

EMPLOYMENT LAND LOCAL PLAN

Habitats Regulation Assessment SCREENING REPORT

November 2015



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EMPLOYMENT LAND LOCAL PLAN

HABITATS REGULATION ASSESSMENT

Screening Report

November 2015

Published for representations alongside the Revised Proposed Submission
Employment Land Local Plan between:

Friday 11 December 2015 and Friday 22 January 2016.

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1.0 Introduction

- 1.1 Eastbourne Borough Council is preparing an Employment Land Local Plan (ELLP). The ELLP will guide job growth and economic development in Eastbourne up to 2027 by identifying an appropriate supply of land for future employment development, in order to achieve a sustainable economy and make Eastbourne a town where people want to live and work. It relates to land and buildings within the B1 (Offices and Light Industry), B2 (General Industry) and B8 (Storage and Distribution) Use Classes.
- 1.2 The Employment Land Local Plan will form part of the Development Plan for Eastbourne, alongside other planning policy documents such as the Eastbourne Core Strategy Local Plan. The Employment Land Local Plan will replace Core Strategy Policy D2: Economy, but will otherwise have to conform to other policies set out in the Core Strategy Local Plan as well as national planning policy.
- 1.3 This Habitats Regulations Assessment (HRA) screening report has been undertaken by Eastbourne Borough Council to assess whether there are any likely significant effects on European sites within relative proximity to Eastbourne, arising from the Employment Land Local Plan.
- 1.4 Habitats Regulations Assessment is also commonly referred to as Appropriate Assessment (AA) although the requirement for AA is first determined by an initial 'screening' stage undertaken as part of the HRA. This report details the process and finding of this first screening stage.

Background

- 1.5 In May 2012, the Eastbourne Core Strategy Local Plan was subject to Public Examination by a Planning Inspector. The Inspector expressed concerns over the evidence that supported Core Strategy Policy D2: Economic, particularly relating to the employment land supply. The Inspector concluded that the evidence lacks clarity and does not demonstrate that Policy D2 is the most appropriate strategy for supporting job growth and economic prosperity in Eastbourne. Furthermore she considered that uncertainty about the viability of directing 30,000 m² of employment floorspace to Sovereign Harbour cast doubt on whether the strategy is deliverable during the Plan period. This raised the question of whether the quantum of office development proposed in the Plan is based on accurate and up to date evidence.
- 1.6 The Inspector considered that if the adoption of the Plan were to be delayed to allow for the Plan to be revised, Eastbourne would be left without an up-to-date local plan and the Council would be unable to take a proactive, plan led

approach to delivering development. To avoid such a delay the Inspector recommended that Policy D2 be the subject of an early review, leading to its replacement with an additional Local Plan to deal specifically with employment land supply. The Eastbourne Core Strategy Local Plan was adopted in February 2013.

- 1.7 A Habitats Regulation Assessment was produced for the Core Strategy Local Plan¹. This was a joint study between Eastbourne, Wealden, Rother and Hastings Council's to assess the combined impacts of development proposed within the respective Core Strategies on the Pevensy Levels. The study concluded that *'even when considered 'in combination' with each-other and the other contributors to a predicted increase in vehicle movements on the A259 result in exceedance of the critical level or critical load for the Pevensy Levels Ramsar site, particularly when one considers the increase vehicle flows within the context of current national predictions that exhaust emissions are likely to improve over the plan period'*.
- 1.8 The Eastbourne Core Strategy Local Plan identified housing requirements as well as employment land requirements. It identified the need for 5,022 dwellings and 55,430 sqm of employment floorspace between 2006 and 2027. The Employment Land Local Plan, which will once adopted replace the employment land section of the Core Strategy, only addressed the employment land issues and no other types of development, and identifies a lower requirement for employment than the Core Strategy (43,000sqm), although it identifies the same locations for development.
- 1.9 The Habitat Regulation Assessment recognised no adverse impacts on European designated sites as a result of development proposed in the Core Strategy. As the Employment Land Local Plan only considers a single type of development at a lower quantum than that proposed in the Core Strategy, it is not considered that the Employment Land Local Plan will have any impact of European designated sites. However, for the sake of completeness, a Habitat Regulation Assessment screening report has been prepared for the Employment Land Local Plan.

Requirement for Habitats Regulations Assessment

- 1.10 The European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the Habitats Directive) protects habitats and species of European nature conservation importance. The Habitats Directive establishes a network of internationally important sites designated for their ecological status. These are referred to as Natura 2000 sites or European

¹ Scott Wilson, (2009), Appropriate Assessment and Air Quality Local to the Pevensy Levels Ramsar Site: A Report to Support the Appropriate Assessment for Rother, Wealden, Hastings and Eastbourne Core Strategies

Sites, and comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

- 1.11 Articles 6 (3) and 6 (4) of the Habitats Directive require AA to be undertaken on proposed plans or projects which are not necessary for the management of the site but which are likely to have a significant effect on one or more Natura 2000 sites either individually, or in combination with other plans and projects. In 2007, this requirement was transposed into UK law in Part IVA of the Habitats Regulations (The Conservation (Natural Habitats, & c.)(Amendment) (England and Wales) Regulations 2007). These regulations require the application of AA to all land use plans. Government guidance also requires that Ramsar sites (which support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance [Ramsar Convention]) are included within HRA/AA.
- 1.12 The purpose of AA is to assess the impacts of a land-use plan, in combination with the effects of other plans and projects, against the conservation objectives of a European Site and to ascertain whether it would adversely affect the integrity of that site. Where significant negative effects are identified, alternative options should be examined to avoid any potential damaging effects. The scope of the AA is dependent on the location, size and significance of the proposed plan or project and is first determined by screening.
- 1.13 Straightforward mitigation measures can be applied at the screening stage which may mean that previous likely significant effects can be ruled out and the plan does not need to progress to the second stage. An AA is the next stage of the HRA process and a plan should undertake this where likely significant effects are identified at the screening stage and cannot be ruled out after applying straightforward mitigation measures. The appropriate assessment looks at the implications of a plan for a European site in view of the site's conservation objectives. Further, more detailed mitigation measures may be introduced at the appropriate assessment stage to avoid or reduce the effects of a plan on the European site(s). Before a plan may be given effect, the plan-making authority as competent authority must ascertain that it would not adversely affect the integrity of the European site(s).

