

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 references: WSCC/001/22 and WSCC/002/22
	Application address: Wood Barn Farm, Adversane Lane, Broadford Bridge, Billingshurst, West Sussex, RH14 9ED
	Application description: <u>WSCC/001/22</u> - Amendment of condition no. 1 of planning permission WSCC/078/19/WC to enable the retention of security fencing, gates and cabins for a further 24 months. <u>WSCC/002/22</u> - Amendment of condition no. 1 of planning permission WSCC/079/19/WC extending the permission by 24 months to enable the completion of phase 4 site retention and restoration
	Type of application: County Matter - Minerals
	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

	<p>B) Within the 5km Zone of Influence for functionally linked habitats for Arun Valley SPA / Ramsar site NO</p> <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? NO</p>
<p>3. Would the proposed development result in any increase in mains water demand and what evidence has been provided to support this?</p>	<p>NO - There is no credible evidence the development will result in an increase in mains water demand.</p> <p>EVIDENCE – Advice provided by Natural England (“Natural England’s Advice Note regarding Water Neutrality within the Sussex North Water Supply Zone: February 2022 V2) confirms that “...since the 2017 Regulations cannot be applied retrospectively, the requirement for Water Neutrality will not apply to any projects with full planning permission prior to the Natural England Statement being published on 14 September 2021...”. In this regard, the well-site and its required restoration were already permitted at the time the Natural England Position Statement. Further, noting that drilling and testing phases of the development have been completed, the proposed development does not involve any activities which would be likely to result in water use from the public water supply, and in any case, none beyond that which would have already benefitted from consent at the time of the position statement.</p>
<p>4. 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>5. Key vulnerabilities / factors affecting site integrity</p>	<p>For applications where increased demand for water resources is the only pathway for impacts, Natural England’s substantive advice (Position Statement Interim Approach, September 2021) is that such applications - without mitigation - will result in a likely significant effect on the Arun Valley SAC/SPA/Ramsar site or in combination with other developments in the Sussex North WSZ. As it cannot be concluded that the existing abstraction within Sussex North Water Supply Zone is not having an impact on the Arun Valley sites, developments within this zone must not add to this impact. Therefore, such applications, even where mitigation is proposed, must progress to Appropriate Assessment (AA).</p> <p>Natural England’s substantive advice (September 2021) is that the Sussex North Water Supply Zone includes supplies from a groundwater abstraction which cannot, with certainty, conclude no adverse effect on the integrity of;</p> <ul style="list-style-type: none"> • Arun Valley Special Area Conservation (SAC)

	<ul style="list-style-type: none"> • Arun Valley Special Protection Area (SPA) • Arun Valley Ramsar Site
HRA Screening Assessment Criteria	
<p>6. 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>Based on the threat from water demand identified by Natural England's Position Statement, the development proposals need assessment for hydrological changes to the Arun Valley SAC/ SPA/ Ramsar site.</p> <p>Does the evidence submitted show any likely significant effect on Arun Valley SAC/SPA/Ramsar site, without mitigation measures (either alone or in-combination with other plans or projects).</p> <p><i>NB: It is not possible to consider any avoidance and mitigation measures as part of the application at the screening stage of HRA (Ref: Court judgement (CJEU People Over Wind v Coillte Teoranta C-323/17)).</i></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>7. 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>For all applications with increased water demand from the Sussex North WSZ, Natural England's advice is that such applications - without mitigation - will have a likely significant effect on the Arun Valley SAC/SPA/Ramsar site either alone or in combination with other developments. Therefore, such applications, even where mitigation is proposed, will require an Appropriate Assessment.</p> <p>Applicable? NO – See Q3 above</p> <p>Does the evidence submitted show any <u>other</u> likely significant effect on Arun Valley SAC/SPA/Ramsar site, without mitigation measures (either alone or in-combination with other plans or projects)</p> <p>NO</p>
<p>8. 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 LPA 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: 7 April 2022

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.