

# **Billingshurst Neighbourhood Plan**

## **Habitats Regulations Assessment Screening Report for Pre-Submission (Regulation 14) consultation**

**July 2019**

## Introduction

- 1.1 This report represents a screening of the need for a Habitats Regulations Assessment (HRA) under Directive 92/43/EEC, also known as the Habitats Directive<sup>1</sup>.
- 1.2 HRA is a two-stage process to consider whether a proposed development plan or programme is likely to have significant effects on a European site designated for its nature conservation interest. Firstly, plans or programmes must be screened to determine if they are likely to have a significant effect (and are not plans connected to the management of the European site(s) in question). If it cannot be demonstrated during at the screening stage that the plan or programme will not have significant effects of the European site(s), an 'Appropriate Assessment' (AA) must then be undertaken, which is a much more detailed study of the effects of the plan or programme. The two parts together form a full HRA.
- 1.3 In determining whether a proposed development plan or programme is likely to have significant effects, the local authority must incorporate the 'precautionary principle' into its decision. This means that if there is uncertainty as to whether the plan or programme would cause significant effects on a European site, the full AA would be required.
- 1.4 This report provides a screening opinion on the need for an HRA in respect of the Billingshurst Neighbourhood Plan.

## Billingshurst Neighbourhood Plan

- 2.1 Billingshurst parish is located within Horsham district in West Sussex. The Neighbourhood Plan covers the whole parish, comprising Billingshurst village, the smaller hamlets of Adversane, Coneyhurst and Five Oaks, and the rural hinterlands. The Billingshurst Neighbourhood Plan covers to period from 2019 to 2031 and its purpose is to provide for the sustainable development of the parish, the vision being:

**'By 2031, Billingshurst Parish will have evolved to provide a high standard of 21st Century living for those in the village and in the rural areas of the parish.**

**New housing will deliver character with provision for all ages and abilities whilst transport and technology supports and connects our communities. The High Street and other businesses will be thriving and local employment opportunities will have increased, in part by supporting new premises but also wider services to meet the needs of an enlarged local population.**

**All this will be achieved at the same time as protecting and enhancing our heritage and natural environment, and providing for the wellbeing and enjoyment of residents and visitors, both then and for future generations.'**

<sup>1</sup> Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora': <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>.

- 2.2 To deliver this vision, the Neighbourhood Plan seeks to address a series of objectives:

**OBJECTIVE 1:** Ensure new housing reflects the high quality local vernacular in the parish in terms of building style and materials and maximises sustainable energy as part of housing design.

**OBJECTIVE 2:** Ensure that the provision of local infrastructure and facilities including medical provision and schools is adequate to address the needs of existing and future residents.

**OBJECTIVE 3:** Improve transport and movement, in particular through non-car modes, specifically ensuring there is a safe environment for pedestrians and cyclists as well as motorists.

**OBJECTIVE 4:** Strengthen, support and promote local economic activity in all retail, industrial, commercial and professional activities and ensure they are focused in appropriate areas of the parish.

