (marine), c. 16.4km east (terrestrial)
Size	42,417.53ha
Grid reference	TQ 994 139
Component SSSIs	Dungeness, Romney Marsh and Rye Bay SSSI Hastings Cliffs to Pett Beach SSSI
Qualifying features (Directive 79/409/EEC Annex I species)	<p>Aquatic warbler <i>Acrocephalus paludicola</i> (autumn passage – at least 6.1% of the GB population, 5 year peak mean as of 2004 – 2008).</p> <p>Avocet <i>Recurvirostra avosetta</i> (in the breeding season - at least 3.5% of the GB population, 5 year mean count as of 2004 – 2008)</p> <p>Bewick's swan <i>Cygnus columbianus bewickii</i> (over wintering – at least 1.9% of the GB population 5 year peak mean as of 2002/03 – 2006/07)</p> <p>Bittern <i>Botaurus stellaris</i> (over wintering – at least 5% of the GB population, 5 year peak mean as of 2002/03 – 2006/07)</p> <p>Common tern <i>Sterna hirundo</i> (in the breeding season - at least 1.9% of the GB breeding population, 5 year mean count as of 2011 - 2015)</p> <p>Golden plover <i>Pluvialis apricaria</i> (over wintering – at least 1.6% of the GB population, 5 year peak mean 2002/03 – 2006/07)</p> <p>Hen harrier <i>Circus cyaneus</i> (over wintering – at least 1.5% of the GB population, 5 year peak mean as of 2002/03 – 2006/07)</p> <p>Little tern <i>Sterna albifrons</i> (in the breeding season - at least 1.5% of the GB breeding population, 5 years mean count as of 1992-1996)</p> <p>Marsh harrier <i>Circus aeruginosus</i> (in the breeding season - at least 2% of the GB population, 5 year mean count as of 2004-2008)</p> <p>Mediterranean gull <i>Larus melanocephalus</i> (in the breeding season - at least 52.2% of the GB population, 5</p>

	<p>year mean count as of 2004-2008)</p> <p>Ruff <i>Philomachus pugnax</i> (over wintering – at least 7.3% of the GB population, 5 year peak mean as of 2002/03 – 2006/07)</p> <p>Sandwich tern <i>Sterna sandvicensis</i> (in the breeding season - at least 3.8% of the GB breeding population 5 year mean, count as of 2011-2015)</p> <p>Shoveler <i>Anas clypeata</i> (485 individuals, no national population estimate)</p> <p>Waterbird assemblage (in the non-breeding season the area is regularly used by c. 34,625 individual waterbirds, 5 year peak mean as of 2002/03 – 2006/07)</p>
Published Conservation Objectives	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <ul style="list-style-type: none"> • The extent and distribution of the habitats of the qualifying features • The structure and function of the habitats of the qualifying features • The supporting processes on which the habitats of the qualifying features rely • The population of each of the qualifying features, and, • The distribution of the qualifying features within the site
Known vulnerabilities	<p>The Site Improvement Plan (SIP) for the Dungeness SAC and Dungeness, Romney Marsh and Rye Bay SPA (previously known as Dungeness to Pett Level SPA) outlines known threats to Dungeness and its qualifying features. Those listed are as follows:</p> <ul style="list-style-type: none"> • Military use • Vehicles: illicit • Predation • Changes in species distributions • Invasive species • Inappropriate scrub control • Overgrazing • Public access / disturbance • Direct impact from 3rd party • Air pollution: impact of atmospheric nitrogen

	<p>deposition</p> <ul style="list-style-type: none"> • Inappropriate water levels • Inappropriate ditch management • Coastal squeeze • Water pollution • Fisheries: Commercial marine and estuarine <p>The following vulnerabilities have all been ranked as 'high' threats on the Natura 2000 standard data form:</p> <ul style="list-style-type: none"> • Other human intrusions and disturbances • Military use and civil unrest • Interspecific faunal relations • Invasive non-native species • Changes in biotic conditions
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Table C.2. Site Characteristics of: Pevensey Levels SAC

