

# Horsham Local Plan Habitats Regulations Assessment

## Executive Summary

Horsham District Council

November 2023

## Quality information

<u>Prepared by</u>	<u>Checked by</u>	<u>Verified by</u>	<u>Approved by</u>
Isla Hoffmann Heap Senior Ecologist	James Riley Technical Director	Max Wade Technical Director	James Riley Technical Director

## Revision History

<u>Revision</u>	<u>Revision date</u>	<u>Details</u>	<u>Authorized</u>	<u>Name</u>	<u>Position</u>
0	16/10/23	The initial draft for client comment	JR	James Riley	Technical Director
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Prepared for:

Horsham District Council

Prepared by:

AECOM Limited  
Midpoint, Alencon Link  
Basingstoke  
Hampshire RG21 7PP  
United Kingdom

T: +44(0)1256 310200  
aecom.com

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# 1. Background

- 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 Regulation 19 Draft Local Plan (2023-2040). 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 to avoid an adverse effect on the integrity of a European site resulting where such effects were identified.
- 1.3 In order to ascertain whether or not site integrity will be affected, an Appropriate Assessment should be undertaken of the plan or project in question:

## Figure 1: The legislative basis for Appropriate Assessment

### Conservation of Habitats and Species Regulations 2017 (as amended)

The Regulations state that:

*“A competent authority, before deciding to ... give any consent for a plan or project which is likely to have a significant effect on a European site ... shall make an appropriate assessment of the implications for the site in view of that sites conservation objectives... The authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site”.*

# 2. Methodology

## Introduction

- 2.1 The HRA has been carried out with reference to the general EC guidance on HRA<sup>1</sup>; the UK government has also produced its own internal guidance<sup>2</sup>. These have been referred to in undertaking this HRA.
- 2.2 Figure 2 below outlines the stages of HRA. The stages are essentially iterative, being revisited as necessary in response to more detailed information,

<sup>1</sup> European Commission (2001): Assessment of plans and projects significantly affecting Natura 2000 Sites: Methodological Guidance on the Provisions of Article 6(3) and 6(4) of the Habitats Directive.

<sup>2</sup> <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

recommendations, and any relevant changes to the plan until no significant adverse effects remain.

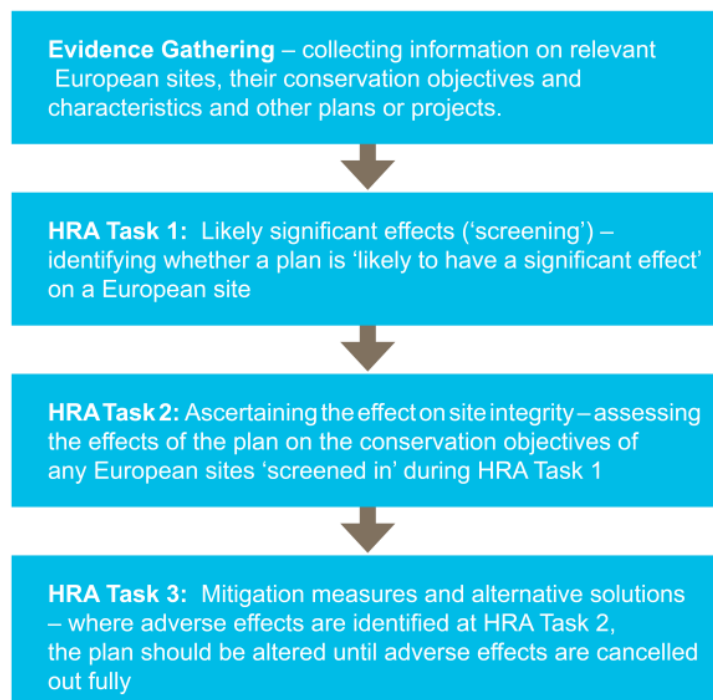


Figure 2. Four Stage Approach to Habitats Regulations Assessment. Source EC, 2001<sup>1</sup>.

## 3. Likely Significant Effects Test

3.1 This HRA assessed the development proposed in the Regulation 19 Draft Horsham District Local Plan and its policies, including at least 13,600 new residential dwellings and a minimum of 17ha of employment space (use classes B2/B8/part E). While some European sites were screened out due to there being no LSEs resulting from the plan, some impact pathways require Appropriate Assessment (AA). These are as follows:

- Arun Valley SAC and Ramsar – water quality and water quantity, level and flow;
- Arun Valley SPA and Ramsar – loss of functionally-linked land; and
- The Mens SAC – loss of functionally-linked land and potential air quality impacts from changes in traffic.
- Ebernoe Common SAC – loss of functionally-linked land