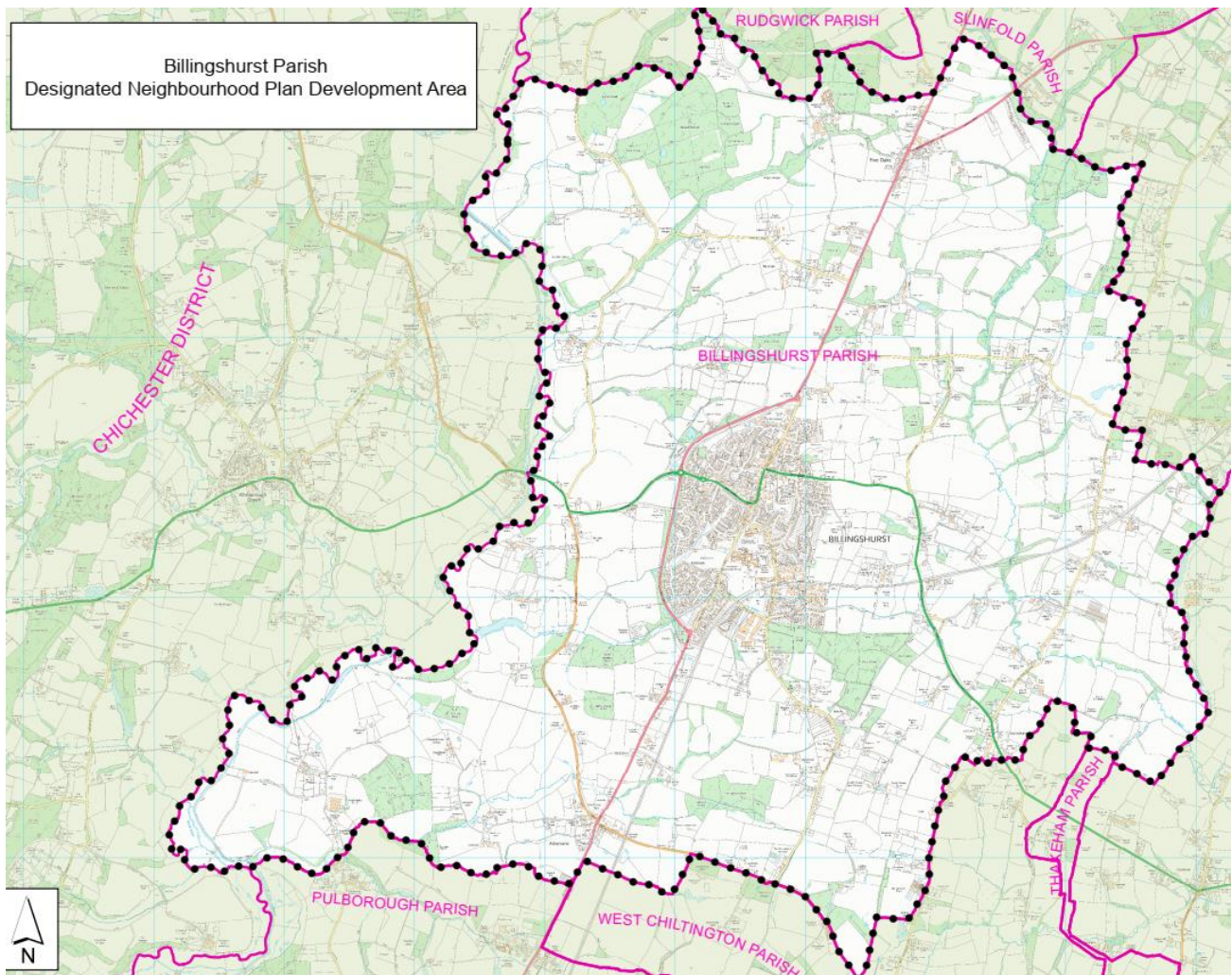
**OBJECTIVE 5:** Ensure that development is sensitively designed to be attractive, to minimise flood risk, mitigate climate change, promote biodiversity and reduce our carbon footprint.

**OBJECTIVE 6:** Protect green spaces of value to the community and maintain a high quality natural and historic environment, in particular protecting buildings of local historic interest.

### Site allocations

- 2.3 The Billingshurst Neighbourhood Plan does not seek to allocate sites.
- 2.4 The defining basis for Neighbourhood Plans is the Local Plan, in this instance the Horsham Development Planning Framework (the HDPF). The HDPF is in the process of being reviewed and to ensure that emerging neighbourhood plans are in conformity with the emerging Local Plan, on 13 March 2019, following on from a 'Future of Neighbourhood Planning' seminar, Horsham District Council (HDC) sent a letter to all Parishes setting out two options for developing their neighbourhood plans and in particular how site allocations might be approached.
- 2.5 Billingshurst, as a Parish with a neighbourhood plan at an advanced stage, considered it would continue to develop its neighbourhood plan, but without the inclusion of site allocation as the Working Group was concerned that the plan could be in danger of being overtaken by the Local Plan Review.
- 2.6 Instead, the Parish will work with HDC as it undertakes its Local Plan Review and allocates sites (residential and small scale employment) as part of that process. This decision was taken in June 2019 by the Billingshurst Neighbourhood Plan Working Group.
- 2.7 The designated Billingshurst Neighbourhood Area is shown in Figure 1.

