

Information to Inform Habitats Regulations Assessment

July 2026

**Land North of Rectory
Lane, Ashington**

Prepared by
CSA Environmental

On behalf of
Taylor Wimpey

Report No: CSA/4705/04

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CSA/4705/04	-	29/05/26	JR/JT	CC	Draft for comment
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1.0 INTRODUCTION

- 1.1 This document has been prepared by CSA Environmental on behalf of Taylor Wimpey Strategic Land (a division of Taylor Wimpey UK Ltd.), in relation to Land North of Rectory Lane, Ashington, West Sussex (hereafter referred to as 'the Site') where outline planning permission is sought for the development of up to 125 dwellings, access, public open space and associated landscaping, drainage and highways infrastructure. All matters reserved except access. The proposals are hereafter referred to as 'the proposed development'. The Site location is shown in Appendix A.
- 1.2 This document provides information to assist Horsham District Council (HDC) in their consideration of whether the proposed development will have likely significant effects on any European site. This process is commonly termed Habitats Regulations Assessment (HRA).
- 1.3 As the decision-making authority, HDC are the 'competent authority' in respect of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). This document is intended to provide the necessary information to HDC with which to make their assessment (pursuant to Regulation 63(2) of the above Regulations).

Project Description & Background

- 1.4 The Site occupies an area of c. 7.34ha and is located around central grid reference TQ 12626 16547, to the north-west of Ashington, West Sussex. It consists of areas of arable farmland with well-established treelines and hedgerows. The Site is located within a rural landscape context, dominated by mixed farmland with scattered parcels of semi-natural woodland connected by a network of field boundary hedgerows and mature treelines.

Summary of Applicable Legislation and Policy

- 1.5 Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), termed 'European sites', collectively form part of a suite of sites known in the UK as the national site network. For ease of reference and consistent with their treatment under UK government policy, Ramsar sites are also referred to here as European sites.
- 1.6 All European sites in England and Wales are afforded strict protection through the Conservation of Habitats and Species Regulations 2017 (as amended). These Regulations, widely referred to as the 'Habitat Regulations', establish a framework for decision-making authorities to assess the potential for harmful effects on European sites to arise as a result of proposed plans or projects. This assessment process is commonly referred to as 'Habitats Regulations Assessment' (HRA).

- 1.7 Within Horsham District development management policies relevant to the protection of European sites are set out within Policy 31 of the adopted Horsham District Planning Framework (2015).
- 1.8 Further detail of these policies and the legislative and case law context, as well as national and local planning policies relevant to HRA, are provided within Appendix B.

2.0 EXEMPTION, EXCLUSION AND ELIMINATION

- 2.1 It is necessary in the first instance to undertake preliminary screening to determine whether the proposed development is exempt, excluded or eliminated from the Regulation 63 requirements, and to refine which European site designations warrant further consideration. If the proposed development 'passes' any of the preliminary screening tests shown below in Table 1, then no further screening for likely significant effects is required.

Table 1. Preliminary Screening

Preliminary Screening Test	Pass?
Is the scheme directly connected with or necessary to the management of a European site for nature conservation purposes?	No
Is the proposed scheme the continuation, without material change, of ongoing activities not subject to any form of authorisation?	No
In light of the nature, scale, duration and location of the scheme, is it obvious that it could not have any conceivable effect on any European site?	No

- 2.2 In view of the final preliminary screening test in Table 1, it is the professional opinion of the author that the following European sites could conceivably be affected by the scheme, in view of its nature, scale, duration and location. These designations will therefore be screened for likely significant effects in Section 3 of this document.

- Arun Valley SAC (c. 6.2km west)
- Arun Valley SPA (c. 6.2km west)
- Arun Valley Ramsar site (c. 6.2km west)
- The Mens SAC (c. 11.2km north-west)

- 2.3 Comprehensive details on the characteristics of the above European sites are presented in Appendix C. These characteristics form the basis of assessment and include their spatial relationship with the Site, component Sites of Special Scientific Interest (SSSIs), qualifying features, published conservation objectives and any known vulnerabilities or threats to their favourable conservation statuses.

3.0 SCREENING FOR LIKELY SIGNIFICANT EFFECTS

Potential Impact Pathways

- 3.1 In the context of the information on European site characteristics (Appendix C), potential impact pathways shared by the proposed development and the conservation objectives of the European sites identified in Section 2 of this report are screened below (Tables 2a-d).
- 3.2 Pathways are considered in Tables 2 (a-d) on the basis of the development as proposed, i.e. including any facets which, in addition/secondary to their primary purpose, may act to mitigate effects that might otherwise occur on European sites. However, in accordance with the 'People Over Wind' ruling of the Court of Justice for the European Union (CJEU; Case C-323/17), screening for likely significant effects takes place in the absence of measures specifically adopted to avoid or reduce harmful effects on European sites.

