Habitats Regulations Assessment Screening Report: Arun District Horticultural Local Development Order

Reading Agricultural Consultants

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Executive Summary

Lockhart Garratt Ltd has been commissioned by Reading Agricultural Consultants to undertake a Habitats Regulations Assessment of the proposed Arun Horticultural Local Development Order in accordance with Regulation 61(1) of The Conservation of Habitats and Species Regulations 2010 (as amended).

This report considers the likely significant effects on any site within the Natura 2000 network, and therefore whether full Appropriate Assessment will be required. The Natura 2000 network provides protection for sites of high ecological value in respect of endangered, rare or vulnerable habitats and species within the European Union. The network comprises Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), along with RAMSAR wetlands of international importance.

To ensure compliance with the Regulations, the Local Development Order has been screened to assess likely significant effects on the interest features of any European Site, addressing the screening stage of HRA. This report follows previous assessments undertaken in 2007 and 2013. A screening exercise was undertaken in 2007 for the Arun District Council Core Strategy, which identified likely significant effects on the integrity of two European Sites; Pagham Harbour SPA/Ramsar and Arun Valley SPA/Ramsar. Arun Valley was also later screened out following consultation with Natural England and the 2013 HRA of the Arun District Council Local Plan included an appropriate assessment of effects on Pagham Harbour only.

A review of the Arun District Horticultural Local Development Order was undertaken, with consideration given to all elements of the plan with potential to affect the ecological integrity European Sites. The LDO concerns itself with locations where agricultural development is already established and in the immediate surrounding area. Developments will proceed without a planning application only if in accordance with the parameters laid out in the LDO. In consideration of the LDO and previous assessments undertaken in Arun District, no significant impacts on the Pagham Harbour SPA/Ramsar or any other Natura 2000 site are likely and as such, no further assessment is recommended.
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1. **INTRODUCTION**

   **Purpose of the Report**

1.1. This purpose of the report is to identify impacts on the relevant ecological receptors of European Sites within Arun District and to determine if the proposals, as specified in the Arun Horticultural Local Development Order (hereafter referred to as the “LDO”), are likely to have a significant impact on those receptors, taking into account mitigation measures that are already in place.

1.2. The report considers a review of the LDO and of all elements which have the potential to affect European Sites, along with a review of European Sites within Arun District and the surrounding area within a buffer zone of 10km. The report aims to identify European Sites that could be affected by the LDO and to identify the qualifying interest features of the relevant European Sites that are relevant to the Habitats Regulations Screening Assessment.

1.3. The European Designation considered as part of this report is the Pagham Harbour SPA/Ramsar.

1.4. An overview of the key tasks carried out within this report are as follows:

<table>
<thead>
<tr>
<th>HRA Screening Key Stages</th>
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<tbody>
<tr>
<td><strong>Strategy review and identification of likely impacts</strong></td>
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<tr>
<td><strong>Identification of Natura 2000 sites</strong></td>
</tr>
<tr>
<td><strong>Consideration of other plans or projects</strong></td>
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<tr>
<td><strong>Screening Assessment</strong></td>
</tr>
</tbody>
</table>
2. LOCAL DEVELOPMENT ORDERS

2.1. The proposed LDO (Arun District Council Horticultural Local Development Order) has been prepared by Arun District Council in accordance with the Town and Country Planning Act (Part 3) 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015. LDOs are produced by local planning authorities to provide a grant of planning permission to specific types of development within a defined area, streamlining the planning process. Under the National Planning Policy Framework (NPPF) LDOs are recognised as a means of relaxing planning controls to promote economic, social or environmental gains.

The Arun Horticultural Local Development Order

2.2. Horticulture is a key sector within Arun District and was identified within the Council's Economic Strategy to 2026 as one of the four key sectors within the local economy. Horticultural activity within Arun District consists primarily of two types; intensive cultivation of crops within protected environments such as glasshouses and polytunnels; and extensive field production. The sector however faces significant constraints in relation to the quality of existing infrastructure and associated costs.

2.3. The Arun Local Plan (publication version 2011-2013) aims to create a positive environment through which horticulture can flourish as a significant economic and employment sector. Policy HOR DM1 provides a planning framework for horticultural investment and applies to new glasshouse, polytunnel and associated packhouse development; replacement or renewal of existing glasshouse structures; and redevelopment of under-used, redundant or derelict glasshouses and polytunnels.