**Figure 1: Billingshurst Neighbourhood Plan Area**



## Background to Habitats Regulations Assessment in Horsham District

### Higher level development plans

- 2.8 Neighbourhood Development Plans do not exist in isolation, and instead sit within the wider national and district level framework for planning. The National Planning Policy Framework (NPPF) sets the broad social, environmental and economic policies in which development can take place. It has a presumption in favour of sustainable development, although paragraph 119 makes it clear this does not apply where development requiring appropriate assessment is being considered, planned or determined.
- 2.9 Within Horsham District, the strategic policies against which planning proposals are considered are contained in the Horsham District Planning Framework (HDPF). The HDPF has been subject to Habitats Regulation Assessment Screening and Appropriate Assessment.
- 2.10 Neighbourhood Development Plans prepared in Horsham District to date have been written to be in conformity with strategic policies identified in the HDPF. 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 2014)<sup>2</sup> undertaken for the HDPF, and this report should be read in conjunction with that document. This assessment considers the impact of the HDPF requirement for at least 1,500 homes to be identified and delivered through Neighbourhood Development Plans.

### Horsham District Council Habitats Regulations Assessment, April 2015

- 2.11 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.
- 2.12 In addition, there are two further sites that fall within a 15km zone from Billingshurst parish boundary and are therefore subject to screening - Ebernoe Common SAC and Duncton to Bignor Escarpment SAC. These were not screened as part of the HDC HRA in 2015. These sites were assessed as part of the Chichester District HRA (May 2017<sup>3</sup> and August, 2018<sup>4</sup>) and this has been used to inform this document.
- 2.13 These five sites, as they relate to Billingshurst parish, are shown in Figure 1 and their reason for designation are set out in Table 1.

