Report to inform Habitat Regulations Assessment – Screening Assessment

Land Near the Junction of Lynwick Street and Guildford Road

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LIABILITIES:

Whilst every effort has been made to guarantee the accuracy of this report, it should be noted that living creatures are capable of migration and whilst protected species may not have been located during the survey duration, their presence may be found on a site at a later date.

The views and opinions contained within this document are based on a reasonable timeframe between the completion of the survey and the commencement of any works. If there is any delay between the commencement of works that may conflict with timeframes laid out within this document, or have the potential to allow the ingress of protected species, a suitably qualified ecologist should be consulted.

It is the duty of care of the landowner/developer to act responsibly and comply with current environmental legislation if protected species are suspected or found prior to or during works.

1.0 Introduction

Background

1.1 The Ecology Partnership Ltd was commissioned by Welbeck Land to undertake a Habitats Regulations Screening Assessment of the development proposed land near the Junction of Lynwick Street and Guildford Road, Horsham, West Sussex. The proposals are for the construction of up to 90 new dwellings within the redline boundary as shown in figure 1.

Figure 1: Approximate red line boundary of the site

1.2 Section 2 of this report sets the legislation by which the designated sites are protected and describes 'significance' and 'impacts' in relation to development and the designated sites. Section 3 reviews the Local Plan policies in terms of the Habitats Regulations. Section 4 looks at the site which is proposed for development. Section 5 addresses potential impacts, with section 6 assessing mitigation methods. Finally, conclusions are provided in section 7.

Site Context and Status

1.3 The site is to the south-west of Rudgwick and to the north-west of Horsham (TQ07973305). The site consisted of two cow-grazed grasslands with scrub, broadleaved treelines and hedgerows with trees along the field boundaries. The immediate surroundings comprised

of arable fields, broadleaved woodland and low-density residential housing. There are no Sites of Special Scientific Interest (SSSI) or Local Nature Reserves (LNR) within 2km of the site.

1.4 The proposals are located approximately 7.9km to the north east of The Mens SAC and 10.5km north east of Ebernoe Common SAC. The location of the site in relation to the SACs is shown in Figure 2 below.

