**Horsham District Council**
**Habitats Regulations Assessment (HRA) Screening Matrix**

**PLEASE NOTE: This screening relates only for potential impacts on the Arun Valley SAC/ SPA/Ramsar sites and does not consider impacts on any other designated habitat sites. A separate HRA screening will be required for development affecting other SPAs, SACs, or Ramsar sites.**

**This HRA screening template relates to the impact of development on demand for mains water being created in the Sussex North Water Supply Zone that may impact on the Arun Valley SAC/ SPA/Ramsar sites.**

**This template is for use for assessing development that will potentially result in additional demand for mains water being created in the Sussex North Water Supply Zone.**

The purpose of this HRA screening record is to assess the need for appropriate assessment in relation to the project detailed below.

The Conservation of Habitats and Species Regulations 2017 (as amended) requires that a Habitats Regulations Assessment screening is carried out in relation to any plan or project which is likely to have a significant effect on Habitats (European) sites, either alone or in combination with other plans or projects. Habitats sites are Special Protection Areas and Special Areas of Conservation. Ramsar sites should also be given the same level of protection, as stated within the National Planning Policy Framework.

In line with the Court judgement (CJEU *People Over Wind v Coillte Teoranta* C-323/17), mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a development is likely to result in significant effects on a Habitats site.

Where an Appropriate Assessment is carried out a project may only be authorised after having ascertained that it will not adversely affect the integrity of the site(s) concerned.

**Table 1: HRA Screening matrix for water neutrality**

| **Stage 1 HRA screening** | |
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| Brief description of the development project | **Application reference:** DISC/24/0059 |
| | **Application address**: Wellcross Farm Five Oaks Road Slinfold West Sussex |
| | **Application description: Approval of details reserved by conditions 2 (Construction Management Plan) 6 (underground services) and 7 (surface water drainage scheme) to approved application DC/22/1503 (Reserved Matters pursuant to condition 5 of DC/19/1897 for Phase 1 to provide a Continuing Care Retirement Community with 47 units of accommodation (C2), communal facilities and new ancillary buildings with access, infrastructure, open space, landscaping and associated works including an onsite borehole water supply).** |
| | **Type of application:** Discharge of Condition |
| | **Planning officer: Matthew Porter** |

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| Details of the development project | **Proximity to Arun Valley SAC / SPA / Ramsar**:<br>Is the application site:<br>A) Within the Sussex North Water Supply Zone (WSZ) **YES**<br>B) Within the 5km Zone of Influence for functionally linked habitats for Arun Valley SPA / Ramsar site<br>C) Is the Arun Valley SAC / SPA / Ramsar potentially impacted by the development:<br><br>**Yes (Water resources and potential for functionally linked habitat**)<br><br>D) If YES to question (A) is the planning application directly connected with or necessary to the management of the Arun Valley SAC/SPA/Ramsar site?<br>**NO** |
| Brief description of the Habitats sites within scope of this assessment | Arun Valley SAC, SPA and Ramsar site supports rare and diverse plant, invertebrate and bird assemblages as qualifying features. It consists of low-lying grazing marsh, largely on alluvial soils, but with an area of peat derived from a relict raised bog. Variation in soils and water supply lead to a wide range of ecological conditions and hence a rich flora and fauna.<br><br>Further details are provided in Appendix 1. |
| Key vulnerabilities / factors affecting site integrity | For applications where increased demand for water resources is the only pathway for impacts, Natural England's substantive advice (Position Statement Interim Approach, September 2021) is that such applications - without mitigation - will result in a likely significant effect on the Arun Valley SAC/SPA/Ramsar site in combination with other developments in the Sussex North WSZ. As it cannot be concluded that the existing abstraction within Sussex North Water Supply Zone is not having an impact on the Arun Valley sites, developments within this zone must not add to this impact. Therefore, such applications, even where mitigation is proposed, must progress to Appropriate Assessment (AA).<br><br>Natural England's substantive advice (September 2021) is that the Sussex North Water Supply Zone includes supplies from a groundwater abstraction which cannot, with certainty, conclude no adverse effect on the integrity of;<br>• Arun Valley Special Area Conservation (SAC)<br>• Arun Valley Special Protection Area (SPA)<br>• Arun Valley Ramsar Site |
| **HRA Screening Assessment Criteria** | |
| The individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the Arun Valley SAC, SPA and Ramsar site | Based on the threat from water demand identified by Natural England's Position Statement, the development proposals need assessment for hydrological changes to the Arun Valley SAC/ SPA/ Ramsar site.<br><br>Does the evidence submitted show any likely significant effect on Arun Valley SAC/SPA/Ramsar site, without mitigation measures (either alone or in-combination with other plans or projects).<br><br>**Yes.** |