Guidance for Habitats Regulations Assessment

- 1.14 In producing this HRA screening report, the following guidance has been taken into account:

- *Planning for the Protection of European Sites: Appropriate Assessment (Draft), DCLG, August 2006²*
- *Habitats Regulations Appraisal of Plans: Guidance for Plan-making Bodies in Scotland – Version 2.0: August 2012³*
- *National Planning Practice Guidance, Paragraph: 047, Revision date: 09 02 2015*

1.15 It is noted that there is a different legislative framework in Scotland, but in the absence of guidance for England, it is understood that Natural England has recommended the use of the Scottish guidance.

1.16 The method applied considers HRA in three main stages, outlined in Table 1. This report addresses the first screening stage 1 of the HRA.

Table 1 - Habitats Regulations Assessment: Key Stages

Stage 1 Screening	<ul style="list-style-type: none"> • Identify international sites in and around the plan/strategy area • Examine conservation objectives (if available) • Analyse the policy/plan and its key components • Identify potential effects on Natura 2000 sites • Examine other plans and programmes that could contribute to 'in combination' effects <p><i>If no effects likely – report that no significant effect.</i></p> <p><i>If effects are judged likely or uncertainty exists – the precautionary principle applies proceed to stage 2</i></p>
Stage 2 Appropriate Assessment	<ul style="list-style-type: none"> • Collate information on sites and evaluate impact in light of conservation objectives • Consider how plan 'in combination' with other plans and programmes will interact when implemented (the Appropriate Assessment) • Consider how effect on integrity of site could be avoided by changes to plan and the consideration of alternatives • Develop mitigation measures (including timescale and mechanisms) <p><i>Report outcomes of AA and develop monitoring strategies</i></p> <p><i>If effects remain following the consideration of alternatives and development of mitigations proceed to stage 3</i></p>
Stage 3 Assessment where no alternatives and adverse impacts remain	<ul style="list-style-type: none"> • Identify 'imperative reasons of overriding public interest' (IROPI) • Identify/ develop potential compensatory measures <p><i>Difficult test to pass, requirements are onerous and untested to date</i></p>

²http://webarchive.nationalarchives.gov.uk/20061101113831/http://www.communities.gov.uk/staging/embedded_object.asp?id=1502353

³<http://www.snh.gov.uk/planning-and-development/environmental-assessment/habitat-regulations-appraisal/>

Consultation

- 1.17 The Employment Land Local Plan has been subject to three rounds of consultation prior to the Revised Proposed Submission version. A pre-production engagement took place in the form of a questionnaire that was published in July 2013, and the Draft Employment Land Local Plan was published for a 12 week public consultation in December 2013. Following this, a Proposed Submission Employment Land Local Plan was published to receive representations for an 8 week period between December 2014 and February 2015.
- 1.18 Natural England submitted representations at all stages of consultation. During the pre-production engagement, Natural England commented that they 'welcome in particular the recognition of environmental constraints' and 'The plan presents the opportunity to secure outstanding development in an attractive bio-diverse, landscaped setting, with opportunities for walking and cycling to work'.
- 1.19 On the Draft Employment Land Local Plan, Natural England submitted a representation that states that they '*welcome the Preferred Option, which involves the intensification of Industrial Estates, with development in the Town Centre and at Sovereign Harbour*'. In addition, they stated that '*the designated Industrial Sites lie to the north and south of part of Eastbourne Park. This is Coastal & Floodplain Grazing Marsh and a significant part of this area is supported by Environmental Stewardship funded through NE. The Park is a key component in the habitat network and an amenity for the town. The Plan (as a whole) should ensure that intensification of the Industrial Sites does not have a detrimental impact this important asset*'.
- 1.20 The Habitats Regulation Assessment Screening Report (December 2014) was published alongside the Proposed Submission ELLP. Natural England's representation on the Proposed Submission version stated that '*We support the policy to use the existing industrial estates, town centre and available space within Sovereign Harbour. We also welcome the commitment to maintain Eastbourne Park as a "green heart" of the town*'. It also recognised that '*Eastbourne falls within the buffer zones of several SSSI, including the internationally important site of Pevensey Levels. The industrial estates mostly border the Eastbourne, Langney and Willingdon Levels which link hydrologically to Pevensey so industrial uses which may create significant run-off or discharge into ditches need to be carefully considered and include appropriate measures to protect water courses. Care should also be taken that development at Sovereign Harbour does not impact on the nearby areas of vegetated shingle. Eastbourne also falls within buffer zones for the South Downs National Park and any significant landscape impact, such as wind turbines, also needs to be assessed. The Plan does not anticipate the need for*

any widespread increases in infrastructure provision; however, any local proposals will need to be assessed on an individual basis'.

- 1.21 This Habitats Regulation Assessment Screening Report is being published alongside the Revised Proposed Submission Employment Land Local Plan for a 6 week representation period, commencing on Friday 11 December 2015 and finishing on Friday 22 January 2016.
- 1.22 The Employment Land Local Plan and associated documents are available from the Council's website at www.eastbourne.gov.uk/ellp. Representations on the Habitats Regulation Assessment can be made via email to planning.policy@eastbourne.gov.uk or via post to:

Regeneration & Planning Policy
1 Grove Road
Eastbourne
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Purpose and Structure of Report

- 1.22 This report documents the process and findings of the Screening Stage of HRA for the Eastbourne Employment Land Local Plan. Following this introductory section the document is organised into three further sections:
- Section 2 - outlines the method used for the screening process.
 - Section 3 - outlines process and summary findings of the screening process and assessment.
 - Section 4 - outlines the key conclusions.