Table 2.a. Screening for Likely Significant Effects

Arun Valley SAC	
<i>Any potential changes to the site or its qualifying features arising as a result of the following impact pathways:</i>	
Land take by development within European site	None
Fragmentation of European site habitats	None
Increased mortality of key species	None
Disturbance to key species/deterioration of habitats within the European site	None
Disturbance to key species/deterioration of supporting habitats, beyond the European site	None
Atmospheric pollution/air quality	None
Hydrological regime change	None
Pollution of surface/ground water	None
<i>Those facets of the proposed development, or combination of facets, where the above pathways have the potential to give rise to significant effects, or where the scale or magnitude of potential effects is not known:</i>	
Upon review of the characteristics of this SAC, including known vulnerabilities, and of the spatial relationship with the Site, no potential impact pathways have been identified.	

Table 2.b. Screening for Likely Significant Effects

Arun Valley SPA	
<i>Any potential changes to the site or its qualifying features arising as a result of the following impact pathways:</i>	
Land take by development within European site	None
Fragmentation of European site habitats	None
Increased mortality of key species	None
Disturbance to key species/deterioration of habitats within the European site	None
Disturbance to key species/deterioration of supporting habitats, beyond the European site	None

Atmospheric pollution/air quality	None
Hydrological regime change	None
Pollution of surface/ground water	None
<i>Those facets of the proposed development, or combination of facets, where the above pathways have the potential to give rise to significant effects, or where the scale or magnitude of potential effects is not known:</i>	
Upon review of the characteristics of this SPA, including known vulnerabilities, and of the spatial relationship with the Site, no potential impact pathways have been identified.	

Table 2.c. Screening for Likely Significant Effects

Arun Valley Ramsar site	
<i>Any potential changes to the site or its qualifying features arising as a result of the following impact pathways:</i>	
Land take by development within European site	None
Fragmentation of European site habitats	None
Increased mortality of key species	None
Disturbance to key species/deterioration of habitats within the European site	None
Disturbance to key species/deterioration of supporting habitats, beyond the European site	None
Atmospheric pollution/air quality	None
Hydrological regime change	None
Pollution of surface/ground water	None
<i>Those facets of the proposed development, or combination of facets, where the above pathways have the potential to give rise to significant effects, or where the scale or magnitude of potential effects is not known:</i>	
As described in respect of the SAC and SPA, upon review of the characteristics of this Ramsar site, including known vulnerabilities, and of the spatial relationship with the Site, no potential impact pathways have been identified.	

Table 2.d. Screening for Likely Significant Effects

The Mens SAC	
<i>Any potential changes to the site or its qualifying features arising as a result of the following impact pathways:</i>	
Land take by development within European site	None
Fragmentation of European site habitats	None
Increased mortality of key species	None
Disturbance to key species/deterioration of habitats within the European site	None
Disturbance to key species/deterioration of supporting habitats, beyond the European site	Possible
Atmospheric pollution/air quality	Possible
Hydrological regime change	None
Pollution of surface/ground water	None
<i>Those facets of the proposed development, or combination of facets, where the above pathways have the potential to give rise to significant effects, or where the scale or magnitude of potential effects is not known:</i>	
The Mens SAC is designated for the population of barbastelle <i>Barbastella barbastellus</i> associated with the site. The Site falls within the 12km 'wider conservation area' impact zone of the SAC, as set out within the draft Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement	

Protocol, which forms the full extent of the foraging area utilised by the population of Barbastelle bats from the SAC. Therefore, there are possible likely significant effects arising from the proposed development arising from impacts to functionally linked land used for foraging and dispersal by the qualifying features of the SAC, such as habitat loss or degradation, which in the absence of mitigation would occur during construction and operation.

Increased traffic flows resulting from the proposed development may give rise to localised air quality impacts. Areas of The Mens SAC exist within 200m of a major road (A-road or motorway) and could therefore experience localised increases in atmospheric and deposited pollutants during operation.

The Proposed Development Alone and In Combination

- 3.3 At the screening stage it is necessary to consider whether the proposed development will have likely significant effects on European sites (having regard to the meaning of these terms as established by applicable case law) either as a result of potential impacts of the development acting alone, or when considered in combination with other plans or projects. The proposed development will consist of up to 125 dwellings, which form one component of the 15,487 homes required within the district within the 17-year period between 2023 and 2040 (Horsham District Council, 2024). Further residential development is projected within neighbouring districts.
- 3.4 In light of the foregoing, it can be concluded that in the absence of mitigation the proposed development has the potential to result in likely significant effects on one European site; the Mens SAC. As such, further Appropriate Assessment is required, including consideration of proposed measures intended to avoid or reduce harmful effects, in order that it may be ascertained whether the scheme will have any adverse effect on the integrity of the above European site. A summary of screening conclusions is presented in Table 3 below.
- 3.5 The proposed development is located c. 11.3km from The Mens SAC, and therefore within the 12km 'wider conservation area' which covers the full extent of the foraging area utilised by the population. This is the area within which significant impacts or severance to barbastelle flightlines and foraging grounds must be considered. This has been identified by HDC and set out within the draft Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol (SDNPA and NE 2018).
- 3.6 Proposed development therefore has the potential to represent land take from functionally-linked habitat of the SAC, which could undermine the barbastelle population for which the site is designated. Greenfield development within this area could have an adverse effect if it led to the net loss of suitable boundary vegetation and linear habitats, or an inadequate physical buffer zone against construction and operational lighting.

