Habitat Regulation Assessment (HRA)
Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations, however, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

Application reference:	RR/2020/1410/P
Application address:	South of Barnhorn Road & West of Ashridge Court, Bexhill on Sea, East Sussex
Application description:	Reserved matters relating to residential development for 29 dwellings (outline permission RR/2016/3206/P), appearance, landscaping, layout and scale as well as the discharge of planning conditions 7 (Construction Method Statement), 8 (tree protection measures), 9 (foul and surface water drainage), 11 (translocation protected species), 12 (boundary treatment), 13 (Residential Travel Plan) and 14 (Electric Vehicle Charging Infrastructure).
Status of Application:	Pending decision (outline permission granted 23 November 2018)
Proximity to SPA/SAC/Ramsar:	Circa 430m to nearest boundary of Pevensey Levels SAC and Ramsar designations from proposed site
Lead Planning Officer: Jeff Pyrah	
Stage 1 - details of the plan or project	
European site potentially impacted by planning application, plan or project:	YES (impact on water quality and water levels) Pevensey Levels SAC and Ramsar Site
Is the planning application, project or plan directly connected with or necessary to the management of the site?	No

Are there any other projects or plans that together with the planning application being assessed could affect the site?	Yes. There are other planning allocations or planning permissions in both Rother and Wealden districts that could have water quality or water resources impacts on the Pevensey Levels that could act in combination.

Stage 2 - HRA screening assessment

Test 1: the significance test – The Applicant 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 SPA/SAC/Ramsar.

Following the recent CJEU ruling, 'People Over Wind, Peter Sweetman v Coillte Teoranta', we can no longer take into account any avoidance and mitigation measures as part of the application at this stage of HRA. For applications in the hydrological catchment area of the Pevensey Levels the Council's "*Habitat Regulations Assessment Likely Significant Effects and Appropriate Assessment*" September 2018 concludes that without mitigation it is not possible to assume that development would not have likely significant effects on the SAC/Ramsar Site in terms of water quality and water levels. Therefore when considering such applications, even where a scheme of mitigation is proposed assessment would progress to Stage 3.

Stage 3 - HRA – Appropriate Assessment

Test 2: the integrity test – If there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made.

Section 1: Conservation objectives for the site

(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 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.

Qualifying Features:

S4056. *Anisus vorticulus*; Little whorlpool ram's-horn snail

(Ramsar)

From EA's "Pevensey Levels SSSI Water Level Management Plan" December 2006

Maintain water levels in Main River and IDB watercourse at 0.3m below mean field level throughout the year;
• For the rest of the site, maintain water levels 0.3m below mean field level throughout the year as a minimum;
• Restore winter flooding to the site; and
• Restore the functioning of the ditch system

Qualifying Features:
Ramsar criterion 2
The site supports an outstanding assemblage of wetland plants and invertebrates including many British Red Data Book species.
Ramsar criterion 3
The site supports 68% of vascular plant species in Great Britain that can be described as aquatic. It is probably the best site in Britain for freshwater molluscs, one of the five best sites for aquatic beetles *Coleoptera* and supports an outstanding assemblage of dragonflies *Odonata.*

Section 2: Assessment Matrix

Identification of the potential effects and their impacts on the Conservation Objectives

Potential Effect	Site Conservation Objectives	Qualifying Features	Potential for Impact?	Relevant Mitigation Measures
CONSTRUCTION PHASE				
Increase in pollutant loads (including sediment, nutrients, oxygen demanding substances, road salts, heavy metals, bacteria and viruses entering the water environment	- Maintaining or restoring the extent and distribution of the habitats of qualify species; - The structure and function of habitats; - The populations of qualifying species; - Distribution of qualifying species. - Maintaining	All qualifying features including: Lesser Whirlpool Ram's Horn Snail (SAC) Outstanding assemblage of wetland plants and	Yes. Direct impact. without mitigation, flora and fauna and their habitat dependent on maintenance of water quality and levels would be at risk from: - High sediment loads from construction that could smother habitats and species; and - Excessive input of nutrients that could lead to	The following safeguarding measures are proposed in the submitted Construction Method Statement (Part 8.0) to avoid this risk: - Although no evidence of contamination was identified during the site investigation works carried out on February 2019, should any suspected sources of contamination be identified during construction, works within the area of the suspected contamination would be suspended to enable testing to be carried out. In the event that following testing contamination is confirmed, the contaminated soils would be removed from site prior to works continuing within the affected area; - The Site Induction given to all operatives would