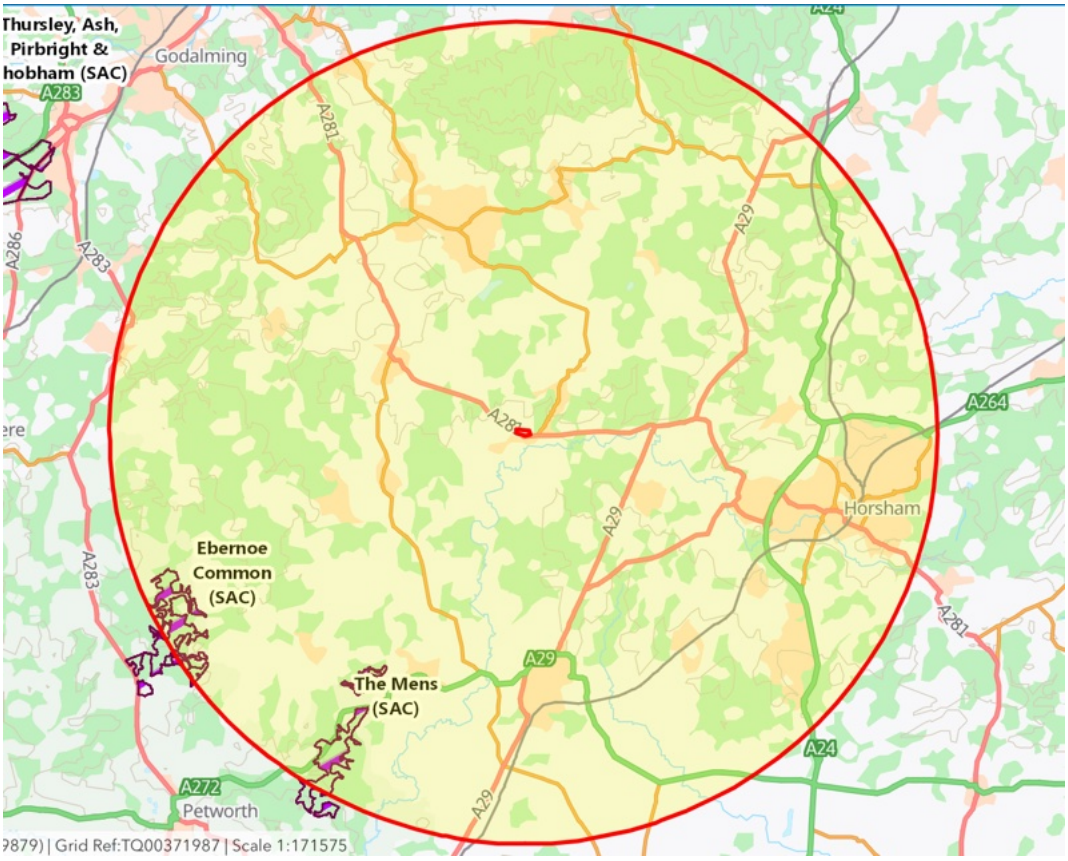

Figure 2: Site identified in red with a 12km buffer highlighting The Mens and Ebernoe Common

2.0 Ecological Surveys

2.1 An extended preliminary ecological appraisal was undertaken on the 20th May 2019, with the update PEA undertaken on 2nd June 2021 and then on 14th May 2024. All surveys were undertaken by The Ecology Partnership.

2.2 The site was located in the eastern portion of Rudgwick and it was dominated by two parcels of cow-grazed grassland. Boundary habitats included scrub, broadleaved treelines, and a hedgerow with trees.

2021 Bat Surveys

2.3 During the bat transect activity surveys key features used by bats were identified and a total of six bat species were recorded on site: common pipistrelle, soprano pipistrelle, noctule, serotine, brown long eared and leisler's. The level of activity recorded on the walked transect varied from low during the June and July surveys, to moderate during the September survey.

2.4 Three Anabat Express static recorders were also deployed on site for a series of five consecutive nights between June to September 2021. These recorders revealed moderate to high levels of bat activity on site from common bat species already revealed from the transect surveys but with 3 additional bat species also recorded using the site: myotis species, barbastelle and nathusius' pipistrelle.

2.5 In total 4126 bat passes were recorded over the 2021 survey period comprising at least nine bat species. The calls by bats of the Myotis genus have been grouped together owing to difficulties in identifying calls to species level.

2.6 Throughout the survey period, common pipistrelles were most frequently recorded, accounting for approximately 63.1% of the total recordings. Soprano pipistrelles were the second most recorded species group on site, with their calls accounting for 26.9% of the total passes, followed by noctules which accounted for 4.1% of the total passes. The remaining species, which included myotis species, brown long eared, serotine, leisler and barbastelle accounted for approximately 10% of the total calls.

2.7 The total number of barbastelle calls recorded during the 2021 survey was 39. Of these calls, the majority, a total of 29 calls of which 21 were recorded in September, were recorded on the western boundary, along Lynwick Street and the site. The central tree line recorded 4 calls and the eastern boundary recorded 6 calls. Due to the limited nature of the use of the site by this species and the lack of regularity of use of the tree lines and edges of the site, the site was not considered to be functionally linked to either The Mens or

Ebernoe Common. However, recommendations for retention, enhancement for trees and habitat edges and the use of sensitive lighting were made.

2024 Bat Surveys

2.8 Night time walkover surveys were conducted in May, July and September 2024. The activity around the site dominated by common pipistrelle, the most common and widespread bat species in Britain. During the NBW transect surveys the only other species identified were soprano pipistrelles, noctules, brown-long eared and leisler's. These species were heard very infrequently and so bat diversity and activity was considered to be low.

2.9 Two anabats and one songmeter was deployed on site in June, July, August, and September 2024 for at least five consecutive nights to record bat species using the site and levels of activity on site. The anabats were situated within boundary hedgerows to the east, centre and west of the site, as per Figure 3.

