

Rother District Local Plan 2025 - 2042

Habitats Regulations Assessment

Background Paper

Draft (Regulation 18) Version – January 2026

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1. Introduction

- 1.1. A Habitats Regulations Assessment (HRA) refers to the several distinct stages of Assessment which must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it.¹
- 1.2. The development of a Local Plan requires consideration of whether the Plan is likely to have significant effects on a habitats site. This consideration – typically referred to as the ‘screening’ – must take into account the potential effects of both of the plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a competent authority (in this case the Council) must make an appropriate assessment of the implications of the plan or project for the habitats site(s), in view of the sites’ conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site’s integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.²
- 1.3. The Habitats Regulations Assessment (HRA) for the emerging Rother Local Plan is an iterative and ongoing process. A detailed HRA report by Aecom was published in 2024 in support of the first Regulation 18 consultation, and this is discussed further, below. RDC is now undertaking a second Regulation 18 consultation, focused on proposed site allocations (January 2026) and will now commence a HRA update in order to inform the final version of the Local Plan (to be published later in 2026, at “Regulation 19” stage). The Council will continue to consult with relevant statutory bodies at necessary stages in the HRA Update process, including outside of formal Local Plan consultation periods.
- 1.4. The purpose of this document is to summarise HRA issues to date and identify further work required.

¹ Planning Practice Guidance Paragraph: 001 Reference ID: 65-001-20190722

² Planning Practice Guidance Paragraph: 001 Reference ID: 65-001-20190722

2. Habitats Sites in and affecting Rother district

- 2.1. The Rother HRA (2024) identified the following Habitats Sites (previously known as “European Sites”) relevant to Rother district:

Dungeness Special Area of Conservation (SAC)

- 2.2. The Dungeness SAC is partly within Rother and partly within Folkestone & Hythe district. It is one of the best examples of a vegetated shingle beach in Europe. SACs are protected for their habitats and species, and the qualifying features of the Dungeness SAC are Annex I habitats of Annual vegetation of drift lines and Perennial vegetation of stony banks, and Annex II species of Great-crested newt. Natural England’s site improvement plan, which covers the SAC, SPA and Ramsar, identifies many threats/ pressures on the site’s integrity, these include: invasive species and inappropriate scrub control, public access/ disturbance including by vehicles, air and water pollution.

Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA)

- 2.3. The Dungeness, Romney Marsh and Rye Bay SPA also straddles Rother and Folkestone & Hythe. It has diverse habitats, all a result of coastal processes. SPAs are protected areas for birds, and this SPA has a number of qualifying species including breeding, passage and wintering species such as Marsh Harriers and Great Bitterns. Threats/ pressures on the site’s integrity are the same as for the SAC.

Dungeness, Romney Marsh and Rye Bay Ramsar

- 2.4. This area also straddles Rother and Folkestone & Hythe. It is fringed by important intertidal habitats, and contains relict areas of saltmarsh, extensive grazing marshes and reedbeds, as well as extensive areas of wetland habitat resulting from gravel extraction. Ramsar sites are wetlands of international importance, and the Dungeness, Romney Marsh and Rye Bay Ramsar qualifies because: (i) it contains representative, rare, or unique examples of natural or near-natural wetland habitat types; (ii) it supports threatened ecological communities including plants, invertebrates, birds and animals; (iii) it regularly supports 20,000 or more waterbirds, and (iv) it regularly supports 1% of the overwintering British populations of Mute swans and Northern shovelers. Threats/ pressures on the site’s integrity are the same as for the SAC and SPA.

Hastings Cliffs SAC

- 2.5. The Hastings Cliffs SAC is adjacent to the Rother District boundary within Hastings borough. The SAC is an area of actively eroding soft cliffs, with woodland and scrub with rare bryophytes within three valleys. Its qualifying feature is its vegetated sea cliffs. Threats/ pressures on the site's integrity are: inappropriate coastal management, water and air pollution.

Pevensey Levels SAC

- 2.6. The Pevensey Levels SAC is located in a low-lying area between Bexhill, in Rother, and Eastbourne, also including land within Wealden district. It is largely reclaimed land with extensive grazed wet meadows actively maintained by purpose-built drainage systems and characteristic dykes, with many freshwater ditches. The SAC qualifying feature is a small freshwater snail. Threats/ pressures on the site's integrity are: inappropriate water levels, invasive species and water pollution.

