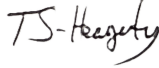



Horsham / Natural England Council Statement of Common Ground

Horsham District Local Plan 2023-2040

Signatories:

<p>Natural England signatory</p> <p>Tom Scott-Heagerty, Senior Officer Sussex and Kent</p>	<p>Horsham District Council</p> <p>Barbara Childs, Director of Place</p>
	

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Statement

1. Introduction and Scope

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Horsham District Council (HDC) together with Natural England (NE).
- 1.2 HDC is the local planning authority and has the main responsibility for coordinating development and change within the part of Horsham District covered by this SoCG, which is the area covered by the Horsham District Local Plan 2023-2040 (HDLP) and comprises Horsham District but excluding the land within the South Downs National Park.
- 1.3 NE is a non-departmental public body with a statutory purpose to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. It is a key stakeholder and statutory consultee for HDC to work with as part of its Duty to Cooperate on the HDLP.
- 1.4 The Horsham District Local Plan 2023-2040 (HDLP) will be examined under the National Planning Policy Framework as published in September 2023 (NPPF Sep 2023). This defines the topics considered to be strategic matters (paragraph 20). This includes ‘conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaption’.
- 1.5 In relation to plan making, the Conservation of Habitats and Species Regulations 2017 (as amended) require the Competent Authority (in this instance Horsham District Council) to undertake a Habitat Regulations Assessment (HRA) before making a decision about permission for any plan or project that may result in an adverse effect on the integrity of a European Site as defined in the NPPF. Mitigation measures cannot be taken into account when carrying out a HRA

Screening assessment to decide whether a plan or project is likely to result in significant effects on a Habitats (Natura 2000) Site.

- 1.6 NE is also a statutory consultee on the appropriate assessment stage of the Habitats Regulation Assessment (HRA) process, and a competent authority should have regard to NE's advice.
- 1.7 This SoCG reflects and confirms the current position on matters agreed by both parties with regard to the Duty to Cooperate in relation to the HDLP including its Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA). Where matters arise that are cross-boundary, HDC is also working with its neighbouring local authorities and other SoCGs have been prepared on cross boundary matters. This SoCG should therefore be read in conjunction with the Sussex North Water Resource Zone SoCG – Water Neutrality (July 2023 or as updated).
- 1.8 HDC and Natural England have been engaging closely together throughout the formulation of the HDLP. Natural England have provided feedback at each of the key stages of Local Plan consultation process, including the Issues and Options consultation (2018); Habitat Regulations Screening Report (2019) and Regulation 18 Draft Local Plan consultation (2020); HRA (2023) and the Regulation 19 Local Plan (2024).
- 1.9 This SoCG is a written record of the key strategic matters addressed and agreements reached. It forms part of the evidence required to demonstrate that HDC and NE have complied with the requirements of the duty to co-operate and the HRA.

2. Horsham context

- 2.1 Horsham District covers an area of 530km² (205 square miles) and is predominantly rural in character, containing a number of smaller villages and towns. The largest urban area is the market town of Horsham, situated in the north-east of the District. Key drivers of economic activity in the area are Gatwick Airport (to the northeast) and Brighton and Hove (to the southeast), there are also good transport links to London. The rural nature of the District also supports a thriving rural economy, including businesses such as brewing and viticulture.
- 2.2 Some of the land in the south of Horsham District falls within the South Downs National Park, circa 95km² (36.5 square miles) which is not covered by this SoCG because HDC is not the planning authority for this area and it is covered by a separate Local Plan. Part of the Local Plan / SoCG area falls within the High Weald Area of Outstanding Natural Beauty.
- 2.3 Compared with many other areas within the South East, geographically, Horsham District has a smaller proportion of land which is subject to environmental or other designations such as Green Belt.
- 2.4 In common with the rest of the UK, biodiversity is deteriorating as a result of changing land management practices, increased pressure for development and climate change. A particular issue for Horsham District is the increasing demand for water in an area already suffering from 'water stress'. In September 2021, Natural England issued a Position Statement to HDC and other affected local authorities identifying that water abstraction at Pulborough supplying the Sussex North Water Resource Zone (within which the District lies) may be having significant adverse impacts on protected sites in the Arun Valley, located in the South Downs National Park. This has led to the requirement for new development to be demonstrably 'water neutral' until such a time when

future alternative sources of water supply are confirmed. Further information in respect of this is provided in the Sussex North Water Resource Zone SoCG – Water Neutrality (July 2023 or as updated).

