South Downs
National Park Authority

Habitats Regulations Assessment Screening Statement

Lewes Neighbourhood Development Plan

April 2018

1. Introduction

1.1 The purpose of this screening statement is to provide a screening opinion as to whether there might be any potential likely significant effects on internationally important wildlife sites (also known as European sites) that may be affected by the Lewes Neighbourhood Development Plan (NDP), and therefore whether further Habitats Regulations Assessment work is required.

Habitats Regulations Assessment Screening

1.2 Habitats Regulations Assessment (HRA) refers to the requirement for any plan or project to assess the potential implications for European sites. The need for HRA is set out within the EC Habitats Directive 92/43/EC which is transposed into British Law[1]. Article 6(3) of the EU Habitats Directive provides that:

"Any plan or project not directly connected with or necessary to the management of the [European] 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. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, 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 and, if appropriate, after having obtained the opinion of the general public."

1.3 The first stage of the HRA process involves an assessment or screening of whether the plan is likely to have a significant effect on one or more European sites either alone or in combination. This can include consideration of avoidance measures. The objective is to 'screen out' those plans and projects (or site allocations/policies) that can, without detailed appraisal, be said to be unlikely to result in significant adverse effects upon European sites.

1.4 If screening determines that there is the potential for likely significant effects, further HRA work would be required in the form of an Appropriate Assessment which considers the impact on the integrity of the European site is more detail.

1.5 This screening opinion statement has regard to the conservation objectives of the relevant European sites. It also makes reference to other plans and projects (the emerging South Downs Local Plan and other Local Plans/Core Strategies as appropriate).

The Lewes Neighbourhood Development Plan

1.6 The NDP group are currently preparing the submission version of the Lewes NDP. The Lewes NDP includes general policies to guide development. It also designates local green spaces, and makes provision for 220 (+10%) homes through site allocations.

1.7 When adopted, NDPs will be used by the local planning authority to determine planning applications for the Neighbourhood Areas that they cover. As the parish falls within the South Downs National Park, the policies for the NDP, once adopted, will form the planning policy for that part of the National Park, in the Parish of Lewes.

[1] The Conservation of Habitats and Species 2017

Relevant European sites

1.8 The European wildlife sites relevant to this NDP are the Lewes Downs Special Area of Conservation (SAC), Castle Hill SAC, and the Ashdown Forest Special Protection Area (SPA)/SAC. Full details for the reason for designation, conservation objectives and key vulnerabilities are set out in Appendix 1.

2. Impact pathway screening

2.1 The information used for this screening statement has been gathered from the HRA for the submission of the South Downs Local Plan, which was submitted in April 2018, and the HRA for the Lewes Joint Core Strategy which was approved by the National Park Authority for adoption in 2016. As such, this screening report should be read in conjunction with these documents.

South Downs Local Plan

2.2 It should be noted that the South Downs Local Plan and its accompanying HRA has not been tested and accepted at Examination. Whilst this is the case, the Submission Local Plan seeks to broadly carry forward the development quantum proposed for through the Lewes Joint Core Strategy for the part of Lewes District which falls within the National Park, and the Lewes Joint Core Strategy has been subject to Examination and adoption.

2.3 The Submission Local Plan recognised that some of the housing requirement quantum would be allocated through NDPs. It therefore set out the expected quantum of development for these various settlements, and this figure was taken into account in the Local Plan Preferred options HRA. The Lewes NDP makes provision for the quantum of development as expected in the Local Plan Preferred options, plus 10% to help ensure delivery and as such the evidence and findings of the Submission Local Plan HRA provide an important basis for the HRA screening of this NDP.

2.4 The HRA report for the Submission Local Plan identifies recreational pressure and air quality as potential impact pathways to the Lewes Downs SAC, and recreational pressure as a potential impact pathway to Castle Hill SAC. In combination impacts were also considered. The main body of the HRA report for the Submission Local Plan discussed these impact pathways in more detail and was able to conclude that there would be no likely significant effects as a result of the scale of development proposed in Lewes.

Lewes Joint Core Strategy

2.5 The Lewes Joint Core Strategy (JCS) was adopted by Lewes District Council (LDC) on the 11th May 2016 and by the South Downs National Park Authority on the 23rd June 2016.

2.6 The HRA for the Lewes JCS also identified air quality as a potential impact pathway to the Ashdown Forest SAC. An assessment was undertaken for the JCS as a whole. The HRA followed the process and advice at the time that if predicted increases in traffic arising from a plan or project equated to less than 1,000 Average Annual Daily Trips (AADT) on affected roads (those roads which pass within 200m of the designation) then it could be concluded that

no significant effect is likely, either alone or in combination. This is because 1,000 AADT broadly equates to a contribution of nitrogen oxides and nitrogen deposition that is so small as to be considered 'de minimis', neutral or inconsequential. The increase in AADT arising from the JCS on the A26 is calculated to be 190 AADT. The HRA then screened out the need for further assessment on this matter as the increase in AADT for the JCS was below 1,000AADT.

