

Horsham Local Plan Habitats Regulations Assessment: Executive Summary

Horsham District Council

June 2021

1. Executive Summary

Introduction

- 1.1 Under the Conservation of Habitats and Species Regulations 2017 (as amended), an Appropriate Assessment is required, where a plan or project is likely to have a significant effect upon a European Site, either individually or 'in combination' with other projects.
- 1.2 AECOM was appointed by Horsham District Council to undertake a Habitats Regulations Assessment of its emerging Regulation 19 Draft Local Plan. The objective of this assessment was to identify any aspects of the Plan that would cause an adverse effect on the integrity of European sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs), candidate Special Areas of Conservation (cSACs), potential Special Protection Areas (pSPAs) and, as a matter of Government policy, Ramsar sites), either alone or in combination with other plans and projects, and to advise on appropriate policy mechanisms for delivering mitigation where such effects were identified.
- 1.3 The UK left the EU on 31 January 2020 under the terms set out in the European Union (Withdrawal Agreement) Act 2020 ("the Withdrawal Act"). This established a transition period, which ended on 31 December 2020. However, the Withdrawal Act retains the body of existing EU-derived law within our domestic law and it is clear that the HRA process continues post-Brexit.

Screening for Likely Significant Effects (LSEs)

- 1.4 This HRA assessed the development proposed in the emerging HLP and its policies, including at least 18,700 new residential dwellings and 111,700m² of employment space (B1 (now use class E), B2 & B8). It was concluded that likely significant effect could arise on Arun Valley SPA/Ramsar site (from changes in water quality, changes in water levels and flows and loss of functionally-linked land), Ebernoe Common SAC and The Mens SAC (from loss of functionally linked land) and, for The Mens SAC, atmospheric nitrogen deposition.

Appropriate Assessment

Water Quantity, Level and Flow

- 1.5 Natural England has expressed concerns regarding the Hardham groundwater abstraction following a review of evidence. Natural England has requested that Horsham District Council do their utmost to provide for water neutrality within the Local Plan in order to minimise the burden new development places on local water resources and thus minimise the need for Southern Water to use the Hardham Borehole to its full permitted extent. To support the production of the Local Plan, a water neutrality investigation has been undertaken by AECOM. The full Technical Note can be found in Appendix E of the Local Plan HRA report.
- 1.6 The Technical Note identifies that even with the tightened water use limits included within the Local Plan (80 litres/person/day for strategic residential allocations, and 100 litres/person/day for all other residential allocations), literal

(i.e. total) water neutrality could only be achieved by applying the High Scenario, requiring new homes to use water at a rate of 62 l/h/d and retrofitting a minimum of 65.5% of the existing housing stock with water efficiency fittings equivalent to the Southern Water 'Target 100' standard. In other words, it would require a restriction on new-build water use unprecedented in the UK and a very high level of retrofitting of existing stock. This is considered unfeasible, particularly given that there is only a limited amount the local planning authority can do (and nothing the Local Plan itself can do) regarding retrofitting existing dwellings.

- 1.7 The Medium Scenario would give a minimum of 65% neutrality which would require new homes to be designed to use water at a rate of 80 l/h/d for strategic development or 100 l/h/d for non-strategic development (i.e. as required by the proposed Local Plan policy) and retrofitting 50% of the existing housing stock with water efficiency fittings equivalent to the Southern Water 'Target 100' standard. While existing Local Plan policy would achieve the necessary water efficiency standards in new builds, the extent of retrofitting is again considered unfeasible.
- 1.8 In the situation where new homes only are designed to use water at a rate required by the proposed Local Plan policy (i.e. without any retrofitting of the existing housing stock with water efficiency fittings) a water neutrality of 32% could be achieved. In addition, a certain amount of limited retrofitting of existing properties is within the feasible remit of the local authority, working with partners, and it is therefore considered that achieving the 'low' scenario in the Technical Note is feasible. This would involve retrofitting 20% of existing dwellings and would achieve 45% water neutrality for Horsham District.
- 1.9 This would demonstrate that the Council had a strong approach to doing its realistic utmost on the issue, within those areas that lie within its remit and ability to influence.
- 1.10 The Technical Note includes a list of recommendations and requirements for the delivery of water neutrality. This includes Plan Policy, partnership approaches, and retrofitting. These recommendations/ requirements are replicated below:

