

Habitat Regulations Assessment Screening

Neighbourhood Development Plans in Horsham District

Steining Screening

18 October 2019

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. This HRA Screening relates to emerging Steining Neighbourhood Plan which carried out a Regulation 14 consultation in accordance Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) between 6 September and 18 October 2019.
- 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

¹ European Directive (92/43/EEC)

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

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.

1.3 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 2019 (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 177 makes it clear this does not apply where development requiring appropriate assessment is being considered, planned or determined.
- 2.2 Within Horsham District, it is anticipated that the strategic policies against which planning proposals are considered is the Horsham District Planning Framework (HDPF) which was adopted on the 27 November 2015. The HDPF was 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 the 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 strategic development and the general requirement for at least 1,500 homes to be identified and delivered through Neighbourhood Development Plans across the district, in cumulation with other District level plans.

Horsham District Council Habitats Regulation Assessment April 2015

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 Horsham district. Taking into account the reasons for the designation of these sites, it was concluded that development of land within Horsham district, which includes sites in neighbourhood plans, was too distant to have any impact on their integrity and they were screened out of any further assessment. These sites were therefore screened out of the need for further Appropriate Assessment (Table 1 stage 2) of NDPs during the initial Appropriate Assessment Screening. It was however recognised that further screening may be appropriate in the future as part of the Local Plan Review.

2.6 Since the initial Screening was undertaken, Wealden District Council have objected to some planning applications in Horsham District on the basis that the traffic increases generated by these developments may, in combination with other development in the south east, have an adverse impact on the Ashdown Forest.

Ashdown Forest

Name of site	approx. distance (km) from Steyning Parish boundary	Reason for designation
Ashdown Forest SAC	Approx. 29 km at the closest point to A275 / A22 Junction	European dry Heaths – for which this is considered to be one of the best areas in the UK together with North Atlantic Wet Heaths with <i>Erica tetralix</i> for which this is considered to be one of the best areas on the UK. The site also supports a significant presence of great crested newts although this is not a primary reason for designation

2.7 Some of Ashdown Forest is also designated as a SPA due to the population of Dartford Warblers. This element remains screened out of the assessment as they are primarily at risk from disturbance when nesting, and the recreational pressure on the Ashdown Forest from a 40km distance is considered not to be sufficiently close to generate impacts. (This is currently accepted to be within a 7km radius).

2.8 A number of conservation objectives have been identified for the Ashdown Forest SAC to ensure the site achieves favourable conservation status for its qualifying features by maintaining or restoring:

- The extent and distribution of qualifying natural habitats and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species;
- Supporting processes on which qualifying natural habitats and habitats of qualifying species rely;
- The populations of qualifying species;
- The distribution of qualifying species within the site.

As of 8 October 2019, the status of the SSSI (which includes the Ashdown Forest SAC) was as follows

% Favourable	% Unfavourable recovering	% Unfavourable no change	% Unfavourable declining	% Destroyed / part destroyed
20.31%	79.29%	0.00%	0.40%	0.00%

2.9 The key risk from development plans on the conservation objectives of the Ashdown Forest SAC is from Atmospheric pollution. This is a widespread issue and includes transboundary sources over which the neighbourhood plan has no control. Local pollutant sources can affect designated sites, particularly in relation to protected

habitats within SACs, and especially from road traffic emissions. The SSWNP is some considerable distance from the Ashdown Forest, but road traffic emissions depending on the scale, location and distribution of development, may (in combination with other plans) affect the way in which locally emitted pollutants reach the site.

- 2.10 Qualifying habitats most sensitive to air pollution within Ashdown Forest are European dry heaths and North Atlantic wet heaths. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. Oxides of nitrogen (NOX) (or sulphur dioxide) reacting with rain/cloudwater to form nitric (or sulphuric) acid, and is caused primarily by energy generation, as well as road traffic and industrial combustion. Both wet and dry acid deposition have been implicated in the damage and destruction of vegetation (heather, mosses, liverworts and lichens are particularly susceptible to cell membrane damage due to excessive pollutant levels) and in the degradation of soils and watercourses (including acidification and reduced microbial activity).
- 2.11 The Horsham District Planning Framework already contains measures to seek to ensure that there are no adverse impacts on the Integrity of international sites. These will also apply to any applications for development in Storrington, Sullington and Washington Parishes. In relation to air quality Policy 24 (Environment Protection) requires that development

“ minimises exposure to and emission of pollutants including ... air... and ensure that they....

“minimise air pollution and greenhouse gas emissions in order to protect human health and the environment”

Policy 40 – transport, also seeks to provide for a range of sustainable transport measures.

Although both these policies contain measures that will minimise impacts in relation to air quality, further screening has been undertaken in the context of the Storrington, Sullington and Washington Neighbourhood Development Plan and the potential for impacts to arise on the Ashdown Forest.

