

**Hastings Local Development Framework**

**APPROPRIATE ASSESSMENT OF  
THE CORE STRATEGY  
Preferred Approaches**

**Consultation Version**



**May 2008**



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## Summary

Appropriate Assessment (AA) is a requirement of the European Union Directive EC92/43/EEC, which seeks to provide legal protection for habitats and species of international importance.

This Appropriate Assessment tests whether Hastings Local Development Framework Core Strategy is likely, in combination with other plans and projects, to have an adverse impact on the integrity of any Special Area of Conservation (SAC) for habitats, or Special Protection Area (SPA) for birds, jointly known as 'European sites'. The initial "screening" process found that the Hastings Cliffs SAC and Pevensy Levels Ramsar site could potentially be affected by the options put forward in the Hastings Core Strategy.

The Core Strategy sets out how 4200 new dwellings (averaging at 210 homes per year), and additional employment growth will be accommodated in the town up to 2026. A significant proportion of the new housing development will be concentrated within the existing urban area, with employment distributed within the town centre, and other sites towards the north of the town.

Overall, the Appropriate Assessment has shown that the Core Strategy Preferred Approaches, in combination with other plans, will not result in development that is likely to have a significant effect on a European site.

## 1.0 Introduction

This reports sets out the findings from the Appropriate Assessment of the draft Core Strategy for Hastings. The report includes the following sections in addition to this introduction:

- Section 2 sets out the methodology that was used in carrying out the assessment
- Section 3 describes the Natura 2000 sites within Hastings
- Section 4 describes the Draft Core Strategy for Hastings
- Section 5 sets out the Screening stage of the assessment
- Section 6 sets out the detailed findings of the Appropriate Assessment
- Section 7 summarises these findings and Appropriate Assessment recommendations

### 1.1 Requirements of The Habitats Directive

Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna – the ‘Habitats Directive’ - provides legal protection for habitats and species of European importance.

Article 2 of the Directive requires the maintenance or restoration of habitats and species of interest to the European Community, at a favourable condition. Articles 3 - 9 provide the legislative means to protect habitats and species through the establishment and conservation of a network of sites of nature conservation importance known as *Natura 2000*.

Natura 2000 sites are Special Areas of Conservation (SACs) under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (70/409/EEC).

Articles 6(3) and 6(4) of the Habitats Directive sets out the decision-making tests for plans or projects affecting Natura 2000 sites. Article 6(3) sets out the requirement for Appropriate Assessment of plans that could affect Special Protection Areas for birds or Special Areas of Conservation for habitats

*“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”*

Article 6(4) describes alternative solutions, the test of ‘imperative reasons of overriding public interest’ (IROPI) and compensatory measures

*“If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.”*

## **European Court of Justice ruling**

In October 2005 the European Court of Justice ruled that the UK had failed to correctly transpose the provisions of Articles 6(3) and (4) of the Habitats Directive into national law. The UK had failed to ensure that land use plans are subject to Appropriate Assessment where they might have a significant effect on a Natura 2000 site.

Following the ruling, the Department for Environment, Food and Rural Affairs (DEFRA) published draft amendments to the Habitats Regulations on 8 May 2006. The Habitats regulations, formally known as the Conservation (Natural Habitats, & c) Regulations 1994, aim to transpose the requirements of the Habitat Directive into domestic legislation. These regulations require Appropriate Assessment of regional spatial strategies, development plan documents, supplementary planning documents and alterations or replacements of 'old style' land use plans.

### **1.2 The Appropriate Assessment methodology**

The purpose of an Appropriate Assessment (AA) is to assess the impacts of the Core Strategy against the conservation objectives of the European sites within the borough boundary and beyond, and to ascertain that the Strategy would not, even in combination with other plans and projects, adversely affect the integrity of these sites. Where significant negative effects are identified, alternative options should be examined to avoid any potential damaging effects. It applies to all development plan documents and supplementary plan documents. The scope of the AA will depend on the location, size and significance of the proposed plan or project.

The "assessment" is a statement which states whether the plan does, or does not, affect the integrity of the European site. However, the process of determining whether or not the plan will affect the European site(s) is also commonly referred to as "Appropriate Assessment".

The Appropriate Assessment process is based on the 'precautionary principle' meaning that there is a requirement to be certain that no effect will occur, rather than simply weighing up the balance of probability. AA also requires that plan policies are not considered in isolation, but within the context of other plans, both existing and planned.

The following guidance has been used to inform the approach to the AA of the Hastings Local Development Framework Core Strategy.

- Planning for the protection of European Sites: Appropriate Assessment – Draft Guidance for Regional Spatial Strategies and Local Development Documents. Department for Communities and Local Government (August 2006)
- Appropriate Assessment of Plans. Scott Wilson, Levett-Therivel, Treweek and Land Use Consultants (September 2006)
- Assessment of Plans and projects significantly affecting Natura 2000 sites. European Commission (2002)
- Managing Natura 200 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC European Commission (2000)

## 2.0 Methodology for the Appropriate Assessment process

The AA process is made up of 4 key stages as prescribed in Article 6(3) and 6(4)

- Stage 1 – Screening
- Stage 2 – Appropriate Assessment
- Stage 3 – Assessment of Alternative Solutions
- Stage 4 – IROPI and Compensatory Measures

Best practice also requires local authorities to compile an evidence base to support the AA process. This is discussed in section 3 below.

