

Date: 03 May 2023
Our ref: 420345
Your ref: Local Plan HRA



Planning Policy Team
Chichester District Council

BY EMAIL ONLY

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Dear Planning Policy Team

**The Chichester Local Plan 2021-2029
Habitats Regulations Assessment (HRA) supporting the Proposed Submission draft**

As flagged in our initial response to the Proposed Submission draft local plan dated 17th March 2023 we were unfortunately unable to provide detailed comments on the HRA at that time. We appreciate your patience and are now able to provide this advice (summary in this letter, detail in Annex A).

Summary of Advice

Whilst we are largely satisfied with the conclusions of the HRA there are a small number of sites and impact pathways where we advise some further work is required:

- **Atmospheric Pollution**

We do not agree with many of the arguments currently used to conclude No Adverse Effect on Integrity (AEOI) for the following sites:

- Ebernoe Common Special Area of Conservation (SAC)
- The Mens SAC
- Butser Hill SAC
- Kingley Vale SAC
- Duncton to Bignor Escarpment SAC

At this point we are not saying that the conclusion of No AEOI is incorrect but that other evidence needs to be provided to support this.

- **Water Quality (including Nutrient Neutrality)**

- Solent sites – you raised a particular issue via email dated 22nd March 2023 specifically in relation to the proposed site allocation at Highgrove Farm and nutrient mitigation land at Chilgrove Farm. Our local Nutrient Neutrality (NN) lead Tom Scott-Heagerty reviewed both the Local Plan policy references and associated section in the HRA and is satisfied with the approach you propose. He would be happy to have a discussion with you to understand and hopefully allay any remaining concerns you have about the Plan's approach to NN.
- Pagham Harbour – the evidence is still developing in relation to the water quality situation at Pagham Harbour but it may not be as simple as the HRA currently makes it

(stating that there is no current issue with water quality and no requirement for specific mitigation). However, given that the Plan allocates limited (if any) development discharging to Pagham Harbour the general protection afforded by policies NE6 and NE16 may be sufficient to conclude No AEOL at this point in time.

- **Loss or Degradation of Functionally Linked Habitat**
 - Solent sites – functionally-linked land around the Solent is well documented through the Solent Wader and Brent Goose Strategy. The draft Local Plan proposes new development in four areas which potentially overlap with Solent functionally-linked land although there are no detailed site allocations at this point. We support the general policy protection provided through policies NE5, NE6 and NE7 but advise that the wording in the ‘Broad Location for Development’ policies for Chidham and Hambrook (A12) and Southbourne (A13) be strengthened to better reflect the mitigation hierarchy.

We would be happy to have one or more calls or meetings with you at your earliest convenience in order to resolve the points above.

If you have any queries relating to the advice in this letter please contact me on heather.twizell@naturalengland.org.uk

Yours sincerely

Heather Twizell
Senior Adviser
Sussex & Kent Area Team

Annex A – Detailed Advice on Chichester Local Plan HRA

Scope of the Project

Natural England agrees with the source-pathway-receptor model outlined in HRA paragraphs 1.8 and 1.9.

Geographical Scope of the HRA

Natural England agrees that the Plan is not likely to have a significant effect of the following sites listed in paragraphs 2.12 to 2.17:

- Solent and Dorset Coast Special Protection Area (SPA)
- Rook Cliff SAC
- East Hampshire Hangers SAC
- Shortheath Common SAC
- South Wight Maritime SAC
- Wealden Heaths Phase II SPA
- Solent and Isle of Wight Lagoons SAC
- Thursley and Ockley Bogs Ramsar site.

Confirming Other Plans and Projects That May Act ‘In Combination’

This section of the HRA refers to a number of specific ‘plans’ that have been considered ‘in-combination’ but we would welcome an assurance that the HRA has also checked for relevant ‘projects’ as there are none listed in this section nor is there a statement to the effect that projects were checked for and none found to be relevant.

Relevant Impact Pathways – Urbanisation

This impact pathway appears to be missing a background explanation as part of Section 3 although it is picked at the Appropriate Assessment stage in relation to both the Solent and Pagham Harbour sites.

Background to Atmospheric Pollution

Although not explicitly referenced in this section we note that a detailed Air Quality Assessment for the Local Plan was produced by Stantec in September 2022. A review of this shows that ecological air quality impacts were modelled using ADMS Roads and CREAM (the latter specifically for traffic-generated ammonia impacts). The Stantec assessment also makes clear that acid deposition was assessed (although this receives very limited reference in the HRA) and the impacts from the plan both alone and in-combination were modelled. We agree with the assertion in paragraph 3.49 of the HRA that air quality impacts are unlikely to be significant beyond 200m from affected roads. We further agree with the justification provided in paragraph 3.52 for scoping the Singleton and Cocking Tunnels SAC out from further consideration with regards to air quality.