2.4. In order to respond to the constraints on the sector, the LDO is aimed at existing and new horticultural enterprises in areas where the sector is concentrated, providing investment and redevelopment in areas where it is most needed through a more certain planning process. The LDO also aims to offer smaller scale units within LDO areas similar benefits to those currently attributed to larger scale agricultural development through the provisions of Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is hoped that by easing the planning requirements faced by producers, the sector will renew itself, benefitting it and neighbouring communities.

2.5. At present, intensive horticulture within Arun District is concentrated in or adjacent to settlements, while field-based cultivation is based more along the north of built-up areas, partly outside of Arun District. The LDO specifies the scale and nature of development within a defined geographical area and primarily addresses concentrations around the villages of Barnham, Eastergate and Westergate.

2.6. The LDO is concerned with locations where agricultural development is already established and in the immediate area surrounding these locations. The focus is on the regeneration and modernisation of existing horticultural operations, such as the replacement, renewal or upgrading of existing glasshouses and polytunnels and small scale extensions to protected environments (see Appendix 1 for details of permitted developments under the LDO).

2.7. The overarching strategic objectives under the Arun Local Plan remain and include the conservation of the countryside and landscape resources of the District. While the LDO aims to simplify the planning process, it will achieve this in a manner which mitigates any detrimental effects on the countryside.
3. REQUIREMENT FOR HABITATS REGULATIONS ASSESSMENT

3.1. Legal protection for habitats and species of European importance is provided by Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (the Habitats Directive). Article 2 of the Directive requires that the favourable conservation status of habitats and species of wild flora and fauna be maintained or restored, implemented through a network of protected areas known as Natura 2000 sites (European Sites).

3.2. Articles 6(3) and 6(4) of the Habitats Directive define how Natura 2000 sites are protected and managed. Article 6(3) states that:

‘Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.’

3.3. Article 6(4) states that:

‘If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest’.

3.4. The UK’s transposition of the Habitats Directive is the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations). Regulation 102 states that if a land-use plan "a) is likely to have a significant effect on a European Site or an European Offshore Marine Site (either alone or in combination with other plans or projects); and b) is not directly connected with or necessary to the management of that site” then the plan making authority must “make an appropriate assessment of the implications for the site in view of that sites’ conservation objectives” before the plan is given effect.

3.5. Regulation 78 of the Habitats Regulations sets out that a Local Development Order cannot grant planning permission for any development which is likely to have a significant impact upon a European Site or European Offshore Marine Site. If it cannot be concluded that the LDO is not likely to have a significant effect on such a site, an appropriate assessment of the implications of the proposals should be carried out in view of the sites conservation objectives.

3.6. The HRA must determine whether a plan or project will adversely affect the integrity of the European Site, in light of the conservation objectives of the site. With respect to the HRA process, the following designations are considered:

- **Special Areas of Conservation (SACs)** – designated to provide protection to flora, fauna and habitats;
- **Special Protection Areas (SPAs)** – areas of land, water or sea identified as being of international importance for breeding, feeding or migration of rare, vulnerable or migratory bird species;
- **Ramsar sites** – sites identified through the Convention on Wetlands of International Importance. Ramsar sites, unlike European Sites, are of international importance.
3.7. The HRA must identify any elements of the plan or project which may have significant effects on European Sites, and if so, how can it be concluded that there will be no adverse effects on their ecological integrity. In order for the integrity of a site not to be adversely affected, the site needs to be maintained at a favourable conservation status.
4. METHODOLOGY

Guidance and Best Practice

4.1. Current guidance from the European Commission and other bodies\(^1\) identifies that there is no statutory method for undertaking Habitats Regulations Assessment and that the method adopted should be appropriate for its purpose under the Habitats Directive and Habitats Regulations. Guidance from the European Commission suggests a four-stage process to carry out a HRA, although not all stages are necessarily required, details are provided in Appendix 2 and summarised in Table 1 below:

