

MM227

CPRE SUSSEX RESPONSE TO MM227

Strategic Policy HA(NP1): Land at Adversane (Kingswood)

CPRE Sussex considers that MM227 has not demonstrated that the proposed allocation of Land at Adversane for a new settlement of 3,200 homes can be undertaken without adversely affecting Barbastelle and the functionally linked Mens Special Area of Conservation (SAC) for the reasons explained below.

In which event the developer would potentially be in breach of Regulation 8 of the Conservation of Habitats and Species Regulations 2017. For this and the other reasons explained separately, we consider MM227 Unsound.

1. Barbastelle is The Qualifying Species for the Mens Special Area of Conservation (SAC)

1.1 'The Mens is an extensive area of mature beech *Fagus sylvatica* woodland rich in lichens, bryophytes, fungi and saproxylic (dead wood) invertebrates. It is developing a near-natural high forest structure, in response to only limited silvicultural intervention over the 20th century, combined with the effects of natural events such as the 1987 great storm. **The site also supports an important population of barbastelle bat *Barbastella barbastellus*.**

Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I: Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrublayer (*Quercion roburi-petraeae* or *Ilici-Fagenion*). (Beech forests on acid soils).

Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II: Barbastelle bat *Barbastella barbastellus*'.

See Natural England European Site Conservation Objectives for The Mens SAC (UK0012716).

1.2 Natural England/South Downs National Park: Sussex Bat SAC Planning and Landscape Scale Enhancement Protocol states that

Barbastelle roosting within the SAC “rely on land outside of the Men SAC’s boundaries. Such land which is required to sustain the bats associated with the SAC is referred to as being ‘functionally linked’ to the SAC’.

“Where impacts to such functionally linked land could result in significant effects to the bat populations associated with the SAC, full consideration needs to be undertaken under the Habitats Regulations (in the same way as habitat in the SAC)”.

“Whilst the European protected species legislation protects the bats and their breeding and resting places, it is the effect of the designation of the SAC that protects, through the Habitats Regulations Assessment process, the habitat of the bats outside the SAC”.

2. Land at Adversane is within The Mens SAC’s Wider Conservation Area and is functionally linked to SAC (Natural England/South Downs National Park: Sussex Bat SAC Planning and Landscape Scale Enhancement Protocol, Map2).

2.1 Land at Adversane lies approximately 4.1 km from The Mens SAC and within its 6.5 km Key Conservation Area.

2.2 Ecological surveys undertaken for the site promoter recorded at least nine bat species and 194 Barbastelle passes. The promoter’s Ecology Statement identifies woodland blocks, tree lines, hedgerows, ponds and associated habitat as features used by bats.

2.3. HDC itself acknowledges the issue. Its Strategic Site Assessment records:

“Initial ecological survey work has been undertaken which has identified the presence of protected species on the site. This includes the presence of bat species including Barbastelle bats (the site lies within a bat sustenance zone for the internationally protected Mens woodland)...”

2.4 HDC’s July 2026 Habitats Regulations Assessment similarly includes Adversane, on a precautionary basis, as habitat potentially suitable for SAC bats and recognises the protection of functionally linked habitat outside The Mens SAC as an important consideration.

2.5 The question is therefore not whether a potential Barbastelle issue has been identified. It plainly has. The question is whether sufficient evidence is presently available to demonstrate that allocating this site for a new settlement of 3,200 homes will not adversely affect the integrity of The Mens SAC.

3. The ecological effects and impact on Barbastelle and the SAC have not yet been fully established

3.1 The existing evidence does not appear to establish the importance of the Adversane habitats to the Barbastelle population associated with The Mens SAC, or the consequences of their loss, fragmentation or disturbance.

3.2 This is significant because the promoter's own Ecology Statement acknowledges that development is likely to affect habitat used by Barbastelle. Although existing tree lines and corridors are proposed to be retained, paragraph 3.20 acknowledges that "some impacts on the ability of these features to support barbastelles is likely", with new planting proposed as compensation.

3.3 HDC's own Strategic Site Assessment similarly concludes that:

"the full impact of development in this location would require further detailed ecological assessment if allocated."

3.4 The Council's July 2026 EIA Scoping Opinion also requires further consideration of the site's location within the Bat Sustenance Zone and the use of that zone by Barbastelle and Bechstein's bats.

3.5 There is therefore an important unresolved evidential issue. Barbastelle use of the site has been demonstrated, effects upon habitat supporting them are anticipated, but the ecological significance of those effects for Barbastelle and the functionally linked SAC has not yet been established.

4. The HRA relies upon mitigation which remains to be demonstrated at Adversane

4.1 The July 2026 HRA recognises the potential for cumulative loss or fragmentation of commuting and foraging habitat and relies upon measures including retention and reinforcement of linear features, habitat corridors, buffers, sensitive lighting and subsequent project-level surveys and assessment.

4.2 Such measures may be capable of mitigating effects in appropriate circumstances. However, at Adversane the starting point is a large greenfield site, containing designated Ancient Woodland and hedgerows, on which Barbastelle activity has already been recorded and which is proposed to undergo permanent transformation into a new settlement of 3,200 homes together with roads, schools, employment, community facilities and other infrastructure.

4.3 Before relying upon mitigation, it is necessary to understand what habitat is being used, its importance to the SAC population, what effects the development would

have upon that habitat, and whether those effects can in fact be avoided or adequately mitigated. HDC's own evidence indicates that this detailed assessment has yet to be completed.