Pevensey Levels Ramsar

- 2.7. The Pevensey Levels Ramsar occupies the same land area as the SAC. It qualifies as a Ramsar site because it supports an outstanding assemblage of wetland plants and invertebrates and 68% of vascular, aquatic plant species in Great Britain. Threats/ pressures on the site's integrity are: invasion of non-native plant species and water pollution from domestic sewage.

Ashdown Forest SAC

- 2.8. The Ashdown Forest SAC lies 15km west of Rother district. It contains one of the largest single continuous blocks of lowland heath in south-east England, including dry and wet heaths, supporting important assemblages of beetles, dragonflies, damselflies and butterflies. The dry and wet heaths are Annex I Habitats which are its qualifying features. It also contains Annex II species of Great-crested newt. Threats/ pressures on the site's integrity are: changes in land management, air pollution, public access/ disturbance, and hydrological changes.

Ashdown Forest SPA

- 2.9. The SPA is also 15km west of Rother district. It qualifies as a SPA by supporting populations of national importance of European nightjars and Dartford warblers. Threats/ pressures on the site's integrity are the same as for the SAC.

Lewes Down SAC

- 2.10. The Lewes Down SAC is an isolated block of downland some 22km west of Rother district. It contains the Annex I habitats of semi-natural dry grasslands and scrublands which are important for orchids. Threats/ pressures on the site's integrity include public access/ disturbance and air pollution.

3. Rother HRA (2024): Main findings

- 3.1. In addition to detailed information on the relevant habitats sites, including the consideration of identified impact pathways, the 2024 HRA includes:

- Screening of potential development sites being considered at that time, specifically, those sites that had been assessed through the draft Housing and Economic Land Availability Assessment (HELAA) as suitable or potentially suitable, available and achievable.
- Screening of the proposed policies of the Regulation 18 Plan, including the proposed development strategy.
- Appropriate Assessment.
- Recommendations for mitigation.

- 3.2. The main findings of the report are summarised as follows:

Potential Impacts from road traffic

- 3.3. The HRA found that the Local Plan will increase the population and employment opportunities within the district, likely resulting in more commuter journeys being undertaken within 200 metres of the Dungeness complex of sites. Therefore, Likely Significant Effects (LSEs) cannot be excluded, and the site is screened in for Appropriate Assessment regarding this atmospheric pollution (nitrogen deposition).
- 3.4. Following appropriate assessment, the HRA found that adverse effects on the integrity of Dungeness, Romney Marsh and Rye Bay SPA/Ramsar cannot be excluded at this point and will need further investigation to support the Regulation 19 version of the Local Plan. AECOM (the Council's technical consultant on this work) recommends that transport and air quality modelling is undertaken to demonstrate the contribution of

the Regulation 19 version of the Rother Local Plan both in isolation and in combination with other projects and plans to inform the Regulation 19 HRA.

- 3.5. Due to the distance of the assessed HELAA sites from the Ashdown Forest SAC/SPA, they are unlikely to result in a material increase in commuter journeys being undertaken within 200 metres of the sensitive heathland of the SAC. Therefore, Likely Significant Effects (LSEs) from road traffic can be excluded, and the site is screened out for Appropriate Assessment regarding atmospheric pollution (nitrogen deposition). Effects from road traffic on the Hastings Cliffs SAC and Lewes Downs SAC are also screened out.

Impact on Functionally Linked Habitat

- 3.6. Identified sites proposed for development within close proximity of the Dungeness, Romney Marsh and Rye Bay SPA / Ramsar (5 km) are restricted to existing urban areas with low suitability as functionally linked habitat. None of the identified sites are within 10 km of Dungeness point itself. The extensive habitats which have the potential to be functionally linked for the designated birds are either protected as elements of the SPA / Ramsar or retain their existing usage with no impact from identified sites. Therefore, Likely Significant Effects (LSEs) can be excluded, and the site is screened out for Appropriate Assessment.

Recreational Pressure

- 3.7. The available evidence base highlights that recreational pressure is likely to increase as a result of the increase in housing (and therefore population) within the district. Therefore, Likely Significant Effects of the Draft Local Plan on the Dungeness Complex regarding recreational pressure cannot be excluded and these sites are screened in for Appropriate Assessment.
- 3.8. Following Appropriate Assessment, the HRA finds that proposed Local Plan Policy ENV6 provides a sufficient policy framework through delivery of the Sustainable Access and Recreation Management Strategy (SARMS) to ensure that there are no adverse impacts on the conservation objectives of the Dungeness Complex from recreational pressure as a result of the draft Local Plan. As a result, subject to consideration of implications of any reduced parking on visitor pressure within the Dungeness Complex, it is considered that no adverse effect on the integrity of the Dungeness Complex will arise from the Local Plan.