Distance and direction from Site	c. 2.1km south-west
Size	3585.38ha
Grid reference	TQ 649 074
Component SSSIs	Pevensey Levels SSSI
Qualifying features (Directive 92/43/EEC Annex II species)	Ramshorn snail <i>Anisus vorticulus</i> . The Pevensey Levels SAC is considered to be one of the best areas for this species in the UK. The population here has both a wide spatial distribution and is found in good population density classes.
Published Conservation Objectives	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> • The extent and distribution of the habitats of the qualifying species • The structure and function of the habitats of the qualifying species • The supporting processes on which the habitats of the qualifying species rely • The populations of qualifying species, and, • The distribution of the qualifying species within the site.
Known vulnerabilities	<p>The Site Improvement Plan (SIP) for the Pevensey Levels SAC outlines known threats to the Pevensey Levels and its qualifying features. Those listed are as follows:</p> <ul style="list-style-type: none"> • Inappropriate water levels • Invasive species

	<ul style="list-style-type: none"> • Water pollution <p>Furthermore, the following vulnerabilities have all been ranked as 'high' threats on the Natura 2000 standard data form:</p> <ul style="list-style-type: none"> • Pollution to groundwater (point sources and diffuse sources) • Problematic native species • Human induced changes in hydraulic conditions.
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Table C.3. Site Characteristics of: Pevensey Levels Ramsar

Distance and direction from Site	c. 2.1km south-west
Size	3577.71ha
Grid reference	TQ 649 074
Component SSSIs	Pevensey Levels SSSI
Qualifying features	<p>The Pevensey Levels is designated as a Ramsar under Criterion 2 for supporting an outstanding assemblage of wetland plants and invertebrates including many British Red Data Book species.</p> <p>The Ramsar is also designated under Criterion 3 for supporting 68% of vascular plant species in Great Britain that can be described as aquatic. It is probably the best site in Britain for freshwater molluscs, one of the five best sites for aquatic beetles and supports an outstanding assemblage of dragonflies.</p>
Published Conservation Objectives	<p>For Ramsar sites, a decision has been made by Defra and Natural England not to produce Conservation Advice packages, instead focussing on the production of High Level Conservation Objectives.</p> <p>As such it is considered that the Published Conservation Objectives for the Pevensey Levels SAC are relevant to this Ramsar designation.</p>
Known vulnerabilities	<p>The RIS (Information Sheet on Ramsar Wetlands) for this site lists the following factors (past, present or potential) adversely affecting the site's ecological character, including changes in land use (including water) and development projects:</p> <ul style="list-style-type: none"> • Introduction / invasion of non-native plant species • Pollution – domestic sewage

Table C.4. Site Characteristics of: Hastings Cliffs SAC	
Distance and direction from Site	c. 10.5km east
Size	182.47ha
Grid reference	TQ 866 111
Component SSSIs	Hastings Cliffs to Pett Beach SSSI
Qualifying features (Directive 92/43/EEC Annex I habitats)	This presence of vegetated sea cliffs of the Atlantic and Baltic Coasts is the primary reason for the designation of this site. The site contains three valleys cut into the strata, which support woodland and scrub habitats with an unusual 'Atlantic' bryophyte flora. Closer to the sea the maritime influence stunts the trees, but other bryophytes become important here. Maritime scrub and coastal heathland are found closer to the cliff edge with grassland supporting maritime species.
Published Conservation Objectives	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> • The extent and distribution of the qualifying natural habitat • The structure and function (including typical species) of the qualifying natural habitat, and • The supporting processes on which the qualifying natural habitat rely
Known vulnerabilities	<p>The Site Improvement Plan (SIP) for the Hastings Cliffs SAC outlines known threats to the SAC and its qualifying features. Those listed are as follows:</p> <ul style="list-style-type: none"> • Inappropriate coastal management • Water pollution • Air pollution: risk of atmospheric nitrogen deposition <p>Furthermore, the following vulnerabilities have all been ranked as 'high' threats on the Natura 2000 standard data form:</p> <ul style="list-style-type: none"> • Air pollution, air-borne pollutants • Pollution to groundwater (point sources & diffuse sources) • Human induced changes in hydraulic conditions.