2.7 On the 4th August 2016, Wealden District Council issued a challenge to the JCS on the grounds that the Habitat Regulations Assessment was flawed because the assessment of the air quality impact on the Ashdown Forest, an EU protected site, was not 'in combination' with the Wealden Core Strategy.

2.8 A Judicial Review was undertaken and the judgement was handed down from the High Court on Monday 20th March 2017. The Judge concluded that the JCS is flawed for legal error and considers that the AADT figures from WDC and LDC should be combined before applying the 1,000 AADT threshold. It was also found that the challenge was out of time for LDC because it was made outside the 6 week challenge window following LDC's adoption. As a consequence, Spatial Policies 1 and 2 of the JCS are quashed insofar as they apply to the South Downs National Park Authority.

Habitats Regulations Assessment Addendum

2.9 The South Downs National Park Authority and Lewes District Council jointly commissioned consultants AECOM to undertake further traffic modelling, air quality calculations and ecological interpretation work. This work forms the Air Quality Impact Assessment set out in the Habitats Regulations Assessment Addendum to the Submission South Downs Local Plan and the Lewes Joint Core Strategy on the traffic related effects on Ashdown Forest SAC, submitted in April 2018. Full details of the methodology and the analysis are set out in the addendum.

2.10 The conclusion of this work is that no adverse effects on the integrity of the assessed international nature conservation designations from the South Downs Local Plan or in combination with growth arising from surrounding authorities. Natural England has not raised any objections to the methodology and conclusions of the HRA work in response to the first publication of the addendum as part of the Pre-Submission consultation on the South Downs Local Plan.

Screening matrix

2.11 Table 1 below draws together the conclusions and includes references to the relevant paragraphs of the HRA report/addendum, and additional commentary relating to the proposals and policies within the draft Lewes NDP into an HRA Screening Matrix.

Table 1 – HRA Screening Matrix

Impact pathway	Summary/extract of the screening outcome in the HRA Report for the South Downs Local Plan: Preferred Options and the HRA of the Lewes Joint Core Strategy.	Further comment
Lewes Downs SAC		
Recreational pressure	Screened out. 'There is theoretical potential for likely significant effects on these sites by trampling, which in turn causes soil compaction and erosion. Walkers with dogs contribute to pressure on sites through nutrient enrichment via dog fouling and also have potential to cause greater disturbance to fauna as dogs are less likely to keep to marked footpaths and move more erratically. Cycling, motorcycle scrambling and off-road vehicle use can cause serious erosion, as well as disturbance to sensitive species. Whether these issues are matters of concern for species European sites depends on the circumstances on that site, including existing pressure, presence of antisocial behaviour, existing site management and factors such as topography and suitability of footpaths.' 'The Lewes District Core Strategy report[2] concluded that impacts upon Lewes Downs SAC as a result of increased recreational pressure resulting from new residential development could be screened out as the SAC is not currently vulnerable to recreational pressures. This issue was not queried at Examination. As such, this impact pathway can be screened out. The Site Improvement Plan for the SAC does not identify development-related increases in general recreational activity as a concern, but rather targets some instances of antisocial behaviour and identifies a commitment to 'Introduce measures to discourage public gatherings on sensitive grassland areas'. The steep topography of much of the SAC is likely to naturally limit the scale and extent of recreational activity over much of the site.' Reference: paragraphs 4.7.1 and 4.7.6 of the Submission HRA	No further comments.

[2] http://www.lewes.gov.uk/Files/plan_2013_HRA.pdf?bcsi_scan_E956BCBE8ADBC89F=0&bcsi_scan_filename=plan_2013_HRA.pdf