Arun Valley and the Mens

- 2.12 As both the Arun Valley and the Mens SPA had the potential to be adversely impacted by the plans and policies in the HDPF, an Appropriate Assessment of the HDPF was undertaken. This assessment process resulted in 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 (38) 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 e.g. sewage works before development can take place. Policy 37 also limits demand for water usage from new housing.
	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 35 and 38 Policies require that technically feasible solutions to reduce flood risk (and Suds) are incorporated into developments, and design measures are incorporated into developments to ensure water vulnerability is minimised.
The Mens SAC	Housing development.	Disrupted flight paths and feeding areas for bat populations present within sites.	Policy 25 and 31 –specific requirements that any development does not affect integrity of these sites and identifies a bat sustenance zone.

2.13 Although it was concluded that with mitigation the HDPF would not have any impact on international sites, it was also highlighted that, given that the precise number and location of development to be brought forward through Neighbourhood Development Plans had not been finalised, 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 undertaken for the HDPF. In particular, it was noted that the Parishes of Pulborough, West Chiltington, Thakeham and Storrington & Sullington, which are located in close proximity to the Arun Valley SAC/SPA/Ramsar site and/or water courses which flow into the site, are likely to require especially close examination if any significant proposal was to arise through the Neighbourhood Plan process.

3.0 Neighbourhood Development Planning in Horsham District

3.1 Horsham District now has over 80% coverage of Parishes or Neighbourhoods across the District progressing Neighbourhood Development Plans (NDP's). In total there are 24 Neighbourhood Plan areas across the District, some of which are clustered. Seven Neighbourhood Plans (Nuthurst, Thakeham, Woodmancote, Slinfold, the Wineham and Shermanbury, Warnham and Storrington & Sullington) have been "made" and the remainder are at various stages of preparation. Warnham, Storrington & Sullington and Washington, Ashington, Henfield, Shipley and Rusper Neighbourhood Plans were subject to a Habitats Regulation Assessment Screening during their plan preparation, and it was concluded that their plans would not have any adverse impacts on any international site. The remaining designated parishes 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) as set out in part two of this report.

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 HDPF.

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 which are due to be delivered through Neighbourhood Planning? If this is the case, are there additional impacts arising from additional 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 or the Ashdown Forest SAC 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	Plan Status	HRA Screening Outcome	Date of screening
Ashington Parish	Regulation 14 consultation completed.	Appropriate Assessment not required	June 2019
Ashurst Parish	Not designated	N/A	
Billingshurst Parish	Regulation 14 consultation completed	Awaiting Screening	
Bramber Parish	Regulation 14 consultation ongoing (21 September to 2 November 2019)	Awaiting Screening	
Broadbridge Heath	Not designated	N/A	
Colgate	Not designated	N/A	
Cowfold	Regulation 14 consultation completed.	Awaiting Screening	
Henfield Parish	Regulation 14 consultation completed.	Appropriate Assessment not required	September 2019
Horsham Blueprint	Progressing to reg 14 consultation	Awaiting Screening	
Itchingfield Parish	Progressing to reg 14 consultation	Awaiting Screening	
Lower Beeding	Progressing to reg 14 consultation	Awaiting Screening	
North Horsham	Withdrawn from NP	n/a	
Nuthurst Parish	Plan Made October 2015. Land identified for max 51 homes	Appropriate Assessment not required	May 2014
Pulborough Parish	Awaiting Screening	Preliminary screening November 2015. Update necessary to take account of more recent plans which have now been made.	
Rudgwick	Progressing to reg 14 consultation	Awaiting Screening	
Rusper	Regulation 14 consultation completed.	Appropriate Assessment not required	September 2019
Shermanbury Parish	Plan made June 2017. Land allocated for max 20 homes	Appropriate Assessment not required	August 2016

NDP Area	Plan Status	HRA Screening Outcome	Date of screening
Shipley Parish	Regulation 14 consultation completed.	Appropriate Assessment not required	May 2019
Slinfold Parish	Plan 'Made' on 5 September 2019 – land allocated for 77 homes	Appropriate Assessment not required following updated screening– see below	1) June 2017 2) February 2018 (update)
Southwater Parish	Regulation 16 consultation completed.	Appropriate Assessment not required following updated screening.	Updated January 2019.
Steyning	Regulation 14 consultation ongoing	Appropriate Assessment not required	October 2019
Storrington Sullington and Washington	Plan 'Made' on 4 September 2019. Examiner had requested rescreening following additional allocation of land for residential development. – Land allocated for 146 homes.	Appropriate Assessment not required following updated screening.	February 2018 Updated Screening 14 December 2018. NE has no further comment to make on the HRA rescreening on the proposed modifications (May 2019)
Thakeham	Plan made April 2017 – Land allocated for 50 homes	Appropriate Assessment not required.	October 2015
Upper Beeding Parish	Progressing to reg 14 consultation	Appropriate Assessment not required following screening.	December 2019
Warnham Parish	Plan made on 26 June 2019 – Land allocated for 50 homes	Appropriate Assessment not required following screening.	Nov 2018
West Chiltington Parish	Submitted on 19 November 2019	Awaiting Screening	
West Grinstead Parish	Progressing to reg 14 consultation	Awaiting Screening	
Woodmancote Parish	Plan to be made June 2017. No land allocated for housing development.	Appropriate Assessment not required	January 2016

Steyning Neighbourhood Plan

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

This NDP does not identify land for development. With no quantum of development proposed in the emerging plan it is concluded that there will be no additional, cumulative impacts on the International sites 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, the Mens SAC or the Ashdown Forest SAC that cannot be avoided by the application of the policies in the HDPF?**

There are no development sites identified in this plan which impact on the Arun Valley or the Mens Woodland. The river Arun and some of its tributaries do not flow through the Parish, but there are no sites that have been identified for development which are on or near these watercourses. It is therefore considered that there are no additional impacts arising from this development that would not have been identified and mitigated by the policies in the Horsham District Planning Framework. If the Neighbourhood Plan is 'made' the HDPF policies will still be relevant as part of any planning application and ensures there is no adverse impact on this European site.