Policy

- 1.11 *"Horsham District Council is already proposing a requirement in the Local Plan (2019 – 2036) (Policy 38) that new homes delivered on strategic developments incorporate water efficiency measures and/or water recycling in order to limit water use to 80 l/h/d or 100 l/h/d on non-strategic developments; therefore, this policy element of the delivery requirements is already in place. It is recommended that the Council consider ways to support developer implementation of this policy via information sources on their website. Measures can include (but not necessarily limited to) garden water butts, low flush toilets, low volume baths, aerated taps, water efficient appliances and water recycling (greywater and/or rainwater)."*

Partnership Approaches

- 1.12 *"Housing association partners should be targeted with a programme of retrofitting water efficient devices, to showcase the policy and promote the benefits. This should be a collaborative scheme between Horsham District Council, Southern Water and Waterwise. In addition, rainwater harvesting and/or greywater recycling schemes could be implemented into larger council owned and*

maintained buildings, such as schools or community centres. Rainwater harvesting could be introduced to public toilets.

1.13 The retrofitting scheme should then be extended to non-Council owned properties, via the promotion and education programme.

1.14 A programme of water audits should be carried out in existing domestic and non-domestic buildings, again showcased by council owned properties, to establish water usage and to make recommendations for improving water efficiency measures. The water audits should be followed up by retrofitting water efficient measures in these buildings, as discussed above. In private non-domestic buildings water audits and retrofitting should be funded by the asset owner, the cost of this could be offset by the financial savings resulting from the implementation of water efficient measures.

1.15 In order to ensure the uptake of retrofitting water efficient devices for non-council properties, the council should implement an awareness and education campaign, which could include the following:

- working with Southern Water to help with its water efficiency initiative ('Target 100'), which has seen leaflets distributed directly to customers and at events across the region each year;*
- a media campaign, with adverts/articles in local papers and features on a local news programme;*
- a media campaign could be supplemented by promotional material, ranging from those that directly affect water use e.g. free cistern displacement devices, to products which will raise awareness e.g. fridge magnets with a water saving message;*
- encouraging developers to provide new residents with 'welcome packs', explaining the importance of water efficiency and the steps that they can take to reduce water use;*
- working with retailers to promote water efficient products;*
- carrying out educational visits to schools and colleges, to raise awareness of water efficiency amongst children and young adults;*
- working with neighbourhood trusts, community groups and local interest groups to raise awareness of water efficiency; and,*
- carrying out home visits to householders to explain the benefits of saving water, this may not be possible for the general population of the Borough, but rather should be used to support a targeted scheme aimed at a specific residential group."*

Loss of Functionally Linked Habitat

1.16 Appendix C of the HRA report identified that a single allocation, STO1: Land to the north of Melton Drive/Land South of Northlands Lane, Storrington, has the potential to support a significant population of Bewick's swan and thus could provide functionally linked land to the Arun Valley SPA / Ramsar site. It was considered that all others site located within 6.5km of the SPA / Ramsar site were not suitable to act as functionally linked land for Bewick's swan due to a variety of reasons, including being located within/ adjacent to an urban area, subject to

existing levels of disturbance, the sites not providing green fields (but rather containing woodland/ buildings), the site comprised multiple small land parcels divided by thick hedgerows or woodland belts (so each field was less than 2ha in size and had disrupted sightlines), or the site offered no sight lines into the wider countryside.