Figure 3: Location of anabat and songmeters

2.10 A total of 7616 bat registrations were recorded over the survey period by the Anabat and Songmeter static detectors, and these comprised of at least 13 separate species including common and soprano pipistrelles, myotis species (of which whiskered, Daunebton's,

Natterer's and Brandt's were identified), brown long eared bats, noctule, serotine, Nathusius, Leisler's and Barbasetlle.

2.11 A total of 7 barbastelle calls were recorded during the survey period, of which 6 calls were recorded in the central tree line and one call recorded on the eastern section of the site. One call was recorded in June, no calls in July, two calls recorded in August and a total of 4 calls recorded in September 2024.

2.12 Due to the low numbers of barbastelle recordings and the irregular use of the site by this species, the site was not considered to be functionally linked to the wider SACs.

3.0 Legislation

3.1 The proposed development lies approximately *c*. 7.9km north-east of The Mens SSSI SAC and approximately *c*. 10.5km west of Ebernoe Common SAC. This site is therefore located outside the 6.5km key conservation area identified in the Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol (2017) but inside the 12km wider conservation area, in which development must consider all impacts to bats. As these sites are also protected by the Habitat Regulations (Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019), it is therefore considered that an assessment of the likely impacts of this development on these sites is required.

3.2 It is therefore considered that an assessment of the likely impacts of this development on these sites is undertaken. These areas are protected by the Habitats Directive (EC Directive 92/43/EEC on the Conservation of Natural and Semi-Natural Habitats and of Wild Fauna and Flora) and the Habitats Regulations (The Conservation (Natural Habitats &c.) Regulations 1994).

3.3 In Great Britain, the Habitats Regulations implement the requirements of the Habitats Directive. The Regulations aim to protect sites in the UK that have rare or important habitats and species in order to safeguard biodiversity. Under these Regulations, the LPA have a duty to assess whether there is a risk of any plan or proposal having a significant impact on the integrity of the European Sites.

3.4 The need for Appropriate Assessment is set out within Article 6 of the EC Habitats Directive 1992, and interpreted into British law by the Conservation of Habitats and Species Regulations 2017 (as amended). Under these Regulations, land use plans must be subject to Appropriate Assessment if they are likely to have a significant [adverse] effect on a Natura 2000 site (Special Areas of Conservation, SAC and Special Protection Areas, SPA).

3.5 The Habitats Directive applies a precautionary approach to protected areas and as such plans and projects can only be permitted once it is ascertained that there will be no adverse effect on the integrity of the site(s) in question. Projects may be granted permission if there are no alternatives to them and there are Imperative Reasons of Overriding Public Interest (IROPI), such as large infrastructure development proposals etc. In such cases, compensation would be necessary to ensure the overall integrity of the site network.

3.6 In order to assess the likely significance of a site(s) and the site(s) integrity being affected an assessment under the Habitat Regulations is required. The first stage of the assessment is 'screening' the proposals.

3.7 The purpose of the screening is to analyse likely significant effects, as well as those effects, which were uncertain or not well understood and taken forward for assessment in accordance with the precautionary principle. The assessment should seek to establish whether or not the plans effects, either alone or in combination with other plans or projects, will lead to adverse effects on site integrity, in view of the sites conservation objectives. Site integrity can be described as follows (ODPM, 2005b):

"The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified."

3.8 Natural England (NE) guidance on determining likely significant effect states that;

'Likely significant effect is, in this context, any effect that may reasonably be predicted as a consequence of a plan or project that may affect the conservation objectives of the features for which the site was designated, but excluding de minimis or inconsequential effects'

And furthermore;

"The 'significance test' is a coarse filter intended to identify which proposed plans and projects require further assessment. It is the first stage of the process, and is distinct from the appropriate assessment of 'adverse effect on integrity'… Proposals having no, or de minimis, effects can be progressed without further consideration under the Habitats Regulations although reasons for reaching this decision must be justified and recorded" (English Nature, 1999).

