

Horsham District Council
Habitats Regulations Assessment Appropriate Assessment Record

Plan/project: DC/26/0975 | Variation of conditions 19, 20, 22, 23, 24, 30, 31, 36, 38, 39, 40, 42 and 43 of previously approved application reference DC/13/1048 (Proposed development of 10 No. B1/B8 units with 55 parking spaces, 2 disabled spaces & 10 LGV parking spaces and outline consent for a further B1/B8 unit with 10 car parking spaces) to combine the two approved buildings into one single building. | Broomers Hill Park Broomers Hill Lane Codmore Hill West Sussex RH20 2RY

The purpose of this screening record is to assess the need for appropriate assessment in relation to the plan/project detailed above.

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. European 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. HRA screening concluded that it is not possible to rule out likely significant effects without mitigation in place. **This report is therefore an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended).**

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: Screening matrix

Stage 1 HRA screening	
Brief description of the Plan/Project	Application: DC/26/0975 Planning Application: Variation of conditions 19, 20, 22, 23, 24, 30, 31, 36, 38, 39, 40, 42 and 43 of previously approved application reference DC/13/1048 (Proposed development of 10 No. B1/B8 units with 55 parking spaces, 2 disabled spaces & 10 LGV parking spaces and outline consent for a further B1/B8 unit with 10 car parking spaces) to combine the two approved buildings into one single building. Location: Broomers Hill Park Broomers Hill Lane Codmore Hill West Sussex RH20 2RY
Brief description of the Habitats sites within scope of this assessment	The Mens SAC (Sussex bat SAC), The Ebernoe Common SAC lie within West Sussex and the Impact Risk Zones identified by Natural England includes Horsham District. The Mens Special Area of Conservation (SAC) is located approximately 3.79km to the northwest of the site and lists Barbastelle bats as a qualifying feature. A long and varied history of management has seen The Mens move from an open, wood pasture system with huge, spreading parkland trees and pollards to a high forest with closely spaced trees with narrow crowns.

	A lack of management in recent years has added to this silvicultural diversity. Ebernoe Common SAC is located approximately 9.3km to the northwest of the site and lists Barbastelle and Bechstein's bats as qualifying features. Ebernoe Common is dominated by old wood pasture where Commoners would have turned out their cattle or pigs to graze and browse on young trees and scrub, beech mast and acorns, or on the grassy meadows in glades and clearings. Grazing stopped by the middle of the 20th century and the wood pasture became more and more overgrown. Great effort has been put into opening up glades and rides and restoring grazing to this SAC. Arun Valley SAC, SPA and Ramsar is approximately 2.2km to the south, and lists 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.
Qualifying Features for SPA/SAC	The Mens SAC <u>Annex I habitats that are a primary reason for selection of the site:</u> 9120 Atlantic acidophilous beech forests with <i>Ilex</i> and sometimes also <i>Taxus</i> in the shrub layer (<i>Quercion robori-petraeae</i> or <i>Ilici-Fagenion</i>) The Mens is an extensive area of mature Beech <i>Fagus sylvatica</i> woodland 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. <u>Annex II species present as a qualifying feature, but not a primary reason for site selection:</u> 1308 Barbastelle <i>Barbastella barbastellus</i> Ebernoe Common SAC <u>Annex I habitats that are a primary reason for selection of this site</u> 9120 Atlantic acidophilous Beech forests with <i>Ilex</i> and sometimes also <i>Taxus</i> in the shrub layer (<i>Quercion robori-petraeae</i> or <i>Ilici-Fagenion</i>). Ebernoe Common has an extensive block of Beech high forest and former wood-pasture over dense Holly <i>Ilex aquifolium</i>, and has a very rich epiphytic lichen flora, including <i>Agonimia octospora</i> and <i>Catillaria atropurpurea</i>. 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 <i>Myotis bechsteinii</i> and 1308 Barbastelle. <u>Annex II species that are a primary reason for selection of this site:</u>