2.0 Methodology

- 2.1 In accordance with the official guidance and current practice, conducting the screening stage of the HRA for Employment Land Local Plan used the method outlined below. This approach combines both a **plan** focus and a **site** focus.
- The **plan** focus first screens out those elements of the plan unlikely to affect European site integrity and then considers the impacts of the remaining elements on European sites, including the potential for 'in-combination' impacts.
 - The **site** focus considers the environmental conditions of the site and the factors required to maintain site integrity, and looks at the potential impacts the plan may have on the designated interest features and conservation objectives of the site.

2.2 Maintaining a site based approach as core to the HRA/AA method more closely reflects the intent of the Habitats Directive. This means that subsequent avoidance and mitigation measures (developed if required during the AA stage 2) seek to focus on the conditions necessary to maintain site integrity (e.g. avoiding specific types of development/ activity at sensitive areas).

2.3 The key tasks employed for the HRA Screening are set out in the table below.

Table 2 - HRA Screening Stage: Key Tasks

<p>Task 1: Identification of Natura 2000 sites and characterisation</p>	<p>Identification of European sites both within Torbay and in a buffer zone of 20km around the Borough boundary.</p> <p>Information was obtained for each European site, based on publicly available⁴.</p> <p>This included information relating to the sites’ qualifying features; vulnerabilities/ sensitivities and geographical boundaries.</p>
<p>Task 2: Strategy review, policy screening and identification of likely impacts</p>	<p>Screening of the Policies in the ELLP and the identification of likely impacts (including a review of the strategy to determine likely impacts).</p>
<p>Task 3: Consideration of other plans and programmes</p>	<p>Consideration, where appropriate, of other plans and programmes that may have in combination effects with the Employment Land Local Plan.</p>
<p>Task 4: Screening Assessment</p>	<p>Summary of screening outcomes and recommendations.</p>

3.0 Screening

3.1 The purpose of the screening stage is to:

- a) Identify all aspects of the plan which would have no effect on a European site, so that that they can be eliminated from further consideration in respect of this and other plans;
- b) identify all aspects of the plan which would not be likely to have a significant effect on a European site (i.e. would have some effect, but minor residual), either alone or in combination with other aspects of the same plan or other plans or projects, which therefore do not require ‘appropriate assessment’; and

⁴ www.jncc.gov.uk, www.natural-england.org.uk

- c) identify those aspects of the plan where it is not possible to rule out the risk of significant effects on a European site, either alone or in combination with other plans or projects. This provides a clear scope for the parts of the plan that will require appropriate assessment.

Task 1: Identification of Natura 2000 sites and characterisation

- 3.2 There are no Natura 2000 sites within the Eastbourne Borough boundary. Within a 20km buffer zone of the Borough, there are two Natura 200 sites. These are Pevensey Levels (Special Area of Conservation and Ramsar site) and the Lewes Downs (Special Area of Conservation). These are identified in Figure 1. Detailed information on these Natura 2000 sites is contained in Appendix 1.
- 3.3 It is recognised that plans and programmes have spatial implications that can extend beyond the intended plan area boundaries, and that distance in itself is not a definitive guide to the likelihood or severity of an impact. This means that a plan directing development some distance away from a European site could still have effects on the site and, therefore, needs to be considered as part of the screening process.
- 3.4 **Pevensey Levels SAC / Ramsar** site is a 3585 hectare wetland area consisting of 97.5% humid grassland and mesophile grassland, and 2.5% inland water bodies (standing water, running water). One of the primary reasons for the site being a European designation is the presence of the Ramshorn snail (*Anisus vorticulus*), which is an 'Annex II' species. Pevensey Levels is a large and expansive grazing marsh that supports *Anisus vorticulus* in both a wide spatial distribution and in good population density classes. The Pevensey Levels is approximately 1.3km from the Eastbourne Borough boundary at its nearest point.
- 3.5 **Lewes Downs SAC** site is a 147 hectare downland area consisting of 85% dry grassland and steppes, 5% heath, scrub, maquis and garrigue, phygrana, 5% humid grassland, mesophile grassland, and 5% improved grassland. The primary reason for the site being a European designation is the presence of Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*), which is an 'Annex I' habitat. This site hosts the priority habitat type "orchid rich sites". This chalk grassland site consists largely of CG2 *Festuca ovina*- *Avenula pratensis* and CG3 *Bromus erectus* calcareous grasslands. It contains an important assemblage of rare and scarce orchids, including early spider-orchid (*Ophrys sphegodes*), burnt orchid (*Orchis ustulata*) and musk orchid (*Herminium monorchis*). The colony of burnt orchid is one of the largest in the UK. The Lewes Downs designation is approximately 13.5km from the Eastbourne Borough boundary at its nearest point.

Figure 1 – Natura 2000 (European designated) sites near Eastbourne



Task 2: Strategy Review, Policy Screening and Identification of Likely Impacts

Employment Land Local Plan: Summary Review

- 3.6 The Employment Land Local Plan will guide job growth and economic development in Eastbourne up to 2027 by identifying an appropriate supply of land for future employment development. This will eventually replace Policy D2: Economy of the Eastbourne Core Strategy Local Plan (adopted 2013).
- 3.7 The ELLP identifies a requirement for 43,000sqm of employment floorspace to 2027. The Revised Proposed Submission version of the ELLP distributes this requirement as follows:
- 20,000sqm of industrial and warehouse space within existing Industrial Estates
 - 3,000sqm of office space within the Town Centre
 - 20,000sqm of office and light industrial space at Sovereign Harbour.
- 3.8 Although the ELLP is not directly connected with, or necessary to the management of a European site for nature conservation, it does allocate sites for development. However, the sites identified are the same sites that were identified in the Eastbourne Core Strategy Local Plan (adopted 2013), and the quantum of development proposed is less than that proposed in the Eastbourne Core Strategy Local Plan.