3.2 This is as a result of the following policies:

- Strategic Policy 4 - Horsham Town
- Strategic Policy 5: Broadbridge Heath Quadrant
- Strategic Policy 29: New Employment
- Strategic Policy 30: Enhancing Existing Employment
- Policy 33: Equestrian Development

- Strategic Policy 34 - Tourism Facilities and Visitor Accommodation
- Strategic Policy 37 - Housing Provision
- Strategic Policy 43 - Gypsy, Traveller and Travelling Showpeople Accommodation

3.3 This is as a result of the following site allocations:

3.4 Strategic Site Allocations:

- HA4: Land East of Billingshurst
- HA3: Land North West of Southwater

3.5 Residential Site Allocations:

- ASN1: Land east of Mousdell Close
- CW1: Land at Brook Hill & Cowfold Glebe
- CW2: Field West of Cowfold, North of A272
- CW3: Fields West of Cowfold, South of A272/Field W of Cowfold, S of A272, W of Little Potters
- HOR1: Land at Hornbrook Farm
- BGR1: Land South of Smugglers Lane
- BGR2: Land South of Muntham Drive
- BGR3: Land at the Old School Site, Itchingfield,
- BRH1: South of Lower Broadbridge Farm
- HOR1: Land at Hornbrook Farm
- HOR2: Land at Mercer Road
- LWB4: Land At Cyder Farm, Crabtree
- PLB1: Land at Highfields, Codmore Hill
- RD1: Land North of Guildford Road, Bucks Green
- RD2: The former Pig Farm, Bucks Green
- STO1 Land to the North of Melton Drive, Storrington
- STO2: Land at Rock Road (Thakeham Parish)
- TH1: Land North of High Bar Lane
- TH2: Land West of Stream House
- WRN1: Land south of Bell Road
- WCH1: Land at Hatches Estate
- WCH2: Land West of Smock Alley, S of Little Haglands
- WCH3: Land East of Hatches House

3.6 Employment Site Allocations:

- EM3 - Land at Broomers Hill Business Park, Pulborough

- 3.7 It is these Policies and Site Allocations that were subject to Appropriate Assessment. This related to the following impact pathways:
- Water level and flow impacts on Arun Valley SAC/Ramsar site;
  - Loss of functionally-linked habitat for birds associated with Arun Valley SPA;
  - Loss of functionally-linked habitat for bats associated with Ebernoe Common SAC and The Mens SAC; and
  - Traffic-related air quality impacts on The Mens SAC from housing and employment growth in Horsham District (particularly Billingshurst) leading to traffic growth in the A272 past the SAC.

## 4. Appropriate Assessment

### Water Quantity, Level and Flow on Arun Valley SAC/Ramsar site

- 4.1 Natural England has requested that Horsham District Council (and the other local planning authorities within the Sussex North Water Resource Zone) 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 Pulborough Borehole to its full permitted extent.
- 4.2 To support the production of the Horsham Local Plan, a water neutrality investigation was undertaken by AECOM in March 2021. The Technical Note identified that 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/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 that is 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.
- 4.3 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/d for strategic development or 100 l/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.
- 4.4 In the situation where new homes are only 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. 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.

- 4.5 Since the production of the Horsham Local Plan Water Neutrality Technical Note in March 2021, in order to ensure that water supplies can be maintained and the environment protected, the affected local authorities within Southern Water's Sussex North Water Resource Zone (Horsham District, Crawley Borough, Chichester District, Mid Sussex District, South Downs National Park, and West Sussex County) have worked with consultants, Natural England, Southern Water, the Environment Agency and others to produce a Water Neutrality Strategy<sup>3</sup>. Part C of the study develops a Strategy to achieve water neutrality.
- 4.6 Two approaches are proposed to be included in the Local Plan to ensure that its identified growth is water neutral:
- Firstly, all new development will need to be highly water efficient. This can be achieved by designing in water efficiency measures such as low flush toilets, rainwater harvesting and greywater recycling in new development.
  - However, all new development will still require some additional water. This additional water demand will need to be offset by reducing the demand for water in existing development within the Sussex North Water Resource Zone. This might include fixing leaks or retrofitting existing buildings with more water efficient technology. The affected authorities are looking to introduce an offsetting scheme which planned development could utilise to achieve water neutrality based on the principles outlined in the 'Part C' Study.
- 4.7 The strategy includes a summary and further update of the growth accounted for in the study from each LPA in the water resource zone; a recommendation for a new build water efficiency standard, including how this may be achieved and an indicative cost; and options for offsetting remaining water demand, including Southern Water's existing contribution, and indicative costs for each offsetting option(s). A strategy to achieve water neutrality is presented, including recommendations for appropriate measures, how these may be funded, delivered, and monitored.
- 4.8 The Strategy notes that Southern Water will provide alternative water sources to replace the ground abstraction at Pulborough, however, this will not be in place until c. 2030 or later. As such development provided before an alternative and sufficient long term water supply is identified and functional, any net new development in the water resource zone (including that provided within the Horsham, Crawley, Chichester, Mid Sussex, South Downs and West Sussex Development Plans) will be required to ensure they are water neutral, to ensure no adverse effect on the integrity of the Arun Valley designated site results. It may be that once these new long-term water sources are functioning, water neutrality will no longer need consideration with regard to the Arun Valley. As such the Strategy only covers until 2030, and an extension may be required to cover the entire Local Plan period i.e. until 2038/2039.