- 1.17 In accordance with Policy 30 - Strategic Policy: Green Infrastructure and Biodiversity “9. *Any development with the potential to impact Arun Valley SPA / SAC / Ramsar site, The Mens SAC and / or Ebernoe Common SAC will be subject to a Habitats Regulation Assessment to determine the need for an Appropriate Assessment. In addition, development will be required to be in accordance with the necessary mitigation measures for development set out in the HRA of this plan.*” As such, it is considered that the Local Plan contains a basic policy framework to ensure that no adverse effect on the integrity of the SPA / Ramsar site could result as a consequence of loss of functionally linked land. Nonetheless, recommendations are made to ensure full robustness.
- 1.18 It is recommended that the policy for allocation STO1 should include the following requirement, or similar: *‘The applicant will be required to provide evidence that the development will not result in an adverse effect on the integrity of the Arun Valley SPA/Ramsar. To achieve this, surveys will be required to determine habitats and current use of the site to determine if it does support a significant population¹ of qualifying species. Where habitats are suitable, non-breeding bird surveys will be required to determine if the site and neighbouring land constitute a significant area of supporting habitat. Surveys should be required to be undertaken during autumn, winter and spring and more than 1 year of surveys may be needed (to be agreed in consultation with the local planning authority and Natural England). If habitat within the site is identified to support significant populations of designated bird features avoidance measures and mitigation will be required, such as the creation of replacement habitat nearby, and the planning application will likely need to be supported by a project specific Habitats Regulations Assessment to ensure that the development does not result in adverse effects on integrity’.* It is recognised that this is lengthy for inclusion in policy, so a brief reference could be included in the policy with this fuller text in the supporting text.
- 1.19 It is also recommended that the supporting text in paragraph 7.42 of the Plan is amended to state (or similar) ***“In the case of Arun Valley, proposals must demonstrate that they will avoid harm to the water quality and water levels on site, and do not result in the loss of significant parcels of functionally linked land that supports Bewick’s Swan”***
- 1.20 In addition, for correctness, it is recommended that the supporting text in paragraph 7.42 of the Plan is amended to state ***“...these sites are of international importance for nature conservation, and applicants will need to demonstrate that development does not result in an adverse effect on the integrity have ~~adverse impacts~~ on either any of these sites in accordance with relevant legislation.”***
- 1.21 A series of site allocations (both residential and employment), were identified to be greenfield development and located either within 6.5km of The Mens SAC or between 6.5km and 12km from both The Mens SAC and Ebernoe Common SAC.

¹ A significant population is classified as a site that regularly used by more than 1% of the population of qualifying bird species

In accordance with Policy 30 - Strategic Policy: Green Infrastructure and Biodiversity “9. Any development with the potential to impact Arun Valley SPA or the Mens SAC will be subject to a Habitats Regulation Assessment to determine the need for an Appropriate Assessment. In addition, development will be required to be in accordance with the necessary mitigation measures for development set out in the HRA of this plan.” As such, it is considered that the Local Plan contains a basic framework to ensure no adverse effect on the integrity of the SACs result as a consequence of loss of functionally linked land. Nonetheless, recommendations are made to ensure full robustness.

- 1.22 To ensure full robustness, it is recommended that the supporting text of the Plan is updated to include reference to the strategic Sussex Bat Protocol² and the requirements it sets out for development within 6.5km and 12km of both The Mens SAC and Ebernoe Common SAC. The Protocol has been created in consultation with Natural England and includes Natural England’s recommendations as follows:

There are two key impact zones from a Sussex Bat SAC:

- “6.5km Key conservation area – all impacts assessed
- 12km Wider conservation area – significant impacts or severance to flightlines to be considered

The 6.5 km includes the Key conservation area in which all impacts must be considered as habitats within this zone are considered critical for sustaining the populations of bats within the SACs.

The 12km encompasses the wider conservation area which is the full extent of the range of foraging areas required by the bats”

- 1.23 To ensure no adverse effects on the integrity result as a consequence of development within 12km of either The Mens SAC or Ebernoe Common SAC, all development (both allocations and any windfall development) within these zones (as shown on the Local Plan Policies Map) should adhere to the requirements set out within Sussex Bat Protocol.

- 1.24 The following recommendation is made for additions to supporting text: *‘In order to be fully compliant with the Habitats Directive regarding The Mens SAC and Ebernoe Common SAC qualifying features, proposals for the development of greenfield sites within 12km of either SAC must evaluate whether there is a potential for the loss of suitable foraging habitat and / or the severance of commuting flightlines, such as in the form of mature treelines, hedgerows and watercourses. If so, such features must be preserved or compensated for, unless bat surveys demonstrate that they are not used by barbastelle bats. Care must also be taken through development design to ensure that such features are not subject to unacceptable levels of artificial lighting.’*

- 1.25 The supporting text in paragraph 7.42 of the Plan should also be amended to state “...these sites are of international importance for nature conservation, and applicants will need to demonstrate that development does not **result in an adverse effect on the integrity** ~~have adverse impacts on either any of these sites in accordance with relevant legislation.~~”

² <https://www.southdowns.gov.uk/wp-content/uploads/2018/04/TLL-15-Draft-Sussex-Bat-SAC-Protocol.pdf> [accessed 19/11/2020]