Employment Land Local Plan: Screening of Policies

- 3.9 Screening of the policies involved identifying the policies that will not have an effect on European sites.
- 3.10 The policies in the ELLP were considered to have 'no effect' and were screened out on the basis that they either would have no effect because development is dependent on implementation of lower tier policies, or that they concentrates development in existing urban areas, steering development away from European sites and sensitive areas.
- 3.11 Policy EL1: Economy and Employment Land is a generic policy that identifies the broad locations for development, and outlines the employment development that the Council would like to encourage, such as smaller units. It is not considered that this policy will have an effect on European designated sites as development is dependent on the implementation of lower tier policies.
- 3.12 Policy EL2: Industrial Estates identifies the existing industrial estates as the locations for the development of 20,000sqm of industrial and warehouse

floorspace. Some of the industrial estates are located adjacent to Eastbourne Park, which is a floodplain grazing marsh that hydrologically linked to Pevensey Levels, so industrial uses which may create significant run-off or discharge into ditches should include appropriate measures to protect water courses. As the policy concentrates development in existing urban areas, and any potential effect on local watercourse that drain into Pevensey Levels can be mitigated through source control systems and SUDS, which are required by local plan policies, it is not considered that this policy will have an effect on European designated sites.

- 3.13 Policy EL3: Town Centre identifies the Town Centre as a location for the provision of 3,000sqm of office floorspace. Due to the significant distance of the Town Centre from Pevensey Levels, it is not considered that this policy will have an effect on European designated sites
- 3.14 Policy EL4: Sovereign Harbour allocates land at Sovereign Harbour for 20,000sqm of office and light industrial floorspace. An outline planning application for development at Sovereign Harbour (planning ref: 131002) was approved in 2014. This includes development of an amount of employment land to be determined by the ELLP. Natural England were consulted on this application, and their response stated that: *'Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes'*. As the development is within the existing urban area and Natural England have confirmed that the development is unlikely to affect any statutorily protected sites, it is not considered that this policy will have an effect on European designated sites
- 3.15 The Policy Screening Tables, including the rationale for a screening decision of 'no effect', are provided in Appendix 2. The Screening of Policies determined that none of the policies contained within the ELLP had the potential to lead to significant effects on European sites of their own accord, nor in combination with other plans and programs, provided that mitigation measures are included. These mitigation measures will be provided through the implementation of other local plan policies, including Borough Plan Policy US4: Surface Water and Flooding, and Core Strategy Policy D4: Natural Environment.

Identification of potential/likely impacts - site based approach

- 3.16 Despite the 'no effects' finding for all the individual policies within the plan, any potential for cumulative effects on European sites required further consideration. This was undertaken using a site focus, which considered the environmental conditions of the site and the factors required to maintain site integrity. This assessment is provided in Appendix 4, and concluded that there is no risk of effect.

3.17 In addition, the Appropriate Assessment and Air Quality Local to the Pevensey Levels Ramsar Site: A Report to Support the Appropriate Assessment for Rother, Wealden, Hastings and Eastbourne Core Strategies (2009) identified that *'it is unlikely that development to be delivered across the four districts will, even when considered 'in combination' with each-other and the other contributors to a predicted increase in vehicle movements on the A259 result in exceedance of the critical level or critical load for the Pevensey Levels Ramsar site, particularly when one considers the increase vehicle flows within the context of current national predictions that exhaust emissions are likely to improve over the plan period. No measures to either avoid or mitigate effects will therefore be required because the predicted increase in traffic is unlikely to cause either NOx concentrations or rates of nitrogen deposition to exceed the critical level or critical load'*.

Task 3: Consideration of other plans and programmes

3.18 It is a requirement of Article 6(3) of the Habitats Directive that HRA examines the potential for plans and programmes to have a significant effect not just individually but 'in combination' with other plans and programmes. Undertaking an assessment of other PPs requires a pragmatic approach (given the extensive range of plans and programmes underway in the region). For this screening, consideration of other plans and programmes has focused on those likely to lead to significant development or infrastructure which may potentially impact on any of the European sites identified.

3.19 The other plans and programmes considered at this stage are listed below and reviewed in detail in Appendix 3:

- Wealden Core Strategy Local Plan (2013)
- Wealden Strategic Sites Local Plan (Submission Version) (2014)
- Rother Core Strategy (2014)
- Lewes Core Strategy (Submission version) (2014)

3.20 In considering the effects of other plans and programs, where available, the HRA work undertaken for those plans was consulted. A summary of findings from relevant HRA reports can also be found in Appendix 3. It includes:

- Appropriate Assessment and Air Quality Local to the Pevensey Levels Ramsar Site: A Report to Support the Appropriate Assessment for Rother, Wealden, Hastings and Eastbourne Core Strategies (2009)
- Wealden Strategic Sites Habitat Regulation Assessment (2014)
- Lewes Core Strategy Habitat Regulation Assessment (2013)

3.21 The Plans and Programs review was then used to consider in combination effects, assisting in the completion of the HRA Screening matrices at Appendix 4, and in undertaking Task 4, outlined below.

Task 4: Screening Assessment of the Employment Land Local Plan

3.22 In line with the screening requirements of the Habitats Regulations, an assessment was undertaken to determine the potential significant effects of the Employment Land Local Plan on the integrity of the two Natura 2000 sites (Pevensey Levels and Lewes Downs) that lie within a 20km radius of the Eastbourne Borough boundary. This assessment was based on:

- The information gathered on Natura 2000 sites (Appendix 1)
- The review of the Employment Land Local Plan and likely impacts and the policy screening (Appendix 2)
- The review of other relevant plans (Appendix 3)
- The consideration of potential likely impacts and consideration of in-combination effects (Appendix 4)

3.23 The Screening Assessment is set out in the tables at Appendix 4 and the results of the assessment are summarised in Table 3, below.