### Stage 1: Screening

The screening process will determine whether the plan, 'in combination' with other plans and projects, is likely to have an adverse effect on the integrity of Natura 2000 site. This stage identifies the Core Strategy "preferred approaches" giving rise to uncertainty or potential effects, and therefore being carried forward to the Appropriate Assessment and the Natura 2000 sites affected. The precautionary principle should be used in making these determinations. If significant effects are likely to occur, the Stage 2 Appropriate Assessment is required.

### Stage 2: Appropriate Assessment

This stage involves determining whether, in view of the site's conservation objectives, the plan, 'in combination' with other plans and projects, would have an adverse effect (or risk of this) on the integrity of the site(s). If not, the plan can proceed.

### Stage 3: Assessment of alternative solutions

Where the plan is assessed as having adverse effect (or risk of this) on the integrity of site(s), consideration is given to the extent to which such effects can be avoided by recommending further changes to the Core Strategy Preferred Approaches.

### Stage 4: Assessment where no alternative solutions remain and where adverse impacts remain.

The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures. First, the plan should aim to **avoid** any negative impacts on European sites by identifying possible impacts early in plan making, and writing the plan in order to avoid such impacts. Second, **mitigation measures** should be applied during the AA process to the point where no adverse impacts on the site(s) remain. If the plan is still likely to result in adverse effects, and no further practicable mitigation is possible, then it is rejected. Under such a worst-case scenario, the plan may have to undergo a Stage 3 assessment for alternative solutions. Under Stage 4 **compensatory measures** are required, but they are permitted only if (a) there are no alternative solutions and (b) the plan is required for "imperative reasons for overriding public interest" (the IROPI test).

The Hastings Core Strategy has not had an adverse risk on the integrity of the European Sites. As such, this report has not progressed past stage 2 of the assessment procedure.



### 3.0 Evidence gathering for the Appropriate Assessment

#### 3.1 European Sites within, and outside the plan area

As part of the evidence base and the “screening” process, it has been necessary to consider European sites both within and outside the plan area, to assess whether they need to be included in the assessment.

Table 1 lists the European sites that are within 10 miles (15km) of the boundary Hastings Borough Council, and figure 1 and figure 2 show their locations in relation to the towns’ boundaries.

The 10-mile buffer zone was chosen as a precautionary measure, to reflect the fact that the South East region as a whole is already under considerable pressure in terms of water abstraction, air pollution, and recreational impacts. Government guidance also advises that in considering whether a plan or project is likely to have a significant effect on a European site, it should be noted that such a site might be located either within or outside the area covered by the plan. Significant effects may be incurred even in cases where the area of the plan is some distance away<sup>1</sup>.

Within the boundary of Hastings there is one European site of nature conservation importance, the “Hastings Cliffs Special Area of Conservation” (SAC). Within 12.5 miles (20 km) east of the borough boundary lies “Dungeness Special Area of Conservation” and the “Dungeness to Pett Level Special Protection Area” (SPA). Within 7 miles (11 km) west of the borough boundary lies the “Pevensy Levels” Ramsar site.

Details of each of these sites are provided in table 1 below:

Name of site	Approx distance (km) from Hastings town centre	Reason for designation
Hastings Cliffs SAC	Inside borough boundary	Supports rare bryophytes and wooded ghylls Extensive area of actively eroding soft cliff
Dungeness SAC	12.5 miles (20 km)	Dungeness is the UK’s largest shingle structure Annual vegetation of drift line and coastal vegetation Supports great crested newts.
Dungeness to Pett Level SPA	6.25 miles (10 km)	Supports the following migratory species – Common Tern, Little Tern, Mediterranean Gull, Aquatic Warbler, Bewick’s Swan and Shoveler
Pevensy Levels Ramsar Site	7 miles (11 km)	Site supports an outstanding assemblage of wetland plants including many British Red Data Book species. Best site in Britain for fresh water molluscs and one of 5 best sites for aquatic beetles.

**Table 1: European Sites that could possibly be adversely affected by the Hastings Core Strategy Preferred Approaches**

<sup>1</sup> Planning for the Protection of European Sites: Appropriate Assessment. Guidance for Regional Spatial Strategies and Local Development Documents August 2006, DCLG.



Insert Fig 1

Fig 1 back page

Insert Figure 2

Fig 2 back page

## 3.2 Characteristics of the relevant European sites and conservation objectives

The Joint Nature Conservation Committee (JNCC) is the statutory adviser to Government on UK and international nature conservation. The information provided below taken from this source, at <http://www.jncc.gov.uk>.

### 3.2.1 Hastings Cliffs SAC

**Qualifying features:** Vegetated sea cliffs of the Atlantic and Baltic coasts (considered to be one of the best areas in the UK)

**Comments on Nature Conservation importance:** Hastings Cliffs are an area of actively eroding soft cliff on the south coast of England. They include the most southerly exposures of the lower Hastings Beds. The site contains three valleys cut into the strata, which support woodland and scrub habitats with an unusual 'Atlantic' bryophyte flora. Closer to the sea the maritime influence stunts the trees, but other bryophytes become important here, with one species, *Lophocolea fragrans*, at its only south-east England locality. Maritime scrub and coastal heathland are found closer to the cliff edge, with grassland supporting maritime species such as thrift *Armeria maritima*. The clay cliff slopes are eroding and support a range of habitats from bare ground and flushes to maritime grassland and scrub, reflecting the successional development of vegetation following cliff-falls.

**Key environmental conditions to support site integrity and site vulnerability:** The nature of the soft eroding material results in extensive landslides, with vegetation changing from year to year. The SAC includes part of the County Park, a designated Local Nature Reserve, and Hastings Cliffs to Pett Level SSSI.