Atmospheric Pollution

- 1.26 It is considered that The Mens SAC is vulnerable to nitrogen deposition and is located within 200m of an A road likely to be utilised as a journey to work route: the A272. Modelling was undertaken along a single transect within the SAC adjacent to the road, with the closest part of the SAC being located immediately adjacent to the roadside. The traffic modelling identified that the difference between the Do Minimum and Do Something 2 scenario (i.e. the contribution of the Local Plan with congestion mitigation such as traffic improvement schemes) was 442 AADT, indicating that the Horsham Local Plan in isolation would provide approximately 1/4 of the increase in traffic flows to 2037.
- 1.27 Since it is likely that a significant portion of the increase in traffic flows come from a single large strategic allocation located in the western extent of the District (Strategic Policy HA3: Land East of Billingshurst, an allocation of approximately 650 net new dwellings located about 5.5km east of The Mens SAC in a straight line), a requirement should be introduced into policy for this allocation to devise a scheme-specific range of measures to reduce reliance on cars, reduce trip generation and promote ultra-low emission vehicles. The kind of measures the applicants would be expected to introduce could include, but not be limited to, the following:
- a) Electric vehicle charging points at parking spaces. The government has committed to ceasing the sale of all new petrol and diesel cars and vans from 2030. In the latter part of the plan period therefore people can be expected to show particular interest in electric vehicles;
 - b) A proportion of parking spaces to be reserved exclusively for electric or hydrogen vehicles;
 - c) Provision of direct incentives to residents to convert from petrol or diesel cars to electric vehicles;
 - d) Provision of a communal minibus (particularly if electric), and car club space. This will be effective for housing developments but particularly for employment developments;
 - e) Cycle parking and shower facilities for staff;
 - f) On-site services (e.g. GP surgery's and shops) to reduce need for off-site movements;
 - g) Personalised Journey Planning services for residents. If employment premises the company could provide incentives for car-sharing and minimising car journeys for work;
 - h) Production of sustainable travel information for residents e.g. accurate and easily understandable bus timetables;
 - i) Implementation of a Staff Management Plan to place restrictions on car use by Staff;
 - j) For vehicles generating HGV movements, restrictions to keep movements below 200 HDV per day, or a commitment to ensuring all HGVs used will be Euro6 compliant.
- 1.28 The issue is also more strategic one, attributable to growth dispersed across the District. Horsham should commit to working with the South Downs National Park

Authority and Natural England in implementing the Shared Nitrogen Action Plan (SNAP) for this site. This could include Horsham supporting direct interventions to improve tree health and resilience such as through mulching³. This would probably need to be funded by a financial levy on developers so the cost of interventions would need to be identified prior to Local Plan submission. Alternatively, Horsham District could make an 'in kind' contribution of staff availability if Horsham has a conservation or land management team. The SNAP has already been identified as an intervention, but it does not appear to have been fully funded.

1.29 Other initiatives to consider would include a programme of borough-wide initiatives to reduce reliance on the private car and promoting and delivering improved public transport and low emission vehicles, such as:

- requiring 50% of parking spaces at all new developments to have active electric vehicle charging point provision, including rapid charging;
- ensuring all public car parks have active electric vehicle charging infrastructure;
- producing materials to promote use of low-emission transport (such as indicating where charging points are located in the district, informing the public of the falling cost of electric vehicles due to reducing battery costs, and identifying the range of electric vehicles available); and
- working with the transport authorities over the plan period to 2037 (the year when an adverse effect is forecast) to improve non-road connectivity between Billingshurst and Petworth (both located on the A272 and which require driving past The Mens SAC to travel between the two towns), and deliver improved bus services with less polluting buses.

1.30 These strategic initiatives would address the contribution of all new housing and employment in Horsham District even on small sites.

³ Flores Fernández et al. (2019) demonstrated that mulch aided the recovery of soil structure of a compacted forest soil in Germany. Mulching also increases fine root growth in the surface horizons, and enhances soil biological functioning. It is important to apply mulch to an appropriate thickness (between 5 cm to 7.5 cm maximum), to facilitate rainfall percolation and oxygen diffusion into the underlying soil. Mulching is clearly a management intervention which moves beyond natural litter accumulation beneath trees, but it appears to fit with the ethos of the Adaptation Principles listed in Annex AM3 of Moffat (2019). Mulch will also provide nutrients available for uptake by the tree, and help to counter any deficiencies due to inherent soil infertility, the effects of atmospheric pollution and nutrient removal by vegetation. The RHS website gives further guidance on the practice of mulching (see RHS mulching advice).