Table 3 - Summary of Screening Assessment

✓ - Yes ✗ - No ? - Uncertain

European Sites within a 20 km buffer zone	AA required alone?	AA required in combination?
<p>Pevensey Levels SAC / Ramsar</p> <p>There is potential for the Employment Land Local Plan to have an impact on the Pevensey Levels due to the close proximity of the existing industrial estates to Eastbourne Park, which feeds into the Pevensey Levels. However, this potential impact on water quality can be addressed through the provision of avoidance and mitigation measures.</p>	✗	✗
<p>Lewes Downs SAC</p> <p>There are no potential impacts on the Lewes Downs SAC arising from the Eastbourne Employment Land Local Plan due to the significant distance between the designated site and Eastbourne.</p>	✗	✗

3.24 In summary, the Screening assessment found that the Employment Land Local Plan would not have a significant effect on any European sites. Whilst

the potential for adverse effects from other emerging plans and strategies has been noted, at this stage it is not necessary to assess these impacts any further as each of the other plans or programmes have or will be subject to Habitats Regulations Assessment in their own right.

4.0 Conclusions

- 4.1 This HRA screening process identified two Natura Sites within a 20km radius of the Eastbourne Borough boundary and considered the potential significant effects arising from the Employment Land Local Plan on these sites.
- 4.2 The findings of the screening process are that the Employment Land Local Plan will have no significant effect on the Pevensey Levels Ramsar site or the Lewes Downs SAC (either alone or as a result of 'in-combination' effects from other plans and programmes being developed and implemented simultaneously in the area), subject to mitigation measures.
- 4.3 The issue that would require mitigation is the potential for the intensification of use within the existing industrial estates, some of which are adjacent to Eastbourne Park, which contains watercourses that eventually feed into the Pevensey Levels, to cause some water quality issues. Although this is considered unlikely, this issue can be mitigated through the provision of source control systems and SUDS, which are requirement by other Local Plan policies (Borough Plan Policy US4 and Core Strategy Policy D9).
- 4.4 Subject to the provision of avoidance and mitigation measures, it is considered that the Employment Land Local Plan will not result in a significant effect on the Pevensey Levels Ramsar site. Therefore it is concluded that no further assessment work is required on the Employment Land Local Plan.


Glossary

Term	Definition
Appropriate Assessment (AA)	The process under Article 6(3) of the Habitats Directive whereby the potential effects of a plan or project upon a Special Protection Area or Special Area of Conservation are assessed to determine whether an adverse effect can be avoided. Also the term for the discreet Stage 2 of Habitats Regulations Assessment.
Conservation objectives	A statement of the nature conservation aspirations for a site, expressed in terms of the favourable condition required for the habitats and / or species for which the site was selected.
European sites	Sites within the European Union (EU) network of classified Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) designated under Article 4 of the EU Habitats Directive (EEC/92/43). Also referred to as Natura 2000 sites.
Habitats Directive	The commonly used name for the European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna. The Habitats Directive establishes a network of internationally important sites designated for their ecological status.
In-combination effects	The cumulative effects caused by the project or plan under consideration together with the effects of any existing or proposed projects or plans.
Integrity	Integrity is described as the sites coherence, ecological structure and function across the whole area that enables it to sustain the habitat, complex of habitats and/or levels of populations of species for which it was classified.
Imperative reasons of overriding public interest (IROPI)	Set out in Article 6(4) of the Habitats Directive, permits, in limited circumstances, a plan or project to go ahead even after an AA has identified an adverse effect to a European site.
Joint Nature Conservation Committee (JNCC)	The statutory adviser to Government on UK and international nature conservation.
Mitigation measures	Measures taken to reduce the impact on site integrity to the point where it no longer has adverse effects.
Natura 2000 sites	Sites within the European Union (EU) network of classified Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) designated under Article 4 of the EU

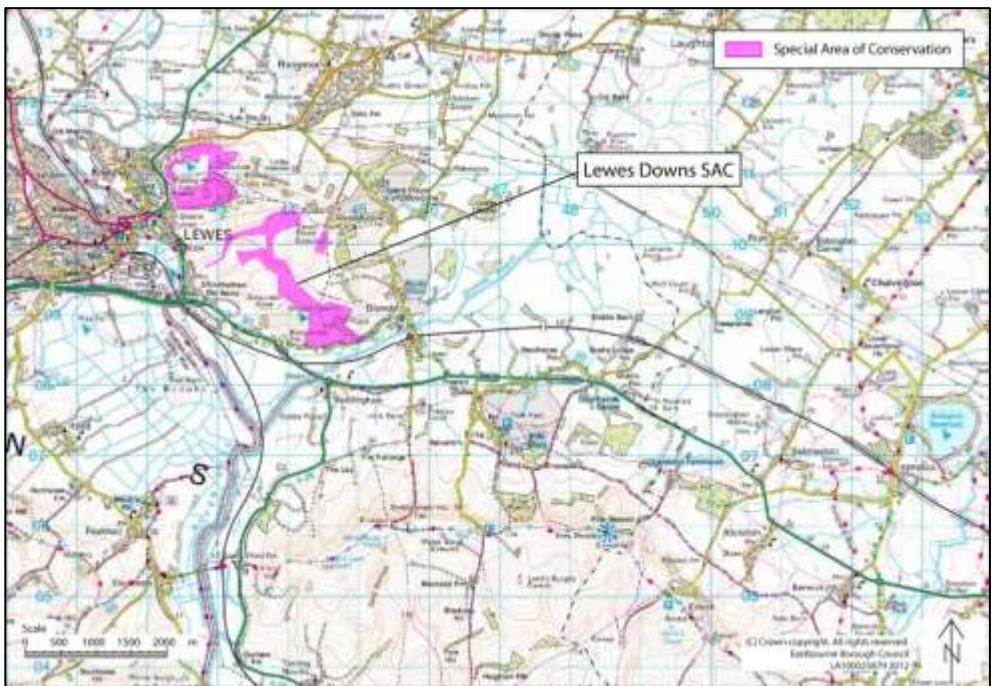
Term	Definition
	Habitats Directive (EEC/92/43). Also referred to as European sites.
Precautionary Principle	Where there is incomplete information about the nature or extent of an effect the precautionary principle requires action to be taken to prevent harm in the absence of complete certainty about the adverse effects.
Ramsar sites	Sites which support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance (Ramsar Convention).
Special Areas of Conservation (SAC)	Internationally important areas designated under the EC Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna.
Special Protection Area (SPA)	Internationally important areas designated under Article 4 of the Birds Directive (Directive 79/409/EEC) to conserve the habitats of certain listed rare or vulnerable species and the habitats of regularly occurring migratory species.
Sites of Special Scientific Interest (SSSI)	Nationally important areas of land, designated under Section 28 of the Wildlife and Countryside Act 1981 by English Nature as being of a special interest by reasons of their flora, fauna, geological or physio-geographical features.