- 2.5 There is also potential for development within Horsham District to impact on other protected sites and species beyond its own administrative area, as a result of air pollution from vehicle traffic. Any growth and development which takes place will need to ensure key habitats are protected and deliver wider biodiversity net gains and contribute towards the provision of a nature recovery network. To facilitate this, HDC in partnership with Sussex Wildlife Trust has produced a draft District Nature Recovery Network. This is one of several documents that are informing the West Sussex Local Nature Recovery Strategy (LNRS) which is being prepared by West Sussex County Council as the designated Responsible Authority. This is being prepared alongside the East Sussex LNRS which also covers Brighton & Hove.

3. Overall positions of the parties

- 3.1 Horsham District Council has outlined that the District is under very significant development pressure. Government policy places much emphasis on housing delivery as a means of economic growth and addressing the national shortage of housing. The Standard Housing Methodology (SHM) as referred to in NPPF (Sept 2023) paragraph 61 (with details set out in Planning Practice Guidance) is the starting point for housing need in the District. The need for Horsham District is at least 917 dwellings per annum. In addition, NPPF (Sept 2023) paragraph 11b is clear that for plan-making, a local plan should provide for any needs that cannot be met within neighbouring areas, unless specific excepting circumstances can be demonstrated. A number of authorities have written to Horsham District to indicate that they have unmet housing needs, however due to identified significant impacts on the Arun Valley sites of international conservation importance constraining the supply of new homes over the new Local Plan period, Horsham District is unable to meet its own housing need and is therefore also unable to meet the needs of other areas at the current time.
- 3.2 Government equally places emphasis on building a strong, responsive and competitive economy, including by ensuring that sufficient land is available to support growth, innovation and improved productivity. This includes setting criteria, or identifying strategic sites, for local and inward investment to match the economic strategy and to meet anticipated needs over the plan period.
- 3.3 As a consequence, and to demonstrate positive planning for development and change, HDC proposes policies that will yield the following housing and employment supply from 2023 to 2040 as set out in Strategic Policies 37 and 29 respectively:

Figure 1: Horsham District Local Plan 2023-2040 proposed housing supply

Source of housing supply	Number of homes
Homes that are already permitted or have been allocated in a “made” Neighbourhood Plan, including previously allocated strategic sites	6,692
New Strategic Sites	2,985

Smaller scale allocations to be allocated in this Local Plan or in Neighbourhood Plans	1,795
Intensification of the Land North of Horsham strategic allocation in the Horsham District Planning Framework, 2015	60
Windfall housing supply	1,680
Total Horsham District Local Plan period	13,212
Annual housing target (averaged over the Plan period)	777

Figure 2: Horsham District Local Plan 2023-2040 proposed employment supply (strategic scale sites)

Source of employment supply	Employment space
Commitments - current planning permissions and sites under construction	139,242 sqm
Strategic site allocations	6.5 ha.
Other site allocations	10.5 ha.

Note: data sourced from HDLP (Regulation 19) Table 5. Additional small site commitments are regularly monitored, see Authority Monitoring Report for details.

- 3.4 The position of NE, reflecting the Conservation of Habitats and Species Regulations 2017 (as amended) is that development or proposals promoted by the HDLP must not result in adverse effects on the integrity of a European Site, either individually or ‘in combination’ with other projects, and negative impacts for environmental and landscape assets and soils should be minimised and, where it is unavoidable, mitigated. NE seeks to secure robust policies so as to protect and enhance the rich and varied landscape and the environmental assets present within Horsham District. These are required to make a positive and measurable impact on these important features at this critical time for climate and biodiversity.
- 3.5 Therefore, as necessary and appropriate, development will be required to be landscape led and accompanied by suitable mitigation. For avoidance of doubt, a local plan need only mitigate the impacts specifically arising from the local plan, and proportionately mitigate any cumulative cross-border impacts.

4. Key strategic matters

HDLP - policies and strategy

- 4.1 In accordance with the above positions, the parties support development at locations that are or can be made sustainable, support sustainable transport modes and support business sectors as well as supporting new growth. The parties also note and support Section 15 of the NPPF (Sept 2023) which sets out how planning policies and decisions should contribute to and enhance the natural and local environment.