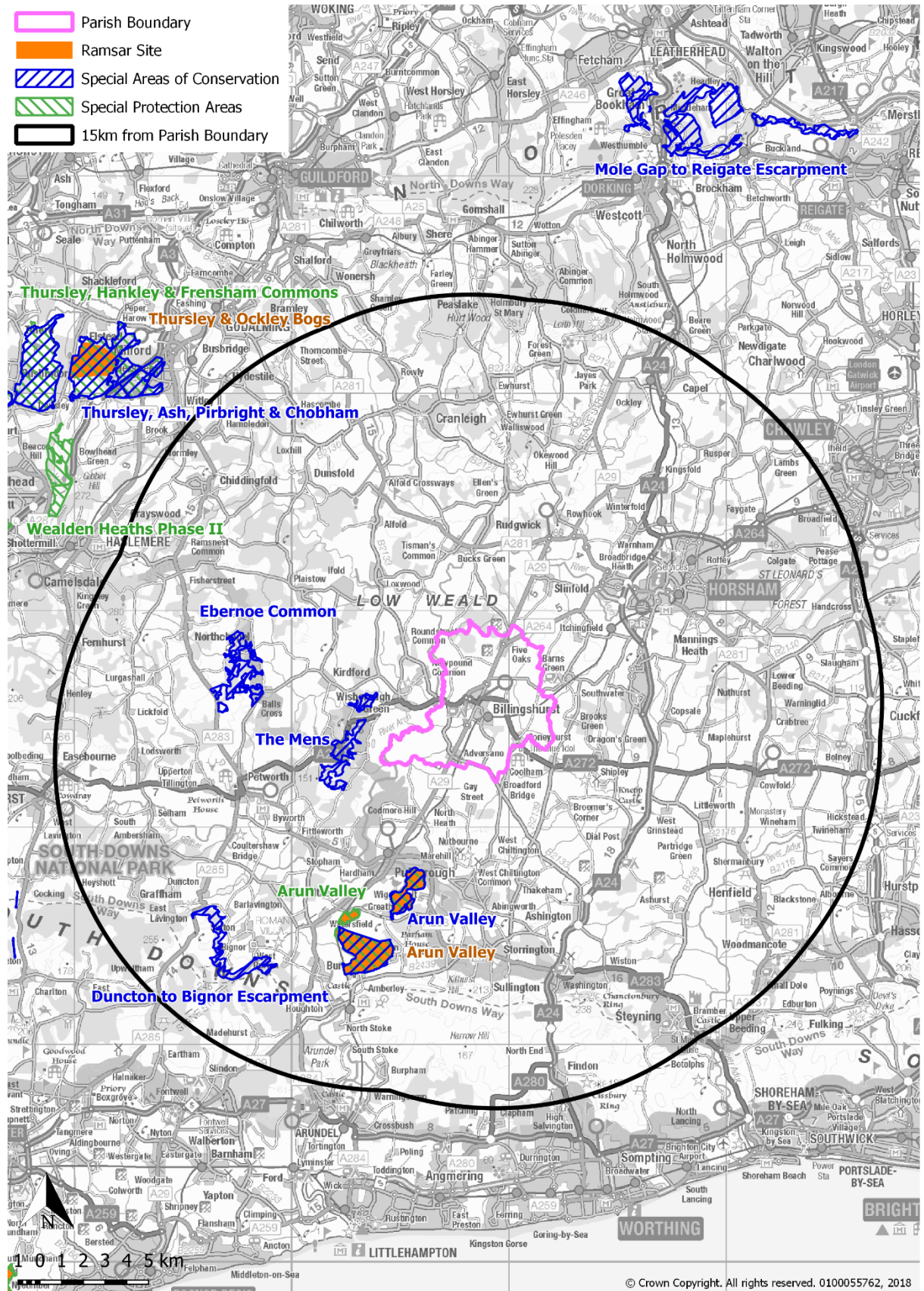
<sup>2</sup> [https://www.horsham.gov.uk/\\_data/assets/pdf\\_file/0003/50952/CD\\_LP\\_06\\_Habitat-Regs-Assessment.pdf](https://www.horsham.gov.uk/_data/assets/pdf_file/0003/50952/CD_LP_06_Habitat-Regs-Assessment.pdf)

<sup>3</sup> <http://www.chichester.gov.uk/CHttpHandler.ashx?id=28359&p=0>

<sup>4</sup> <https://www.chichester.gov.uk/CHttpHandler.ashx?id=30416&p=0>



**Figure 1: Location of international sites**



**Table 1: International sites**

Name of site	Approx. distance from:		Reason for designation
	Billingshurst parish boundary	Billingshurst village centre	
<p>Arun Valley SPA/Ramsar</p> <p>Inside HDC boundary (but within South Downs National Park)</p>	8.1km straight line	11.1km straight line	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.
<p>Arun Valley SAC</p> <p>Inside HDC boundary (but within South Downs National Park)</p>	5.5km straight line	8km straight line	Ramshorn snail ( <i>Anisus vorticulus</i> ) for which this is considered to be one of the best areas in the United Kingdom.
<p>The Mens SAC</p> <p>Outside HDC boundary:</p> <p>2km straight line.</p> <p>3.5km by road.</p>	1.5km straight line	5km straight line	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.
Ebernoe Common SAC	6.5km straight line	10.5km straight line	Internationally important area of ancient woodland that qualifies as a SAC because: it contains a Habitats Directive Annex I habitat (Beech forests on acid soils); and the site contains the following Habitats Directive Annex II species: Barbastelle <i>Barbastella barbastellus</i> ; and Bechstein's bat <i>Myotis bechsteinii</i> .

Name of site	Approx. distance from:		Reason for designation
	Billingshurst parish boundary	Billingshurst village centre	
Duncton to Bignor Escarpment	10.3km straight line	15.3km straight line.	Asperulo-Fagetum beech forests occur here on steep scarp slopes and on more gently sloping hillsides in mosaic with ash Fraxinus excelsior woodland, scrub and grassland. Much of the beech woodland is high forest but with some old pollards. Rare plants present include the white helleborine Cephalanthera damasonium, yellow bird's nest Monotropa hypopitys and green hellebore Helleborus viridis. The woods also have a rich mollusc fauna.