- 3.7 Increased traffic flows resulting from the proposed development in combination with wider projected housing growth in the District may give rise to localised air quality impacts. Areas of The Mens SAC exist within 200m of a major road (A-road or motorway) and could therefore experience localised increases in atmospheric and deposited pollutants. The woodland of The Mens SAC is sensitive to nitrogen deposition which could affect the ground flora and epiphytic communities of the Annex I beech *Fagus sylvatica* forest for which it is designated, through effects such as eutrophication of soils. The effects of increased traffic resulting from the proposed development in isolation are unlikely to be appreciable, given the diffusion of traffic across the intervening distance. However, projected traffic increase associated with wider housing delivery across the district may contribute toward a likely significant effect on the SAC.

Table 3. Screening for Likely Significant Effects

Summary			
Impact pathway	Affected European site(s)	Likely significant effect: development alone	Likely significant effect: in combination
Damage or deterioration of supporting habitat	The Mens SAC	Yes	Yes
Air quality (vehicle emissions)	The Mens SAC	No	Yes

4.0 APPROPRIATE ASSESSMENT

The Site

- 4.1 The Site occupies an area of c. 7.34ha and consists of an arable field bounded and bisected by lines of mature trees and hedgerows (see accompanying Habitats Plan; CSA/4705/132). The Site is located around central grid reference TQ 12613 16533, to the north-west of Ashington, a village north-east of Storrington, West Sussex. The landscape context of the Site is rural, dominated by surrounding mixed farmland, with scattered parcels of semi-natural woodland connected by a network of field boundary hedgerows and mature treelines.
- 4.2 An initial desk study and field survey, including a Phase 1 habitat survey were undertaken in March 2020 as part of a Preliminary Ecological Appraisal (PEA). The findings of the Phase 1 survey were reconfirmed in January 2024 as part of an updated UK Habitat Classification survey, and the desk study was updated in December 2024. A further Site walkover in January 2026 reconfirmed the habitats present once again. In addition, the following further survey work has been undertaken on-site by CSA between February and December 2024:
- Detailed habitat and botanical surveys (April - August 2024)
 - Breeding bird surveys (April - June 2024)
 - Bat surveys (February - October 2024)
 - [REDACTED]
 - Hazel dormouse surveys (May – October 2024)
 - Water vole and otter survey (April 2024)
 - Reptile surveys (April – July 2024)
 - Great crested newt eDNA and HSI surveys (April – June 2024)
- 4.3 A full description of baseline ecological conditions at the Site is provided within the accompanying Ecological Impact Assessment (CSA/4705/05). Rather than recounting in full here, findings of the above surveys will be referenced, if relevant, in the below assessment.

The Proposed Development

- 4.4 Outline planning permission is sought for residential development at the Site, with all matters reserved except for access. The following impact assessment is based on the Framework Masterplan prepared by Urban Place Lab (Drawing ref: 26001_03_B) on behalf of Taylor Wimpey Strategic Land.
- 4.5 The construction phase of the proposed development will comprise the following:
- Cessation of arable cultivation

- Removal of sections of hedgerow from hedgerow H3 (c. 100m cumulative) for vehicular access
 - Removal of T24 in order to construct a sewer easement
 - Construction of c. 125 residential dwellings
 - Construction of associated gardens, parking, access infrastructure, and sub-station
 - The establishment of Public Open Space (POS) totalling c. 3.82ha
 - Establishment of Sustainable Urban Drainage Systems (SuDS) including three attenuation basins set within green space to the north of the developed area
- 4.6 The operational phase of the proposed development will comprise the following:
- Occupation of new residential dwellings
 - Increase in human activity, including use of vehicles and presence of domestic pets
 - Increased artificial lighting and anthropogenic noise

Potential Adverse Effects

Disturbance to key species/deterioration of supporting habitats, beyond the European site

- 4.7 It is important to recognise that highly mobile species which form qualifying features of spatial designations will not restrict their movements or activities to the confines of such designated areas. Impacts which threaten the viability of a qualifying species population beyond the boundaries of European sites will by extension undermine the integrity of an associated designation, regardless of where impacts occur.
- 4.8 The Annex II species which forms the qualifying feature of The Mens SAC is the Western barbastelle bat *Barbastellus barbastellus*, one of the UK's rarest mammals. Woodland habitat within The Mens SAC supports barbastelle maternity roosts.
- 4.9 In addition to the roosting sites within the SAC, the barbastelle population also require access to habitats outside the boundary of the SAC, including flightlines and foraging areas. Barbastelle bats can forage 10-15 kilometres from their roosts and are known to prefer wet meadows and riparian habitats. Flightlines are key commuting routes between roosts and foraging areas.
- 4.10 The proposed development is located c. 11.2km from The Mens SAC; within the 12km 'wider conservation area' where significant impacts or severance to barbastelle flightlines and foraging grounds must be considered.