3.9 This initial determination is intended to ensure that all relevant plans and projects likely to have a significant effect on European sites are subject to an appropriate assessment. The notion of what is significant needs to be interpreted objectively. The significance of effects should be determined in relation to the specific features and environmental conditions of the site concerned, taking particular account of the site's conservation objectives.

3.10 The following is a list of examples of types of effects that are likely to be significant and therefore need to be considered more fully. Effects must be considered for both on site effects as well as off site and indirect effects, as well as alone and in combination with other projects.

- Causing damage to the coherence of the site or to the Natura 2000 series (for example, presenting a barrier between isolated fragments, or reducing the ability of the site to act as a source of new colonisers);
- Causing reduction in the area of habitat or of the site;
- Causing direct or indirect change to the physical quality of the environment (including the hydrology) or habitat within the site;
- Causing ongoing disturbance to species or habitats for which the site is notified;
- Altering community structure (species composition);
- Causing direct or indirect damage to the size, characteristics or reproductive ability of populations on the site;
- Altering the vulnerability of populations/habitats to other impacts;
- Causing a reduction in the resilience of the feature against external change (for example its ability to respond to extremes of environmental conditions);
- Affecting restoration of a feature.

3.11 Where it was considered not possible to 'screen out' the developments, alone or in combination, it is necessary to progress to the later 'Appropriate Assessment' stage to

explore the adverse effects and devise mitigation. This will include addressing the following issues:

- Identify the effects of the proposal on the European site features and how those effects are likely to affect the site' conservation objectives.
- Decide whether the plan or project, as proposed, would adversely affect the integrity of the site in the light of the conservation objectives.
- Consider the manner in which the plan or project is proposed to be carried out, whether it could be modified, or whether conditions or restrictions could be imposed, so as to avoid adverse effects on the integrity of the site.
- Conclude whether the plan or project, as modified by conditions or restrictions, would adversely affect the integrity of the site.
- Where the plan or project is assessed as having an adverse effect on the integrity of the site alternative solutions should be considered and where appropriate a re-assessment undertaken.

3.12 Therefore, there are three stages that are considered within the habitats regulations assessment are:

- **Stage 1 – Screening for Likely Significant Effects:** identifying if the plan is likely to have a significant effect on a European Site either alone or in combination with other plans and projects
- **Stage 2 – Appropriate Assessment:** if significant effects are anticipated, identifying the implications of the plan on the integrity of the relevant Europeans Sites in view of their conservation objectives. This stage is intrinsically linked to Stage 3 as the adoption of mitigation measures will influence the conclusions of the Appropriate Assessment.
- **Stage 3 – Mitigation Measures and Alternative Solutions:** identifying mitigation measures to avoid adverse effects or developing alternative solutions in cases where it is not possible to avoid these.

Scope and Objectives

3.13 The Ecology Partnership Ltd has been instructed to undertake an assessment for the development of land near the Junction of Lynwick Street and Guildford Road. This report

identifies the proposals for the site and the significance of these proposals in terms of the protected sites.

4.0 Review of Policy and Legislation with regards to Protected Areas

4.1 A review of literature, including Local Plan policies and other Policies and Legislation, which should be considered as part of the assessment, is included within this section of the report.

Protected Areas

4.2 The Mens SSSI/SAC is designated under Annex I habitats which is a primary reason for selection of this site. The site supports extensive areas of **Atlantic acidophilous beech forests with Ilex and sometimes also *Taxus* in the shrub layer (*Quercion robori-petraeae* or *Ilici-Fagenion*)**. These woodlands are rich in lichens, bryophytes, fungi and saproxylic invertebrates, and is one of the largest tracts of Atlantic acidophilous beech forests in the south-eastern part of the habitat's UK range. It is developing a near-natural high forest structure, in response to only limited silvicultural intervention over the 20th century, combined with the effects of natural events such as the 1987 great storm.

4.3 The site also supports Annex II species which is a qualifying feature for the site but not the primary reason for site selection. The Mens SAC has been selected for classification as an example of a maternity colony of **barbastelle bats *Barbastella barbastellus*** which utilise a range of tree roosts in The Mens. The barbastelle is one of the UK's rarest mammals and The Mens is one of the few known maternity roost sites in the UK.