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<sup>3</sup> JBAConsulting (December 2022). Sussex North Water Neutrality Study: Part C – Strategy.



4.9 The Strategy makes a series of recommendations for water neutrality in new build development and a Council Offsetting Scheme. To reflect the newly identified issue regarding water neutrality within the Sussex North Water Resource Zone, the Councils have updated their strategic policy relating to water neutrality. This requirement for any new development within Horsham District demonstrate water neutrality will ensure that no adverse effects on the integrity of the Arun Valley SPA and Ramsar site will result as a result of the Horsham Local Plan and increased water demand.

## Loss of Functionally Linked Habitat for Arun Valley

4.10 In the Test of Likely Significant Effects undertaken in **Appendix C**, the following site allocations, were identified to be located within 6.5km of the Arun Valley SPA / Ramsar site, and located within greenfields sites of 2ha in size or more, thus being sufficiently large that they may feasibly constitute significant areas of functionally-linked habitat:

- ASN1: Land East of Mousdell Close, Ashington (2.24ha)
- STO1: Land to the North of Melton Drive (5.4ha)
- STO2: Land at Rock Road (Thakeham Parish) (3.6ha)

4.11 Policy text within policies HA5, HA13 and HA14 that allocate the above four site allocations include the following text: '*To ensure no adverse effect on the integrity of the Arun Valley SPA / Ramsar site any application is supported by a HRA and a wintering bird survey.*'

4.12 Analysing matters further, the screening table (**Appendix C**) reduced this list to one allocation, STO1: Land to the North of Melton Drive/Land South of Northlands Lane, Storrington. From review of freely available online imagery, this site has residential development along its southern boundary (thus within a semi disturbed area) and it appears to be cropped by cereal. The field is surrounded by well-established hedgerows, thus limiting sight lines to the wider countryside. The smallest field is c. 1.5ha in size. It borders industrial land to the east, with a residential property to the north. The smaller field is well enclosed by hedgerows and woodland, thus limiting sight lines, making it unsuitable to support a significant population of Bewick's swan. The larger field is also surrounded by well-established hedgerows, thus limiting sight lines to the wider countryside. From review of aerial imagery, both fields contain many tracks. That link up to a public right of way, Northlands Lane and Downsvie Avenue and as such it is possible that this site is subject to high levels of disturbance. However, it is not possible to conclude that this site could not potentially providing functionally linked land for Bewick's swan.

4.13 For the site allocation that has been identified to potential contain suitable habitat that could act as functionally linked land for bird features (STO1) the plan contains the requirement to "*ensure no adverse effect on the integrity of the Arun Valley SPA / Ramsar site any application is supported by a HRA and a wintering bird survey.*" For completeness, it also identifies the same requirement for the other large greenfield sites within 6.5km of the SPA (ASN1: Land East of Mousdell Close, Ashington (2.24ha) and STO2: Land at Rock Road (Thakeham Parish) (3.6ha)), even though this HRA has concluded these probably do not constitute functionally-linked land for the SPA.

- 4.14 However, to ensure no adverse effect on the integrity of the Arun Valley SPA / Ramsar site results, it was recommended that further text is included (either within policy text or supporting text) requiring at least one season of non-breeding survey to confirm that it does not regularly support foraging Bewick swan during the winter. If a site does support a significant<sup>4</sup> population of Bewick's swan then replacement habitat would be required to ensure no net loss of functionally linked land. These recommended changes have been made.
- 4.15 There is a low risk of these sites proving undeliverable due to SPA bird issues. The functionally-linked habitats in question are common, widespread and easily recreated (or managed in a more favourable manner), and the species in question (Bewick swan, black-tailed godwit, lapwing and green sandpiper) do not have highly specific habitat requirements and is sufficiently widespread in their use of this functionally-linked land that development is only likely to affect a small amount of their overall foraging resource.