- 4.11 The barbastelle flightlines around The Mens have been investigated through surveys which informed a Scoping study for the West Sussex Bat Project, in a report to Natural England (Bat Conservation Trust, 2015). This helped to inform the delineation of the 6.5km Key and 12km Wider Conservation Areas.
- 4.12 During bat surveys of the Site in 2024 (see the Bat Survey Report, Appendix G to the EclA), a total of 141 barbastelle contacts were detected across the remote monitoring surveys. The majority of these contacts (c. 51%) were recorded during the September monitoring period, followed by c. 19% in May. The number of contacts recorded was broadly consistent between the two monitoring locations.
- 4.13 Barbastelle were detected across 21 of the 35 nights monitored, suggesting the Site is utilised regularly by individuals as part of their foraging and dispersal zone. However, given the low number of average contacts per hour per night, compared to that of common pipistrelle for example, it is likely the individual barbastelles recorded used foraging habitats further afield during each night.
- 4.14 The proposed development would result in the loss of predominantly arable land, with only a minor loss of hedgerow along the southern boundary (H3, c. 100m cumulative) and through an existing gap in central tree lines LT1 (c. 10m 'lost' but in reality this is utilising an existing gap and no trees will be felled) to facilitate access. Whilst a number of trees have features suitable to support roosting bats, none will be felled to facilitate the development. However, the proposed development could result in an increase in artificial light spill onto retained habitats, making them unsuitable for use by bats and therefore lost as usable habitat. This includes trees which have features suitable to support multiple roosting bats, and will be in close proximity to proposed access roads. Flightlines along the southern and eastern boundaries, and central tree lines, will be in close proximity to the proposed development. As barbastelle activity was found to be relatively uniform around the Site, this could result in a minor loss of available foraging habitat, and a potentially more significant loss in connectivity and flightlines around the Site.

Atmospheric pollution/air quality

- 4.15 It has been determined that increased traffic flows resulting from the proposed development in combination with wider projected housing growth may give rise to localised air quality impacts owing to increases in vehicle traffic emissions. Areas of The Mens SAC site exist within 200m of a major road, an A-road likely to be utilised as a journey to work route for residents of new development in Horsham District, particularly though not exclusively for residents of Billingshurst: the A272. In accordance with guidance (Natural England, 2018) habitats associated with the designation are therefore considered to be potentially affected. The

primary risks to European site qualifying features from air pollution can be summarised as:

- Direct effects arising where atmospheric pollutants are taken up by vegetation, impacting plant health and viability. Assessment of potential effects of atmospheric pollution will consider the relevant 'critical level', expressed as $\mu\text{g}/\text{m}^3$.
- Indirect effects arising where pollutants (notably nitrogen) are deposited at ground level, leading to nutrient enrichment and acidification of soil, with consequent effects on plant communities and their associated fauna. Assessment of potential effects of pollutant deposition will consider the relevant 'critical load', expressed as $\text{kg N}/\text{ha}/\text{yr}$.

4.16 Road traffic has the potential to affect roadside habitats via both atmospheric and deposited pollutants. Vehicle exhaust emissions are a source of NO_x , which may lead to exceedance of critical levels for sensitive vegetation, while nitrogen deposition deriving from exhaust emissions can additionally lead to exceedance of critical loads over short distances.

4.17 The Mens SAC is designated for its beech woodland habitat, with additional qualifying interests relating to its diverse lichen and bryophyte communities. As set out in the Horsham Local Plan HRA (Aecom, 2024), according to the Air Pollution Information Service (APIS), existing nitrogen deposition adjacent to the A272 already exceeds the Critical Load for beech woodland. Likewise, existing ammonia concentrations within the 1km grid square encompassing the SAC exceed the Critical Load relevant to its lichen and bryophyte populations.

4.18 Growth as a result of the Local Plan is predicted to cause a minor slowing in the pace of improvement in nitrogen deposition and ammonia concentrations, rather than a net deterioration, resulting in a minor 'in-combination effect'. However, no part of the SAC is predicted to experience more than an imperceptible increase attributable to the Local Plan alone.

4.19 Road traffic accounts for approximately 5% of total nitrogen at The Mens SAC. In contrast, agriculture (livestock and fertiliser combined) contributes nearly 50% (48.7%), and alongside non-agricultural waste sources (e.g. composting, landfill, energy-from-waste), these two sectors account for over 60% of total nitrogen deposition at the site. Unlike road traffic emissions, which have a highly localised impact, emissions from agriculture and waste facilities influence nitrogen deposition across the entire SAC. Even a complete cessation of traffic on the A272 would produce only minimal change in overall deposition levels. Moreover, road traffic emissions are forecast to continue declining, largely driven by the uptake in electric/ultra-low emission vehicle technology (Aecom,

2024), whereas agricultural and waste-related emissions are projected to increase.

- 4.20 Based on the available evidence, neither nitrogen deposition nor atmospheric NO_x associated with the Horsham Local Plan is predicted to result in an adverse effect on the integrity of The Mens SAC, either alone or in combination. Although the Critical Level for ammonia is exceeded by around 16% under all scenarios, this exceedance is attributable to existing agricultural sources and is not materially influenced by changes in road traffic.
- 4.21 Therefore, it can be concluded that the proposed development will have no adverse effect on the integrity of The Mens SAC alone or in combination with other plans or projects.