Appendix D

Screening for Likely Significant Effects

Table D.1: Screening for Likely Significant Effects: Dungeness, Romney Marsh and Rye Harbour SPA

Describe any likely changes to the site or its qualifying features arising as a result of the following impact pathways:

Land take by development within European site	None: Site not within or immediately adjacent to SPA.
Fragmentation of European site habitats	None: Site not within or immediately adjacent to SPA.
Increased mortality of key species	None: No pathways identified.
Disturbance to key species / deterioration of habitats	<p>Although the marine component of the SPA lies within c. 1.8km of the Site, the terrestrial component is c. 16.4km away. 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 continue to support the terrestrial SPA tern breeding colonies.</p> <p>The proposed development will accommodate an increase of up to c. 504 people (based on 2.4 per dwelling). A visitor survey revealed that the Dungeness Complex, which includes the terrestrial SPA, attracts many visitors all year round from distances in excess of 55km. This includes holiday-makers and those in pursuit of water sports. The same survey found that regular visitors (i.e. those who visited at least once a week) were prepared to travel from as far as 20km away, and that 90% of those regular visitors came from within the Shepway or Rother Districts. Of that 90% it is stated that 'very few' came from Hastings (east of Bexhill), and no figure was given for Bexhill. The largest percentage of regular visitors lived in Greatstone, Lade and Lydd-On-Sea; all situated among the Complex itself.</p> <p>It is possible that new residents at the development would visit the terrestrial component of the SPA. However, given the distance, the resulting increase in recreational pressure is unlikely to be significant.</p>
Damage or deterioration of supporting habitats, outside European site	None: Based on the intervening distance, the Site is unlikely to represent supporting habitat, or 'functionally linked land', for the bird assemblages associated with the terrestrial component of the SPA, whereas the marine component was specifically designated to protect off-shore tern foraging areas.
Atmospheric	None: No pathways identified.

pollution/air quality	
Changes to soil chemistry	None: No pathways identified.
Hydrological regime change	None: No pathways identified.
Pollution of surface / ground / marine water	<p>Foul drainage from the Site will be directed through the sewage system to Hastings and Bexhill Wastewater Treatment Works (WwTW), managed by Southern Water. Here, the foul water from the Hastings and Bexhill catchment area is treated through a four stage cleaning process before it is released 3km out to sea directly into the marine arm of the Dungeness, Romney Marsh and Rye Bay SPA.</p> <p>The quality of the discharge is managed through an Environment Agency consent, and that consent has been deemed to be environmentally acceptable. Furthermore, Southern Water advised that this WwTW has capacity for the planned growth across Hastings and Bexhill. It is considered unlikely that the wastewater from the proposed development alone would have a significant effect on the marine arm of the SPA due to the wastewater from the Hastings and Bexhill area having already been subject to rigorous cleansing before the further dilution of this cleansed wastewater in the sea.</p>

Table D.2. Screening for Likely Significant Effects: Pevensey Levels SAC

Describe any likely changes to the site or its qualifying features arising as a result of the following impact pathways:

Land take by development within European site	None: Site not within or directly adjacent to SAC
Fragmentation of European site habitats	None: Site not within or directly adjacent to SAC
Increased mortality of key species	None: No pathways identified.
Disturbance to key species / deterioration of habitats	The proposed development will accommodate an increase of c. 504 people (based on 2.4 per dwelling) at a minimum distance of 2.1km of the SAC. However, recreational disturbance is not cited as a known vulnerability, likely because there are minimal Public Rights of Way (PRoW) within the Pevensey Levels SAC, and the large extent of the ditch system which supports the lesser ramshorn snail populations remain