4.4 The conservation objectives of The Mens SAC are defined by Natural England as being:

"With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- ***The extent and distribution of qualifying natural habitats and habitats of qualifying species;***

- ***The structure and function (including typical species) of qualifying natural habitats;***
- ***The structure and function of the habitats of qualifying species;***
- ***The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;***
- ***The populations of qualifying species, and,***
- ***The distribution of qualifying species within the site.***

Qualifying Features:

H9120. Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrublayer (Quercion robori-petraeae or Ilici-Fagenion); Beech forests on acid soils S1308. Barbastella barbastellus; Barbastelle bat"

4.5 Further information with regards to the management and conservation objectives of The Mens SAC are found in '**European Site Conservation Objectives: Supplementary advice on conserving and restoring site features The Mens Special Area of Conservation (SAC): UK0012716 February 2019**'. The document reviews the beech forests and barbastelle populations in relation to changes to the structure and composition of the woodlands, hydrology and artificial illumination.

4.6 Ebernoe Common SAC is designated under Annex I habitats which is a primary reason for selection of this site. The site supports extensive areas of **Atlantic acidophilous beech forests with Ilex and sometimes also *Taxus* in the shrub layer (*Quercion robori-petraeae* or *Ilici-Fagenion*)** high forest and former wood-pasture over dense holly Ilex aquifolium. The woodlands support a very rich epiphytic lichen flora, including *Agonimia octospora* and *Catillaria atropurpurea*. It represents Atlantic acidophilous beech forests in the south-eastern part of the habitat's UK range. The beech woodland is associated with other woodland types, open glades and pools, which contribute to a high overall diversity. The woods are important for a number of bat species, in particular **1323 Bechstein's bat Myotis bechsteinii** and **1308 barbastelle**.

4.7 This site also is designated under Annex II, species that are a primary reasons for the site, due to the presence of a maternity colony of **barbastelle bats** and a maternity colony of **bechstein's bats**.

4.8 The conservation objectives of Ebernoe Common SAC are defined by Natural England as being:

"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;

- *The extent and distribution of qualifying natural habitats and habitats of qualifying species*
- *The structure and function (including typical species) of qualifying natural habitats*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely*
- *The populations of qualifying species, and,*
- *The distribution of qualifying species within the site.*

Qualifying Features:

H9120. Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrub layer (Quercion robori-petraeae or Ilici-Fagenion); Beech forests on acid soils

S1308. Barbastella barbastellus; Barbastelle bat

*S1323. Myotis bechsteinii; Bechstein's bat***"**

National Planning Documentation

4.9 National policy guidance is provided by National Planning Policy Framework (NPPF 2023), which sets out the Government's planning policies for England and how they should be applied. Section 15 of the document is entitled 'Conserving and Enhancing the Natural Environment'.

Local Policy

4.10 This site falls under the jurisdiction of Horsham District Council.

- Policy 25: The Natural Environment and Landscape Character
- Policy 31: Green Infrastructure and Biodiversity

5.0 Discussion of Potential Impacts

5.1 Impacts can be divided into direct and indirect impacts. Direct impacts are usually associated with development adjacent to or on land that has been designated or on land which is considered to be 'functionally linked'. Functionally linked land, land which is used by qualifying features (wintering birds for example), is land which is not designated but would be important to the qualifying futures. As such impacts on these habitats would also need to be considered within the development process.

5.2 Examples of direct impacts which are considered significant include:

- Causing damage to the coherence of the site or to the series (for example, presenting a barrier between isolated fragments, or reducing the ability of the site to act as a source of new colonisers) please note that this also includes functionally linked land;
- Causing reduction in the area of habitat or of the site;
- Causing direct change to the physical quality of the environment (including the hydrology).

5.3 Indirect effects, which may not result in the loss or fragmentation of habitats, are also significant in terms of protected habitats integrity.