	1308 Barbastelle <i>Barbastella barbastellus</i> A maternity colony of Barbastelles utilises a range of tree roosts in this area of 91A0 old sessile Oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles, which has a dense understorey of holly as well as open glades and open water. Maternity roost sites are usually in dead tree stumps, but the species appears to be present throughout the year, with individuals utilising a range of roost sites in tree holes and under bark. 1323 Bechstein's bat <i>Myotis bechsteinii</i> A maternity colony of Bechstein's bat is associated with this area of 91A0 Old sessile Oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles. Roosts are mainly in <i>old woodpecker holes in the stems of live mature oak Quercus petraea</i> trees. Arun Valley SPA A037 Bewick's swan, <i>Cygnus columbianus bewickii</i> (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). 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 <i>Anas clypeata</i>, Teal <i>Anas crecca</i>, Wigeon <i>Anas penelope</i>, Bewick's Swan <i>Cygnus columbianus bewickii</i>. Arun Valley SAC 4056 Little Whirlpool Ramshorn snail <i>Anisus vorticulus</i> <i>Anisus vorticulus</i> 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 Ramsar criterion 2 The site holds seven wetland invertebrate species listed in the British Red Data Book as threatened. One of these, <i>Pseudamnicola confusa</i>, is considered to be endangered. The site also supports four nationally rare and four nationally scarce plant species. Ramsar criterion 3 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 (<i>Lemna</i> species), all five water-cress (<i>Rorippa</i> species), and all three British water milfoils (<i>Myriophyllum</i> species), all but one of the seven British water dropworts (<i>Oenanthe</i> species), and two-thirds of the British pondweeds (<i>Potamogeton</i> species) can be found on site. Ramsar criterion 5

	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	The Mens SAC The Barbastelle is one of the UK's rarest mammals. Few maternity roost sites are known in the UK. While the SAC series makes a contribution to securing favourable conservation status for this Annex II species, wider measures are also necessary to support its conservation in the UK These are outlined in the Species Biodiversity Action Plan (DEFRA website). <i>It is likely that its low population density and slow population growth make it particularly vulnerable to:</i> • <i>further loss and fragmentation of ancient deciduous woodland habitat;</i> • <i>loss, destruction and disturbance of roosts in buildings, trees and underground sites;</i> • <i>a reduction in numbers of insect prey due to habitat simplification acting through factors such as fertiliser use and intensive grazing.</i> Ebernoe Common SAC Barbastelle as outlined for The Mens SAC. Bechstein's Bat Species Biodiversity Action Plan (DEFRA website): <i>The rarity of this species means that it is poorly understood, but according to the national species action plan, its low population density, exacting habitat requirements and low rates of reproduction make it particularly vulnerable to factors such as:</i> • <i>Further loss and fragmentation of open ancient deciduous woodland habitat.</i> • <i>Loss, destruction and disturbance of roosts or potential roosts (particularly in old trees).</i> Arun Valley SAC, SPA and Ramsar 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. The Arun Valley is one of the remaining strongholds for the Little Whirlpool Ramshorn Snail.
Conservation Objectives (Only Relevant for SPA/SAC)	The Mens SAC 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. Ebernoe Common SAC 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. Arun Valley SAC & SPA 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.
Key vulnerabilities / factors affecting site integrity	Issues listed in the relevant Site Improvement Plan (SIP) are: The Mens SAC • Forestry and woodland management; • Habitat connectivity for barbastelle bats; • Invasive species; • Changes in land management, with reference to foraging and commuting routes; • Air pollution, risk of atmospheric nitrogen deposition; • Public access / disturbance, with regards to light levels. The mechanism for addressing these issues within the SIP is investigation, research and monitoring; with the exception of appropriate management, and removal of, rhododendron, within The Mens SAC. Ebernoe Common SAC • Forestry and woodland management; • Off-site habitat availability / management; • Habitat fragmentation;

	• Change in land management, with reference to foraging and commuting routes for Barbastelles; • Hydrological changes; • Air pollution, risk of atmospheric nitrogen deposition; • Public access / disturbance, with regards to light levels. Again, the mechanism for addressing all of these issues within the SIP is investigation, research, monitoring at this stage. Arun Valley SAC and SPA • Inappropriate water levels • Water pollution • Inappropriate ditch management • Disturbance
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 Habitats site	There is one record for Barbastelle bat within 2 km of the site, located approximately 995m west of the site, recorded in 2010. There are no European Protected Species Mitigation Licence granted for this species within 2km of the site (Sussex Biodiversity Record Centre – accessed under licence) and MAGIC maps). Greenaway (2008) has radio tracked Barbastelle bats from both SACs and has identified Barbastelle bat flight lines and foraging kernels. In addition to the SACs containing their roosting sites, the bats also require access to habitats outside the boundary of the SACs. This habitat is integral to supporting bats associated with the SACs and is often referred to as functionally- linked habitat. Such functionally linked habitat includes the following: • Flightlines – these are key commuting routes from roosts to foraging (or feeding) areas used by the bats. The Barbastelle flightlines around Ebernoe Common and The Mens have been investigated through survey and are shown in the Sussex bat SAC landscape tool for planning. • Foraging areas – these are the areas of land where bats feed. Barbastelle bats can forage 10-15 kilometres 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 outward travel. The Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol provides advice for developers and local Councils when assessing applications which fall within an identified 6.5km Impact Zone for The Men’s SAC, Ebernoe Common SAC. In line with this Protocol, this application is located within the Key Conservation Area of The Mens SAC, and all impacts need to be considered. This development does not occur along one of the identified flightlines. From the submitted documents, it appears that the site comprises a mixture of habitats, including other neutral grassland, dense scrub, and boundary hedgerow and trees. The boundary vegetation and mature trees are being retained, including Tree T4, which was identified within the EcIA (Greenlinks, June 2026) as having PRF’s. Condition 6 of the original planning

application (DC/13/1048) secures a lighting design strategy, to avoid and minimise lighting impacts upon potential flightlines.