Table 1: Key Stages of the HRA process

<table>
<thead>
<tr>
<th>Article 6(3) Habitats Directive</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Stage 1: Screening.</strong></td>
</tr>
<tr>
<td>Identifying whether the plan or project will likely impact upon a European site, either alone or in combination with other plans.</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Article 6(4) Habitats Directive</th>
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</thead>
<tbody>
<tr>
<td><strong>Stage 2: Appropriate Assessment.</strong></td>
</tr>
<tr>
<td>Assessing the likely impact on the integrity of the site with regard to the conservation objectives of the European site, its structure and function.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Article 6(4) Habitats Directive</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Stage 3: Assessment of Alternative Solutions.</strong></td>
</tr>
<tr>
<td>Examining alternatives to the plan options, avoidance or mitigation which would have a lesser effect on European Sites.</td>
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</table>

<table>
<thead>
<tr>
<th>Article 6(4) Habitats Directive</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Stage 4: Assessment of Imperative Reasons of Overriding Public Interest.</strong></td>
</tr>
<tr>
<td>The assessment where no alternative exists and where the adverse impact remains.</td>
</tr>
</tbody>
</table>

4.2. The methodology for undertaking this assessment has largely been based on 'The Habitats Regulations Assessment for Local Development Documents Revised Draft Guidance for Natural England' (Tyldesley, 2009)\(^2\). Other sources have been referenced where appropriate.

**Screening**

4.3. The proposed Local Development Order was screened for likely significant effects on European sites. A plan or project should be considered to have a ‘likely’ significant effect if the competent authority (on the basis of available objective information) is unable to exclude the possibility that it could have a significant effect on any European Site, either alone or in combination with other plans or projects. An effect is deemed ‘significant’ if it undermines the sites conservation objectives.

4.4. The screening process involves the categorisation of the plan or project into one of four categories of potential effects, as established by Tyldesley (2009), as summarised in Table 2 below.

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\(^1\) European Commission (2001). Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.

<table>
<thead>
<tr>
<th>Category A: No negative effect.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elements of the plan that would have no negative impact upon any European Site. These elements may be screened out and do not require further assessment.</td>
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</table>

<table>
<thead>
<tr>
<th>Category B: No significant negative effect.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elements of the plan that could have an effect but the likelihood is there would be no significant negative effect on a European Site either alone or in combination with other plans or projects. This category includes ‘de minimus’ impacts.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category C: Likely significant effect alone.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elements of the plan will require an appropriate assessment unless the plan or project can be modified in a way to reduce the effect to no significant or no negative effect.</td>
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<table>
<thead>
<tr>
<th>Category D: Likely to have a significant effect in combination.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elements of the plan or project will be subject to appropriate assessment unless chances can be made to reduce the effect to no significant or no negative effect.</td>
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</table>

4.5. When carrying out the screening process the decision is concerned with appreciable effects that may ‘reasonably be predicted’. For a risk to be considered significant there needs to be credible evidence that the risk exists to the interest features of a European Site as a result of the plan or project.

**Background Information**

4.6. A Habitats Regulations Assessment for the Arun District Local Plan was carried out in 2013 by Urban Edge Environmental Consulting. The Local Plan was prepared to guide strategic and site-specific development across the area between 2013 and 2028.

4.7. It was concluded that sufficient avoidance and mitigation measures had been incorporated into the Local Plan in order to prevent impacts upon shorebird, wader and wildfowl populations. No adverse impacts upon the integrity of European Sites within the district were identified. The results of this report will be discussed in more detail below.

4.8. A Habitats Regulations Assessment for the Pagham Neighbourhood Plan was also undertaken in 2014 which concluded that sufficient avoidance and mitigation measures had been incorporated into the plan to prevent impacts upon shorebird, wader and wildfowl populations within the SPA.

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3 EC Case C-127/02 Reference for a Preliminary Ruling ‘Waddenzee’ 7th September 2004.
4 Habitats Regulations Assessment for the Arun District Local Plan. EU-0111 Arun LP HRA_5_130309.
5. **EUROPEAN SITES AND CONSERVATION OBJECTIVES**

**Scope of the Assessment**

5.1. Consideration must be given as to whether the integrity of a European Site will be affected and therefore regard must be given to the sites’ conservation objectives. This will extend beyond the consideration of the species present within the site and must take into account the wider ecological context of the site.