- 2.14 As part of the screening of the HDPF, it was considered whether other international sites within 20km of the HDC boundary could be affected by development in the District. Taking into account the reasons for the designation of these sites, it was concluded that development of land within Horsham District was too distant to have any impact on their integrity and they were screened out of any further assessment. Any sites that will be developed through neighbourhood planning will take place within the boundary of Horsham District. As a consequence these development locations will remain too distant to impact on the integrity other international sites (particularly as the quantum of development was considered through the HRA process), and these sites can remain screened out for further Appropriate Assessment of Neighbourhood Development Plans (NDPs).
- 2.15 As both the Arun Valley and the Mens SPA had the potential to be adversely impacted by the HDPF, it was subject to an Appropriate Assessment. This suggested changes to the HDPF after which it was concluded that the HDPF (alone or in combination with other plans) will not have an adverse impact on the European sites. The impacts and mitigation proposed are summarised in Table 3. In addition, Table 3 also examines the measures that could be taken to mitigate any potential impacts on the further two sites identified in this report – Ebernoe Common SAC and Duncton to Bignor Escarpment SAC. Information from the Chichester District HRA has been used to inform this.



**Table 3: Measures to avoid adverse impacts on the integrity of European sites**

Site potentially affected	Impact	Effect	Mitigation
<b>Sites assessed in the HDC HRA</b>			
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 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.	HDPF Policies 24, 35 and 38 require that there is no pollution of watercourses, groundwater accords with the WFD and necessary upgrades to sewage works are provided before development can take place.
	Increased housing development causing faster run-off and higher flood peaks.	Heightened downstream flood risk in wetland sites, damaging vegetation through prolonged deep flooding in winter, while summer floods threaten invertebrates and make essential site management difficult or impossible.	HDPF Policies 35 and 38 require that technically feasible solutions to reduce flood risk is incorporated into development and design measures ensure that water vulnerability is addressed.
The Mens SAC	Housing development.	Disrupted flight paths and feeding areas for bat populations present within sites.	HDPF Policies 24 and 25 – require development to preserve the integrity of the natural environment and countryside features which support the bat population.
<b>Other sites</b>			
Ebernoe Common SAC and	Housing development	Disturbance of bat flightlines through development to the north of the Local Plan area (which is within a key	Chichester Local Plan suggests mitigation for nearby settlement site allocations. Billingshurst falls beyond this limit.

Site potentially affected	Impact	Effect	Mitigation
		conservation area of the SAC).	HDPF Policies 24 and 25 – require development to preserve the integrity of the natural environment and countryside features which support the bat population.
Duncton to Bignor Escarpment SAC	Increased population may access for recreational purposes.	Recreational pressure	The Site Improvement Plan for the SAC does not identify any specific current requirement for access management improvements. The SAC is located in a rural area in relative isolation from large settlements. Billingshurst is located in an area with many other alternate naturalistic areas that can be used for recreation. Due to the low population density surrounding the SAC and the low population density around the SAC and the large amount of alternatives available for recreational activity, likely significant effects can be screened out alone and in combination.
	Increased numbers of people travelling by car on roads near to the site.	Reduced air quality	As above. HDPF Policy 24 requires development to minimise the air pollution and greenhouse gas emissions in order to protect human health and environment.  protect human health and the environment