Habitats and footpaths erode rapidly, especially during winter storms, as a result of the undulating nature of the cliffs with their soft constituents – manage impact of loss of footpaths and recreational pressure

Adjacent farm practices may have an effect on vegetation land management to benefit habitats and species. The Countryside Stewardship Cliff retreat – intended management could achieve this

Key issues:

- The construction of sea defences should be avoided as this halts the natural process
- Minimal air pollution
- Ancient Gill woods – nationally rare bryophytes – manage recreational pressure

### 3.2.2 Pevensey Levels Ramsar site

**Qualifying features:** 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 inter-tidal 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. 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

**Comments on Nature Conservation importance:** One of the largest and least fragmented lowland wet grassland systems in southeast England. The site supports an outstanding assemblage of wetland plants and invertebrates and is probably the best site in Britain for freshwater molluscs.

**Key environmental conditions to support site integrity and site vulnerability**

- Unpolluted water.
- Absence of nutrient enrichment.
- Control of non-native species (e.g. pennywort and crassula).
- Maintenance of appropriate hydrological regime.
- Low recreational disturbance.

**3.2.3 Dungeness SAC (Winchelsea Beach)**

**Qualifying features:** Annual vegetation of drift lines – for which is only one of four outstanding localities in the UK and is considered to be rare as its total extent in the UK is estimated to be less than 100 hectares. Perennial vegetation of stony banks – one of the best in the UK. Great Crested Newt – one of the best areas in the UK 3223.56 ha.

**Comments on Nature Conservation importance:** The Dungeness foreland has a very extensive and well-developed shoreline, although with sparse vegetation and in places some human disturbance. It is one of two representatives of Annual vegetation of drift lines on the south coast of England. The strandline community on this site comprises Babington's orache *Atriplex glabriuscula*, which occurs mostly on the accreting eastern shoreline, although it is also present on the eroding southern shoreline

Dungeness is the UK's largest shingle structure and represents the habitat type on the south-east coast of England. The total area of exposed shingle covers some 1,600 ha, though the extent of the buried shingle ridges is much greater. Despite considerable disturbance and destruction of the surface shingle, the site retains very large areas of intact parallel ridges with characteristic zonation of vegetation. It still has the most diverse and most extensive examples of stable vegetated shingle in Europe, including the best representation of scrub on shingle, notably prostrate forms of broom *Cytisus scoparius* and blackthorn *Prunus spinosa*. A feature of the site, thought to be unique in the UK, is the small depressions formed within the shingle structure, which support fen and open-water communities

**Key environmental conditions to support site integrity & site vulnerability:** The site is close to an active airport that carries potential risk from air pollution – although current levels of air traffic and motor vehicles are not thought to cause a problem.

- Lack of disturbance by vehicles and walkers, although the coastal shingle (drift-line) vegetation has much greater potential for recovery than the perennial vegetation of shingle banks that occurs further inland.
- Suitable foraging and refuge habitat within 500 m of the newt breeding ponds.
- Minimal abstraction of water.
- Minimal air pollution.



### 3.2.4 Dungeness to Pett Level SPA

**Qualifying features:** Annual vegetation of drift lines of national importance. Nationally important wintering populations of Tundra Swan and northern Shoveler And breeding populations of Mediterranean gull, common tern and little tern, Aquatic Warbler, Berwick's Swan and Shoveler (Annex I of the Bird Directive).

**Comments on Nature Conservation importance:** Supports birds' populations of European importance including the following migratory species Common Tern, Little Tern, Mediterranean Gull, Aquatic Warbler, Bewick's Swan and Shoveler.

**Key environmental conditions to support site integrity and site vulnerability:** The site is vulnerable to coastal erosion, especially the areas of coastal shingle at Dungeness and Rye Harbour, which are likely to erode in the longer term due to natural processes. The site is reasonably well protected from visitor disturbance, although possible disturbance from nearby airfield is being investigated – minimal noise and air pollution. Recreational and leisure activities are a problem in some areas particularly at North Point Pit, which is used for wind surfing – manage recreational pressures. Much of the shingle is uncultivated and is either nature reserve or open land. The site is vulnerable to changing agricultural practices, especially ploughing of grassland for arable crops, or changes to turf production or adjacent land, which may influence the site's bird population. Much of the grassland within the SPA is heavily grassed and there is a continuing problem with lowering water levels – water levels and climate change

Key conditions:

- Maintenance off grazing regimes
- Maintenance of ground water & surface level water levels
- Sufficient space between the site and development to allow managed retreat of inter-tidal habitats and avoid coastal squeeze
- Unpolluted water

## **4.0 Relevant plans and projects**

### **4.1 Hastings Core Strategy “Preferred Approaches”**

#### **4.1.1 Plan analysis**

In summary, the Hastings Draft Core Strategy Preferred Options provides for:

- 4200 dwellings in the period 2006 –2026, averaging at 210 homes per year. The majority of these will be provided on existing sites within the urban area, with one major greenfield release to the north west of the town.
- 91,345m<sup>2</sup> of employment floor space within the town up to 2026. This employment provision will include:
  - 31,845m<sup>2</sup> in Hastings Town Centre
  - 17,500m<sup>2</sup> on infill sites within the urban area
  - 42,000m<sup>2</sup> on new sites towards the north of the town
- Concentration of new development (incorporating figures above) at Millennium communities sites at Ore Valley and Station Plaza, as well as new development at West Marina and Bulverhythe
- Active lobbying and support for the Hastings/Bexhill Link Road
- A new Countryside Park at Pebsham.