Mitigation Measures

Damage or Deterioration of Supporting Habitat

- 4.22 Avoidance and mitigation measures have been set out within the Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol (South Downs National Park Authority, 2018) in relation to foraging areas and flightlines, including the following:

Avoidance Measures:

- Re-design the scheme (or elements of the scheme) to ensure habitats and features used by bats are not directly or indirectly impacted
- Design the lighting so that the light levels for all feeding and commuting habitats during construction and operational phases does not increase above predevelopment/impact levels

Mitigation Measures:

- Enhance existing habitats and reconnect severed habitats
 - Ecological Management Plan to ensure long-term protection
 - Post-construction Bat Monitoring Plan to inform site management
 - Design scheme away from flightlines and feeding areas
 - Refer to the Local Plan Policy SD8: Dark Night Skies
- 4.23 The watercourse and boundary vegetation along the northern boundary will provide a generous buffer and a green corridor c. 20-80m wide between the watercourse and proposed residential development (as shown in the Illustrative Landscape Strategy Plan, CSA/4705140). This green corridor will include new SuDS attenuation basins and habitat creation/enhancement to provide good quality foraging habitat for bats, in the form of wet grassland, scrub, and tree planting. This will maintain a key flightline and area of more valuable foraging habitat for bats. The favourable management of the proposed development's greenspaces and green links will be written into a Landscape

Enhancement Management Plan (LEMP), which can be secured by way of an appropriately worded planning condition.

- 4.24 The lighting scheme will be carefully designed in line with guidance from Bat Conservation Trust and Institute of Lighting Professionals ('Bats and Artificial Lighting in the UK' Guidance Note GN 08 / 23), to minimise light spill onto retained habitats suitable for use by roosting bats, i.e. the boundaries, central tree lines and northern green corridor. A Bat Sensitive Lighting Strategy can be secured by way of an appropriately worded planning condition.

Residual Effects on Site Integrity

- 4.25 With implementation of the proposed measures intended to avoid or reduce adverse effects, it can be concluded that the proposed development will have no adverse effect on the integrity of The Mens SAC.
- 4.26 These measures may readily be secured through appropriate legal mechanisms as part of an outline planning permission, therefore the proposed development may be permitted without conflict with the provisions of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

5.0 REFERENCES

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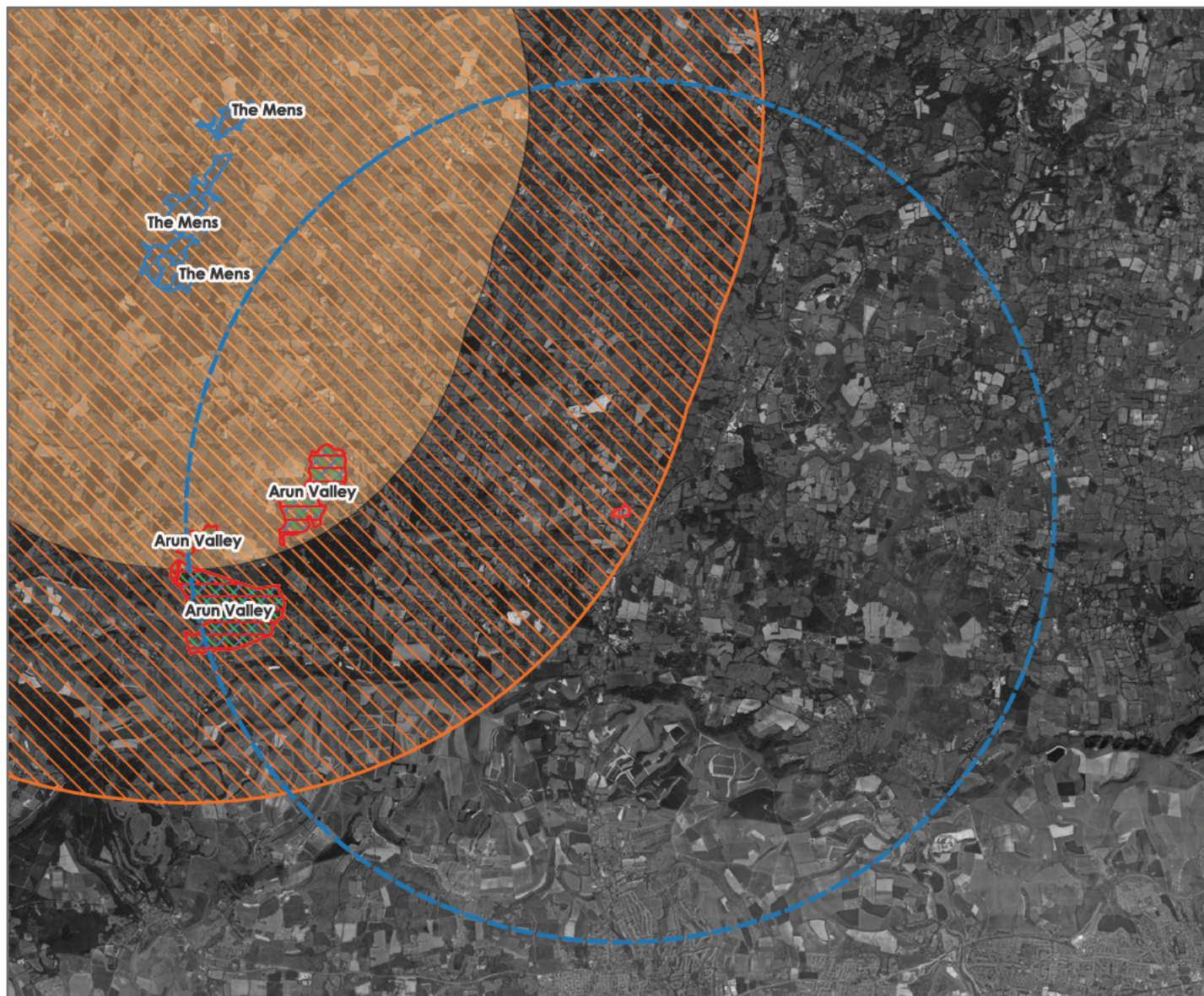
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Appendix A