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| Test 1 the significance test: – The Applicant is to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the Arun Valley SPA/ SAC/Ramsar. | Following the CJEU ruling People over Wind, it is no longer legal to take into account any avoidance and mitigation measures as part of the application at this stage of HRA.<br><br>For applications where increased demand for water resources is the only mechanism of impact, Natural England's advice is that such applications - without mitigation - will have a likely significant effect on the Arun Valley SAC/SPA/Ramsar site in combination with other developments in the Sussex North WSZ. Therefore, such applications, even where mitigation is proposed, will progress directly to Stage 2 Appropriate Assessment.<br><br>Does the evidence submitted show any other likely significant effect on Arun Valley SAC/SPA/Ramsar site, without mitigation measures (either alone or in-combination with other plans or projects)<br><br>**NO.**<br><br>**Explanation: The Council has received updated legal advice on the CG Fry High Court decision (Nov 2023) since its initial advice received in July 2023, in relation to whether certain conditions are subject to Habitats Regulation Assessment (HRA). The updated Nov 2023 advice is if a scheme has undertaken Habitat Regulations Assessment (HRA) for Water Neutrality prior to being permitted, no further HRA is required at conditions discharge stage unless the condition adds water consumption not previously considered.**<br><br>**The permitted scheme (DC/19/1897) is already Water Neutral being subject of a favourable HRA AA in January 2022 and the conditions to be discharged do not add water consumption not previously considered. Accordingly, the discharge of these conditions has been 'screened out'.**<br><br>**Other than potential water usage, the development will not have any other identifiable impact on the Arun Valley SAC/SPA/Ramsar sites.**<br><br>HRA screening has concluded that without mitigation in place, it is possible to rule out likely significant effects. As the development will not affect any of the sensitive features/threats to the Arun Valley SAC/SPA/Ramsar site, the LPA considers that, without mitigation, the development is not likely to result in a 'likely significant effect' (LSE) to Arun Valley SAC/SPA/Ramsar site. Therefore, this assessment does not need to proceed to HRA Stage 2: Appropriate Assessment.<br><br>**Conclusion:**<br>Having considered the proposal, Horsham District Council concludes that, the project will not have a Likely Significant Effect on the designated features of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects.<br><br>Having prepared this HRA screening of the implications of the project for the Arun Valley SAC/ SPA /Ramsar site in view of those sites' conservation objectives, the authority can agree to the project under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). |

**Approving Planner**: Matthew Porter
**Date:** 06-08-2024

**DISCLAIMER: This information has been produced by Place Services's Ecology Team on behalf of Horsham District Council, at their request.**

## Appendix 1 – details of Arun Valley SAC/SPA/Ramsar site

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| Qualifying Features for SPA/SAC | **Arun Valley SPA**<br><br>A037 Bewick's swan, *Cygnus columbianus bewickii* (non-breeding). During the time of site notification, the SPA supported 115 individuals representing at least 1.6% of the wintering population in Great Britain (5 year peak mean 1992/93 - 1996/97).<br><br>During the non-breeding season, the SPA regularly supports an assemblage of waterfowl with the area regularly supporting 27,241 individual waterfowl (5 year peak mean for 1992/93 to 1996/97) including: Shoveler *Anas clypeata*, Teal *Anas crecca*, Wigeon *Anas penelope*, Bewick's Swan *Cygnus columbianus bewickii.*<br><br>**Arun Valley SAC**<br>4056 Little Whirlpool Ramshorn snail *Anisus vorticulus*<br>*Anisus vorticulus* occurs across a range of sites in southern and eastern England. The Arun valley is one of the three main population centres for this species in the UK. This proposed site includes two of its core sites in the wash lands of the Arun floodplain (Pulborough Brooks and Amberley Wild Brooks SSSIs). |
| Qualifying Features for Ramsar | **Arun Valley Ramsar**<br><br>**Ramsar criterion 2**<br>The site holds seven wetland invertebrate species listed in the British Red Data Book as threatened. One of these, *Pseudamnicola confusa*, is considered to be endangered. The site also supports four nationally rare and four nationally scarce plant species<br><br>**Ramsar criterion 3**<br>In addition to the Red Data Book invertebrate and plant species, the ditches intersecting the site have a particularly diverse and rich flora. All five British duckweed (*Lemna* species), all five water-cress (*Rorippa* species), and all three British water milfoils (*Myriophyllum* species), all but one of the seven British water dropworts (*Oenanthe* species), and two-thirds of the British pondweeds (*Potamogeton* species) can be found on site.<br><br>**Ramsar criterion 5**<br>Assemblages of international importance: Species with peak counts in winter: 13774 waterfowl (5 year peak mean 1998/99-2002/2003) |
| Conservation Status of the relevant Qualifying Features | **Arun Valley SAC, SPA and Ramsar**<br><br>In line with the national trend, the number of Bewick's swans wintering in the Arun Valley has declined since the time of designation and is now typically fewer than 50 birds. This may reflect an overall decline in the population of the species and/or be due to the effects of a milder climate in which more are able to winter in continental Europe (The Birds of Sussex, 2014). The waterfowl assemblage numbers fluctuate depending upon conditions in the valley but over the past five years have averaged 40,311, an increase from the five year mean of 27,241 at the time of designation.<br><br>The Arun Valley is one of the remaining strongholds for the Little Whirlpool Ramshorn Snail. |

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| Conservation Objectives (Only Relevant for SPA/SAC) | **Arun Valley SAC & SPA**<br>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;<br>• The extent and distribution of the habitats of the qualifying features<br>• The structure and function of the habitats of the qualifying features<br>• The supporting processes on which the habitats of the qualifying features rely<br>• The population of each of the qualifying features, and,<br>• The distribution of the qualifying features within the site. |