#### **4.1.2 Likely impacts of the Core Strategy Preferred Approaches**

Taking into account the above issues, the main impacts of the Core Strategy Preferred Options (direct and indirect) are likely to be in the form of:

##### **Land take**

There could be potential to disturb habitats and associated flora and fauna at development sites. Depending on the location of development, there could be indirect negative impacts on the nearby sites of conservation importance. However, this is very unlikely to take place on, or affect, the European sites themselves.

##### **Urbanisation**

The options are likely to result in more activity, more noise and more people within the environment. Growth in population and commercial businesses will inevitably lead to an increase in waste generation. All of these factors could put pressure on European sites. Visits to the European Sites are likely to increase, possibly with the associated disturbance of fauna and impacts on the habitats.

##### **Traffic levels and congestion**

Increases in road traffic will lead to increases in emissions and associated atmospheric pollution, which can affect sensitive plant species. Increased traffic creates noise and vibration that can disturb bird species.

##### **Water resources**

Development is likely to lead to an increased demand for water and wastewater treatment. It will be important to make sure that increased water abstraction has no significant effect on European Sites and that wastewater is treated to acceptable levels to safeguard the quality of controlled waters and to make sure there is no deterioration in amenity value of the towns' rivers, streams, coast and beaches.

## **Increased Tourism**

Developments proposed could lead to more visits to or near the European Sites. Potential impacts include noise, trampling and litter, all of which could affect sensitive habitats and bird species.

### **4.1.3 Possible in combination effects with other relevant plans or projects**

To assess the significant effects of any option, it is important to take account of the impact in combination with other plans or projects. Appropriate Assessment guidance states that only the plans considered the most relevant should be included for the “in combination test”.

The following plans, projects or strategies are considered to have potential effects, and therefore have been included within the assessment:

## **4.2 Draft East Sussex Sustainable Community Strategy 2008-2026**

The East Sussex Local Strategic Partnership brings together several organisations in the public, community and business sectors, with the aim of working together to achieve a shared vision for the future of East Sussex.

The key priorities of the Community Strategy are to:

- Provide more affordable housing to meet local need
- Develop the local economy to provide better job, career, and training opportunities
- Provide more leisure and recreation opportunities for all ages
- Implement major road schemes at Bexhill & Hastings and Newhaven Port
- Conserve, enhance and maintain a quality environment

## **4.3 Draft South East Plan**

The draft Regional Spatial Strategy (RSS), also referred to as the South East Plan, includes several policy areas and issues of relevance to this assessment. These include:

- A housing requirement of 54,000 dwellings to be provided across the Sussex Coast Sub-Region between 2006 and 2026.
- A target of 250,000 jobs to be provided within Sussex by 2026
- Requirement for Local Development Frameworks to provide land for commerce and industry; and
- To reduce the need to travel

The draft South East Plan also provides a number of policy areas that have specific regard to the key environmental challenges facing the region. These include:

- Water resources, river water and ground water quality management
- Flood risk management
- Biodiversity
- Coastal management
- Air quality
- Noise
- Sustainable construction
- Waste
- Minerals
- Energy

The draft South East Plan proposes the following developments in Local Authorities areas adjoining, and close to, Hastings. The additional housing requirements in particular, are most likely to lead to an “in combination” effect with the Hastings Core Strategy Preferred Options.

These proposals are shown in table 2, along with other major proposals considered relevant to this assessment.

<b>Local Authority</b>	<b>Draft South East Plan housing requirement up to 2026</b>	<b>Other relevant development</b>
Hastings	4200	Proposed link road and other road/transport improvements along the coast and A21 – giving rise to direct habitat loss, road noise and vehicle emissions
Rother	5600	Proposed link road and other road/transport improvements along the coast and A21 – giving rise to direct habitat loss, road noise and vehicle emissions. Proposed housing and business development at North Bexhill – giving rise to vehicle emissions and visitor impact
Eastbourne	4800	Growth option proposed in Wealden “issues and options” at Eastbourne/Willingdon/Polegate.
Wealden	8000	Growth option proposed in Wealden “issues and options” at Eastbourne/Willingdon/Polegate.
Lewes	4400	N/A

**Table 2: Developments in nearby Boroughs and districts**

#### **4.4 South Foreland to Beachy Head Shoreline Management Plan April 2006**

The Shoreline Management Plans (SMP) sets out a strategy for coastal defence planning, taking account of natural processes and human and other environmental influences. The coast is divided into four broad sections; the coast of Hastings is included in the section Cliff End to Beachy Head.

The SMP promotes greater sustainability of the shoreline in keeping with the natural character and processes of the coast.

#### **4.5 East Sussex Local Transport Plan (2006-2011)**

The Plan contains the following objectives:

- improve access to services by providing greater travel choices and influencing land use decisions
- manage demand and reduce the need to travel by private car
- improve road safety and reduce fear of crime in communities
- reduce congestion and improve the efficiency of the transport network
- protect, promote and enhance the environment
- improve maintenance and management of the transport network

The plan is supported by a number of area strategies within Local Area Transport Plans, which set out the framework for transport investment in an area.