	watercourse water levels - Restore the functioning of the ditch system.	invertebrates, including many British Red Data Book species (Ramsar) Supports 68% of Aquatic vascular plant species in Great Britain, invertebrates including fresh water molluscs, aquatic beetles and dragon flies (Ramsar)	eutrophication (depletion of oxygen in water). Without appropriate mitigation there is a particular risk to the water environment from the importation of fill material to raise land levels in parts of the site.	include a section setting out the sensitivity of hydrology on the site and the need to avoid activities which could lead to detrimental effects. - As set out in Section 9 all fuel, oil and chemicals would be stored in compliance with HSE recommendations. - The Site Induction would also reinforce that any fuel spills would be reported to the site manager and acted on immediately to ensure these do not reach offsite watercourses. - A procedure for checking and corrective action, this would include regular inspections of storage of possible contaminants and the monitoring of these procedures would be put in place. - In addition to the silt traps incorporated within the proposed drainage, further temporary silt traps would be utilised within the wheel wash area, to intercept silt and other possible pollutants. These would be regularly inspected and cleaned as necessary throughout the construction and would be removed and safely disposed of on completion of the development works.
OPERATIONAL PHASE (ON COMPLETION)				
Potential Effect	Site Conservation Objectives	Qualifying Features	Potential for Impact?	Relevant Mitigation Measures
Deterioration in water quality from increase in pollutant loads from surface water run-off (including sediment, nutrients, oxygen demanding substances, road salts, heavy	- Maintaining or restoring the extent and distribution of the habitats of qualify species; - The structure and function of habitats; The populations of qualifying species; - Distribution of	All SAC and Ramsar qualifying features	Yes. Direct impact. Without mitigation, flora and fauna and their habitat dependent on maintenance of water quality and levels would be at risk from: - High sediment loads that could smother habitats and species; and	The submitted Flood Risk and Drainage Assessment Report proposes that: Surface water would be collected via rainwater diffuser units from areas of permeable paving or gullies along roads and would then be channelled into an infiltration pond planted with a section of reedbed. Water flows would be released from this pond at a controlled rate to a swale within the base of the second detention basin (forming additional storage during high rainfall events) before

metals, bacteria and viruses	qualifying species. - Maintaining watercourse water levels - Restore the functioning of the ditch system		- Excessive input of nutrients leading to eutrophication	discharge to the offsite watercourse. - All surface water would be subject to at least two treatment stages before discharge from the site. - Sump filter chambers would be provided to each plot to capture roof runoff and retain silt, preventing ingress to the main drainage network and the pond; - The infiltration pond and infiltration basin would act to hold surface water run-off, enabling any silt or contaminants to settle and be retained within the basins; - This would be assisted by the basins being underlain with soil with good contaminant attenuation potential of at least 300mm in depth; - In addition, the balancing pond would be specifically planted with a reedbed section to filter pollutants and encourage the breakdown of sediment; - Details of planting within the infiltration pond and infiltration basin are proposed (landscape proposals at Appendix 5524/1); - Surface water would be discharged to the offsite watercourse at an agreed flow of 3.0l/s. The LLFA/PCWLMB advises that they are satisfied that the information provided is satisfactory and that the proposed development is capable of managing flood risk effectively.
Deterioration in water quality from increase in surface water temperature	- Maintaining or restoring the extent and distribution of the habitats of qualify species; - The structure and function of habitats;	All SAC and Ramsar qualifying features	Yes, direct impact. A rise in surface water temperature could cause stress or mortality to aquatic organisms; eutrophication and the extent and distribution of species and their habitat.	The application site is over 400m from the protected site and no further measures to avoid impact are necessary.

	- The supporting processes on which the habitats of qualifying species rely; - The populations of qualifying species;			
Change in water flow into wetlands and altered water levels within it (increase or decrease)	- Maintaining or restoring the extent and distribution of the habitats of qualify species; - The structure and function of habitats; - The supporting processes on which the habitats of qualifying species rely; - The populations of qualifying species;	All SAC and Ramsar qualifying features	Yes, direct impact without appropriate mitigation to ensure that the Levels do not become inundated through flash flooding due to run off from hard surfaces or conversely, a reduction in the volume of surface water draining from the site into the Levels.	Surface water would be managed through the use of two ponds in series before discharging into the adjacent watercourse at 3 l/s for all rainwater events. In accordance with 2016 EA guidance, the drainage proposals are designed to accommodate an allowance increase of 40% for climate change.
Wetlands invaded by aggressive, highly tolerant, non-native vegetation	- Maintaining or restoring the extent and distribution of the habitats of qualify species; - The structure and function of habitats; - The supporting processes on which the habitats of	All SAC and Ramsar qualifying features	Yes, indirect and direct impact. Inappropriate planting within the scheme has the potential to find its way into the habitats of the Levels, invading and smothering the qualifying feature native flora and fauna and disrupting the structure and function of those habitats.	All planting is native except within the central area, contained by the residential plots. No known invasive species have been specified.