5. MM227 does not secure the safeguards upon which the HRA relies

5.1 This uncertainty is compounded by the wording of MM227 itself.

5.2 The proposed policy requires an Ecology and Green Infrastructure Strategy and provides generally for the retention of natural habitats, new hedgerows and wildlife corridors. However, it does not specifically identify:

- The Mens SAC;
- the Barbastelle population for which it is designated;
- the site's location within the relevant bat conservation zone;
- potentially functionally linked habitat;
- identified Barbastelle foraging and commuting routes; or
- the maintenance of appropriate dark corridors.

5.3 The reference in MM227 to The Mens SAC relates to air-quality effects and electric vehicle charging. It does not address the separate issue of functionally linked habitat used by the SAC's qualifying bat population.

5.4 There is consequently no site-specific policy requirement ensuring that the ecological measures upon which the HRA conclusion depends will be incorporated into the development.

6. Conclusion

6.1 CPRE Sussex does not suggest that HDC has overlooked Barbastelle. On the contrary, the evidence establishes that:

- Barbastelle is a qualifying species of The Mens SAC;
- Adversane lies within the relevant conservation zone;
- Barbastelle activity has actually been recorded on the development site;
- the promoter's ecological evidence anticipates some adverse effects upon features supporting Barbastelle;
- HDC's Strategic Site Assessment states that the full ecological impact requires further detailed assessment; and
- the HRA relies substantially upon mitigation and further project-level investigation.

The fundamental issue is therefore one of timing and evidential certainty.

6.2 A strategic allocation for a new settlement of 3,200 homes is being made before the ecological importance of the site's demonstrated Barbastelle habitat, the effects of development upon that habitat, and the effectiveness of the necessary mitigation have been sufficiently established.

6.3 Given the relationship with a qualifying species of a European site, CPRE Sussex considers that these matters should be resolved before allocation rather than deferred principally to project-level assessment after the principle and scale of development have been established.

6.4 There is substantial site-specific evidence giving rise to a reasonable likelihood that habitat at Adversane is functionally linked to the Barbastelle population of The Mens SAC. If HDC considers that functional linkage has nevertheless not been established, it should identify what evidence is missing and explain how, in the absence of that evidence, the HRA can exclude adverse effects upon the SAC beyond reasonable scientific doubt.

7. Requested modification

CPRE Sussex requests that MM227 should not be confirmed unless and until HDC can demonstrate, on the basis of adequate site-specific evidence and applying the Habitats Regulations precautionary principle, that the allocation will not adversely affect the integrity of The Mens SAC through effects upon Barbastelle and functionally linked habitat.

If the Inspector nevertheless considers that the allocation can proceed, MM227 should as a minimum contain explicit, site-specific requirements to protect The Mens SAC Barbastelle population and its functionally linked habitat, including the retention and enhancement of identified foraging and commuting habitat and maintenance of appropriate dark corridors, with development parameters constrained accordingly.

Sustainability Appraisal

The Sustainability Appraisal does not appear adequately to address the particular ecological risk arising from the recorded use of the Adversane site by Barbastelle bats associated potentially with The Mens SAC. This is not simply a generic biodiversity constraint: Adversane lies within the recognised bat conservation area, substantial Barbastelle activity has been recorded on the site, and HDC has recognised since at least 2014 that strategic development at Adversane has particular potential to disrupt Barbastelle flightpaths and feeding areas associated with The Mens. The promoter's own ecological evidence accepts that some impacts on features supporting Barbastelle

are likely, while HDC's 2026 Strategic Site Assessment states that the full ecological impact requires further detailed assessment. In those circumstances, the SA should have considered whether there is a reasonable likelihood that habitat at Adversane is functionally linked to the SAC population, the potential significance and permanence of its loss, fragmentation, disturbance and illumination, and whether effective mitigation can reasonably be assumed at this stage. Without that assessment, the SA does not provide a sufficiently clear basis for comparing the biodiversity effects of Adversane with reasonable alternatives or for concluding that the environmental consequences of allocating the site have been adequately assessed.

Habitats Regulations Assessment

The July 2026 HRA correctly recognises that protection of functionally linked habitat outside The Mens SAC is relevant to its Barbastelle qualifying population and includes Adversane, on a precautionary basis, as habitat potentially suitable for SAC bats. However, it does not appear to resolve the site-specific issue raised by the evidence at Adversane. This is not merely land within a precautionary search zone: surveys have recorded substantial Barbastelle activity on the site (194 passes), the promoter's ecological evidence accepts that some impacts on features supporting Barbastelle are likely, and HDC's own Strategic Site Assessment states that the full ecological impact requires further detailed assessment. There is therefore substantial evidence giving rise to a reasonable likelihood that habitat at Adversane may be functionally linked to the Barbastelle population of The Mens SAC. If HDC considers that functional linkage has nevertheless not been established, the HRA should identify what evidence is missing and explain how, in its absence, adverse effects on the integrity of the SAC can be excluded with the degree of scientific certainty required by the Habitats Regulations. If functional linkage is accepted, the HRA must assess the consequences of the allocation for that supporting habitat and the SAC population. In either case, reliance principally upon future project-level surveys and generic measures such as retained corridors, habitat enhancement and lighting controls does not resolve the present evidential question of whether a new settlement of 3,200 homes can be allocated at this location without adversely affecting the integrity of The Mens SAC. This is particularly significant given HDC's longstanding recognition of the potential Adversane–Barbastelle issue and the fact that its 2014 HRA expressly relied upon the then withdrawal of Adversane/North Heath when concluding that more detailed assessment could appropriately be deferred to a later planning stage.