Likely Significant Effects Test Summary

Natural England agrees with the Local Plan policies which have been listed as either screened in or out in paragraphs 4.1 and 4.4.

Appropriate Assessment Sections

We have grouped our comments below by impact pathway rather than by site as there is significant repetition of evidence and arguments where multiple sites are affected by the same impact pathway.

Recreational Pressure

This was screened in for both the Solent sites (including Medmerry compensatory habitat) and Pagham Harbour. We accept the conclusion of no AEOI for both sites for the following reasons:

- Solent sites – primarily relying on the well-established Bird Aware strategic mitigation approach. Sufficient policy protection in overarching policies, particularly NE7 and site-specific allocation policies where relevant. We support the HRA recommendations for minor changes to policy wording for E9 and NE12 and note these have been incorporated into the proposed submission plan.
- Pagham Harbour – no strategic development planned within 3.5km of the Chichester side of Pagham Harbour but still potential for in-combination impacts. As with the Solent sites relying on the agreed Pagham Harbour strategic mitigation supported by policies NE6 and NE7 in particular. No relevant site-specific allocation policies. As for the Solent sites we support the minor proposed changes to policy wording.

Urbanisation Effects

As stated previously this pathway of impact receives relatively little explanation or discussion within the HRA yet it has been screened in for both the Solent sites (including Medmerry compensatory habitat) and Pagham Harbour. We are nonetheless satisfied with the HRA's conclusion of no AEOI via this impact pathway based on the following:

- Neither of the strategic mitigation approaches have implemented an explicit 400m zone around the relevant designated sites to address potential urbanisation effects as has been found necessary around a number of other protected sites around the country.
- A level of protection is provided by generic policies NE5 and NE6.
- In the case of Medmerry and Pagham Harbour there are no allocations proposed within 400m.

Water Quality

- **Solent sites (Nutrient Neutrality)** – we note that most of the Local Plan's site allocations fall within the catchment for NN and will need to provide a detailed nutrient budget. The HRA goes on to state that the first 5 years of strategic nutrient budget is the most important when identifying deliverability issues as all plans have to be reviewed on a 5 yearly basis anyway. Mitigation for the first 5 years doesn't all have to be secured now but there needs to be reasonable confidence that it can be and mitigation for individual developments needs to be secure and in place prior to occupation. Your authority is working with the Partnership for South Hampshire (PfSH) to identify strategic NN mitigation schemes for developers to buy into and the Local Plan includes policies requiring development to provide required NN mitigation (principally NE16 and 18) although it does not allocate land for strategic mitigation. Natural England is satisfied with this approach and with the HRA's conclusion of no AEOI on this basis but please see our comments in the Summary section of this response. If you have any concerns relating to NN or believe there may have been inconsistencies in advice we have given at the development management versus the planning policy level then we would be very happy to discuss these with you.
- **Pagham Harbour** – as stated in the summary section to this letter we are not yet satisfied that the work carried out by the Environment Agency (EA) and AMEC Foster Wheeler as set out in paragraphs 6.12 and 6.38 of the HRA is sufficient to conclude with certainty that the Pagham Harbour designated sites are not affected by reduced water quality. We are aware that due to uncertainties around Pagham Harbour water quality further investigation work is being undertaken.

However, given the limited amount of development which the Plan makes provision for in this part of the District the generic policy protection provided by NE6 and N16 may still allow for a conclusion of no AEOL. To this end it would be helpful to have confirmation from your Authority as to which Local Plan site allocations (if any) would discharge to Wastewater Treatment Works (WwTW) connected to Pagham Harbour as the HRA is not specific on this point. We can then agree an appropriate way forward.

Water Quantity, Level and Flow (Water Neutrality)

The only sites screened in under this impact pathway are the Arun Valley suite of sites - SAC, SPA and Ramsar site. We agree with the HRA's conclusion of no AEOL and have already provided advice on relevant Local Plan policy wording in our response of 17th March.

