



**Lewes District Council**

**Lewes District Council**

**Chailey Neighbourhood Plan**

**Habitat Regulations Assessment Screening Opinion**

July 2020

# 1. Introduction

- 1.1 It is acknowledged that some of Europe's natural habitats are deteriorating and, as a result, a number of wild species are becoming seriously threatened. The effect is partly due to development.
- 1.2 The Conservation of Habitats and Species Regulations 2017<sup>1</sup> (as amended) are the principal means by which Council Directive 92/43/EEC<sup>2</sup> on the conservation of natural habitats of wild fauna and flora (the "Habitats Directive") is transposed in England and Wales and the adjacent territorial seas. The 2017 Regulations transpose the Habitats Directive and elements of the Birds Directive in England, Wales and, to a limited extent, Scotland and Northern Ireland and consolidates the 2010 Regulations and its amendments. In addition, following the UK's exit from the EU, the 2017 Regulations, make necessary operability changes in the light of the UK's exit from the EU easier to understand.
- 1.3 The objective of the Habitats Directive is to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora. The Directive lays down rules for the protection, management and exploitation of such habitats and species.
- 1.4 As a result, all plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration – typically referred to as the 'Habitats Regulations Assessment (HRA) screening' – should take into account the potential effects both of the plan/project itself and in combination with other plans or projects.
- 1.5 The HRA screening determines whether a plan or project will result in 'likely significant effects' on sites protected by European Law, 'habitats sites'<sup>3</sup>.
- 1.6 If likely significant effects are identified if a plan or project were to be implemented, Appropriate Assessment must be carried out to ensure protection of the integrity of habitats sites is a part of the planning process.
- 1.7 This report presents the findings of the screening stage of the HRA process, examining whether or not the emerging Chailey Neighbourhood Plan (CNP) is likely to have a significant effect on any protected sites.
- 1.8 This screening report should be read alongside the following Lewes District Council Habitat Regulations Assessment documents:
  - Habitat Regulations Assessment (and Neighbourhood Plans) LPP2, August 2018<sup>4</sup>

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<sup>1</sup> <http://www.legislation.gov.uk/ukxi/2017/1012/contents/made>

<sup>2</sup> [https://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](https://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)

<sup>3</sup> European Sites and European Offshore Marine Sites identified under the Regulations are referred to as 'habitats sites' in the National Planning Policy Framework. This terminology is used in this report also.

<sup>4</sup> <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/275546.pdf>

- Habitat Regulations Assessment Report, January 2013<sup>5</sup>
- HRA Addendum, July 2015<sup>6</sup>
- HRA Lewes Local Plan Part 2 with JCS<sup>7</sup> Addendum, October 2017<sup>8</sup>
- HRA Ashdown Forest Air Quality Addendum, April 2018<sup>9</sup>

1.9 This report has been prepared by officers at Lewes District Council in order to ensure that the CNP meets the basic conditions as prescribed by the Neighbourhood Planning Regulations and related legislation and to meet the requirements of European Directives.

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<sup>5</sup> <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/257033.pdf>

<sup>6</sup> <https://www.lewes-eastbourne.gov.uk/planning-policy/habitats-regulations/?assetdet308f0458-da61-4447-8a69-67817005661e=264980&p=1>

<sup>7</sup> Where the 'JCS' is mentioned, this is an abbreviation historically used for the 'Lewes District Local Plan Part 1: Joint Core Strategy', which has more recently become known as the 'LPP1'.

<sup>8</sup> <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/262298.pdf>

<sup>9</sup> <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/269549.pdf>

## **2. Process**

- 2.1 The Ministry for Housing, Communities and Local Government (MHCLG) updated its guidance on the HRA process and Appropriate Assessment in July 2019. However, it does not set out specific requirements for the whole HRA process. Nevertheless, it makes clear that HRA should be carried out in accordance with the Regulations and where likely significant effects are identified, a competent authority should carry out Appropriate Assessment. As part of that Appropriate Assessment, consultation should be undertaken with Natural England and the public, if necessary.
- 2.2 This document relates to the first stage of the HRA process – the screening stage – and as such seeks to present the Council’s opinion on whether likely significant effects will occur as a result of the implementation of the CNP.