APPENDICES

Appendix 1 - Information on Natura 2000 sites within 20km of Eastbourne

<p>Site</p>	<p>Pevensey Levels</p>  <p>The map shows the Pevensey Levels Ramsar Site in East Sussex, UK. The site is highlighted in light blue and covers a large area of lowland marshland. Key geographical features include the Hailsham area to the west, the Pevensey Levels themselves, and the coastline to the south. The map includes a scale bar (0 to 2000m), a north arrow, and a legend indicating the Ramsar Site boundary. Text on the map includes 'Pevensey Levels', 'HAILSHAM', 'Weston Pevensey Bay', and 'Ramsar Site'.</p>
<p>Qualifying Interests</p>	<p>Special Area of Conservation / Site of Community Importance / RAMSAR site</p> <p><u>Annex I habitats that are a primary reason for selection of this site:</u></p> <p>Not applicable</p> <p><u>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:</u></p> <p>Not applicable.</p> <p><u>Annex II species that are a primary reason for selection of this site:</u></p> <p>4056 Ramshorn snail <i>Anisus vorticulus</i></p> <p><i>Anisus vorticulus</i> occurs across a range of sites in southern and eastern England. Pevensey Levels is a large and expansive grazing marsh that supports <i>Anisus vorticulus</i> in both a wide spatial distribution and in good population density classes</p> <p><u>Annex II species present as a qualifying feature, but not a primary reason for site selection:</u></p> <p>Not applicable.</p>
<p>Site Characteristics</p>	<p>Soil & geology: Alluvium, Basic, Clay, Mud, Nutrient-poor, Peat, Sand, Sedimentary, Shingle</p> <p>Geomorphology & landscape: Coastal, Floodplain, Lowland</p>

<p>Quality and Importance</p>	<p>Anisus vorticulus</p> <ul style="list-style-type: none"> for which this is considered to be one of the best areas in the United Kingdom.
<p>Key Environmental Conditions (factors that maintain site integrity)</p>	<ul style="list-style-type: none"> Relatively unpolluted water (approx. neutral pH). Absence of nutrient enrichment. Control of non-native species. Maintenance of hydrological regime. Low recreational disturbance.
<p>Site Vulnerabilities</p>	<p>Anisus vorticulus is a species of the upper water levels of ditches, frequently amidst botanically-rich vascular plant assemblages in a mid to upper mid successional state. It favours alkaline waters although it appears tolerant of a relatively wide range of physio-chemical parameters. Appropriate ditch management is the key to the conservation of this species. Control of shade-inducing marginal vegetation is also important, as is maintaining access to the water's edge for livestock. It is also important to ensure good water quality by instigating the appropriate safeguards. This is being implemented through good environmental management, Catchment Sensitive Farming, Environmental Stewardship and Environment Agency's review of existing discharge and abstraction consents. A Water Level Management Plan, devised and managed by Environment Agency, is in place to control ditch levels. Environmental Stewardship schemes continue to encourage sensitive management, particularly of the ditches to address problems brought about by neglect.</p>

<p>Site</p>	<p>Lewes Downs SAC</p>  <p>The map shows the Lewes Downs Special Area of Conservation (SAC) highlighted in pink. The area is located near Lewes, East Sussex. The map includes a scale bar (0 to 2000 meters), a north arrow, and a legend indicating 'Special Area of Conservation'. The map also shows various roads, rivers, and other geographical features in the surrounding area.</p>
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<p>Qualifying Interests</p>	<p>Special Area of Conservation</p> <p><u>Annex I habitats that are a primary reason for selection of this site:</u></p> <p>6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)</p> <p>This site hosts the priority habitat type "orchid rich sites". This chalk grassland site consists largely of CG2 <i>Festuca ovina-Avenula pratensis</i> and CG3 <i>Bromus erectus</i> calcareous grasslands. This site contains an important assemblage of rare and scarce orchids, including early spider-orchid <i>Ophrys sphegodes</i>, burnt orchid <i>Orchis ustulata</i> and musk orchid <i>Herminium monorchis</i>. The colony of burnt orchid is one of the largest in the UK.</p> <p><u>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:</u></p> <p>Not applicable.</p> <p><u>Annex II species that are a primary reason for selection of this site:</u></p> <p>Not applicable.</p> <p><u>Annex II species present as a qualifying feature, but not a primary reason for site selection:</u></p> <p>Not applicable.</p>
<p>Site Characteristics</p>	<p>Soil & geology: Basic, Nutrient-poor, Sedimentary</p> <p>Geomorphology & landscape: Lowland, Slope, Valley</p>
<p>Quality and Importance</p>	<p>Semi-natural dry grasslands and scrubland facies: on calcareous substrates (Festuco-Brometalia)</p> <ul style="list-style-type: none"> • for which this is considered to be one of the best areas in the United Kingdom. • which is considered to be the priority sub-type: "important orchid sites".
<p>Key Environmental Conditions (factors that maintain site integrity)</p>	<ul style="list-style-type: none"> • Minimal air pollution. • Maintenance of Grazing. • Absence of direct fertilisation. • Low recreational pressure. • Absence of leaching and spray-drift of chemicals from bordering arable land.
<p>Site Vulnerabilities</p>	<p>The grassland habitats depend upon grazing by sheep and cattle to conserve and enhance plant (and associated animal) species diversity, particularly of the rarer chalk grassland species. Encroachment by scrub is prevented by cutting and by grazing animals. The site is an NNR managed by the landowner under a management agreement. Where arable land meets the SSSI boundary, leaching and spray-drift are potential threats.</p>