5.4 Impacts can be screened. Screening out impacts are impacts which will not result in a likely significant effect (LSE) and which would not require further assessments. Other impacts which would be screened in are impacts which may result in a significant effect and result in impacting the qualifying features of the SAC.

5.5 Mitigation measures cannot be considered within the screening process as per the Judgment of the Court (Seventh Chamber) of 12 April 2018 People Over Wind and Peter Sweetman v Coillte Teoranta Request for a preliminary ruling from the High Court (Ireland).

5.6 The CJEU in *People over Wind v Coillte Teoranta* has revoked the position adopted under the *Dilly Lane* Decision that it was right and proper for mitigation or avoidance measures,

which formed a feature of a plan / project, to be viewed as integral to the plan / project and not excluded when considering the likely significance test at Regulation 63(1).

5.7 The decision by the CJEU ruled that:

"Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, 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."

5.8 In accordance with this ruling, avoidance or mitigation measures cannot be considered at the first stage of the test (the 'Likely Significant Effect' stage) and can only be considered at the Appropriate Assessment stage.

Functionally Linked Land / Loss of Habitat

5.9 The site falls approximately 7.9km from The Mens and 10.5km from Ebernoe Common SAC. The proposed development is not located on or adjacent to either SAC. As such there will be no land loss, no land isolation or fragmentation of the land which is designated within the SAC boundaries.

5.10 The site falls outside the 6.5km key conservation area, but within the wider conservation area which covered from 6.5km – 12km from the designation boundary. Bats are mobile and species that are qualifying features of the SACs, which can forage or roost on land outside of the SAC boundaries. Occasionally impacts to such habitats can have a significant effect upon the special interest of a European site, through an impact on conservation objective 4 (effect on the population) and 5 (the distribution of the species). Habitats used by significant numbers of qualifying features of the SAC are defined as ***functionally linked*** to the site and so require assessment under the Habitats Directive and Regulations, as if they were within the SAC boundary (Chapman and Tyldesley, 2016).

5.11 It is considered that development within the site boundaries may impact upon flight lines within the wider landscape, in turn impacting upon the qualifying features of the SAC (that being Bechstein and Barbastelle bats). As such, impacts can not be screened out at this

stage and the loss of landscape features would require review at Appropriate Assessment Stage.

Lighting Impacts

5.12 With regard to lighting, direct illumination of an ecological receptor can be have a potential significant impact where illumination is at a level of 1 lux or above or where species are particular light sensitive such as barbastelle and Bechstein's bats.

5.13 The development area is over 6.5km from both SACs, and therefore outside the core conservation zone, with notable landscape buffers in-between which includes large arable fields, pastures, treelines, hedgerows and mature woodland parcels. It is therefore clear that any increase in direct illumination of the designated sites would not occur as result of the development proposals.

5.14 There must also be consideration for the impacts of lighting from development on mobile species such as bats which have been recorded foraging and commuting on site. Considering potential impacts on foraging routes must be made as even if the tree lines are being retained within the scheme, an unsuitable lighting scheme could impact upon how the species use this feature. High light levels or alteration of light levels, could cause species such as barbastelle and Bechstein to abandon such routes, which in turn could impacts on the ability of the supporting habitats and functional land, to also be impacted.

5.15 It is considered that lighting as a result of the development within the site boundaries may impact upon flight lines within the wider landscape, in turn impacting upon the qualifying features of the SAC (that being Bechstein and Barbastelle bats). As such, impacts can not be screened out at this stage and the loss of landscape features would require review at Appropriate Assessment Stage.

In Combination Effects

5.16 This screening assessment has identified that impacts on supporting habitat for The Mens and Ebernoe Common SAC cannot be screened out due to in-combination impacts with other developments within the local area. As such, an appropriate assessment of these potential effects, is required.

6.0 Assessment of the development proposals on the conservation objectives of The Mens and Ebernoe Common SAC

6.1 The purpose of the assessment is to critically examine the impacts identified by the Screening process and closely examine the effects on European sites and the potential for avoidance and mitigation.

6.2 The areas of further consideration which is required would be:

- Loss of functionally linked land.