### **Screening for likely significant effects**

- 2.3 The initial stage of the HRA is to assess whether a plan is likely to have a significant negative effect on a habitats site; this is known as screening. This screening process determines whether it is necessary to carry out the subsequent stages of HRA.
- 2.4 If the screening assessment demonstrates that there will not be any likely significant effect on a habitats site from the consequences of a plan, then carrying on with the HRA is deemed unnecessary and thus, the habitats site can be screened out from the rest of the process. Conversely, if it is found that a plan is likely to cause a significant effect on a habitats site, the site would not be able to be screened out and would have to undergo the further stages.
- 2.5 Other plans and strategies that could have an impact on habitats sites ‘in combination’ with the plan under preparation, also have to be taken into account during the screening stage. As an example, it may be assessed that there would be no significant effect caused by an individual plan on a particular habitats site, but when considering it with a number of other plans and strategies, the cumulative outcome could be assessed to cause a likely significant effect. In this case, the habitats site impacted upon could not be screened out of the further stages of HRA.
- 2.6 In April 2018, the Court of Justice of the European Union delivered its judgment in Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta (‘People over Wind’). The judgment clarified that when making screening decisions for the purposes of deciding whether an appropriate assessment is required, competent authorities cannot take into account any mitigation measures. As a result, a competent authority may only take account of mitigation measures intended to avoid or reduce the harmful effects of a plan or project as part of an appropriate assessment itself. This is a departure from the approach established by domestic case law, which had permitted mitigation measures to be taken into account at the screening stage.
- 2.7 Importantly, the HRA process is underpinned by the ‘precautionary principle’, especially in the assessment of potential impacts and their resolution. Therefore if it is not possible to rule out a risk of harm to a habitats site, based on the evidence available, it is

assumed a risk may exist. As a result, it would mean that such a site could not be 'screened out' at the initial stage of the process and the plan/project could not be excluded from Appropriate Assessment.

- 2.8 However, if no likely significant effects on habitats sites are identified, when considering the plan/project in isolation and in combination with other plans/projects, if no mitigation measures have been included in the screening process and if all likely significant effects of a plan/project on a habitats site can be ruled out (meaning the precautionary principle does not need to be adopted), the plan/project can be excluded from requiring Appropriate Assessment and further stages of the HRA.

### 3. The Habitats Sites

- 3.1 There are three types of protected sites that a HRA must consider. These are:
- Special Areas of Conservation (SACs) – sites designated for flora, fauna and habitats of community interest under powers derived from the Habitats Directive; and
  - Special Protection Areas (SPAs) – sites designated to conserve the habitat of protected wild birds to ensure their survival and reproduction in their area of distribution under powers derived from Directive 2009/147/EC on the conservation of wild birds<sup>10</sup> (the Birds Directive).
  - Ramsar Sites – wetland sites of international importance, designated under the Ramsar Convention
- 3.2 The HRA for the Lewes Local Plan Part 1 (LPP1) considered habitats sites, both within and outside of the district, which could be affected by development in the district. These were:
- Castle Hill SAC
  - Lewes Downs SAC
  - Ashdown Forest SAC and SPA
  - Pevensey Levels Ramsar Site and (at the time of the assessment, candidate) SAC

The designated Chailey Neighbourhood Area covers a far smaller geographical area than the LPP1, which covers the entire Lewes District.

- 3.3 Measured from the closest part of the habitats site to the nearest part of the Chailey Parish/Neighbourhood Area boundary the proximity of the Neighbourhood Area to the habitats sites are as follows:
- Lewes Downs SAC, approx. 5.3km in Lewes District
  - Ashdown Forest SPA, 5.4km in adjacent Wealden District
  - Ashdown Forest SAC, approx. 5.9km in adjacent Wealden District
  - Castle Hill SAC, approx. 8.1km in Lewes District
  - Pevensey Levels Ramsar and SAC, approx. 20.6km in Wealden District

As such, it is only considered appropriate to carry out the screening for likely significant effects for these sites.

- 3.4 When assessing whether the CNP would cause a likely significant effect on the protected sites, the above reasons for selection/classification/designation of the sites will be considered.

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<sup>10</sup> This directive replaced Council Directive 79/409/EEC on the same subject.