Sources: Natural England, Joint Nature Conservation Committee

Appendix 2 - Review of the Employment Land Local Plan and likely impacts and the policy screening

Policy	Description of Policy	Description of Likely Effect	Potential Effect?
Policy EL1: Economy & Employment Land	Supports job growth and economic development by identifying broad locations for development, supporting development that provides for small and start-up businesses, and encouraging development that supports local jobs.	This policy does not allocate sites for development and is a general policy statement that supports certain types of development (i.e. smaller units for small and start-up businesses). It is not considered that this will have a likely effect on European designated sites.	No - The policy will have no effect because development is dependent on implementation of lower tier policies.
Policy EL2: Industrial Estates	Identifies the existing industrial estates as locations to provide 20,000sqm of industrial and warehouse floorspace through intensification and redevelopment of existing sites. Also, protects existing B use sites from redevelopment to other uses	<p>The existing Industrial Estates are located in the central areas of the town, the closest being approximately 3.5km from the Pevensy Levels.</p> <p>Some of the industrial estates lie adjacent to Eastbourne Park, which is Coastal & Floodplain Grazing Marsh and is a key component in the habitat network and an amenity for the town. Although the sites are close to watercourses that link to the Pevensy Levels, it is not considered that the redevelopment of sites within existing industrial estates will have a significant additional effect on the quality of watercourses. In addition, mitigation measures through existing local plan policies will prevent water quality issues in Eastbourne Park.</p>	No - The policy concentrates development in existing urban areas, steering development away from European sites and sensitive areas. In addition, the policy proposed redevelopment of sites and the potential effect on local watercourses that drain into the Pevensy Levels can be mitigated through source control systems and SUDS (required by Borough Plan Policy US4).

Policy	Description of Policy	Description of Likely Effect	Potential Effect?
Policy EL3: Town Centre	Identifies the Town Centre as needing to provide 3,000sqm of office floorspace.	<p>The Pevensey Levels are located approximately 6.3km from the Town Centre. The sites are separated by a significant amount of development and urban area. In addition, the identified sites are within the existing urban area.</p> <p>The sites in the Town Centre have no connection to Eastbourne Park or watercourses that are likely to affect European designated sites.</p>	No - The policy concentrates development in existing urban areas, steering development away from European sites and sensitive areas. In addition, the development is a significant distance away from the Pevensey Levels.
Policy EL4: Sovereign Harbour	<p>Allocates land at Sovereign Harbour for 20,000sqm of office and light industrial floorspace.</p> <p>The principle of employment development has already been established through an outline application for development at Sovereign Harbour (planning ref: 131002).</p>	<p>The Pevensey Levels are located approximately 3km from the Sovereign Harbour sites. The sites are within the existing urban area and are separated by established residential and infrastructure development. Pedestrian and car development is some distance from the allocations.</p> <p>The consultation response from Natural England on the outline application at Sovereign Harbour states that: 'Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes'.</p>	No - The policy concentrates development in existing urban areas, steering development away from European sites and sensitive areas. In addition, Natural England have confirmed through consultation on the planning application that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Appendix 3 - Review of other relevant plans

Local Plan	Aim of the Document	Elements of the plan that could cause 'in-combination' effects
Wealden Core Strategy Local Plan (2013)	The Wealden Core Strategy is the key policy document which sets out how the places and communities within Wealden will change up until 2027.	The Wealden Core Strategy plans for 9,440 dwellings and 128,695sqm of employment floorspace over the period 2006-2027. This includes approximately 4,900 dwellings and 25,500sqm of employment space in the South Wealden area.
Wealden Strategic Sites Local Plan (Submission Version) (2014)	The Strategic Sites Local Plan allocates the land required to deliver the eleven Strategic Development Areas identified in the Wealden Core Strategy and provides the necessary policies to achieve sustainable development, in conformity with the Core Strategy.	Land at Dittons Road, Polegate has been allocated to deliver 8,290 square metres of B1, B2 and B8 employment floor space, and Land at Stone Cross has been allocated to deliver 612 new net dwellings. Both locations are within the Pevensey Levels Catchment Area.
Rother Core Strategy (2014)	The Rother Core Strategy sets out the Council's vision and objectives that will guide the future pattern and form of development over the period up until 2028. It provides broad guidance on the scale and distribution of development and the provision of supporting infrastructure, both for the district as a whole and for its towns and rural areas.	The Rother Core Strategy plans for 5,700 dwellings and 100,000 sqm of business floorspace. It identifies broad locations of further development east of Bexhill and north of Bexhill, including 3,100 dwellings and 60,000sqm of employment space.
Lewes Core Strategy (Submission version) (2014)	The Lewes Core Strategy will (once adopted) guide new development and change in the district for the period up to 2030.	The Lewes Core Strategy plans for 4,500 dwellings and 74,000sqm of employment space between 2010 and 2030.

