

Habitat Regulations Assessment Screening

Neighbourhood Development Plans in Horsham District

1.0 Introduction

- 1.1 In order to protect biodiversity at an international scale, European wide legislation¹ has established a network of nature conservation sites which have been designated for their ecological importance. Sites that have been designated to conserve wild bird species are known as Special Protection Areas (SPAs); other habitats and species are protected through designations known as Special Areas of Conservation (SACs). In addition wetlands of worldwide importance for biodiversity have been designated as RAMSAR sites.
- 1.2 In order to ensure that there is no deterioration in the integrity of SPAs, SACs or RAMSAR (hereafter referred to as international sites) sites, legislation² requires that when plans or programmes are being prepared, it is considered whether the effects arising from the plan could have a significant impact on the internationally designated sites. This process is known as Habitat Regulations Assessment. The process can be broken down into four stages set out in the table below:

Table 1: Stages of Habitat Regulation Assessment

Stage	Description
Stage 1: Screening	This stage considers whether a plan alone or in combination with other plans is likely to have a significant effect on an international site. If not the process stops at this stage. If impacts may arise than a more detailed 'Appropriate Assessment' is needed. It should be noted that the Habitat Regulation Assessment Process is based on the 'precautionary principle'. This means that where it is not certain whether or not a plan will have adverse impacts, the potential for adverse effects is assumed.
Stage 2: Appropriate Assessment	This process looks how a plan could be fine tuned as it emerges to ensure that significant impacts to nature conservation sites are avoided . For example this could include changing the wording of a planning policy. If impacts can be avoided, stages three and four are not required
Stage 3: Assessment of Alternative Solutions	If a plan is found that it would have an adverse impact on the integrity of an international site, alternatives to the plan should be considered from the earliest possible stage.
Stage 4: Compensation Measures	If there are no alternatives to a plan, and it can be demonstrated that the plan is necessary for 'imperative reasons of overriding public interest' compensation measures to offset the adverse impacts are required. It is unlikely that a Local or Neighbourhood Plan would meet this test.

¹ European Directive (92/43/EEC)

² The Conservation of Habitats and Species (Amendment) Regulations 2012, SI2012 No. 1927

- 1.3 Within Horsham District, a number of Neighbourhood Development Plans are being prepared. These plans will identify sites for housing and employment development and it must therefore be considered whether these plans will have any adverse impacts on any international site. This report therefore sets out the results of the Habitat Regulations Screening Assessment for the Neighbourhood Development Plans that are being prepared in Horsham District.

2.0 Background to Habitat Regulation Assessment in Horsham District

Higher level development Plans

- 2.1 Neighbourhood Development Plans do not exist in isolation, and instead sit within the wider national and district level framework for planning. The National Planning Policy Framework (NPPF) sets the broad social, environmental and economic policies in which development can take place. It has a presumption in favour of sustainable development, although paragraph 119 makes it clear this does not apply where development requiring appropriate assessment is being considered, planned or determined.
- 2.2 Within Horsham District, the strategic policies against which planning proposals are considered are contained in the Core Strategy, which was adopted in 2007. This document will however be replaced by the Horsham District Planning Framework (HDPF). The Examination hearings into this new plan document have now been completed, and the Council is awaiting the Inspector's Report. It is currently anticipated that the HDPF will be adopted by the Council in Autumn 2015. Both the Core Strategy and HDPF have been subject to Habitats Regulation Assessment Screening and Appropriate Assessment (Table 1 - stage 1 and 2).
- 2.3 Neighbourhood Development Plans prepared in Horsham District to date have been written to be in conformity with strategic policies identified in both the adopted Core Strategy and the emerging Horsham District Planning Framework. In terms of assessing whether Neighbourhood Plans will have any adverse impacts on an international site the starting point for this screening assessment has been the Habitat Regulation Assessment (April 2015) undertaken for the HDPF, and this report should be read in conjunction with that document. This assessment considers the impact of development that has already been identified in the Core Strategy but is not yet completed, together with additional housing and other development that has been identified as necessary. This includes a requirement for at least 1,500 homes to be identified and delivered through Neighbourhood Development Plans.

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2.4 The Habitat Regulations Assessment of the HDPF identified two key international sites which could be impacted by development of the quantum identified in the HDPF. These sites and their reason for designation are set out in table 2 below.