Air quality	Screened out. Two links within 200m of Lewes Downs SAC were modelled in 2015 for the Joint Core Strategy: the A26 and the B2192 (in addition to the junction between the two roads where they both lie within 200m of the SAC). Although these calculations ran to 2030 (rather than 2033) the scale of expected growth in the Lewes part of the National Park (and Lewes District outside the National Park) by 2030 has not materially changed since these calculations were undertaken and the addition of a further three years will not alter the trends and magnitudes depicted in the modelling.' NOx Baseline NOx concentrations at the closest points of the SAC to the B2192 are significantly below the critical level. The inclusion of the Joint Core Strategy/South Downs Local Plan does not materially retard this improvement. For the A26 baseline NOx concentrations are identified to be well above the critical level at the closest point to the road but these have fallen below the critical level before 50m into the SAC. The inclusion of the Joint Core Strategy/South Downs Local Plan forecast a further lowering of NOx concentrations but that this improvement is retarded slightly at the closest point to the road. Since the main role of NOx is as a source of nitrogen, nitrogen deposition rates are also investigated. N Deposition The SAC is designated for calcareous grassland and the nearest area of calcareous grassland to the A26 is approximately 50m from the roadside, with the intervening area being occupied by dense mature woodland. At 50m from the roadside total nitrogen deposition is forecast to have fallen below the most precautionary part of the critical load range (15 kgN/ha/yr) for calcareous grassland. The contribution of the JCS/Local Plan to nitrogen deposition at the closest area of calcareous grassland would be a negligible (0.03 kgN/ha/yr). This is effectively zero, since deposition is never reported to more than two decimal places to9 avoid false precision. This is not ecologically significant, given that no habitats that have been	Screened out. The analysis undertaken in the HRA for the South Downs Local Plan Preferred Options and the HRA for the Lewes JCS is based around a total of approximately 835 dwellings – this includes the dwellings proposed through the Lewes NDP and also the strategic sites in the Submission South Downs Local Plan. It is recognised that the methodology in the HRA of the JCS with regard to air quality was challenged, however this is specifically in regard to the methodology as applied to Ashdown Forest (see below).

	studied to date are responsive to such very small incremental changes in nitrogen deposition (in practice annual variation in background deposition rates is likely to be much greater than this incremental change). Reference: paragraphs 5.3.37 to 5.3.40 of the Submission HRA.	
In combination	Screened out. 'The housing identified for Lewes in the Lewes Joint Core Strategy and that identified for the National Park Local Plan are the same as they overlap spatially. As such impacts on Lewes Downs SAC have effectively been fully assessed.' Reference: paragraph 10.1.3 of the Submission HRA.	No further comments.
Castle Hill SAC		
Recreational pressure	Screened out. 'There is theoretical potential for likely significant effects on these sites by trampling, which in turn causes soil compaction and erosion. Walkers with dogs contribute to pressure on sites through nutrient enrichment via dog fouling and also have potential to cause greater disturbance to fauna as dogs are less likely to keep to marked footpaths and move more erratically. Cycling, motorcycle scrambling and off-road vehicle use can cause serious erosion, as well as disturbance to sensitive species. Whether these issues are matters of concern for species European sites depends on the circumstances on that site, including existing pressure, presence of antisocial behaviour, existing site management and factors such as topography and suitability of footpaths.' 'Castle Hill SAC is not noted to be vulnerable to increase in recreational pressure. The Brighton & Hove City Plan HRA confirmed that recreational pressure on this site was not a particular concern and that 'Castle Hill is managed as a National Nature Reserve and therefore increased recreation, if it did become an issue, could	No further comments.

	be managed accordingly'[3]. This is reflected in the Natural England Site Improvement Plan which does not identify recreational pressure as being a concern or an issue targeted for further action. The main concerns noted on this site are not development related but are management issues: under-grazing and use of fertilisers.' Reference: paragraphs 4.7.1 and 4.7.5 of the Submission HRA	
In combination	Screened out. 'The housing identified for Lewes in the Lewes Joint Core Strategy and that identified for the National Park Local Plan are the same as they overlap spatially. As such impacts on Lewes Downs SAC have effectively been fully assessed.' 'It can be considered that the SDNPA Local Plan will not result in likely significant effects upon Castle Hill SAC alone or in combination with other projects or plans.' Reference: paragraph 10.1.3 and 10.3.1-10.3.2 of the Submission HRA	No further comments.
Ashdown Forest SAC		
Air quality (alone and in combination)	Screened out. 'Refer to the HRA Addendum for the full details of this analysis. In summary, the analysis concludes that ammonia concentrations at the closest areas of heathland to affected roads (5m from the A275 and A22) are below 1 μm-3 and nitrogen deposition rates along all links are forecast to experience a net improvement of 1.6-1.9 kgN/ha/yr by 2033, even allowing for traffic growth, due to improvements in NOx emission factors and background concentrations/deposition rates over the same timetable. The maximum 'in combination' additional nitrogen deposition forecast to the nearest areas of heathland by 2033 is 0.3kgN/ha/yr. Based on published research into dose-response relationships in heathland this would be c. 25% of the nitrogen 'dose' that might result in a significant retardation of any improvement in species richness that might otherwise be observed at the forecast background deposition rates and is not expected to result in a significant change in	No further comments.

[3] HRA of the Proposed Modifications to the Brighton & Hove City Plan Part One (July 2014)

	grass cover. Moreover, the contribution of the South Downs Local Plan/JCS is negligible, being a maximum 0.07 kgN/ha/yr at the roadside of the A275. Since the overall trend to 2033 is expected to be a positive one and will not be retarded to an ecologically significant extent either by all forecast traffic growth 'in combination' or by the South Downs Local Plan and JCS, there is thus not considered to be an adverse effect in combination with growth arising from surrounding authorities.' Reference: Paragraphs 5.3.41 and 5.3.42 of the Submission HRA.	