#### **4.6 Sussex Biodiversity Action Plan**

The Plan contains objectives for improving the sustainability of priority habitats and species in a wide range of habitats and urban environments:

- to maintain, and where practicable enhance, the wildlife and habitats that give Sussex its character and natural diversity.
- to identify priority habitats and species which are important to us in Sussex and/or where we have a special responsibility to care for something, which is important on a national or international scale.
- to set realistic, but ambitious, targets and timescales for priority habitats and species and to monitor progress of action plans against those targets.
- to ensure that biodiversity action continues as a joint initiative, evolving a dynamic framework for nature conservation.
- to raise public awareness and encourage involvement in biodiversity action

#### **4.7 Cuckmere and Sussex Havens Catchment Flood Management Plan**

The Environment Agency is responsible for preparing Catchment Flood Management Plans (CFMP) for all river catchments in England and Wales. The Cuckmere and Sussex Havens CFMP identifies long-term policies and actions for the next 50 to 100 years to deliver a better, more environmentally sustainable approach for managing flood risk. It will help plan for the likely impacts of climate change, future land use change and further development in the catchment area and provides a strategic direction for guiding future flood risk management investment, efforts and resources in the Cuckmere and Sussex Havens catchment.

The Cuckmere and Sussex Havens CFMP include the Cuckmere River; watercourses and Willingdon levels; the Pevensy levels; Wallers Haven and Combe Haven. The catchment of these areas stretch from the South Downs to the High Weld and from Alfriston to Hastings.

## **5.0 Stage 1 – Likely significant effects or “screening”**

The “screening” process aims to be a first rough sieve of European sites, where there could be a likely significant effect of the Core Strategy on these sites. This section identifies sites within 10 miles (15km) of Hastings town centre; summarises what the possible effects of Hastings Core Strategy on those sites could be; lists existing trends that could affect the sites ‘in combination’ with the Core Strategy; and screens out sites that are unlikely to be affected by the Core Strategy.

Appendix B shows the rapid screening table used for assessing the likely significant effects for impact of the Core Strategy Preferred Approaches on the SAC’s, SPA and Ramsar sites within Hastings and the surrounding areas.

On the basis of this first sift of sites, it was considered that the Dungeness SAC, and the Dungeness to Pett Level SPD could be screened out on the basis that they were too far away for any option within the Hastings Core Strategy to have an effect on either the site integrity or the conservation objectives.

Natural England has been informally consulted on the list of sites put forward for this test, and has agreed the approach taken.

## 6.0 Stage 2 - Appropriate Assessment

Stage 1 has shown that there is the possibility of likely significant effects of the Core Strategy on two of the European sites - the Hastings Cliffs SAC, and the Pevensey Levels Ramsar site. As a result, it is now necessary to undertake stage 2 of the AA process – “Appropriate Assessment and ascertaining the effect on site integrity”.

Appendix A shows the Appropriate Assessment undertaken, and provides the following information:

- qualifying features and conservation objectives for each site
- key environmental conditions supporting site integrity and site vulnerability
- possible impacts from the Core Strategy
- risk of significant effect on site integrity
- possible impacts arising from other plans
- mitigation that can be used
- residual effects

The work has taken into account the information compiled during the evidence gathering, and screening stages.

### 6.1 Results

Appropriate Assessment has shown that the Core Strategy will have no adverse effects on the European sites. As such, it is not necessary for the Appropriate Assessment to continue to stage 3 of the process.

### 6.2 Influence of the Appropriate Assessment on the preparation of the Core Strategy

The Appropriate Assessment has been progressing in parallel with the Sustainability Appraisal (incorporating the requirements of Strategic Environmental Assessment) of the Core Strategy, and its development has influenced the selection of preferred approaches within the Strategy.

The iterative nature of the assessment process revealed that the Core Strategy did not give sufficient emphasis to the importance of the Hastings Cliffs SAC. The “Issues and Options” paper referred to the need to protect internationally designated sites, but did not recognise its strategic importance or influence on biodiversity. This has led to the following additions to text (*in italics*):

#### Preferred Approach 38

- a) Provide the highest level of protection for nationally and internationally designated sites

*The legal protection for the Hastings Cliff SAC is set out in Government Circulars 06/2005 and 01/2005.*

- d) Make sure areas of wildlife importance are accessible and well promoted, identifying areas of opportunity for biodiversity importance and setting local targets to contribute to regional biodiversity targets and quality of life.

*In October 2006 the Council adopted the Hastings Local Biodiversity Action Plan (BAP). This identifies all of the town’s national priority habitats, including a description of the habitat and its location along with national targets and objectives relating to the habitat. The BAP shows that the majority of areas of high biodiversity importance in the Borough occur in designated sites – that is the 7 Local Nature*

*Reserves, 3 Sites of Special Scientific Interest and the Hastings Cliffs Special Area of Conservation. The Council's BAP strategy is to enhance biodiversity by focusing on the management and protection of this green network of designated sites, which are in themselves ecologically diverse and contain priority species and habitats.*

Similarly, the assessment process noted that no recognition was given to addressing the need to protect and enhance the landscape of the town. A new preferred approach 39 was therefore inserted:

### **Preferred Approach 39**

*The overall approach will be to protect and enhance the Borough's landscape including*

- *The distinctive landscape setting of the town, particularly the structure of gills, woodlands and open spaces and the relationship and clear division between the unspoilt coastline of Hastings country Park and surrounding countryside and the built up area*
- *The High Weald Area of Outstanding Natural Beauty*
- *The strategic gap between the built-up edge of St Leonards and the western boundary of the borough*
- *The undeveloped coast.*

*The Council will work with Rother District Council to improve access to and management of urban fringe areas.*

The assessment also reinforced the need to identify Pebsham Countryside Park as an area of change. The creation of a countryside park in this area will reduce pressure from new development on the area within and surrounding the Hastings Cliffs SAC – by attracting people to the western part of the town as well as the existing Hastings Country Park.

