

West Sussex County Council
The Conservation of Habitats and Species Regulations 2017 (as amended)
Habitats Regulations Assessment (HRA) Screening and Appropriate
Assessment

PLEASE NOTE: This screening/appropriate assessment relates only to potential impacts on the Arun Valley SAC/SPA/Ramsar sites and is for use in assessing development that will potentially result in additional demand for mains water from the Sussex North Water Supply Zone. It does not consider impacts on any other designated habitat sites, for which separate HRA screening may be required.

The Conservation of Habitats and Species Regulations 2017 (as amended) requires that HRA screening is carried out in relation to any plan or project which is likely to have a significant effect on Habitats (European) sites, either alone or in combination with other plans or projects.

The purpose of HRA screening (Stage 1) is to assess the need for Appropriate Assessment. Where an Appropriate Assessment is required (Stage 2), save for limited exemptions, a project may only be authorised after having ascertained that it will not adversely affect the integrity of the site(s) concerned.

It is the responsibility of West Sussex County Council, as Competent Authority in this case, to prepare a HRA report. However, it is the responsibility of the applicant to provide information to support this process.

Stage 1 HRA screening	
1. Brief description of the development project	Application reference: WSCC/002/24
	Application address: Brookhurst Wood Landfill Site, Langhurstwood Road, Horsham, West Sussex, RH12 4QD
	Application description: Construction and operation of a materials recycling facility, including offices and visitor centre, an anaerobic digestion plant, and extension to an existing landfill site, and ancillary infrastructure (Variation of Condition 2 of planning permission WSCC/067/19 for a 12-month extension to the end date to complete restoration of the landfill).
	Type of application: County Matter - Waste
	Planning officer: James Neave
2. Details of the development project	Proximity to Arun Valley SAC / SPA / Ramsar: Is the application site: A) Within the Sussex North Water Supply Zone (WSZ) YES
	B) Within the 5km Zone of Influence for functionally linked habitats for Arun Valley SPA / Ramsar site NO

	<p>C) If YES to question (A) or (B) is the planning application directly connected with or necessary to the management of the Arun Valley SAC/SPA/Ramsar site?</p> <p style="text-align: right;">NO</p>
<p>3. Brief description of the Habitats sites within scope of this assessment</p>	<p>Arun Valley SAC, SPA and Ramsar site supports rare and diverse plant, invertebrate and bird assemblages as qualifying features. It consists of low-lying grazing marsh, largely on alluvial soils, but with an area of peat derived from a relict raised bog. Variation in soils and water supply lead to a wide range of ecological conditions and hence a rich flora and fauna.</p> <p>Further details are provided in Appendix 1.</p>
<p>4. Key vulnerabilities / factors affecting site integrity</p>	<p>Supplementary advice on conserving and restoring site features for Arun Valley SAC/SPA sets a number of targets for the site in order that the integrity of the sites is maintained or restored as appropriate and ensure that the sites contribute to achieving the Favourable Conservation Status of the qualifying features.</p> <p>The targets cover hydrology and flow, water quantity, area depth and water quality. The hydrology of the river Arun is the major factor affecting these targets and this in turn is affected by the abstraction at Hardham for the supply of water. Continued or increased levels of groundwater abstraction at Hardham reduces water quantity in the Arun Valley sites and adversely affects water levels and flow within the sites (in combination with other plans and projects in the Sussex North WRZ).</p> <p>Without an alternative sustainable water supply or mitigation measures, the hydrology of the sites will be unable to maintain the types and extents of habitats required to maintain the Qualifying Features.</p>
<p>HRA Screening Assessment Criteria</p>	
<p>5. Are the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the Arun Valley SAC, SPA and Ramsar site?</p>	<p>From Natural England's position statement dated September 2021</p> <p>"The Sussex North Water Supply Zone supplies from a groundwater abstraction which cannot, with certainty, conclude no adverse effect on site integrity at the Arun Valley SAC, Arun Valley SPA and Arun Valley Ramsar site. As it cannot be concluded that the existing abstraction within the Sussex North Water Supply Zone is not having an impact on these designated sites, applications within this zone must not add to this impact. Any application with the potential to increase abstraction from this zone has the potential to have a significant effect on these designations and must progress to Stage 2 of the HRA process, Appropriate Assessment, at which point water neutrality must be demonstrated."</p> <p>Is the Arun Valley SAC / SPA / Ramsar potentially impacted by the planning application:</p>