Table 2 – International Sites

Name of site	approx. distance (km) from Horsham DC boundary	Reason for designation
Arun Valley SPA/Ramsar	inside HDC boundary (but within South Downs National Park)	Internationally important wintering population of Bewick swan. Additionally the SPA qualifies as over winter the area regularly supports 27,241 individual waterfowl (5 year peak mean for 1992/93 to 1996/97).
Arun Valley SAC	inside HDC boundary (but within South Downs National Park)	Ramshorn snail (<i>Anisus vorticulus</i>) for which this is considered to be one of the best areas in the United Kingdom.
The Mens SAC	2 straight line 3.5 by road	Extensive area of mature beech woodland rich in lichens, bryophytes, fungi and saproxylic invertebrates. One of the largest tracts of Atlantic acidophilous beech forests in the south-eastern part of the habitat's UK range. Also supports Barbastelle bats.

2.5 As part of the screening of the HDPF, it was considered whether other international sites within 20km of the HDC boundary could be affected by development in the District. Taking into account the reasons for the designation of these sites, it was concluded that development of land within Horsham District was too distant to have any impact on their integrity and they were screened out of any further assessment. The sites that will be developed through neighbourhood planning will take place within the boundary of Horsham District. As a consequence these development locations will remain too distant to impact on the integrity of other international sites (particularly as the quantum of development was considered through the HRA process), and these sites can remain screened out for further Appropriate Assessment (Table 1 stage 2) of NDPs.

2.6 As both the Arun Valley and the Mens SPA had the potential to be adversely impacted by the HDPF, it was subject to an Appropriate Assessment. This suggested changes to the HDPF after which it was concluded that the HDPF (alone or in combination with other plans) will not have an adverse impact on the European sites. The impacts and mitigation proposed are summarised in table 3.

Table 3 –Measures to avoid adverse impacts on the integrity of International Sites

Site potentially affected	Impact	Effect	Mitigation in the HDPF
Arun Valley SPA/SAC/Ramsar	Increased water demand from new housing.	Low river flows/ groundwater levels and consequent water availability issues in wetland sites.	HDPF Policy (37?) Flooding – requires that water quality and availability is maintained
	Increased water demand from new housing.	Water quality deterioration in wetland sites, especially eutrophication through high phosphorus levels.	Policy 37 38 24 – These policies require that there is no pollution of watercourses, groundwater accord with the WFD and provide necessary upgrades to eg sewage works before development can take place.
	Increased housing development causing faster run- off and higher flood peaks.	Heightened downstream flood risk in wetland sites, damaging vegetation through prolonged deep flooding in winter, while summer floods threaten invertebrates and make essential site management difficult or impossible.	Policy 34 and 37 Policies require that technically feasible solutions to reduce flood risk (and Suds) is incorporated into development and design measures are incorporated into developments to ensure water vulnerability.
The Mens SAC	Housing development.	Disrupted flight paths and feeding areas for bat populations present within sites.	Policy 23 and 24 –specific requirements that any development does not affect integrity of these sites and identifies a bat sustenance zone.

2.7 Although it was concluded that the HDPF would not have any impact on international sites, it was highlighted that as the location of some of the homes was not yet known as these would come forward through Neighbourhood Development plans and that there was therefore some potential for sites identified in NDPs to have additional impacts on the European sites that could not be identified as part of the higher level assessment. In particular, it was noted that the Parishes of Pulborough, West

Chiltington, Thakeham, Storrington and Sullington, are located in close proximity to the Arun Valley SAC/SPA/Ramsar site and/or water courses which flow into the site and these are likely to require especially close examination if any significant proposal was to arise through the Neighbourhood Plan process.

- 2.8 Air quality has the potential to impact on the integrity of international sites, but it is very difficult to pinpoint the impact of a specific development on an international site. This is because air pollutants have a range of sources, few of which originate in defined projects identified in local plans. The cumulative impact of air pollutants from transport, domestic and industrial development together with transnational sources is however impacting sites such as the MENs SAC, where nitrogen deposition is causing a problem. The issue was however screened out of the HDPF HRA as there were no proposals that could clearly have a significant adverse impact. Nevertheless there is the potential that proposals in NDPs could have specific impacts, and this issue has therefore been revisited.

3.0 **Neighbourhood Development Planning in Horsham District**

- 3.1 In July 2015, 17 Neighbourhood Plan Areas have been designated within Horsham District. Many neighbourhoods are well progressed with their Neighbourhood Plans. Nuthurst and Henfield Parish Councils have now received their Examiners report and are proceeding to referendum. Both these NDP areas were screened for the need for a Habitats Regulation Assessment during their plan preparation, and it was concluded that their plans would not have any adverse impacts on any international site. The remaining designated areas have not yet been subject to screening. Each neighbourhood development plan will be examined on its own merits (in combination with any other plans or development) and part two of this report will be updated accordingly.