It is now considered the Core Strategy more fully recognises the need to direct development to areas that will not result in any direct, or cumulative negative impacts on any of the conservation objectives, or site integrity of the European sites considered within this assessment.



## **7.0 Conclusion**

The screening process revealed that there are two designated Natura 2000 sites that lie within and adjacent to Hastings borough, which could possibly be affected by the options presented in the Core Strategy Preferred Approaches. These are the Hastings Cliffs SAC, and Pevensey Levels Ramsar site.

The options identified in the Core Strategy Preferred Approaches were assessed, to determine the potential impact on the integrity of each Natura 2000 site designation.

The assessment concluded that whether considered alone, or in combination with other plans, Hastings Borough's Core Strategy at the preferred approach stage would not result in options that promote development that is likely to have a significant effect on a European site. It is therefore concluded that an appropriate assessment under Regulation 48(1) of the Conservation (Natural Habitats &c.) Regulations, 1994 will not be required. A summary of the assessment process is provided in Appendix A.

## Appendix A – Assessment of Hastings Core Strategy Preferred Approaches

**Key**    ✓✓    Clear strong positive effects  
           ?X    Uncertain/possible negative effects  
           -      Neutral effect

Core Strategy Preferred Approaches		SPA and SAC Sites			
		Hastings Cliffs SAC	Pevensey Levels	Dungeness to Pett Level SPA	Dungeness SAC
1	Development within the built-up area plus release of one major Greenfield site in the north west of the borough	?X	?X	-	-
2	60% of development on previously developed land	✓✓	-	-	-
3	Employment related development should be concentrated within Hastings Town Centre, within the towns established industrial estates and on land already identified for employment related development.	?X	-	-	-
4	Locate the required 30,000 sqm of additional comparison goods floorspace in Hastings Town Centre, with an element of new provision in St Leonards District Centre.	?X	-	-	-
5	Locate 9,000 sqm of retail warehousing on edge of centre sites or out of centre sites, which are well served by a choice or means of transport between 2011 and 2026.	?X	-	-	-
6	Identification of hierarchy of local shopping centres. To focus development proposal for town centre uses in town and district centres. Maintain and enhance the vitality and viability of town and district centres. Protect and enhance local centres to better service the local community.	-	-	-	-
7	Overall strategy for Hastings Town Centre – to be competitive, accessible, develop evening economy, respond to needs of the population and cater for students studying in the area	?X	-	-	-
8	Hastings Town Centre - Support the delivery of the existing planned	?X	-	-	-

Core Strategy Preferred Approaches		SPA and SAC Sites			
		Hastings Cliffs SAC	Pevensey Levels	Dungeness to Pett Level SPA	Dungeness SAC
	employment, retail, education and healthcare developments in the town centre, and to work with residents, businesses and developers to create a more detailed Town Centre Area Action Plan.				
9	Support the identification of South St Leonards as an area of change, taking into account key projects and proposals in the Regeneration Framework 2005 and Renewal Strategy 2004	-	-	-	-
10	To concentrate resources on improving housing conditions in Central St Leonards	-	-	-	-
11	Require all residential build, conversions and change of use developments in Central St Leonards to provide a mix of dwelling unit sizes within single developments. Promote more affordable housing, and support and encourage planning applications for family sized accommodation in the area	?X	-	-	-
12	Adopt a targeted approach for all investment programmes to have the maximum visible impact - improvements to the "streetscape" should be a key driver. Planning permission will be granted for suitable proposals to tackle key buildings, and the Council will actively use its enforcement powers to ensure premises are brought up to a satisfactory standard	-	-	-	-
13	To maintain and enhance the area's role as a district shopping centre through the protection of a retail core, and to identify Central St Leonards as a social and economic regeneration area	-	-	-	-
14	To identify Pebsham Countryside Park as sustainable multi-functional countryside area, with recreation and employment opportunities	✓✓	✓✓	✓✓	✓✓
15	Support the plans for Ore Valley Millennium Community to include the development of nearly 800 homes, a new college, park, retail/office	✓✓	-	-	-

Core Strategy Preferred Approaches		SPA and SAC Sites			
		Hastings Cliffs SAC	Pevensey Levels	Dungeness to Pett Level SPA	Dungeness SAC
	space, health centre and improvements to accessibility.				
16	To identify and support the Enviro Enterprise Corridor along Queensway towards the A21	?X	?X	-	-
17	To support the identification of the Seafront as an area of change, considering key projects and proposals taken from the Seafront Strategy	?X	-	-	-
18	To identify Bulverhythe as a strategic regeneration location subject to the outcome of studies into the commercial viability of mixed housing/employment in area for the post 2021 period	-	-	-	-
19	To provide quality housing and jobs for residents of both Hastings and Bexhill at Wilting	?X	?X	-	-
20	Promote a mix of dwelling types and sizes in all development. In particular, families, the elderly and those with disabilities will be suitably catered for.	-	-	-	-
21	Achieve densities of at least 30dph unless there are very special local circumstances. Higher densities should be achieved (40dph) should be achieved in Hastings and St Leonards town centres, Old Town, Silverhill and Ore.	-	-	-	-
22	To include locational criteria for gypsy and traveller site provision in the Core Strategy, as a basis for considering individual proposals	-	-	-	-
23	Secure 25% affordable housing on previously developed sites of 15 or more dwellings and 40% affordable housing on Greenfield sites of 15 or more dwellings	-	-	-	-
24	Preferred approach is all affordable housing to be for social rent, although retain a degree of flexibility in terms of widening housing choice.	-	-	-	-