Site Location and Habitats Plans



- Site Boundary
 - 10km buffer
 - Special Protection Area (SPA)
 - Ramsar Site
 - Special Area of Conservation (SAC)
- The Mens 'Core Sustenance Zone'
- Key Conservation Area (6.5km buffer)
 - Wider Conservation Area (12km buffer)



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Project	Land at Rectory Lane, Ashington, West Sussex	Date	March 2026	Drawing No.	CSA/4705/121
Drawing Title	International Statutory Designations within 10km	Scale	1:150,000	Rev	-
Client	Taylor Wimpey Strategic Land	Drawn	NS	Checked	JT



- Reference should be made to the Arboricultural Impact Assessment and associated Tree Schedule for a full account of tree/tree group numbering. Only those referred to within the EclA are detailed here.

 Office 20, Citibase, 95 Ditchling Road, Brighton BN1 4ST t 01273 927399 e brighton@csaenvironmental.co.uk w csaenvironmental.co.uk	Project	Land North of Rectory Lane, Ashington, West Sussex	Date	July 2026	Drawing No.	CSA/4705/132
	Drawing Title	Habitats Plan	Scale	1:2,500 at A4	Rev	B
	Client	Taylor Wimpey Strategic Land	Drawn	NS	Checked	JT

Table 1. UK Habitat Classification Summary Table

Habitat Parcel Number	Habitat Type and Code(s)	Habitat Code(s) Description
Area Habitats		
F1	<i>Cereal crop (c1c) with hedgerows with trees (11) and scattered trees (32)</i>	The Site comprised a large arable field bounded by hedgerows with trees. Wheat was dominant, with occasional individual oak trees scattered across the field and scattered scrub parcels comprising bramble and willow towards the eastern extent of the field. Grass margins were present along the boundaries and were c. 1m wide or less. Forbs at the margins included common nettle, cleavers, greater stitchwort, thistles, docks amongst other common species. Grasses present included perennial ryegrass, cock's-foot and false oat-grass.
N/A	<i>Mixed scrub (h3h) with 'Young Trees – self-set (202) and mature trees (203)</i>	A parcel of mixed dense scrub was recorded to the central-eastern extent of F1. Bramble, hawthorn, and blackthorn made up the scrub parcel. Immature willow trees were recorded infrequently within the scrub.
Linear Habitats		
H1	<i>Species-rich native hedgerow (h2a5) with trees (11), neglected (518)</i>	Native hedgerow running along the eastern boundary of the Site, comprised of: hawthorn, blackthorn, hazel, elder, English elm, bramble and dog rose, with five mature oak trees and a dead multi-stemmed ash tree.
H2	<i>Native hedgerows (h2a), neglected (518)</i>	A native hedgerow that consists predominantly of blackthorn and hazel but with some English elm and hawthorn also.
H3	<i>Species-rich native hedgerow (h2a5) with trees (11)</i>	Species-rich native hedgerow running along the southern boundary of the Site, comprised of blackthorn, English elm, field maple and holly, hawthorn, dogwood, common ash, dog rose and hazel, plus rare instances of sycamore and English oak. ivy <i>Hedera helix</i> and cleavers were recorded in the undergrowth. Notable mature trees along this length include T2 (English oak), T5 (aspen), T6 and T7 (English oaks), and G5 – G8 which are all mature oak trees.
H4	<i>Species-rich native hedgerow (h2a5) with trees (11) associated with freshwater – natural (47)</i>	Hedgerow H4 runs along the western boundary of the Site and is comprised of field maple, common ash, hazel, goat willow, English elm, blackthorn, crab apple, holly, English oak and dog rose. Notable mature trees along this hedgerow include T8, T9 and T10 (English oaks) and G9 which comprises mature English oak, common ash and holly.
H5	<i>Species-rich native hedgerow (h2a5) with trees (11) associated with ditch (50), neglected (518)</i>	Hedgerow running along the northern boundary of the Site and comprised of hazel, field maple, hawthorn, blackthorn, English oak and aspen of varying sizes. Tree T15 is the