Steyning parish falls outside the bat sustenance zone which was identified as a mitigation measure in the HDPF to ensure that there were no adverse impacts on the Mens Woodland. Any development proposal or windfall will therefore need to ensure that it accords with the requirements set out in policy 31 (Green Infrastructure and Biodiversity) of the Horsham District Planning Framework. There are no additional impacts arising from the Neighbourhood Plan that would not be covered by the existing policy framework. It is not considered the policies proposed in the Steyning NP will impact on the Arun Valley SPA nor have any additional direct or direct impacts on these sites.

In terms of the Ashdown Forest SAC there are policies in the HDPF which seek to minimise air quality impacts and encourage sustainable transport solutions. This cannot however entirely rule out the potential that new development in Steyning area could generate additional car journeys which may include trips through the Ashdown Forest and therefore contribute to nitrogen deposition in this area although this is highly unlikely given no significant development is proposed within the plan.

- 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 of the HDPF policies as set out in Table 3.

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

- a) Question 1 considers the total level of development in combination with all neighbourhood development plans that have reached Regulation 16 stage consultation in Horsham District. In addition Local and Neighbourhood Plans are being prepared in adjoining authorities. The cumulative impact of these plans was considered as part of the HRA which was undertaken for the Horsham District Planning Framework. The total number of homes identified for each District includes homes which will or have been delivered through Neighbourhood Planning.
- b) Steyning Parish is located in the southern part of Horsham District and adjoins a number of Parishes (the Parishes of Wiston, Ashurst, Henfield, Upper Beeding, Bramber and Findon which is located in Arun District). Upper Beeding and Henfield respectively have already undergone the HRA screening process and concluded no further requirement for Appropriate Assessment was required. As of October 2019, the former is currently going through Independent Examination and the latter has completed draft pre-submission consultation.
- c) The potential air quality impacts on the Ashdown Forest SAC arise from additional nitrogen deposition resulting from increased traffic emissions as a consequence of new development. Major roads which pass through Ashdown Forest and on which there is the potential that residents from Storrington, Sullington and Washington parishes could potentially use are the A22, A26 and A275, B2188, B2026, B2110 and Coleman's Hatch Road. If none of the roads in the network experience an increase in traffic as a result then the air pollution impact of the scheme is considered not to be significant and no further work is needed.
- d) In March 2017, the High Court handed down a judgment in relation to nitrogen deposition on the Ashdown Forest SAC. Wealden District Council brought a legal challenge against the Joint Core Strategy prepared by Lewes District Council and the South Downs National Park Authority. The legal challenge centred on the assessment of air quality impact on the Ashdown Forest SAC which was based on advice provided by Natural England. The Wealden judgment found that the advice provided by Natural England on the combination assessment was flawed and the outcome was that the judge quashed part of the Joint Core Strategy.
- e) Natural England had advised that the Design Manual for Roads and Bridges could be used to assess air quality impacts, applying the 1,000 Annual Average Daily Traffic methodology. It was advised that if the development proposals in a Plan by itself were calculated to be below 1,000 AADT, then the air pollution impacts could be considered not significant and no further work would be needed.
- f) The judge found that the advice provided by Natural England was erroneous and that an assessment of air quality impact should include other development proposals thus considering the in combination effect of nitrogen deposition from increased traffic. However, the judge gave no ruling as to the practical effects of the judgment. The parameters for any assessment of traffic impact are now unclear beyond a general presumption that any development that is likely to lead to air quality impacts on the Ashdown Forest SAC in the form of additional traffic will need to be considered through a Habitats Regulations Assessment.
- g) It is concluded that Steyning Neighbourhood Plan and the policies proposed within it would not have an adverse impact on the Ashdown Forest as a result of increased vehicle movements through the area.

Conclusion

On the basis of the above it is not considered that an Appropriate Assessment of the Steyning Neighbourhood Plan is required following this screening. It may however be helpful for the Parish Council cross refer to the relevant HDPF policies to further strengthen the mitigation for the Arun Valley SPA and the Mens Woodland SPA.

It is also suggested that a further modification is made to the plan to ensure that any future development proposals area make a reconsideration as to whether the proposal may impact on the International Sites as follows:

“Any development with the potential to impact, either individually or in combination, the integrity of any SPA or SAC will be required to undertake a Habitat Regulations Assessment including an Appropriate Assessment if required”