	<p>undisturbed. Furthermore, it is considered likely that most visitors will opt to walk along the adjacent coastline between Cooden Beach and Normans' Bay where there is public parking and facilities.</p> <p>The potential for habitat deterioration in respect of water quality is addressed below.</p>
Damage or deterioration of supporting habitats, outside European site	<p>None: No supporting habitats are present on Site. The on-site ditches are not of a suitable structure and do not contain the diverse flora and moderate emergent vegetation cover that is required to support lesser ramshorn snail. Therefore, it is considered highly unlikely this species would occur within habitats that will be impacted by the proposed development.</p>
Atmospheric pollution/air quality	<p>None: Although there are roads within 200m of the Pevensey Levels SAC, as remarked in the DaSA HRA (Aecom, 2018) neither the interest features of this or the associated Ramsar designation have been identified as being sensitive to atmospheric nitrogen deposition. During preparation of the DaSA HRA, Natural England were consulted as reportedly do not currently see atmospheric nitrogen deposition as a risk to the integrity of this site.</p>
Changes to soil chemistry	<p>None: No pathways identified.</p>
Hydrological regime change	<p>None: Based on the intervening distance, development at the Site would be unlikely to significantly affect the hydrological regime at the SAC.</p>
Pollution of surface/ground water	<p>The Site is located c. 2.1km north-east of the SAC, within the Pevensey Levels Hydrological Catchment, as identified by Figure 12 of the adopted DaSA. Both the SAC and associated Ramsar site are noted to be vulnerable to water pollution impacts.</p> <p>During construction the soil on Site may become compacted, leading to increased surface run-off and a higher than normal input of waterborne pollution and loose sediment, which could reach the SAC via the interconnected ditch network.</p> <p>During operation, surface run-off rates from the Site may be increased due to increased areas of impermeable land cover. Again, additional run-off could vector pollutants to the sensitive habitats of the SAC via the interconnected ditch network.</p>

Table D.3. Screening for Likely Significant Effects: Pevensey Levels Ramsar

<i>Describe any likely changes to the site or its qualifying features arising as a result of the following impact pathways:</i>	
Land take by development within European site	None: Please refer to Table D.2.
Fragmentation of European site habitats	None: Please refer to Table D.2.
Increased mortality of key species	None: Please refer to Table D.2.
Disturbance to key species / deterioration of habitats	None: Please refer to Table D.2.
Damage or deterioration of supporting habitats, outside European site	None: Baseline conditions at the Site do not reflect those of the Ramsar site, and are unsuitable to support key species.
Atmospheric pollution/air quality	None: Please refer to Table D.2.
Changes to soil chemistry	None: Please refer to Table D.2.
Hydrological regime change	None: Please refer to Table D.2.
Pollution of surface/ground water	As identified in Table D.2 above in respect of the SAC, development at the Site has the potential to affect the Pevensey Levels Ramsar site via pollution of surface run off.

Table D.4. Screening for Likely Significant Effects: Hastings Cliffs SAC

<i>Describe any likely changes to the site or its qualifying features arising as a result of the following impact pathways:</i>	
Land take by development within European site	None: The Site is not within or immediately adjacent to the SAC.
Fragmentation of European site habitats	None: The Site is not within or immediately adjacent to the SAC.
Increased mortality of key species	None: No pathways identified.
Disturbance to key species / deterioration of habitats	The outline plan for development on the Site will accommodate an increase of c. 504 people (based on 2.4 per dwelling) at a minimum distance of 10.5km of the SAC. Recreational pressure is not cited as a vulnerability to this SAC. This is because much of the footpath network within the Country Park is outside of the SAC and the interest feature at this designated Site are situated in dangerous / hard to access locations where there is no public access. Any recreational effect of the proposed development on the Hastings Cliffs SAC

	will be negligible.
Damage or deterioration of supporting habitats, outside European site	None: No supporting habitats are present at the Site.
Atmospheric pollution/air quality	None: Although there are roads within 200m of this SAC, these are all minor and do not facilitate access to / from any significant destinations or onward routes, and provide local access to limited land uses only. Furthermore, these roads are located a significant distance from the Site and it is anticipated that traffic generated from the proposed development will have diffused across numerous other routes before reaching the roads in question.
Changes to soil chemistry	None: No pathways identified.
Hydrological regime change	None: No pathways identified.
Pollution of surface/ground water	None: The Site does not share direct hydrological connectivity with the Hastings Cliffs SAC, and as such direct run-off/discharges will not occur.



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