Habitat Parcel Number	Habitat Type and Code(s)	Habitat Code(s) Description
		largest/most notable mature tree along this length. This hedgerow did not appear to have been cut or flailed recently at the time of survey.
LT1	<i>Ecologically valuable line of trees (34)</i>	Two lines of mature oak trees running from the northern boundary of the Site towards, but not adjoining to, the southern boundary. A dense bramble understorey was present in places, and several gaps were noted across these linear features.
LT2	<i>Ecologically valuable line of trees (34)</i>	
N/A	<i>Other rivers and streams (r2b)</i>	A stream which is part of Lancing Brook lies adjacent to the Site to the north. Lancing brook is a tributary of the River Adur.

Appendix B

Legislation and Planning Context

European Sites

- 1.2. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), termed 'European sites', collectively form part of a suite of sites known in the UK as the national site network, and are afforded strict protection from the potentially damaging effects of human activities. For ease of reference here, and consistent with their treatment under UK government policy, sites designated by the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971), or 'Ramsar sites', are also referred to here as European sites.
- 1.3. All European sites in England and Wales are afforded protection through the Conservation of Habitats and Species Regulations 2017 (as amended). These Regulations are widely referred to as the 'Habitat Regulations'. Regulation 63 of these Regulations states that, "A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European site...(either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives." This assessment process is commonly referred to as 'Habitats Regulations Assessment' (HRA).
- 1.4. The above Regulations formerly transposed Article 6(3) of Council Directive 92/43/EEC on the 'Conservation of Natural Habitats and of Wild Fauna and Flora', commonly referred to as the 'Habitats Directive'. This Directive is the means by which the European Union meets its obligations under the Bern Convention (1992) on the Conservation of European Wildlife and Natural Habitats. Following the UK's departure from the European Union, the provisions of the Regulations have been retained through enactment of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, which came into force on 31 December 2020.

Notable Case Law

- 1.5. Many procedural facets of HRA have been established through case law. In light of Section 6(3) EU (Withdrawal) Act 2018 (as amended), UK courts will continue to be bound by HRA judgments handed down by the Court of Justice for the European Union CJEU prior to 31 December 2020 when interpreting the Conservation of Habitats and Species Regulations 2017 (as amended). A non-exhaustive summary of some of some key judgements is provided below:

In Relation to HRA Screening

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

- 1.6. This case considered when Appropriate Assessment might be triggered and concluded that it is required where there is a, "*probability or risk,*" of significant effects, and that, "*such a risk exists if it cannot be excluded on the basis of objective information that the plan or project will not have significant effects on the site concerned.*" The ruling clarifies that, "*in case of doubt as to the absence of significant effects such an assessment must be carried out.*"
- 1.7. The ruling further states that, "in assessing the potential effects of a plan or project, their significance must be established in the light, inter alia, of the characteristics and species environmental conditions of the site concerned by that plan or project." As such, when assessing potential effects the current condition of the features for designation of a European site must be considered. Such information may be provided within, amongst other sources, published Condition Assessments of component Sites of Special Scientific Interest (SSSI's) and Site Improvement Plans (SIPs).

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

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

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

- 1.9. The recent 'People Over Wind' ruling determined whether mitigation measures may be considered when determining if an effect is 'likely' and therefore whether it should be 'screened-in' for further assessment within the HRA process (i.e. be subject to Appropriate Assessment). Previously it has been established (R (Hart DC) v SSCLG; known as the 'Dilly Lane' decision) that any measures introduced to avoid or mitigate effects on a European sites could be considered in the initial screening stage. However, in the People Over Wind case the CJEU ruled that that such measures not be considered during HRA screening.
- 1.10. Paragraph 40: "...in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."

In Relation to Appropriate Assessment

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

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

National Policy

- 1.12. The term 'European site' used in reference to SACs and SPAs is derived from the above Regulations. The National Planning Policy Framework (NPPF) (Ministry of Housing, Communities and Local Government, 2021) establishes that sites designated by the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971), or 'Ramsar sites', as well as 'potential SPAs' and 'possible SACs', should be given the same protection as European sites.
- 1.13. At paragraph 182, the Framework establishes that the presumption in favour of sustainable development (also known as the 'tilted balance' in planning) does not apply where the plan or project is likely to have a significant effect on a European site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the European site.

Local Policy

- 1.14. The adopted Horsham District Planning Framework sets out development management policies relevant to HRA in the Horsham District (outside the South Downs National Park). These are shown in Table B.1 below.