4.2 NE agree that they support the following policies:

- Strategic Policy 6 Climate Change
- Strategic Policy 9 Water Neutrality (*NB. there is a separate Water Neutrality SoCG which has been endorsed by NE*)
- Strategic Policy 10 Flooding

4.3 A range of comments and suggestions were put forward by Natural England in relation to the policies of the HDLP. HDC considers many of these to be detailed matters for consideration at examination and potentially at main modification stage. As this SoCG addresses strategic matters, these detailed matters are not considered further here.

HDLP – Strategic Policy HA2 Land West of Ifield

4.4 The signatories agree that the Bechstein's bat is a protected species (protected in the UK under the Wildlife and Countryside Act, 1981. Priority Species under the UK Post-2010 Biodiversity Framework. European Protected Species under Annex IV of the European Habitats Directive. Listed as Near Threatened on the global IUCN Red List of Threatened Species).

4.5 NE advises that development of the Land West of Ifield as presented in the site masterplan (HDLP Figure 7) will impact an area of regional importance to Bechstein's bats. NE also recognise that the Hyde Hill Wood and immediate surrounding area supports a notable population of Bechstein's bats which would satisfy designation criteria as a site of special scientific interest. NE advise that the current scale, quantum and location of development proposed will have a negative impact upon the population of Bechstein's bats. NE advise that the development should be sensitively designed and habitats-led to avoid and mitigate impacts (whilst allowing for enhancements). NE also advise that the scale of development around Hyde Hill Wood is reduced at the site to reflect the importance of the colony and surrounding habitat.

4.6 HDC agrees that appropriate mitigation with regards the Bechstein's bat population will be necessary. Both NE and HDC are working with the site promoter, Homes England, to ensure that all necessary surveys have been undertaken, mitigation identified, and adjustments made to the details of the proposals and, as necessary, the masterplan.

4.7 The signatories agree that details emerging from ongoing work relating to a prospective future planning application will be considered jointly and will inform any necessary changes to the masterplan to be considered at examination.

HDLP – Sustainability Appraisal (SA)

4.8 NE disagree with the assessment provided alongside the Regulation 19 HDLP on the basis of the arguments put forward within the HRA (i.e. Ammonia impacts on the Mens SAC, covered in more detail below). NE raise a concern that the development scenarios proposed have negative impacts for environmental and landscape assets and soils. NE also raise that with regard to monitoring the condition of designated sites is limited. They suggest the SA should include measurable net gains in biodiversity and condition of ancient woodland for example and securing on Nature Recovery

Networks alongside Green Infrastructure as this will represent a greater area of Horsham District. Access to nature is a key indicator which covers health and wellbeing and links to green infrastructure for example. They advise that ANGST standards should be used for monitoring the Plan.

- 4.9 HDC notes NE's position but considers the SA in its current form to be fit for purpose. HDC would support further consideration of detailed matters relating to monitoring at examination and potentially at main modification stage.

HDLP – Habitats Regulations Assessment (HRA)

- 4.10 It is agreed that the conclusions of the HRA (Nov 2023) are sound with the exception of Air Quality impacts to the Mens SAC. NE agree that as oxides of nitrogen (NOx) is currently well below the Critical Level, then additional increases from plan development would not have an Adverse Effect on the Integrity (AEOI) of the site.

- 4.11 With regard to Nitrogen deposition, HDC and NE agree that it is likely there will not be an Adverse Effect on Integrity (AEOI) as Nitrogen deposition is unlikely to affect tree health/growth. NE recommend this be clearly explained within the document.

Natural England summary advice on atmospheric ammonia

- 4.12 However, NE advised the atmospheric ammonia impacts on the Mens SAC required further consideration due to its direct toxicity effects on lichens. They considered it was not possible to ascertain that the HDLP would not result in adverse effects on the integrity of The Mens SAC when considered in combination with other sources. There is no clear evidence that provides any certainty that background levels will reduce so consideration of "retardation" of the ability of the site to reach its restore objective is not applicable. The evidence provided in the HRA considered the plan "alone", further information was required on the "in combination" impacts of air quality.

Recent work on air quality at The Mens

- 4.13 As a consequence of NE's advice, the HRA has been reviewed and additional modelling of air quality impacts undertaken, which supersedes the air quality assessment reported in paragraphs a6.51 to 6.75 of the Regulation 19 HRA (Nov 2023). This has been done through application of more realistic emissions factors for NOx and ammonia to reflect potential future changes in vehicle types, as the original assessment had used worst-case emission factors for 2030 with 2039 traffic flows. The results of the emerging HRA Addendum maintains the conclusion that no adverse effect on integrity of The Mens SAC will arise from nitrogen deposition or NOx in atmosphere.