Core Strategy Preferred Approaches		SPA and SAC Sites			
		Hastings Cliffs SAC	Pevensey Levels	Dungeness to Pett Level SPA	Dungeness SAC
25	Affordable housing will be provided on the application site and must be well integrated within the development scheme.	-	-	-	-
26	Local economic growth and diversification will be met through the development of allocated employment land, new office based employment opportunities in Hastings Town Centre, the redevelopment of existing out-moded stock and denser development within the primary employment areas, protection of existing employment areas, mixed employment/housing development on suitable strategic sites, and the encouragement of the provision of live work units	?X	-	-	-
27	Support the development of training and education floorspace in the town through the new Hastings college developments at Station Plaza and Ore Valley, and the further expansion of UCH in the town centre.	?X	-	-	-
28	Seek to encourage the provision of new hotels in the area, and the upgrading of existing facilities. There will be a presumption against the loss of bedspaces in the key tourist areas unless the facility is no longer viable or is incapable of improvement to a good standard.	?X	-	-	-
29	Support proposals that improve, protect or make new provision for language schools	?X	-	-	-
30	Support the delivery of strategic transport schemes identified in the draft South East Plan Implementation Plan	-	-	-	-
31	Safeguard land between Wishing Tree road and Sedlescombe Road South for the construction of the County Council's Hastings Spur Road Phase 2 Scheme.	?X	-	-	-
32	Support the draft strategic framework for the Local Area Transport Strategy (LATS)	-	-	-	-

Core Strategy Preferred Approaches		SPA and SAC Sites			
		Hastings Cliffs SAC	Pevensey Levels	Dungeness to Pett Level SPA	Dungeness SAC
33	Fully exploit opportunities to improve access to the town centre by other means, before consideration is given to limiting parking provision.	?X	?X	-	-
34	Require provision at least one parking space per dwelling.	?X	-	-	-
35	Major developments will normally be required to produce a green travel plan	✓✓	-	-	-
36	Provide an up-dated policy on developer contributions towards community and other infrastructure, which will be supported by the development of a detailed SPD	-	-	-	-
37	The role of area co-ordination will be recognised by clearly identifying planning documents where it can have a positive impact in policy implementation.	-	-	-	-
38	A number of options in line with the strategy for Biodiversity in the South East Plan	✓✓	✓✓	✓✓	✓✓
39	To protect and enhance the Borough's landscape and work with Rother DC to improve access to and management of urban fringe areas	✓✓	✓✓	✓✓	✓✓
40	Support the progressive enhancement of existing open space. Site Allocations DPD to identify sites where the provision of new or enhancement of existing open space will be required. Identification of accessible open spaces and facilities with safe pedestrian and cycle links.	✓✓	✓✓	✓✓	✓✓
41	Develop a network of accessible, safe, green pedestrian and cycle routes	✓✓	-	-	-
42	Major sports and leisure facilities should be centrally located and be accessible to all of the community. Provision for casual recreation,	-	-	-	-

Core Strategy Preferred Approaches		SPA and SAC Sites			
		Hastings Cliffs SAC	Pevensey Levels	Dungeness to Pett Level SPA	Dungeness SAC
	such as multi-use games areas should be locally based within communities.				
43	Local green spaces and children's play provision should be designed in a way that maximises their informal play value	-	-	-	-
44	Develop a strategic policy in relation to sustainability and design, including requirement for homes and buildings to be constructed to BREEAM standards and Level 3 of the Code for Sustainable Homes	-	-	-	-
45	Favourably consider proposals for renewable energy developments subject to certain criteria.	?X	-	-	-
46	Subject to further evidence gathering, all new commercial development above a threshold of 1000m <sup>2</sup> , or residential development of 10 or more dwellings, will be expected to provide at least 10% of their energy requirements from onsite renewable energy generation, unless it can be demonstrated that the development will be unviable in terms of development type, location, design or economics	?X	-	-	-
47	Development will be directed away from flood risk areas in accordance with PPS25 and flood risk management measures such as SuDs will be sought.	-	✓✓	-	-
48	Require all major planning proposals involving residential development to address the 20 questions that make up the Commission for Architecture & the Built Environment (CABE) and the Home Builders Federation Buildings for Life standard	✓✓	✓✓	✓✓	✓✓
49	Development proposals will be expected to contribute positively to the character of the built and historic environment.	-	-	-	