Loss or Degradation of Functionally Linked Habitat

- **Chichester and Langstone Harbours SPA / Ramsar site (birds)** – functionally-linked habitat around the Solent is well documented through the Solent Wader and Brent Goose Strategy. The draft Local Plan proposes new development in four areas which potentially overlap with Solent functionally-linked land although there are no detailed site allocations at this point. The HRA provides an indication as to how development should be directed to avoid / minimise this e.g. focusing development north of the A259 in Chidham and Hambrook. The Local Plan provides policy protection through NE5, NE7 and wording in area-specific 'Broad Location for Development' policies. Based on this level of policy protection we agree with the HRA's conclusion of no AEOL.

However, we believe there is scope for strengthening some of the area-specific policy wording. If these are currently broad locations for development then there is presumably still an element of choice around exactly where development is located. Following the mitigation hierarchy as set out in the National Planning Policy Framework (NPPF) every effort should be made first to avoid any impacts before moving on to consider the potential for mitigation.

Requirement 6 in policy A12 (Chidham and Hambrook) currently goes straight to "successfully mitigate" while requirement 10 in policy A13 (Southbourne) states "Provide mitigation to ensure the avoidance of adverse effects on the SPA, SAC and Ramsar site at Chichester Harbour." Policy A18 (Thorney Island) is better as it states "Proposals must avoid adverse impacts on the Chichester Harbour AONB/SAC/SPA and Ramsar designations." We would suggest that all policies require development proposals to 'avoid, and if necessary mitigate, any adverse effects...'

- **Pagham Harbour (birds)** – we note that no housing allocations are proposed in close proximity to Pagham Harbour but that policy E3 (Addressing Horticultural Needs) allocates an area of land just over 200m from SPA. However, the Sidlesham Horticultural Development Area (HDA) in question is not new and its focus is on small-scale horticultural development. The policy wording recommended in the HRA has been included in policy E4 which provides criteria for guiding such development. On this basis we are satisfied with the conclusion of no AEOL.
- **Bat SACs (Ebernoe Common, The Mens, Singleton and Cocking Tunnels)** – we note that for Ebernoe and The Mens in the north of the district the Local Plan proposes a relatively limited quantum of development (~370 dwellings) within 12km of the SACs but there are no specific allocations as yet. For these two sites we agree that the combination of Local Plan policies NE5, NE6 and NE8 is sufficient to conclude no AEOL. The situation is slightly different for the Singleton and Cocking Tunnels SAC as this is situated further south and does include a number of site allocations within its 12km outer zone of influence (although limited development within the core 6.5km zone). In particular known flightlines

between the Singleton and Cocking hibernation site and barbastelle maternity roosts at Goodwood cross the Land East of Chichester allocation site. However, we consider the additional site specific wording included in Policy A8 when combined with NE5, NE6 and NE8 is again sufficient to conclude no AEOI.

Atmospheric Pollution

A significant number of sites were screened in for this impact pathway, both within and outside Chichester District.

We are currently satisfied with the conclusion of no AEOI for the following sites:

- Solent sites (primarily on the basis of tidal flushing).
- Pagham Harbour (on the basis that the minimum critical load for saltmarsh / mudflat habitat will not be exceeded at any point during the plan period).

However, as stated in the Summary section we are not yet able to support the conclusion of no AEOI for the following sites:

- Ebernoe Common SAC
- The Mens SAC
- Butser Hill SAC
- Kingley Vale SAC
- Duncton to Bignor Escarpment SAC

This does not mean it isn't possible to reach a conclusion of no AEOI for these sites, rather that other evidence / arguments need to be presented in order to consider doing so. The narratives around atmospheric pollution / air quality for each of these sites contain a number of repeating themes. Several are discussed below but of all the issues raised in this response I think this would particularly benefit from a further discussion.

- It is acceptable to rely on future forecasting i.e. national trends which will lead to gradual improvements in air quality, but for those sites with a restore objective the impact of the Local Plan needs to be clearly expressed in terms of the length of time it will retard reaching this objective.
- We do not accept arguments relating to the use of current favourable condition of underlying Sites of Special Scientific Interest (SSSIs) to downplay potential air quality impacts as the current condition monitoring system was not designed with such issues in mind.
- Specifically relating to Duncton to Bignor Escarpment the argument made in paragraph 13.24 around land management provides no consideration of management plans for the areas in question across the plan period and whether or not their habitat sensitivity to air quality might be expected to increase.

Coastal Squeeze

This impact pathway was screened in for both the Solent sites and Pagham Harbour. We are satisfied with the HRA's conclusions of no AEOI based on the protective Local Plan policy wording and the fact that none of the new development areas identified in the Local Plan are sufficiently close to the designated sites to either constrain any managed retreat that may be required or to require the coastal defence policies identified in the Shoreline Management Plan to be altered.