Based on the threats listed in the SIPs, the following potential impact pathways are considered with reference to the development proposals regarding the need for further assessment:

Direct land take - The proposed development will not result in any direct land take from any designated sites. Direct land take does not therefore have the potential to result in likely significant effects (LSE) and can be screened out and will not be considered further.

Forestry and woodland management - This threat / issue is of relevance to the habitats within the designated sites themselves. There is no pathway for woodland management at these locations to be affected by the proposals. There is no potential for forestry and woodland management to be impacted by the proposals, so they have been screened out and will not be considered further.

Habitat connectivity and availability for foraging and commuting

Barbastelle bats (functionally linked land) – Barbastelle bats are qualifying features for both SACs, and threats and issues relating to this species in the wider area have been identified in the relevant SIPs as:

- Off-site habitat availability / management;
- Habitat fragmentation / Habitat connectivity for barbastelle bats;
- Changes in land management, with reference to foraging and commuting routes.

The proposed development is within the 6.5 Key Conservation Area of The Mens SAC as set out in the Sussex Bat SAC planning and landscape scale enhancement protocol. It is therefore possible that bats from The Mens SAC use habitat within the site for foraging and/or commuting and all impacts need to be assessed.

As there is no potential for habitat fragmentation or loss of functionally linked land for Barbastelle bats as part of the proposal and therefore, this has been screened out and will not be considered further.

The proposed development is within the 12km Wider Conservation Area of Ebernoe Common SAC as set out in the Sussex Bat SAC planning and landscape scale enhancement protocol. Therefore, significant impacts or severance to flightlines must be considered. Bechstein's bats are considered likely to be absent, and as such, screened out, and they will not be considered further.

Invasive species

This threat concerns invasive rhododendron within The Mens SAC, and, as such there is no pathway for impacts due to the proposals. There is no potential for invasive species contained within in the proposals which would impact upon The Mens SAC, so they have been screened out and will not be considered further.

Hydrological changes

	This threat / issue is of no relevance to The Mens SAC and Ebernoe Common SAC. The nearest area which would be affected by hydrological changes is the Arun Valley SAC/ SPA/ Ramsar site. Air pollution The proposal will result in an increase in local residents and use of the SACs and Arun Valley SPA, and Ramsar are currently above their critical load for nitrogen deposition as noted in the HRA Screening Statement for Petworth Neighbourhood Development Plan (South Downs National Park Authority, 2017). Natural England Advice to Local Authorities when Considering Air Quality Impacts at HRA poses that air pollution impacts are predominately considered within 200m of a road. As the development is >200m from any Habitats site, the potential for LSE on the Habitats sites due to air pollution can be <u>screened out</u> and will not be considered further. Public access / disturbance, with regards to light levels. The HRA Screening Statement for Petworth Neighbourhood Development Plan (South Downs National Park Authority, 2017) notes that most visits to the Mens and Ebernoe Common SACs take place during daylight, with low levels of recreation at night. As such, they conclude that significant adverse effects due to lighting are unlikely. Recreation itself (i.e. during daylight hours) is not listed as threat within the SIPs. There is no potential for disturbance effects on Barbastelle bats associated with increased lighting from the development. This impact pathway therefore needs to be <u>screened out</u>. We believe that there will therefore be no Likely Significant Effect on the Sussex bat SACs from the development alone. In combination effects There is no potential for LSE from direct land take, forestry and woodland management, invasive species, hydrological connections, or air pollution there is no potential for the development proposals to contribute to any likely significant effects along these pathways, in combination with other plans and projects. However, impacts from disturbance with regards to increased levels of lighting and loss of connectivity on foraging and commuting Barbastelle bats, as qualifying feature of both The Men's SAC and Ebernoe Common SAC have already been screened in for further assessment from the development alone. In combination effects will be considered at stage 2 Appropriate Assessment.
Test 1 the significant test:	As the development will result in the removal of existing scrub vegetation, whilst retaining the boundary vegetation and will result in new lighting of commuting and foraging habitat within the Impact Risk Zone of the SACs, mitigation will be required in terms of new planting and a sensitive lighting scheme. The LPA therefore anticipates that, without mitigation, it is not possible to conclude no 'likely significant effect' (LSE) to The Men's SAC in terms of disturbance impacts from lighting and loss of habitat connectivity when considered from the development alone.