3. Conclusion

3.1 Is the potential scale or magnitude of any effect likely to be significant?

a) Alone? **No**
b) In combination with other plans or projects? **No**

3.2 It is the conclusion of this screening statement that there are not likely to be significant effects arising from the proposals on the Lewes Neighbourhood Plan with regard to the integrity of Lewes Downs Special Area of Conservation, Castle Hill Special Area of Conservation and Ashdown Forest Special Area of Conservation.

Appendix 1: Details of relevant European site

Background information on Castle Hill SAC, Lewes Downs SAC and Ashdown Forest SAC sites are extracted from Appendix A of the South Downs National Park Local Plan Habitats Regulation Assessment, prepared by AECOM, and submitted as part of the Submission of the Local Plan in April 2018.

13 Ashdown Forest SAC/SPA

13.1 Introduction

Ashdown Forest contains one of the largest single continuous blocks of lowland heath in south-east England, with both European dry heaths and, in a larger proportion, wet heath.

13.2 Reasons for Designation

SAC criteria

The site was designated as being of European importance for the following interest features:

- Wet heathland and dry heathland

13.3 Historic Trends and Current Pressures

During the most recent condition assessment process, 99% of the SSSI was considered to be in either 'favourable' or 'unfavourable recovering' condition.

The following key environmental conditions were identified for Ashdown Forest SAC/SPA:

- Appropriate land management
- Effective hydrology to support the wet heathland components of the site
- Low recreational pressure
- Reduction in nutrient enrichment including from atmosphere.

15 Castle Hill SAC

15.1 Introduction

Castle Hill SAC is situated in Brighton and Hove; East Sussex and covers approximately 114.68ha, with 90% of the site consisting of semi-natural dry grassland and scrubland facies, 5% heath and 5% humid grassland. The site comprises mainly of semi-natural dry grasslands and scrubland facies: on calcareous substrates *Festuco-Brometalia* which is considered to be one of the best habitats in the UK, this particular habitat is particular important for orchid species. Early gentian *Gentianella anglica*, which is listed as a nationally scarce species is considered to comprise a significant presence on this site. The site is a NNR leased to Natural England from the local authority.

15.2 Reasons for Designation

The site was designated as being of European importance for the following interest feature:

- Semi-natural dry grasslands and scrubland facies: on calcareous substrates *Festuco-Brometalia*
- Early gentian classified as a nationally scarce species.

15.3 Historic Trends and Current Pressures

During the most recent condition assessment process, 100% of the site is classified as having favourable conditions and meeting PSA targets. The site has the occurrence of many positive indicator species at good levels such as tor-grass *Brachypodium pinnatum*, which is abundant in places but is generally confined to the terraces, which are interspersed with short, species-rich turf. Current grazing levels seem appropriate; grasses are not out-competing the herbs and sward height is within suitable levels.

The environmental vulnerabilities of Castle Hill SAC are:

- Controlled encroachment of scrub.
- Maintenance of grazing regimes.
- Absence of nutrient enrichment (leaching and spray drift from surrounding agricultural land).

22 Lewes Downs SAC

22.1 Introduction

Lewes Downs SAC covers 146.86ha of east Sussex, with 85% dry grassland steeps, 5% heath/scrub/maquis and garrigue/phygrana, 5% humid grassland, 5% Mesophile grassland and 5% improved grassland. The site comprises mainly of semi-natural dry *Festuco-Brometalia* grasslands and scrubland facies on calcareous substrates and is considered to be one of the best examples of this habitat in the UK. This particular habitat is particular important for orchid species. The site is a National Nature Reserve (NNR) managed by the landowner under a management agreement.

9.2 Reasons for Designation

The site was designated as being of European importance for the following interest feature:

- Semi-natural dry grasslands and scrubland facies: on calcareous substrates *Festuco-Brometalia*.
- This site contains an important assemblage of rare and scarce orchids, including early spider-orchid *Ophrys sphegodes*, burnt orchid *Orchis ustulata* and musk orchid *Herminium monorchis*. The colony of burnt orchid is one of the largest in the UK.

9.3 Historic Trends and Current Pressures

During the most recent condition assessment process, 95.32% of the site is in favourable condition, 1.8% of the site is unfavourable recovering and 2.88% is unfavourable declining. Unfavourable conditions have been created due to unsuitable grazing regimes across the site and lack of vegetation removal leading to leaf litter build up and scrub encroachment, resulting in a loss of plant diversity.

The following key environmental conditions needed to maintain the interest features are identified as follows:

- Controlled encroachment of scrub.
- Maintenance of grazing regimes.
- Avoidance of heavy poaching.
- Absence of nutrient enrichment.
- Appropriate levels of recreational activity.
- Absence of non-native species.
- Good air quality