Loss or Damage to Offsite Supporting Habitat / Functionally Linked Land

6.5 The Mens and Ebernoe Common SACs are designated for Bechstein's and Barbastelle Bats. According to the Sussex Bat Special Area of Conservation – Planning and Landscape Enhancement Protocol (Natural England & South Downs National Park Authority) Land considered to be functionally linked land consists of two types of habitat:

- Flightlines – these are key commuting routes from roosts to foraging (or feeding) area used by the bats. The Barbastelle flight lines around Ebernoe Common and The Mens have been investigated through surveys.
- Foraging Areas – These are the areas of land where bats feed. Barbastelle bats can forage 10-15km from the roosting sites and they prefer wet meadows and riparian habitats. Bechstein's tend to forage in and around the woodland where they roost with limited travel.

6.6 The site supports limited suitability for bat species with the majority of the site heavily grazed and lack any significant grass coverage. The site boundaries offer the most interest to bat species, with the tree lined edges and the central tree line being the most ecologically valuable. Barbastelles were recording using the western features in both 2021 and 2024, and low numbers in the central tree line, albeit these were not recorded regularly and not in high numbers.

6.7 The network of Sussex Bat SACs form the basis of conservation efforts for the regions barbastelle and Bechsteins populations. Barbastelles tend to roost exclusively in woodland habitats but they can travel up to 20km to reach foraging areas (Zeale *et al*., 2012). However,

the species favour riparian, wet meadow and broad-leaved habitats for foraging, with unimproved grassland and field margins also valuable elements of their foraging needs (Zeale *et al*., 2012).

6.8 The Ecology Partnerships surveys across the site in 2021 and 2024, did not record Bechsteins using the site either during the walked transect surveys or within the static monitoring undertaken.

6.9 Barbastelle range further whilst foraging from roost sites, which again are typically within wooded habitat. Due to the potential for wide ranging foraging, it was considered more likely that barbastelle may use the site. This was indeed the case with barbastelle recorded during The Ecology Partnerships survey work in both 2021 and 2024.

6.10 It should however be noted that only a total of 39 barbastelle calls were recorded on static anabat recorders across the survey period in 2021 and a total of 7 barbastelle calls recorded on static anabat and songmeter recorders in 2024.

6.11 It is not considered that significant numbers of the species are therefore using the site. In 2024, no barbastelles were recorded during the transect surveys. Barbastelles were not recorded every night, with low numbers of calls recorded on some nights (1 call) with a maximum of 6 calls recorded on one night during the survey period in 2021 and 3 calls recorded in one night in 2024. Due to the lack of regular use, and other nights of use being minimal, the tree lined edges, and the central tree line, of the site are not considered to be functionally linked.

6.12 Habitats used by significant numbers of qualifying features of the SAC are defined as ***functionally linked*** to the site and so require assessment under the Habitats Directive and Regulations, as if they were within the SAC boundary (Chapman and Tyldesley, 2016). With such low levels of use by the designated species on site it is not considered functionally linked as significant numbers were not recorded during the survey season.

6.13 It is considered that the development proposals will avoid any potential significant adverse effects when the project is considered alone or in combination. As the project alone or in combination would not contribute to an overall significant effect that may have an adverse

effect on the integrity of the SAC, the proposed development would be considered acceptable.

7.0 Mitigation and avoidance measures

7.1 The site is not considered to be functionally linked and the appropriate assessment has concluded that there are no significant impacts arising from the development proposals. However, in line with the Sussex Bat Special Area of Conservation, Planning and Landscape Scale Enhancement Protocol, consideration of the layout of the scheme has been assessed, with measures in line with this protocol made.

7.2 Following the Sussex SAC guidance, avoidance, mitigation, and compensation must be considered in relation to bats associated with the SACs. Advice laid out within Sussex Bat Special Area of Conservation, Planning and Landscape Scale Enhancement Protocol states that all proposals within this zone should take:

'reasonable steps to avoid impacts to the SACs and biodiversity in general and where this cannot be achieved, 'mitigation' measures should be implemented and if there are still residual impacts then compensatory measures will need to be provided'.