## Loss of Functionally Linked Habitat for The Mens and Ebernoe Common

- 4.16 Any development that has potential to impact greenfield sites or existing mature vegetation lines and/ or riverbank corridors has potential to impact upon the commuting and foraging routes of bats for which these sites are designated. This could include direct loss of habitat and light and noise/ vibration pollution.
- 4.17 Following the Test of Likely Significant Effects, the following 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. As such, in accordance with the Sussex Bat Protocol<sup>5</sup> they potentially provide functionally linked land to support designated bat populations associated with the SACs:
- 4.18 Site Allocations located within 6.5km from The Mens SAC:
- HA4: Land East of Billingshurst
  - PLB1: Land at Highfields, Codmore Hill
- 4.19 Site Allocations located between 6.5km and 12km from The Mens SAC:
- ASN1: Land east of Mousdell Close
  - BGR1: Land South of Smugglers Lane
  - BGR2: Land South of Muntham Drive
  - BGR3: Land at the Old School Site, Itchingfield,
  - STO1 Land to the North of Melton Drive, Storrington
  - STO2: Land at Rock Road (Thakeham Parish)
  - TH1: Land North of High Bar Lane
  - TH2: Land West of Stream House

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<sup>4</sup> A significant population is classified as a site that regularly used by more than 1% of the population of qualifying bird species  
<sup>5</sup> <https://www.southdowns.gov.uk/wp-content/uploads/2018/04/TLL-15-Draft-Sussex-Bat-SAC-Protocol.pdf> [accessed 19/11/2020]

- WCH1: Land at Hatches Estate
- WCH2: Land West of Smock Alley, S of Little Haglands
- WCH3: Land East of Hatches House

#### 4.20 Site Allocations located within 12km from Ebernoe Common SAC:

- HA4: Land East of Billingshurst
- PLB1: Land at Highfields, Codmore Hill
- RD1: Land North of Guildford Road, Bucks Green
- RD2: The former Pig Farm, Bucks Green
- EM3 - Land at Broomers Hill Business Park, Pulborough

4.21 Strategic Policy 17 - Green Infrastructure and Biodiversity states: “11. *Any development with the potential to impact the 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.*”

4.22 The supporting text to the Strategic Policy 17: Green Infrastructure and Biodiversity, introduces the concept of ‘key bat sustenance zone’ and ‘core bat sustenance zone’ and are shown on a policies map. These are based on Natural England’s advice regarding both the 6.5km and 12km zone around the bat SACs (Ebernoe Common and The Mens SACs). The text also identifies the assessment and potential mitigation requirements within those zones: ‘*Specifically, proposals for the development of greenfield sites within 12km of either the Mens SAC and / or Ebernoe Common SAC must evaluate whether there is a potential for the loss of suitable foraging habitat and / or the severance of commuting flightlines, such as 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 and they are not of biodiversity importance. Care must also be taken through development design to ensure that such features are not subject to unacceptable levels of artificial lighting.*’

4.23 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.

## Atmospheric Pollution on The Mens SAC

4.24 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, particularly for residents of Billingshurst: 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.

4.25 The traffic modelling identified that the difference between the Do Minimum and Do Something scenario (i.e. the contribution of the Local Plan with congestion mitigation such as traffic improvement schemes) was 1,049 AADT, indicating that

the Horsham Local Plan in isolation would provide approximately half of the increase in traffic flows on this link to 2039.

4.26 It is concluded that traffic growth on the A272 over the Local Plan period will not materially interfere with the conservation objective target for this SAC to reduce air pollution to below critical levels and loads. This is because:

- Traffic is only a minor source of ammonia and nitrogen at this SAC (5%) and only affects an area local to the A272 amounting (for Horsham) to slightly more than 1% of the SAC.
- Nitrogen deposition due to traffic has been improving since at least 2012 at this SAC and is expected to continue to improve in the future, such that even allowing for traffic growth there will still be a large net reduction in nitrogen deposition by 2040. Although not shown in the modelling this will almost certainly be true for both ammonia and NO<sub>x</sub> since the shift to electric vehicles during the 2030s will reduce both;
- The contribution of Horsham Local Plan to nitrogen and ammonia will be small (2% of the critical load) and will only retard achievement of air quality objectives at the SAC by 20 months even using the very precautionary assumptions in this modelling;
- The contribution of traffic generally by 2040 is almost certainly over-estimated due to the fact the modelling has taken no account for the large uptake of electric vehicles that can be expected in the second half of the plan period.
- The site likely to contribute the most to the forecast increase in traffic on the A272 by 2040 already has a requirement to deliver a number of sustainable transport initiatives including electric vehicle charging points; and
- In order for the SAC to meet its conservation objective targets it will clearly be necessary for the focus to be on agriculture and non-agricultural waste which collectively currently account for over 60% of atmospheric nitrogen at the SAC, are getting worse, and are not related to Local Plans, rather than traffic.

4.27 It is therefore concluded that there will be no adverse effect on the integrity of The Mens SAC either alone, or in combination with other plans or projects.