Table 1. Summary of relevant local planning policies

Policy	Provisions
Horsham District Planning Framework (2015)	
Policy 31: Green Infrastructure and Biodiversity	1. Development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure. Proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained. 2. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and/or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks. 3. Where felling of protected trees is necessary, replacement planting with a suitable species will be required. 4. a) Particular consideration will be given to the hierarchy of sites and habitats in the district as follows: 1. Special Protection Area (SPA) and Special Areas of Conservation (SAC) 2. Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs) 3. Sites of Nature Conservation Importance (SNCIs), Local Nature Reserves (LNRs) and any areas of Ancient woodland, local geodiversity or other irreplaceable habitats not already identified in i & ii above. b) Where development is anticipated to have a direct or indirect adverse impact on sites or features for biodiversity, development will be refused unless it can be demonstrated that: I. The reason for the development clearly outweighs the need to protect the value of the site; and, II. That appropriate mitigation and compensation measures are provided. 5. Any development with the potential to impact Arun Valley SPA or the Mens SAC will be subject to a HRA to determine the need for an Appropriate Assessment. In addition, development will be required to be in accordance with the necessary mitigation measures for development set out in the HRA of this plan

Appendix C

European Site Characteristics

Table 1. Site Characteristics

Arun Valley SAC	
Distance and direction from Site	c. 6.2km west
Size	530.42ha
Grid reference	TQ024151
Component SSSIs	Waltham Brooks SSSI, Amberley Wild Brooks SSSI and the Pulborough Brooks SSSI.
Qualifying features	The site is designated for the ramshorn snail <i>Anisus vorticulus</i> which is a species listed under Annex II of Directive 92/43/EEC. This species 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.
Published Conservation Objectives	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; • The extent and distribution of the habitats of the qualifying features • The structure and function of the habitats of the qualifying features • The supporting processes on which the habitats of the qualifying features rely • The population of each of the qualifying features, and, • The distribution of the qualifying features within the site.
Known vulnerabilities	Threats, pressures and activities with impacts identified on the Nature 2000 Standard Data Form comprise human induced changes in hydraulic conditions.

Table 2. Site Characteristics

Arun Valley SPA	
Distance and direction from Site	c. 6.2km west
Size	530.42ha
Grid reference	TQ024151
Component SSSIs	Waltham Brooks SSSI, Amberley Wild Brooks SSSI and the Pulborough Brooks SSSI.
Qualifying features	The site qualifies under article 4.1 of the Birds Directive 79/409/EEC for regularly supporting 1% or more of the Great Britain population of a species listed on Annex I in any season: Bewick's swan <i>Cygnus columbianus bewickii</i> (115 individuals - 5 year mean peak for 1992/3 to 1996/7). The site also qualifies under 4.2 of the Directive (79/409/EEC) by regularly supporting over 20,000 waterfowl (27,241 individual wintering birds - 5 year mean peak for 1992/3 to 1996/7).
Published Conservation Objectives	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; • The extent and distribution of the habitats of the qualifying features • The structure and function of the habitats of the qualifying features • The supporting processes on which the habitats of the qualifying features rely • The population of each of the qualifying features, and, • The distribution of the qualifying features within the site.
Known vulnerabilities	Threats, pressures and activities with impacts identified on the Natura 2000 Site Improvement Plan include inappropriate water levels, water pollution and inappropriate ditch management.

Table 3. Site Characteristics

Arun Valley Ramsar site	
Distance and direction from Site	c. 6.2km west
Size	530.42ha
Grid reference	TQ024151
Component SSSIs	Waltham Brooks SSSI, Amberley Wild Brooks SSSI and the Pulborough Brooks SSSI.
Qualifying features	Ramsar qualifying criteria include: Ramsar criterion 2 The site holds seven wetland invertebrate species listed in the British Red Data Book as being threatened, alongside one species classified as endangered, <i>Pseudamnicola confusa</i>. Additionally, the site supports four nationally rare and four nationally scarce plant species. Ramsar criterion 3 The ditches intersecting the site have a particularly diverse and rich flora. All five British <i>Lemna</i> species, all five <i>Rorippa</i> species and all three British water milfoils (<i>Myriophyllum</i> species) can be found on-site, alongside all but one of the seven British water dropworts (<i>Oenanthe</i> species), and two-thirds of the British pondweeds (<i>Potamogeton</i> species). Ramsar criterion 5 Internationally important waterfowl assemblage (greater than 20,000 birds). 27,241 waterfowl in winter (5 year mean peak for 1992/3 to 1996/7).
Published Conservation Objectives	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 the habitats of qualifying species • The structure and function of the habitats of qualifying species • The supporting processes on which the habitats of qualifying species rely • The populations of qualifying species, and, • The distribution of qualifying species within the site.
Known vulnerabilities	Inappropriate water levels, fertiliser and pesticide pollution of water, and inappropriate ditch management.

Table 4. Site Characteristics

The Mens SAC	
Distance and direction from Site	c. 11.2km north-west
Size	205.16ha
Grid reference	TQ023234
Component SSSIs	The Mens SSSI
Qualifying features	The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts an Annex I habitat: Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrublayer (Quercion roburi-petraeae or Ilici-Fagenion). (Beech forests on acid soils) The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts an Annex II species: <i>Barbastelle</i> bat <i>Barbastelle barbastellus</i>
Published Conservation Objectives	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.
Known vulnerabilities	Forest and plantation management and use, changes in biotic conditions, habitat connectivity, invasive species (rhododendron), modification of cultivation practices, public access disturbance (light levels).



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