	<p>NO - The proposed development cannot be evidenced to directly increase population or water consumption, either individually or cumulatively. There is, therefore, no clear evidence that the proposed development would add the impacts of the existing abstraction within the Sussex North Water Supply Zone, or any associated impacts upon the on the Arun Valley sites.</p>
<p>6. Test 1 the significance test: – The Applicant is 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 Arun Valley SPA/ SAC/Ramsar.</p>	<p>In line with the Court judgement (CJEU People Over Wind v Coillte Teoranta C-323/17), mitigation measures cannot be considered when carrying out a screening assessment to decide whether a development is likely to result in significant effects on a Habitats site. These are instead considered at the Appropriate Assessment stage.</p> <p>Taking no account of any measures intended to avoid or reduce harmful effects, will the application, alone or in combination, have a likely significant effect on the Arun Valley SAC, Arun Valley SPA and / or Arun Valley Ramsar site as a result of increased abstraction from the Sussex North Water Resource Supply Zone?</p> <p>NO</p> <p>EVIDENCE - Noting that an application made under S.73 of the Town and Country Planning Act for minor material amendments (including the variation or removal of conditions as sought here) creates a new planning permission, water neutrality must be considered as a new material planning consideration (i.e. it must be considered whether any new, varied development, would result in any increase in water consumption from the Arun Valley sites).</p> <p>In this regard, for S.73 applications, the baseline or fallback position for the site is of direct relevance.</p> <p>In this case, all pre-commencement conditions relating to the original development have been discharged, and the development has long since been implemented. Water usage resulting from the existing permitted development therefore forms an established baseline position.</p> <p>All landfilling with non-inert waste has been completed, with final restoration ongoing through the deposition and grading of inert waste/soils and seeding/planting (for which an extension in time to complete is sought). No changes to the restoration scheme already approved are sought, and thus the proposals would not result in any increase in mains water use over and above the established baseline water use.</p>
<p>7. Conclusion</p>	<p>HRA screening has concluded that without mitigation in place, it is possible to rule out likely significant effects. As the development will not affect any of the sensitive features/threats to the Arun Valley SAC/SPA/Ramsar site, the CPA considers that, without mitigation, the development is not likely to result in a 'likely significant effect' to Arun Valley SAC/SPA/Ramsar site. <u>Therefore, Appropriate Assessment is not required.</u></p>

West Sussex County Council concludes that, the project **will not** have a Likely Significant Effect on the designated features of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects.

Having prepared this HRA screening of the implications of the project for the Arun Valley SAC/ SPA /Ramsar site in view of those sites' conservation objectives, the authority **can** agree to the project under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Approved by:



Michael Elkington
Head of Planning Services
Date: 14 February 2024

Appendix 1 – details of Arun Valley SAC/SPA/Ramsar site

<p>Qualifying Features for SPA/SAC</p>	<p>Arun Valley SPA</p> <p>A037 Bewick's swan, <i>Cygnus columbianus bewickii</i> (non-breeding). During the time of site notification, the SPA supported 115 individuals representing at least 1.6% of the wintering population in Great Britain (5 year peak mean 1992/93 - 1996/97).</p> <p>During the non-breeding season, the SPA regularly supports an assemblage of waterfowl with the area regularly supporting 27,241 individual waterfowl (5 year peak mean for 1992/93 to 1996/97) including: Shoveler <i>Anas clypeata</i>, Teal <i>Anas crecca</i>, Wigeon <i>Anas penelope</i>, Bewick's Swan <i>Cygnus columbianus bewickii</i>.</p> <p>Arun Valley SAC</p> <p>4056 Little Whirlpool Ramshorn snail <i>Anisus vorticulus</i> <i>Anisus vorticulus</i> occurs across a range of sites in southern and eastern England. The Arun valley is one of the three main population centres for this species in the UK. This proposed site includes two of its core sites in the wash lands of the Arun floodplain (Pulborough Brooks and Amberley Wild Brooks SSSIs).</p>
<p>Qualifying Features for Ramsar</p>	<p>Arun Valley Ramsar</p> <p>Ramsar criterion 2</p> <p>The site holds seven wetland invertebrate species listed in the British Red Data Book as threatened. One of these, <i>Pseudamnicola confusa</i>, is considered to be endangered. The site also supports four nationally rare and four nationally scarce plant species</p> <p>Ramsar criterion 3</p> <p>In addition to the Red Data Book invertebrate and plant species, the ditches intersecting the site have a particularly diverse and rich flora. All five British duckweed (<i>Lemna</i> species), all five water-cress (<i>Rorippa</i> species), and all three British water milfoils (<i>Myriophyllum</i> species), all but one of the seven British water dropworts (<i>Oenanthe</i> species), and two-thirds of the British pondweeds (<i>Potamogeton</i> species) can be found on site.</p> <p>Ramsar criterion 5</p> <p>Assemblages of international importance: Species with peak counts in winter: 13774 waterfowl (5 year peak mean 1998/99-2002/2003)</p>
<p>Conservation Status of the relevant Qualifying Features</p>	<p>Arun Valley SAC, SPA and Ramsar</p> <p>In line with the national trend, the number of Bewick's swans wintering in the Arun Valley has declined since the time of designation and is now typically fewer than 50 birds. This may reflect an overall decline in the population of the species and/or be due to the effects of a milder climate in which more are able to winter in continental Europe (The Birds of Sussex, 2014). The waterfowl assemblage numbers fluctuate depending upon conditions in the valley but over the past five years have averaged 40,311, an increase from the five year mean of 27,241 at the time of designation.</p> <p>The Arun Valley is one of the remaining strongholds for the Little Whirlpool Ramshorn Snail.</p>

Conservation
Objectives (Only
Relevant for
SPA/SAC)

Arun Valley SAC & SPA

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.