- 4.14 In respect of ammonia, it shows that the 1% of the critical level screening threshold is not exceeded by Horsham Local Plan alone beyond 10m from the roadside. However, the critical level itself is exceeded at 10m from the roadside largely due to existing ammonia concentrations from agriculture and therefore 'in combination' effects need consideration. Approximately 2% of The Mens SAC is affected by 'in combination' ammonia to a greater than imperceptible degree. This represents a slight net deterioration in ammonia from 2019 to 2039, which is contrary to The Mens SAC's 'restore' target for air quality in the Supplementary Advice on the Conservation Objectives.

- 4.15 This means, despite the critical level for ammonia being exceeded by approximately 16% under all scenarios irrespective of traffic growth (i.e. with or without the Local Plan development) due to existing agricultural sources of ammonia (livestock and fertiliser), that traffic growth 'in combination' would work against the restore objective of the SAC albeit to a small extent and over a relatively small part of the SAC.
- 4.16 The emerging HRA Addendum notes that ammonia concentrations fluctuate greatly due to meteorological factors. As such, small modelled incremental changes in average ammonia may not be statistically significant due to the large variance in ammonia concentrations.
- 4.17 The emerging HRA Addendum concludes that the most appropriate approach to dealing with the forecast increase in ammonia concentrations in order to support a conclusion of no adverse effect on integrity (proportionate to the small scale of forecast in combination effect) is to introduce a programme of measures to encourage a further shift from petrol cars and vans to ultra-low emission vehicles (ULEVs) over the period to 2039, beyond that modelled to arise purely from implementation of national policies. This will be facilitated by the sustainable transport objectives of the Local Plan, including Strategic Policy HA4: Land East of Billingshurst which includes the provision of electric charging points for all car parking spaces within the development. A mitigation strategy is being prepared, which is likely to include Automated Number Plate Recognition (APNR) surveys to monitor the further uptake of ULEVs and the reduction in combustion engine-powered vehicles. *Natural England current position*
- 4.18 NE consider that the matter is still under discussion. Having reviewed the updated HRA addendum NE is satisfied that an Adverse Effect on Integrity (AEOI) can be ruled out for each of the Habitats Sites, except for the impact of ammonia on The Mens SAC. Natural England therefore at present cannot concur with the HRA's conclusion that the most appropriate approach to achievement of no adverse effect on integrity of The Mens SAC is to introduce a programme of measures to encourage a further shift from petrol cars and vans to ultra-low emission vehicles (ULEVs) over the Plan period going beyond that modelled to arise purely from implementation of national policies. NE welcome soft measures through the Plan (such as EV charging points and encouraging ULEV as measures to tackle air quality and climate change), however, NE advise that these measures do not provide sufficient certainty under the requirements of the Habitats Regulations.

Horsham District Council current position

- 4.19 HDC recognises the outcome of air quality modelling which predicts an exceedance of atmospheric ammonia above the accepted critical level in a small portion of The Mens resulting from the in-combination effect of agricultural activities, road transport and other sources. It notes that the HRA concludes the HDLP alone would not lead to the critical threshold being exceeded, and that the contribution of road traffic is small at 5.31% of the total. It is further noted that small forecast average changes in atmospheric ammonia, as is the case here, may not be statistically significant. Nevertheless, HDC supports that in order for the HDLP to meet habitats regulations, mitigation is necessary. Within current circumstances, it considers the approach to mitigation outlined in the HRA Air Quality Addendum (May 2024) and to be set out in an Air Quality Mitigation Strategy to provide a practical way forward and the greatest certainty achievable from the options currently available.

Jointly agreed position

4.20 Notwithstanding the differing positions regarding mitigation necessary to satisfy habitat regulations, Natural England and Horsham District Council will continue to work together with Chichester District Council and other stakeholders as necessary. This work will seek to identify and explore proportionate and potentially achievable options that may help to address Natural England's concerns around the predicted increases of ammonia arising from local plan development and the potential impacts of this on The Mens SAC in combination with other sources.

5. Agreed next steps

5.1 The parties agree to effectively engage during the Local Plan Examination and on an ongoing basis with the aim of resolving issues outstanding.

6. Closing matters and further work

6.1 The signatories agree that they have worked jointly and constructively on all relevant and cross-boundary matters relevant to the plan-making process. The parties confirm that they will continue to do so, through sustained joint dialogue, with respect to any outstanding matters.