- 2.16 For the sites assessed by HDC, although it was concluded that the HDPF would not have any impact on international sites, it was highlighted that as the location of some of the homes was not yet known as these would come forward through NDPs and that there was therefore some potential for sites identified in NDPs to have additional impacts on the European sites that could not be identified as part of the higher level assessment. In particular, it was noted that the parishes of Pulborough, West Chiltington, Thakeham, Storrington and Sullington, are located in close proximity to the Arun Valley SAC/SPA/Ramsar site and/or water courses which flow into the site and these are likely to require especially close examination if any significant proposal was to arise through the Neighbourhood Plan process.
- 2.17 Air quality has the potential to impact on the integrity of international sites, but it is very difficult to pinpoint the impact of a specific development on an international site. This is because air pollutants have a range of sources, few of which originate in defined projects identified in local plans. The cumulative impact of air pollutants from transport, domestic and industrial development together with transnational sources is however impacting sites such as the Mens SAC, where nitrogen deposition is causing a problem. The issue was however screened out of the HDPF HRA as there were no proposals that could clearly have a significant adverse impact. Nevertheless there is the potential that proposals in NDPs could have specific impacts, and this issue has therefore been revisited.
- 2.18 For the remaining two sites, the Chichester District Local Plan assessment concluded that in all cases, the policy framework was found to be robust in leading to a conclusion of no likely significant effects of the adopted Local Plan on European sites.

### **Approach to screening to Billingshurst Neighbourhood Plan**

- 2.19 In screening the emerging Billingshurst Neighbourhood Plan the following issues have been considered:
- a. Do any of the proposed policies increase quantum of development beyond 1,500 homes? If this is the case, then additional impacts to sites not assessed in the Appropriate Assessment of the HDPF?
  - b. Will the development locations in the plan have any direct or indirect impacts on the Arun Valley SAC/SPA/RAMSAR or the Mens SAC (including air quality) or Ebenoe Common SAC or Duncton to Bignor escarpment SAC that cannot be avoided by the application of the policies in the HDPF?
  - c. Are there any additional policies within the plan which could impact alter the mitigation measures set out in the Council's HDPF?
  - d. Do any of the above apply in combination with other plans or programmes?

## Assessment of the Billingshurst Neighbourhood Plan

**a. Do any of the proposed policies increase quantum of development beyond 1,500 homes? If this is the case, then additional impacts to sites not assessed in the Appropriate Assessment of the HDPF?**

- 2.20 The Billingshurst Plan does not seek to allocate sites. It contains a spatial policy setting out that any development in the parish should be focussed within the built up area boundary.
- 2.21 The overall quantum of development is therefore within that assessed in the HRA of the HDPF and no additional impacts will arise in this respect.

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

- 2.22 The Plan does not contain site allocations. The impacts arising from any windfall development are as those identified in Table 2 and the wider air quality issues.
- 2.23 In respect of air quality, paragraph 9.13 of the HDPF reflects the decision to declare the whole District as an Emission Reduction Area which means all developments in Horsham district must make reasonable endeavours to minimise air quality emissions; this is also reflected in Policy 24 (Environmental Protection). This will prevent any impacts to air quality which could potentially be attributed to these developments.

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

- 2.24 The Billingshurst Neighbourhood Plan does not propose any policies which conflict with the requirements incorporated in the HDPF policies as set out in Table 10.2 or Policy 24 (Environmental Protection) which addresses air quality issues.
- 2.25 The Plan contains a policy to maximise the sustainability of development by encouraging the design and standard of any development to achieve the highest level of sustainable design, in order to minimise the energy consumption and climate impacts of new buildings. This is felt to complement the existing measures on tackling air quality.

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

- 2.26 Question a. considers the total level of development in combination of all neighbourhood development plans. District wide impacts have been considered through the HRA of the



HDPF, and this process will continue as other authorities undertake any necessary Appropriate Assessments of their own plans and programmes.

### **Screening outcome**

- 2.27 The screening assessment which has been undertaken concludes that **no likely significant effects** in respect of the European sites within 15km of Horsham district will occur as a result of the implementation of the Billingshurst Neighbourhood Plan. As such, the Neighbourhood Plan does not require a full HRA to be undertaken.
- 2.28 The outcome of this Screening Report is subject to review by Natural England and Horsham District Council. The Screening Report and subsequent screening opinion may also need to be reviewed if significant changes are made to the Neighbourhood Plan as a result of this review or any other evidence that informs a significant change to the Plan