	The effects due to changes to lighting, in-combination with other plans and projects, are also possible pathways for LSE so these will be assessed further in Stage 2: Appropriate Assessment. Therefore, in accordance with the Sussex Bat SAC planning and landscape scale enhancement protocol, this assessment needs to proceed to HRA Stage 2: Appropriate Assessment. This will consider, with mitigation, the impacts of disturbance from lighting on Barbastelle bats from the above designated site, either alone or in combination with other plans and projects. After mitigation has been embedded into the project design, Test 2 – the integrity test then needs to be applied.
Stage 2 Appropriate Assessment	
The above Stage 1 HRA screening has determined that LSE are possible at The Men's SAC as a result of impacts on habitat connectivity and availability for foraging and commuting Barbastelle bats. These pathways have been screened in, and the potential for adverse effects on site integrity, either alone, or in-combination will be assessed. Therefore, this section of the report to inform HRA Stage 2 only discusses the potential for impacts from new lighting as a result of the proposed development.	
Potential for Adverse Effects On the Integrity (AEOI) of a Habitats site from the development alone.	Barbastelle may commute and forage along the treelines onsite and therefore the site could be important for Barbastelle bats within the bat sustenance zone of a bat SAC designated for this Appendix II species. Based on published data¹ Natural England recommends that the Zone of Influence of 6.5km (as detailed on Defra's MAGIC map 2022) is used for the key conservation area for the Sussex Bat SACs and all impacts are assessed. This development is within the 6.5km "key conservation area" for The Men's SAC and lying within a 'bat sustenance zone' for Barbastelle bats, a designated feature of the SACs as identified in the Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol. From the submitted documents, it appears that all of the hedgerows will be retained. Therefore, there will be no overall loss of hedgerow or boundary vegetation on the site. Additionally, as this is S.73 application, the original application decision notice includes appropriate lighting conditions to reduce impacts.
Potential for Adverse Effects On the Integrity (AEOI) of a Habitats site from the development in combination with other plans and projects.	Based on this being a S.73 application, with existing consent, any further search using data from surrounding LPA planning portals for other projects was not considered necessary. Horsham District Planning Framework (HDPF, 2015), Section 9.34 within Policy 31 states: In the case of The Men's, development must not impact on bat flight paths in the district. As recommended in the Council's Habitat Regulations Assessment of this plan, a 'bat sustenance zone' has been identified and is shown on the Policies Map (see Appendix B). Within this area, it may be necessary for compensatory measures such as hedgerow enhancement to be undertaken prior to any development. The HRA for the Chichester Local Plan Review (ACOM, 2018), considers disturbance of bat flight lines from both The Men's and Ebernoe Common SACs. With regards to The Men's, they conclude that <i>"Along with implementation of the Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol"</i>

	<i>(2017), the Chichester Local Plan policies provide a protective framework for the SAC and the Local Plan Review will not result in an adverse effect in integrity on this SAC”.</i> Given the above, and once the mitigation and compensation measures have been incorporated and secured with the new S.73 consent, there is no potential for significant impacts from the proposals, it is considered that there is no potential for the development proposals to contribute to any adverse effects on integrity, in combination with other plans and projects.
Proposed mitigation for the project to secure the mitigation as a condition of any consent	Summary of mitigation package The implementation of an ecologically sensitive lighting scheme which specifies that lighting should comply with Bat Conservation Trust and the Institution of Lighting Professionals, including the measures recommended by GN:08/23 (ILP) (Ecological Impact Assessment (Greenlings, June 2026)). Securing the changes relating to the S.73 application which relate to ecology affect Conditions 22 and 23 (landscape) and comprise: • No longer culverting the stream • Retaining the trees on the eastern boundary due to moving the building • Introducing a range of ecological enhancements, including bird and bat boxes, low level lighting and improved landscape features The avoidance and mitigation measures are considered appropriate to avoid adverse effects on the integrity of the interest features (Barbastelles) of The Men’s SAC likely to occur within the site. The measures will be secured by a condition of any consent.
Test 2 – the integrity test	Conclusion: Having considered the proposed avoidance and mitigation measures above, Horsham District Council concludes that, the project will avoid an Adverse Effect on the Integrity of the Habitats sites listed in this assessment, either alone or in combination with other plan and projects. Having made this appropriate assessment of the implications of the project for the sites in view of those sites’ conservation objectives and having consulted Natural England and fully considered any representation received where necessary, the authority may now agree to the project under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). As the mitigation has been considered after HRA screening, this HRA Appropriate Assessment.

Approving Ecologist: Hayley Dean
Date: 14 August 2026

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