## Lewes Downs SAC

3.5 The Lewes Downs was selected as a SAC because the habitat it provides is semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia), an important orchid site<sup>11</sup>:

- 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. This site 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

Relevant environmental factors include<sup>12</sup>:

- Suitable grazing regime
- Low nutrient inputs and no direct fertilisation
- Low recreational pressure
- An absence of leaching and spray-drift of chemicals from surrounding arable land

## Ashdown Forest SAC and SPA

3.6 The Ashdown Forest site was classified as a SPA in March 1996 because it supports bird populations of European importance which are listed on Annex I of the Directive:

- Dartford Warbler *Sylvia undata*, 29 pairs representing at least 1.8% of the breeding population in Great Britain (count as at 1994); Nightjar *Caprimulgus europaeus*, 35 pairs representing at least 1.0% of the breeding population in Great Britain (two year mean, 1991 & 1992)<sup>13</sup>.

3.7 The Ashdown Forest site was selected as a SAC because of the two types of habitats it provides (see below<sup>14</sup>). Another qualifying feature was the presence of the Great crested newt *Triturus cristatus*.

- Northern Atlantic wet heaths with *Erica tetralix* - Ashdown Forest contains one of the largest single continuous blocks of lowland heath in south-east England, with both 4030 European dry heaths and, in a larger proportion, wet heath. The M16 *Erica tetralix* – *Sphagnum compactum* wet heath element provides suitable conditions for several species of bog-mosses *Sphagnum spp.*, bog asphodel *Narthecium ossifragum*, deergrass *Trichophorum cespitosum*, common cotton-grass *Eriophorum angustifolium*, marsh gentian *Gentiana pneumonanthe* and marsh clubmoss *Lycopodiella inundata*. The site supports important assemblages of beetles, dragonflies, damselflies and butterflies, including the nationally rare silver-studded blue *Plebejus argus*, and birds of European importance, such as

<sup>11</sup> Taken from the summary provided on the Joint Nature Conservation Committee's (JNCC's) website: <https://sac.jncc.gov.uk/site/UK0012832>

<sup>12</sup> Taken from the AECOM report/2018 Addendum: [https://www.lewes-eastbourne.gov.uk/\\_resources/assets/inline/full/0/275546.pdf](https://www.lewes-eastbourne.gov.uk/_resources/assets/inline/full/0/275546.pdf)

<sup>13</sup> As detailed on the Ashdown Forest website: <https://www.ashdownforest.org/governance/statutory/spa.php>

<sup>14</sup> Summary provided on the Joint Nature Conservation Committee's (JNCC's) website: <https://sac.jncc.gov.uk/site/UK0030080>

European nightjar *Caprimulgus europaeus*, Dartford warbler *Sylvia undata* and Eurasian hobby *Falco subbuteo*.

- European dry heaths - The dry heath in Ashdown Forest is an extensive example of the south-eastern H2 *Calluna vulgaris* – *Ulex minor* community. This vegetation type is dominated by heather *Calluna vulgaris*, bell heather *Erica cinerea* and dwarf gorse *Ulex minor*, with transitions to other habitats. It supports important lichen assemblages, including species such as *Pycnothelia papillaria*. This site supports the most inland remaining population of hairy greenweed *Genista pilosa* in Britain.

Relevant environmental factors include<sup>15</sup>:

- Good air quality
- Good water quality
- Appropriate grazing regime
- Appropriate hydrological regime
- Low recreational pressure
- Suitable foraging habitat for great crested newts within 500m of breeding ponds
- Retaining habitat connectivity for great crested newts
- Ponds with sufficient water supply to ensure they are wet from February to August (at least once in three years).

## Castle Hill SAC

3.8 The Castle Hill site was selected as a SAC because the habitat it provides is semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia), an important orchid site. A further qualifying feature was the presence of the Early gentian *Gentianella anglica*<sup>16</sup>:

- This site hosts the priority habitat type "orchid rich sites". This chalk grassland consists of a mosaic of calcareous semi-natural dry grasslands, notably CG2 *Festuca ovina* – *Avenula pratensis* grassland, CG3 *Bromus erectus* grassland and CG4 *Brachypodium pinnatum* grassland. Castle Hill's important assemblage of rare and scarce species includes early spider-orchid *Ophrys sphegodes* and burnt orchid *Orchis ustulata*. The colony of early spider-orchid is one of the largest in the UK.