- 3.9. Aecom recommends that the SARMS is reviewed and updated to allow effective implementation of Proposed Policy ENV6. In particular it is recommended that the governance and funding arrangements for the management of the Dungeness Complex SARMS measures are formalised. This should include a body for delivery of the measures, a charging tariff, a mechanism for collecting funds from affected developers, and a regular review process to inform future reviews of measures. The tariff would be informed by consideration of the cost of implementing the identified measures and the number of dwellings that are likely to be affected. Since the SARMS is a joint exercise between Rother and Folkestone & Hythe, this exercise should also be done jointly.
- 3.10. It should be noted that Natural England's representation on the Regulation 18 consultation on the draft Local Plan (July 2024) raised concern with the recommended use of a mechanism for collecting funds from developers, if the supporting evidence for the SARMS continues to show that the vast majority of visitors to the area come from outside the Folkestone and Hythe and Rother districts, and are tourists, attracted to the area for the variety of recreational activities on offer. Natural England note that in order for there to be certainty as to the effectiveness of any mitigation, it will need to be targeted at those visitors causing or likely to cause, the disturbance, based upon the evidence underpinning the SARMS. Given the comments within the HRA, Natural England advise that a greater degree of certainty is provided as to how the SARMS will be funded and implemented to give certainty that the mitigation measures will be effective.
- 3.11. The HRA found that Likely Significant Effects on the Ashdown Forest SAC, the Hastings Cliff SAC and the Lewes Down SAC from recreational pressure are unlikely and the sites are screened out from Appropriate Assessment.

Water Quality

- 3.12. The HRA found that Likely Significant Effects of the Draft Local Plan on the Dungeness, Romney Marsh and Rye Bay SPA / Ramsar and on the Pevensey Levels SAC and Ramsar regarding water quality cannot be excluded. The sites are screened in for Appropriate Assessment for water quality.
- 3.13. Following Appropriate Assessment, the HRA found that, providing that draft Local Plan Policy ENV1 (Coastal, Water and Flood Risk Management) incorporates the

recommendations listed below, it can be concluded there will be no adverse impact on water quality in the Dungeness, Romney Marsh and Rye Bay SPA/ Ramsar or the Pevensey Levels SAC/ Ramsar. The recommendations are as follows:

- I. the assessment of the implications on the water environment undertaken to support a planning application should include an assessment of the impact on the Pevensey Levels SAC/Ramsar and Dungeness, Romney Marsh and Rye Bay SPA/ Ramsar;
- II. all developments within the catchment area for the Pevensey Levels SAC/Ramsar should demonstrate: (a) agreement by the wastewater provider that modelling demonstrates that there is sufficient capacity within the relevant wastewater treatment works to accommodate the housing without a negative effect on the receiving environment; or (b) that the development can be delivered without a negative water quality effect on the Habitats sites, and the means by which any necessary protection measures will be secured for the lifetime of the development.

Water Quantity, Level and Flow

- 3.14. Likely Significant Effects of the Draft Local Plan on the Dungeness, Romney Marsh and Rye Bay SPA / Ramsar and on the Pevensey Levels SAC and Ramsar regarding water quantity, level and flow cannot be excluded. The sites are screened in for Appropriate Assessment for water quality.
- 3.15. Following Appropriate Assessment, the HRA concludes that draft Local Plan policies ENV1 (Coastal, Water and Flood Risk Management), ENV2 (Sustainable Surface Water Drainage) and GTC4 (Water Efficiency), along with the Water Resource Management Plans of Southern Water and South East Water, will ensure that the draft Local Plan will not result in an adverse impact on water quantity, level and flow in the Dungeness, Romney Marsh and Rye Bay SPA/ Ramsar or Pevensey Levels SAC/Ramsar.

4. Addressing the HRA (2024) findings

- 4.1. As noted above, the second Regulation 18 consultation on the draft Rother Local Plan is focused on proposed site allocations and the development strategy. The policies that were included in the first version of the draft Local Plan (and subject to Regulation 18 consultation in 2024), are not repeated within this current consultation. Work is

ongoing to update the policies, as necessary, and gather further evidence to support the final, “Regulation 19” version of the draft Local Plan. The final version of the draft Local Plan will combine the two earlier draft versions, i.e. the policies and the site allocations.