7.3 The definitions of avoidance, mitigation and compensation are shown below in Table 1.

Table 1: Definitions of avoidance, mitigation and compensation measures in relation to bats associated with the Sussex SACs.

Measure	Definition
Avoidance	This normally means redesigning the scheme to avoid all direct and indirect impacts
Mitigation	This normally involves measures that reduce and/or minimise impacts such as altering the timing of works or using a different technique
Compensation	This generally involves the creation of new habitat, either on or off site and should only be considered as a last resort.

7.4 The site lies in the 'wider conservation area' with the site located 7.9 and 10.5km of The Mens and Ebernoe Common SAC respectively. Using these definitions, it is considered that the proposals are already avoiding impacts on commuting, foraging and roosting barbastelles, by retaining and enhancing habitat edges of the site and retaining mature

trees within the scheme. This eastern and western tree lines are to be retained and enhanced. New planting will create a robust ecological corridor along the northern aspect of the site, which is not currently present. The southern edges of the development will provide additional planting and SuDS planting within the landscape plans.

7.5 The central tree line is to be largely retained, however a couple of trees are to be removed to allow the road to pass between the two fields. This is not considered to be ecologically significant, with low level use of this feature by barbastelles, and the enhancement and retention of eastern and western networks and enhancement and creation of new habitats along the northern and southern edges of the site. As such, it is considered the ecological functionality of the landscape is being retained.

7.6 Mitigation has been recommended in the form of a sensitive lighting scheme, which can be conditioned. Furthermore, a buffer zone around the retained linear features, where additional planting should take place to further protect the existing linear features and to make a more robust ecological network.

7.7 The site design also aims to increase overall connectivity for bat species by creating new habitat edges and incorporating extensive tree and native scrub planting across the site. This in turn creates more foraging opportunities for bat species and the creation of a large open swales, particularly the one located at the southern end of the site planted with native plant species provides good wetland habitat which falls into the favourable foraging habitat types for barbastelle.

7.8 In addition, the masterplan, which has been updated in line with LPA comments, and shown in Figure 4 below.

Figure 4: Landscape masterplan

7.9 The majority of the edge habitats are being retained within the scheme. The central tree line supports new planting along the access route to provide canopy cover along the road edge. This also compensates for the loss of two individual trees. Planting along the eastern and eastern edges has been provided and a landscape boundary along the northern edge is to be created. It can be seen that there are significant habitat areas in and around the site, creating robust ecological networks.

7.10 Overall, with the site avoiding impacting the majority of the potential habitat, and if the mitigation measures are followed it is considered that no likely significant effects on roosting and foraging bats, including barbastelles and Bechsteins, would occur as a result of the proposals.

Summary

7.11 Taking into account the avoidance and mitigation measures outlined above, at the Appropriate Assessment stage it is considered that the development proposals will avoid any potential significant adverse effects when the project is considered alone or in combination.

Specific consideration of the In-Combination Test

7.12 It is considered that the potential effects identified in relation to the development proposals will be avoided or fully mitigated through the implementation of the measures described above, such that, at the Appropriate Assessment stage, it may be concluded that there

would be no significant residual adverse effects on SACs when the plan / project is considered alone. In this light, in combination effects would not be possible.

8.0 Conclusions

8.1 It is concluded that the development of the site would not have likely significant impacts on the qualifying features of The Mens or Ebernone Common SAC or supportive habitats therein.

8.2 Having considered all of the potential significant effects that could arise from the development proposals, it is concluded that the proposals would not be likely to give rise to a significant effect on the integrity of the SACs when the development proposals are considered, either alone or in combination with other plans or projects.

8.3 The findings of this work are set out within this document such that the Competent Authority (Horsham District Council), in exercising their duties under the Habitats Regulations, has all the necessary information before them in considering the development proposals.

8.4 As such it is considered that the next stages of the HRA process would not be considered necessary. However, it is for the LPA, as the competent authority, to review this document.

9.0 References

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