Relevant environmental factors include<sup>17</sup>:

- Low levels of recreational pressure
- Low nutrient inputs and no direct fertilisation
- Appropriate grazing regime
- An absence of leaching and spray-drift of chemicals from surrounding arable land

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<sup>15</sup> Taken from the AECOM report/2018 Addendum: <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/275546.pdf>

<sup>16</sup> Summary provided on the Joint Nature Conservation Committee's (JNCC's) website: <https://sac.jncc.gov.uk/site/UK0012832>

<sup>17</sup> Taken from the AECOM report/2018 Addendum: <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/275546.pdf>



## Pevensey Levels Ramsar Site and SAC

3.9 The Pevensey Levels site was designated as a Ramsar site as it met certain relevant criteria (criteria 2 & 3) consistent with wetlands of international importance designated under the Ramsar Convention.

- Pevensey Levels is one of the largest and least-fragmented lowland wet grassland systems in southeast England. The low-lying grazing meadows are intersected by a complex system of ditches which support a variety of important wetland communities, including nationally rare and scarce aquatic plants and invertebrates. The site also supports a notable assemblage of breeding and wintering wildfowl. A small area of shingle and intertidal muds and sands is included within the site
- The site supports an outstanding assemblage of wetland plants and invertebrates including many British Red Data Book species.
- 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<sup>18</sup>.

3.10 The Pevensey Levels site was selected as a SAC due to the presence of a particular species, the Ramshorn snail *Anisus vorticulus*

- *Anisus vorticulus* occurs across a range of sites in southern and eastern England. 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<sup>19</sup>

Relevant environmental factors include<sup>20</sup>:

- Good water quality
- Low direct nutrient enrichment, particularly from fluvial sources
- Management of non-native species
- An appropriate hydrological regime
- Low recreational pressure

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<sup>18</sup> Summary provided on the Information Sheet on Ramsar Wetlands (RIS) accessed via the JNCC's website: <https://jncc.gov.uk/jncc-assets/RIS/UK11053.pdf>

<sup>19</sup> Summary provided on the Joint Nature Conservation Committee's (JNCC's) website: <https://sac.jncc.gov.uk/site/UK0030367>

<sup>20</sup> Taken from the AECOM report/2018 Addendum: <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/275546.pdf>

## 4. Screening the Habitats Sites

- 4.1 When producing a neighbourhood plan, one of the basic conditions is for it to be in general conformity with the strategic policies of the development plan. The adopted strategic policies for the District are contained within the Lewes District Local Plan Part 1: Joint Core Strategy 2016 (LPP1)<sup>21</sup>. The Chailey NP has also been prepared having regard to the policies in the Local Plan Part 2: Site Allocations and Development Plan Policies 2020 (LPP2), which contains housing allocations for the Parish of Chailey.

### HRA on the Lewes District Local Plan Part 1: Joint Core Strategy and Local Plan Part 2: Site Allocations and Development Management Policies

- 4.2 When undertaking the screening assessment for the CNP, consideration is given to the findings of the HRA on the LPP1 and the HRA on the LPP2.
- 4.3 The LPP1 HRA Report January 2013 and subsequent addendums assessed the HRA implications of development across the District, including Chailey Parish. This figure not only took account of planned levels of development through the LPP1 and subsequent LPP2, but also of completions and commitments (all proposals for development that are subject of a current full or outline planning permission or are unimplemented allocations in an existing Local Plan).
- 4.4 The subsequent HRA on the LPP2 also thoroughly examined the LPP1 HRA in relation to the LPP2 and Neighbourhood Plans for the District, 'made' and emerging.
- 4.5 With regards to the Lewes Downs SAC, the LPP1 and LPP2 HRAs found that **“The Joint Core Strategy HRA undertook air quality calculations (including consideration in combination with other projects and plans). This concluded no adverse effect upon the integrity on Lewes Downs SAC would result alone or ‘in combination’ with other projects and plans, a conclusion that has also been reached in 2017 in the HRA of the South Downs Local Plan using updated calculations. As such Lewes Downs SAC can be screened out from further consideration in this HRA and is not discussed further”**<sup>22</sup>.
- 4.6 In 2018, HRA work was done specifically on the potential air quality impact resulting from the implementation of the quantum of development in the LPP1 on the Ashdown Forest as the LPP2 and Neighbourhood Plans were/are consistent with the levels of planned development in the LPP1, HRA Ashdown Forest Air Quality Addendum, April 2018<sup>23</sup>. This work concluded that, **“...no adverse effect upon the integrity of Ashdown Forest SAC is expected to result from development provided by the South Downs Local Plan/Lewes JCS, even in combination with other plans and projects. This is due to a combination of a) an expected net improvement in air**

<sup>21</sup> Where the 'JCS' is mentioned, this is an abbreviation historically used for the 'Lewes District Local Plan Part 1: Joint Core Strategy', which has more recently become known as the 'LPP1'.