- 3.2 All neighbourhood Development Plans that are prepared must be in general conformity with the Council's Local Plan. Where a NDP is silent on an issue, the policies in a Council's Local Plan (in this case the HDPF) apply. As stated in paragraph 2.3, the Neighbourhood Development plans that have been prepared to date have been written to be in conformity with both the Core Strategy and the HDPF. It is currently anticipated that the HDPF will be adopted at the same time that the first Neighbourhood Development Plans (Henfield and Nuthurst) are made. Subsequent NDPs will all be written to be in conformity with the HDPF policies.

- 3.3 In screening the emerging NDPs the following issues will be considered:

1. Do any of the proposed policies increase quantum of development beyond 1500 homes? If this is the case, then additional impacts to sites not assessed in the Appropriate Assessment of the HDPF?
2. Will the development locations on the plan have any direct or indirect impacts on the Arun Valley SAC/SPA/RAMSAR or the Mens SAC (including air quality) that cannot be avoided by the application of the policies in the HDPF?
3. Are there any additional policies within the plan which could impact alter the mitigation measures set out in the Council's HDPF?
4. Do any of the above apply in combination with other plans or programmes?

PART TWO – SCREENING ASSESSMENTS FOR NDPs in HORSHAM DISTRICT

Table 4 below sets out a summary of the screening assessments undertaken for NDPs in Horsham District, and the date that this assessment was undertaken. The detailed assessments are set out on the following pages.

NDP Area	Screening Outcome	Date
Ashington Parish	Awaiting Screening	
Henfield Parish	Appropriate Assessment not required	May 2014
Horsham Town (unparished area)	Awaiting Screening	
Nuthurst Parish	Appropriate Assessment not required	May 2014
Pulborough Parish	Awaiting Screening	
Shermanbury Parish	Awaiting Screening	
Shipley Parish	Awaiting Screening	
Slinfold Parish	Awaiting Screening	
Southwater Parish	Awaiting Screening	
Steyning, Bramber, Wiston and Ashurst	Awaiting Screening	
Storrington Sullington and Washington	Appropriate Assessment not required	July 2015
Thakeham	Awaiting Screening	
Upper Beeding Parish	Awaiting Screening	
Warnham Parish	Awaiting Screening	
West Chiltington Parish	Awaiting Screening	
West Grinstead Parish	Awaiting Screening	
Woodmancote Parish	Awaiting Screening	

Storrington Sullington and Washington

- 1. Do any of the proposed policies increase quantum of development beyond 1500 homes? If this is the case, then additional impacts to sites not assessed in the Appropriate Assessment of the HDPF?**

This NDP identifies land for 300 homes sites. Cumulatively with Henfield, Nuthurst and Pulborough NDP areas) 618 homes have been identified. The overall quantum of development is therefore within that assessed in the HRA of the HDPF and no additional impacts will arise in this respect.

- 2. Will the development locations on the plan have any direct or indirect impacts on the Arun Valley SAC/SPA/RAMSAR or the Mens SAC (including air quality) that cannot be avoided by the application of the policies in the HDPF?**

The development sites identified in this plan do not directly adjoin the Arun Valley or the Mens woodland. The impacts arising from development are as those identified in the Habitat Regulations Assessment of the HRA Table 3 and the wider air quality issues. If made, this proposals for development sites identified in the Storrington, Sullington and Washington NDP will also be considered with the policies in the HDPF which avoid any adverse impact on the two sites. In addition, paragraph 9.13 of the HDPF reflects the decision to declare the whole District as an emission reduction area which means all developments in Horsham District must make reasonable endeavour to minimise air quality emissions and this is also reflected in Policy 24. This will prevent any impacts to air quality which could potentially be attributed to these developments.

- 3. Are there any additional policies within the plan which could impact alter the mitigation measures set out in the Council's HDPF?**

This plan does not propose any policies which conflict with the requirements incorporated in the HDPF policies as set out in Table 3 or policy 24 (Environmental Protection) which addresses air quality issues. The plan contains two policies – Green Infrastructure (policy 13) and Air Quality (Policy 14) which complement the existing measures. This includes a further requirement to retain hedgerows which will assist the retention of bat foraging grounds for the Mens, and specific requirements not to degrade air quality in the village, further limiting emissions which could otherwise harm the integrity of international sites.

- 4. Do any of the above apply in combination with other plans or programmes?**

Question 1 considers the total level of development in combination of all neighbourhood development plans. District wide impacts have been considered through the HRA of the Horsham District Planning Framework, and this process will continue as other authorities undertake any necessary Appropriate Assessments of their own plans and programmes.