## Appendix B – Screening of Hastings Core Strategy Preferred Approaches

Site	Qualifying features and Nature Conservation Importance	Key environmental conditions to support site integrity and site vulnerability	Possible impacts arising from Core Strategy?	Is there a risk of significant effect?	Possible impacts arising from other plans and projects	Mitigation	Residual effect on site integrity
Hastings Cliffs SAC 183.72ha	<p><b>Qualifying features</b>                      Vegetated sea cliffs of the Atlantic and Baltic coasts (Considered to be one of the best areas in the UK)</p> <p><b>Conservation objectives</b>                      Hastings cliffs are a short section of almost natural coastline of dramatic eroding soft cliffs. The site contains 3 valleys cut into the strata, which support woodland and scrub habitats with the unusual 'Atlantic' bryophyte flora. Maritime scrub and coastal heathland</p>	The nature of the soft eroding material results in extensive landslides, with vegetation changing from year to year. The SAC includes part of the County Park, a designated Local Nature Reserve, SSSI – manage recreational and leisure pressure Habitats and footpaths erode rapidly, especially during winter storms, as a result of the undulating nature of the cliffs with their soft constituents – manage impact or loss of footpaths and recreational	Development of 4,200 new units in Hastings may result in increased recreational pressure on Hastings Country Park.	Yes	Draft South East Plan: Development of 5,600 new dwellings in Rother District may result in increased recreational pressure. Housing development under the South East Plan, and associated increased car use may lead to increased atmospheric pollution and nitrogen enrichment, resulting in changes to the habitats of European importance	The application of the Core Strategy Preferred Options stated below will reduce demand and pressure on the Country Park:  -Pebsham Countryside Park -Ore Valley – development of a new park -Nature Conservation and Improvement of Biodiversity -Open Spaces - Car Parking (for town centre)	None anticipated



Site	Qualifying features and Nature Conservation Importance	Key environmental conditions to support site integrity and site vulnerability	Possible impacts arising from Core Strategy?	Is there a risk of significant effect?	Possible impacts arising from other plans and projects	Mitigation	Residual effect on site integrity
	<p>are found closer to the cliff edge, with grassland supporting maritime species such as drift. The clay cliff slopes are eroding and support a range of habitats from bare ground and flushes to maritime grass land and scrub, reflecting the successional development of vegetation following cliff-falls. The cliffs are unaffected by coastal protection and are dependant upon physical processes (rain, wind etc)</p>	<p>pressure Adjacent farm practices may have an effect on vegetation manage land to benefit habitats and species – achieve through Countryside Stewardship Cliff retreat – intended management Key issues- Avoidance of sea defenses Minimal air pollution Ancient Gill woods – nationally rare bryophytes – mange recreational pressure</p>			<p>Draft East Sussex Sustainable Community Strategy “ Pride Of Place”– planned implementation of Hastings &amp; Bexhill Link Road</p>		

Site	Qualifying features and Nature Conservation Importance	Key environmental conditions to support site integrity and site vulnerability	Possible impacts arising from Core Strategy?	Is there a risk of significant effect?	Possible impacts arising from other plans and projects	Mitigation	Residual effect on site integrity
Pevensey Levels Ramsar site 3577ha	<b>Qualifying features</b> 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	Unpolluted water. Absence of nutrient enrichment. Control of non-native species (e.g. pennywort and crassula). Maintenance of appropriate hydrological regime. Low recreational disturbance.	Development of new homes in the north western part of the borough may result in increased water demand and reduced/altered water supply – may result in increased Waste Water Treatment Works discharges with risks to water quality and altered water supply	No Hastings water is abstracted from ground water source including from Darwell reservoir	Development of 8000 new homes in Wealden, 5600 in Rother and 4800 in Eastbourne may result in increased water demand and reduced/altered water supply and increase WWTW discharges with risks to water quality implications and altered water supply  Housing development and associated increased car use may lead to increased atmospheric pollution and nitrogen enrichment, resulting in	The application of the Core Strategy Preferred Options stated below, will reduce demand and pressure on the Pevensey Levels and help to protect this unique area:  -Pebsham Countryside Park  -Ore Valley – development of a new park  -Nature Conservation and Improvement of Biodiversity	None anticipated

Site	Qualifying features and Nature Conservation Importance	Key environmental conditions to support site integrity and site vulnerability	Possible impacts arising from Core Strategy?	Is there a risk of significant effect?	Possible impacts arising from other plans and projects	Mitigation	Residual effect on site integrity
	<p>dragonflies donata</p> <p><b>Conservation objectives</b></p> <p>One of the largest and least fragmented lowland wet grassland systems in South East England</p> <p>The site supports an outstanding assemblage of wetland plants and invertebrates and is probably the best site in Britain for freshwater molluscs</p>				<p>changes to the habitat for which the species of European importance depend.</p>	<p>-Open Spaces</p> <p>- Environmental Sustainability and Design – including a strategic policy for SUD's</p> <p>- A21 EnviroEnterprise Corridor</p>	

## References

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Appropriate Assessment of Plans. Scott Wilson, Levett-Therivel, Treweek and Land Use Consultants (September 2006)

Assessment of Plans and projects significantly affecting Natura 2000 sites. European Commission (2002)

Managing Natura 2000 sites: The provisions of Article 6 f the 'Habitats' Directive 92/34/EEC European Commission (2000)

Appropriate Assessment of the Draft South East Plan  
Final report 31 October 2006.

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The Appropriate Assessment of Spatial Plans in England.  
A guide to why, when and how to do it. RSPB

The Appropriate Assessment (regulations 48) The Conservation (Natural Habitats & c) Regulations, 1994. Habitats Regulations guidance Note. English Nature.

Joint nature Conservation Committee - <http://www.jncc.gov.uk>

Specific information sources for identified European sites

Pevensey levels - <http://www.jncc.gov.uk/pdf/RIS/UK11053.pdf>

Dungeness SAC -  
<http://www.jncc.gov.uk/ProtectedSites/SACselection/sac.asp?EUCode=UK0013059>

Hastings SAC -  
[http://www.jncc.gov.uk/ProtectedSites/SACselection/SAC\\_list.asp?Country=E](http://www.jncc.gov.uk/ProtectedSites/SACselection/SAC_list.asp?Country=E)