4.2. In summary, the HRA (2024) made three main recommendations:

- I. That transport and air quality modelling is undertaken to demonstrate the contribution of the Regulation 19 version of the Rother Local Plan, both in isolation and in combination with other projects and plans, on atmospheric pollution (nitrogen deposition) affecting the Dungeness, Romney Marsh and Rye Bay SPA/Ramsar, to inform the Regulation 19 HRA.
- II. That the SARMS is reviewed and updated to allow effective implementation of Proposed Policy ENV6 to ensure that there are no adverse impacts on the conservation objectives of the Dungeness Complex from recreational pressure as a result of the draft Local Plan. The governance and funding arrangements for the management of the SARMS measures should be formalised. This should include a body for delivery of the measures, a charging tariff, a mechanism for collecting funds from affected developers, and a regular review process to inform future reviews of measures.
- III. Amendments to the wording of draft Local Plan Policy ENV1 (Coastal, Water and Flood Risk Management) to ensure it is effective in preventing any adverse impacts from development on water quality in the Dungeness, Romney Marsh and Rye Bay SPA/ Ramsar or the Pevensey Levels SAC/ Ramsar.

Transport and air quality modelling

4.3. Now that the Council has a proposed portfolio of sites for allocation, as detailed in the draft Local Plan (2026), transport and air quality modelling will be undertaken.

Review of the SARMS

4.4. The review of the SARMS is a joint piece of work with Folkestone and Hythe District Council. Meetings have taken place, including with Natural England, to discuss the scope of a review. This work will now proceed.

Amendments to Policy ENV1

4.5. Necessary changes to this policy, as informed by the HRA and consultation responses, will be made to the policy to be included in the Regulation 19 version of the Local Plan.

This policy is not repeated within the second Regulation 18 consultation, which is focused on site allocations.

5. Additional work required and next steps

- 5.1. The HRA (2024) assessed the proposed development strategy, policies and potential sites of the 2024 draft Local Plan. While the proposed policies of the draft Local Plan have not changed since that time, there have been changes to the development strategy and the proposed sites, and the inclusion of a small number of additional, area-based policies. Most significantly, the quantum of development, including the number of dwellings proposed has increased. However, the development strategy has not significantly changed in terms of the location of proposed development.
- 5.2. While additional sites on the edges of Bexhill and Battle have been identified for potential development compared to the HELAA sites published with the 2024 draft Local Plan, it is anticipated that the screening outcome for the additional sites would be the same as for similarly located sites included in the HRA (2024). That is, that for those sites within or adjacent to the Pevensey Levels Hydrological Catchment Area, prior to the consideration of any mitigation measures, likely significant effects on the Pevensey Levels SAC/ Ramsar with regards to water quality cannot be ruled out because surface water discharge may reach the SAC/Ramsar given the well-connected ditch network. As the 2024 HRA found that mitigation is possible, through the implementation of the proposed Local Plan policies (as amended), it is anticipated that the same mitigation could be effective for the additional sites. However, this will be tested through further HRA work on the portfolio of sites now included in the second Regulation 18 consultation.
- 5.3. There are no significant additional sites proposed in the Rye/ Camber area, compared to the HELAA sites published with the 2024 draft Local Plan, although the proposed numbers of dwellings has been increased on some of the sites within Rye town. As the 2024 HRA identified a need for transport and air quality monitoring to demonstrate the impact of development on atmospheric pollution affecting the Dungeness, Romney Marsh and Rye Bay SPA/Ramsar, this will now be undertaken to include the impact of any additional dwellings and sites.

5.4. The additional area-based policies contained within the draft Local Plan (2026) will need to be screened but are unlikely to have significant effects in HRA terms. The majority of the policies affect the Bexhill area, with one for the Hastings Fringes and one for Bewl Water in Ticehurst parish.

5.5. In summary, in addition to implementing the recommendations of the HRA (2024), further HRA work will now be undertaken to assess:

- The portfolio of sites now included in the second Regulation 18 consultation;
- The quantum of development now proposed; and
- The additional “area” policies.

5.6. The recommendations of the further HRA work will inform the final, Regulation 19 version of the Rother Local Plan, and consultation with relevant statutory bodies will take place prior to the Plan being finalised.



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