Habitat Regulation Assessment	Aim of the Document	Summary of HRA findings
<p>Appropriate Assessment and Air Quality Local to the Pevensey Levels Ramsar Site: A Report to Support the Appropriate Assessment for Rother, Wealden, Hastings and Eastbourne Core Strategies (2009)</p>	<p>Presents the Appropriate Assessment section of the Habitat Regulations Assessments for Rother, Hastings, Eastbourne and Wealden as it applies to air quality impacts on the Pevensey Levels Ramsar site. It address the issue of local air quality within the Pevensey Levels Ramsar site, particularly within 200m of the A259 which traverses the Levels, and the adverse changes that may occur as a result of the increase in the vehicle fleet associated with the delivery of 25,600 dwellings across the districts and boroughs to 2026.</p>	<p>The Report concluded that it is unlikely that development to be delivered across the four districts will, even when considered 'in combination' with each-other and the other contributors to a predicted increase in vehicle movements on the A259 result in exceedance of the critical level or critical load for the Pevensey Levels Ramsar site, particularly when one considers the increase vehicle flows within the context of current national predictions that exhaust emissions are likely to improve over the plan period. No measures to either avoid or mitigate effects will therefore be required because the predicted increase in traffic is unlikely to cause either NOx concentrations or rates of nitrogen deposition to exceed the critical level or critical load.</p> <p>Natural England were consulted on the report and commented that they: <i>'would concur with the conclusion that while there is likely to be an increase in nitrogen deposition and NOx concentrations these will still be below the Critical Levels applicable to Pevensey Levels and therefore there is unlikely to be a significant effect on the Ramsar site from the proposed levels of housing from these pollutants'</i>.</p>
<p>Wealden Strategic Sites Habitat Regulation Assessment (2014)</p>	<p>The report presents the Habitats Regulations Assessment of the Proposed Submission Strategic Sites Local Plan. The assessment cumulatively built on the HRA for the Core Strategy Local Plan and identified and analysed effects on the ecological integrity of</p>	<p>Through the HRA process a number of avoidance and mitigation measures have been recommended for each of the allocations where a significant effect was deemed likely as a result of the plan. Subject to the implementation of avoidance and mitigation measures, it can be concluded that the Proposed</p>

Habitat Regulation Assessment	Aim of the Document	Summary of HRA findings
	European and Internationally designated sites.	Submission Strategic Sites Local Plan will not result in an adverse effect on any European or International site, either alone or in combination with other projects or plans.
Lewes Core Strategy Habitat Regulation Assessment (2013)	This report presents three separate stages of the Habitat Regulations Assessment of the Lewes District Core Strategy, including the findings of the first stage of the Habitats Regulations assessment which were published in the 'Appropriate Assessment Screening Opinion' report in early 2011.	The Habitat Regulations Assessment, produced to accompany the Core Strategy, shows that there will be no significant adverse effect on any of the protected sites as a result of implementing the plan.

Appendix 4 - The consideration of potential likely impacts and consideration of in-combination effects

Pevensey Levels SAC/Ramsar

Key Environmental Conditions	Potential Impacts from Employment Land Local Plan	Risk of Significant Effect?	Potential Impacts – other Plans and Programmes	Risk from 'In Combination' Effects?
<ul style="list-style-type: none"> • Relatively unpolluted water (approx. neutral pH). • Absence of nutrient enrichment. • Control of non-native species. • Maintenance of hydrological regime. • Low recreational disturbance. 	<p>The redevelopment and intensification of sites within the existing industrial estates, some of which are located adjacent to Eastbourne Park, could potentially impact on the watercourses in Eastbourne Park that eventually feed the Pevensey Levels. This could potentially impact on relative pollution of water, nutrient enrichment and the hydrological regime.</p>	<p>No – the development sites are on previously developed sites in the existing built up area. Subject to the provision of avoidance and mitigation measures it is considered that the intensification of sites within existing industrial estates will not result in a significant effect on the Pevensey Levels. These mitigation measures are referenced by other plan policies that require flood and surface water mitigation, which will reduce the run-off into the watercourses.</p>	<p>This site is potentially subject to impact from other plans and programmes from development in Wealden and Rother, however this has already been tested and the amount of employment development proposed in the ELLP is less than currently in the Core Strategy.</p>	<p>It is not considered that there is a risk from 'In-combination' effects.</p> <p>The impact of other plans and programmes was assessed through the Appropriate Assessment of the Eastbourne, Wealden and Rother Core Strategies in 2009. The report concluded that <i>'even when considered 'in combination' with each-other and the other contributors to a predicted increase in vehicle movements on the A259 result in exceedance of the critical level or critical load for the Pevensey Levels Ramsar site, particularly when one considers the</i></p>
	<p>There is the potential for increased traffic on the A259 as a result of</p>	<p>No – the potential impact is not significant as it has already been assessed in</p>		

Key Environmental Conditions	Potential Impacts from Employment Land Local Plan	Risk of Significant Effect?	Potential Impacts – other Plans and Programmes	Risk from 'In Combination' Effects?
	<p>increased employment opportunities in Eastbourne. This could potentially impact on relative pollution of water, and nutrient enrichment. However, the quantum of employment development in the ELLP is less than that proposed in the Eastbourne Core Strategy Local Plan, which is the current adopted policy. Therefore, the potential impact is likely to be less than the current adopted policy.</p>	<p>the Appropriate Assessment for the Core Strategy (2009), and the ELLP proposes less development. Therefore there is no risk of significant effect</p>		<p><i>increase vehicle flows within the context of current national predictions that exhaust emissions are likely to improve over the plan period'.</i></p>
<p>It is not considered that the Employment Land Local Plan would have any impact on control of non-native species or recreational disturbance.</p>				

Lewes Downs SAC

Key Environmental Conditions	Potential Impacts from Employment Land Local Plan	Risk of Significant Effect?	Potential Impacts – other Plans and Programmes	Risk from 'In Combination' Effects?
<ul style="list-style-type: none"> • Minimal air pollution. • Maintenance of Grazing. • Absence of direct fertilisation. • Low recreational pressure. • Absence of leaching and spray-drift of chemicals from bordering arable land. 	<p>It is considered that the only potential impact might be that employment space in Eastbourne might attract more businesses and workers from other areas. This might mean that there is a slight increase in the amount of traffic travelling along the A27, which is in close proximity to the site. An increase in traffic may result in increased air pollution.</p>	<p>No – it is unlikely that there will be any significant effect caused by the ELLP due to the distance of Lewes Downs SAC from Eastbourne.</p>	<p>This site is potentially subject to impact from other plans and programmes, but it is considered that at 13.5km it is too far away from Eastbourne for the ELLP to have an in-combination effect.</p>	<p>No. Effects arising from other plans should be assessed in their own right.</p>
<p>It is not considered that the Employment Land Local Plan would impact upon grazing, fertilisation or recreational pressure</p>				