	qualifying species rely; -The populations of qualifying species.			
Failure for the proposed SUDs to be properly managed and maintained for the lifetime of the development	- Maintaining or restoring the extent and distribution of the habitats of qualify species; -The structure and function of habitats; -The populations of qualifying species; - Distribution of qualifying species. - Maintaining watercourse water levels	All SAC and Ramsar qualifying features	Yes, direct impact failure to properly maintain the SUDs system would lead to the infiltration of contaminants into water environment of the Levels and potentially, changes in water levels	A management company will be responsible for the development. An ongoing maintenance schedule is submitted. This would include: - Sweeping and removal of vegetation growth from permeable paving areas; - Regular inspections of drainage features for damage or blockages; - Cleaning out of silt traps; - Jet washing of underground pipework; - Vegetation management.
Failure of the foul drainage system	Maintaining or restoring the extent and distribution of the habitats of qualify species; - The structure and function of habitats; - The populations of qualifying species; - Distribution of qualifying species. - Maintaining watercourse water levels - Restore the	All SAC and Ramsar qualifying features	Yes, direct impact, Failure of an on-site foul treatment package or the pumps taking effluent to the mains sewer network could have an impact on the water quality of the Levels and the flora and fauna species that it supports	All new foul drainage would discharge to an existing public sewer, to be treated by Southern Water. Southern Water is obligated to accommodate the capacity upgrades to facilitate any future permitted development at the site, and as such, a foul water solution connecting to existing treatment works will be delivered. A pump will be required. A back-up pump would be provided. Under Condition 9 of the outline planning permission, no dwelling shall be occupied until the drainage works to serve the development have been completed and made operational. As such, only once the foul water drainage works have been completed can the development be occupied.

	functioning of the ditch system.			

Stage 4 – Summary of the Appropriate Assessment. To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

Conclusion

Having considered the likely effects and the proposed mitigation and avoidance measures proposed that would be secured and thereafter maintained for the lifetime of the development by condition, Rother District Council conclude that with mitigation the project would not have an Adverse Effect on the integrity of the European protected site.

Specifically, the applicant has progressed the drainage strategy approved by the outline planning permission to provide a Construction Method Statement to avoid impact during construction (a requirement of outline planning permission condition 7) and a drainage design that would collect surface water via rainwater diffuser units from areas of permeable paving or gullies along roads and channel this into an infiltration pond planted with a section of reedbed. Water flows would be released from this pond at a controlled rate to a swale within the base of the second detention basin (forming additional storage during high rainfall events) before discharge to the offsite watercourse. All surface water would be subject to at least two treatment stages before discharge from the site. The drainage proposals are designed to accommodate an allowance increase of 40% for climate change. A management company will be responsible for the development. An ongoing maintenance schedule is submitted. Foul water will discharge to an existing public sewer, via a pumping station on site.

The LLFA confirms that they are satisfied that the information provided is satisfactory and that the proposed development is capable of managing flood risk effectively.

The Council's HRAs that support the Core Strategy address the strategic effect of growth across Rother 'in-combination' with growth in other authority areas over the same time period. The Core Strategy HRAs were focused on the overall quantum and broad distribution of the growth. The DaSA HRAs identifies if any particular site allocations and policies have the potential to cause an adverse effect on the European designated sites, either in isolation of 'in combination' with other plans or projects and to determine whether site-specific mitigation measures are required. The DaSA 'in combination' assessment concluded that there would be no adverse effects due to the policy protection requiring appropriate SuDS for all relevant sites. Similarly, Wealden and Eastbourne have undertaken their own HRAs to support their respective Local Plans vis-à-vis development targets.

The monitoring and management of SuDS would ensure the SuDS would continue to be effective in line with the requirements set out in Policy DEN5. Therefore, it can be concluded that an adverse effect on the integrity of the SAC and Ramsar site would be avoided 'in combination' with other development proposals in Rother, Wealden and Eastbourne districts.

Having made this appropriate assessment of the implications of this project for the European Sites in view of their conservation objectives, and having consulted Natural England and fully considered any representation received (see below) and the representations of all other relevant

consultees, the authority may now agree to the project under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Natural England

Summary of Natural England's comments:
The appropriate assessment concludes that the local planning authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the Pevensey Levels Special Area of Conservation (SAC) and Ramsar site. Specifically the local planning authority agrees that the potential impact pathway of increased contaminated surface run-off is sufficiently mitigated. In the construction phase the required mitigation is detailed in the submitted construction method statement. During the operational phase of development this mitigation is provided by the implementation of the proposed surface water drainage scheme which will be monitored and managed in perpetuity.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Signed

On behalf of Rother District Council Date