<sup>22</sup> Taken from the AECOM report/2018 Addendum: <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/275546.pdf>

<sup>23</sup> <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/269549.pdf>

quality over the Local Plan period, b) the fact that, whether or not that improvement occurs to the extent forecast, the contribution of the South Downs Local Plan/Lewes JCS to changes in roadside air quality is demonstrably ecologically negligible due to the very small magnitude and c) the precautionary nature of the modelling”<sup>24</sup>. In addition, the LPP2 and LPP1 both contain sustainability policies, as does the Chailey NP to an extent, none of which have been factored into the traffic/air quality calculations for the 2018 work. Aspects of these policies have potential to reduce the need for journeys to work by private vehicle towards Ashdown Forest, thereby further reducing the already small contribution to increased vehicle movements on the A26 that is forecast to arise from the LPP1, LPP2 and Neighbourhood Plans.

- 4.7 With regards to the Ashdown Forest SAC and SPA, **“The Joint Core Strategy HRA and a later Addendum undertook an ‘in combination’ assessment of Ashdown Forest SPA and SAC. This concluded that there would be no adverse effect on the integrity of the designated site due to growth in Lewes ‘in combination’ with that in other authorities, with the exception of ‘in combination’ impacts resulting from increased recreational pressure. In response to this conclusion, Lewes Joint Core Strategy (JCS) policy was worded to include strategic recreational mitigation”**<sup>25</sup>.
- 4.8 The HRA work on the LPP2 and Neighbourhood Plans summarised that, **“...the only impact pathway that requires consideration in the LPP2 HRA is recreational pressure upon Ashdown Forest SPA and SAC as this is the only impact pathway for which a conclusion of no likely significant effect or no adverse effect on integrity could not be reached for the growth in the Joint Core Strategy without mitigation”**. As a result, the LPP2 HRA includes a settlement-by-settlement and, where required, a site-by-site appraisal for the sites under consideration.
- 4.9 The LPP1 allocates no specific sites within the Parish of Chailey, but it does set out provision of a minimum of 40 dwellings. The LPP2 allocates sites in Chailey Parish and these were assessed for likely significant effects in the LPP2 HRA work (two sites in North Chailey and one site in South Chailey). Including site allocations set out within the LPP2 and one commitment, a total of 40 net additional dwellings are to be provided. The HRA states that there would be, **“No HRA implications. The closest of the two site allocations provided within North [and South] Chailey to Ashdown Forest SPA and SAC is CH/01 – Glendene, Station Road which is located 7.8 km from the designated sites. CH/02 – Layden Hall, East Grinstead Road is located 8.3 km from the designated site. Due to the distances involved there are no considered to be no likely significant effects.”**
- 4.10 The HRA work also identified that for adjoining Newick Parish, there could be an ‘in combination’ likely significant effect in the absence of mitigation as the settlement of Newick is located within 7 km of Ashdown Forest SPA and SAC. A 7km buffer zone for

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<sup>24</sup> Taken from the AECOM report/2018 Addendum: <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/269549.pdf>

<sup>25</sup> Taken from the AECOM report/2018 Addendum: <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/275546.pdf>

recreational pressure, **“has been specifically set to capture the ‘in combination’ contribution of housing growth in Lewes District to recreational pressure on Ashdown Forest SAC/SPA, as the role of Lewes District in isolation would be negligible”**<sup>26</sup>. The residential development allocated within the LPP2 – including the sites allocated in Chailey - are all located more than 7 km from the Ashdown Forest SAC and SPA as are sites allocated in Neighbourhood Plans in Lewes District, except for those within Newick. Potential windfall development within Lewes District that falls within the 7 km buffer zone could therefore result in a likely significant effect ‘in combination’ with other housing growth elsewhere within or close to 7km of the SAC/SPA. Since development within, or close to, 7km of the SAC/SPA requires mitigation to address recreational pressure effects ‘in combination’, this is the subject of the appropriate assessment carried out for the LPP2.

- 4.11 Policy DM24 of the LPP2 requires specific protection for the Ashdown Forest SAC/SPA by requiring all net new housing within the 7km buffer zone of the SAC/SPA to contribute to mitigation through management and monitoring of SANG. The SANG on which this development relies has already been delivered. As such it was concluded that there would be no adverse effects on the integrity of any European site due to growth in the LPP2, either alone or in combination with other plans and projects.
- 4.12 With regards to the Castle Hill SAC, the HRA work for the LPP2 concluded that **“The Joint Core Strategy HRA scoped out any potential likely significant effects upon Castle Hill SAC due to an absence of impact pathways, as has the Brighton & Hove Local Plan Part 2 HRA, more recently. As such it can be scoped out from further consideration and is not discussed further.”**<sup>27</sup>
- 4.13 With regards to the Pevensey Levels SAC and Ramsar site, the HRA work supporting the LPP2 states **“Lewes’ Joint Core Strategy HRA concluded no likely significant effects as a result of development from Lewes District alone or in combination with other plans and projects”**.<sup>28</sup>

## The Screening Assessment.

- 4.14 The LPP1 and LPP2 HRAs have been an important consideration in coming to a conclusion. The LPP1 is the adopted strategic Plan for the District, containing within it the strategic policies with which Neighbourhood Plans must be prepared ‘in general conformity’ with. The LPP2 allocates sites in response to the level of residential development set by the LPP1. The accompanying HRA work and available evidence is considered robust and has been prepared in line with advice and assistance from statutory bodies (i.e. Natural England). No concerns in relation to the LPP1 HRA were raised by the Inspector during the Examination in Public Hearing Sessions or in his

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<sup>26</sup> Taken from the AECOM report/2018 Addendum: <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/275546.pdf>

<sup>27</sup> Taken from the AECOM report/2018 Addendum: <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/275546.pdf>

<sup>28</sup> Taken from the AECOM report/2018 Addendum: <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/275546.pdf>

Final Report<sup>29</sup> nor were issues identified by the Inspector during the LPP2 examination or in his Final Report<sup>30</sup>. Both Examinations concluded that all statutory and legal requirements had been met.

- 4.15 It is acknowledged that the development attributed to the LPP2 requires mitigation through Policy DM24. However, as this is not a mitigation measure put in place for the CNP specifically and as the LPP2 is a separate Plan.

## Conclusion

- 4.16 As the NP makes no provision or allocation for development of any sort beyond that which is already specified in LPP2, there are no CNP policies that would require mitigation. This screening exercise did not consider mitigation measures because none were necessary due to the lack of allocation or provision beyond that already specified in LPP2. There are therefore no CNP policies that would previously have been screened out on the basis of mitigation but now could not be. Consequently, the CNP still does not require any further consideration or assessment under the HRA beyond that covered by the HRA process for LPP2. The 'People Over Wind' judgement changes nothing with regard to the CNP's compliance with the Regulations; there are no significant likely effects that will affect any habitats site, and no proposals or policies involving mitigation which now would compel a fuller assessment.
- 4.17 Chailey Parish Council made the decision not to identify housing site allocations within its neighbourhood plan. Therefore, the District Council identified housing site allocations to contribute to meeting the requirement at in Chailey Parish (the designated Neighbourhood Area).
- 4.18 Once the CNP has gained sufficient weight, policies within it will form part of the determination process of future planning applications. However, the draft CNP does not allocate any development sites, residential or otherwise. The policies in the emerging CNP guide development in the Neighbourhood Area and some Local Green Spaces are identified. Its policies do not seek to exceed the quantum of development set by the LPP1, nor do they directly or indirectly seek to increase recreational pressure on the Ashdown Forest SAC and SPA. There are within the draft plan, policies which seek to protect the environment and landscape as a result of development, where possible.
- 4.19 The District Council has based its opinion on the understanding that the Parish Council has prepared a draft Neighbourhood Plan that seeks to meet the 'Basic Conditions'.
- 4.20 This Screening Opinion concludes that the Chailey NP in isolation or in combination with other plans/projects will not result in likely significant effects on habitats sites subject to protection under the Habitats Directive.

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<sup>29</sup> <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/257207.pdf>

<sup>30</sup> <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/285809.pdf>