5.2. A HRA screening exercise was undertaken for the Arun District Core Strategy in 2007\(^5\) and identified the following European Sites for consideration:

- Arun Valley SPA
- Arun Valley Ramsar
- Castle Hill SAC
- Chichester & Langstone Harbours SPA
- Chichester & Langstone Harbours Ramsar
- Duncton to Bignore Escarpment SAC
- Ebernoe Common SAC
- Kingley Vale SAC
- Pagham Harbour SPA
- Pagham Harbour Ramsar
- Portsmouth Harbour SPA
- Portsmouth Harbour Ramsar
- Rook Clift SAC
- Singleton and Cocking Tunnels SAC
- Solent & Isle of Wight Lagoons SAC
- Solent Maritime SAC
- The Mens SAC

5.3. A screening exercise was undertaken and it was concluded that none of the sites were likely to be significantly affected by the Core Strategy, except for the Arun Valley SPA/Ramsar and Pagham Harbour SPA/Ramsar. Arun Valley was also later screened out following consultation between AECOM and Natural England and the 2013 HRA of the Arun DC Local Plan carried out an appropriate assessment of effects on Pagham Harbour only. For the purpose of this report the Pagham Harbour SPA/Ramsar only will be considered in further detail (see Plan at Appendix 3 for site location and overview).

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\(^5\) Arun District Council (2007): Appropriate Assessment Screening Exercise for the Arun District Local Development Framework Core Strategy.
6. PAGHAM HARBOUR SPA/RAMSAR (EUROPEAN MARINE SITE)

Site Overview

6.1. Pagham Harbour is located on the Sussex coast, on the south-east of the Manhood Peninsula, to the north of Selsey Bill. The designation covers approximately 637 hectares and is an estuarine basin comprising an extensive central area of saltmarsh and intertidal mudflats surrounded by lagoons, shingle, open water, reed swamp and wet permanent marshland.

6.2. The site was classified as an SPA in March 1988 and as a Ramsar site under the Ramsar convention for its internationally important wetland status. The site is of national and international importance for wintering wildfowl and waders and also for breeding birds within the Harbour and the surrounding grazing pasture. The site also supports nationally important communities of plants and invertebrates.

Interest Features and Conservation Objectives

6.3. Pagham Harbour qualifies as an SPA under Articles 4.1 and 4.2 of the EU Birds Directive and as a Ramsar Site under Criterion 6 of the Ramsar Convention, as summarised in Table 3 below. Further details of Pagham Harbour SPA/Ramsar and its interest features are to be found at Appendix 4.

Table 3: Summary of Interest Features of Pagham Harbour SPA/Ramsar

| Article 4.1 of the EU Birds Directive: supports internationally important populations of regularly occurring Annex 1 species |
| The site supports breeding populations of Common Tern Sterna hirundo and Little Tern Sterna Albifrons and an overwintering population of Ruff Philomachus pugnax. |
| Article 4.2 of the EU Birds Directive: supports internationally important populations of regularly occurring migratory species of regularly occurring Annex 1 species |
| The site supports over-wintering Pintail Anas acuta and Dark-bellied Brent Goose Branta bernicla bernicla. |
| Criterion 6 of the Ramsar Convention: a wetland supporting 1% of the individuals in a population of one species or sub-species of waterbird |
| The site supports an internationally important over-wintering assemblage of Dark-bellied Brent Goose. The site also supports an internationally important assemblage of Black-tailed Godwit Limosa limosa islandica for possible future consideration. |

6.4. The conservation objectives for Pagham Harbour SPA are those referred to in the Habitats Regulations 2010 and Article 6(3) of the Habitats Directive. They are considered when carrying out a Habitats Regulations Assessment, including an Appropriate Assessment. The conservation objectives for Pagham Harbour SPA are detailed below:

Interest Features and Conservation Objectives

6.5. It must be ensured that the integrity of the site is maintained or restored as appropriate, and ensured that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features;
- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The population of each of the qualifying features, and;
• The distribution of the qualifying features within the site.

6.6. The key habitats and interest features of the site are summarised in Table 4 below.

**Table 4: Key habitat and interest features of Pagham Harbour SPA/Ramsar**

<table>
<thead>
<tr>
<th>Habits</th>
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<tbody>
<tr>
<td>Broad-leaved, mixed and Yew woodland</td>
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<tr>
<td>Neutral lowland grassland</td>
</tr>
<tr>
<td>Littoral sediment</td>
</tr>
<tr>
<td>Lowland fen, marsh and swamp</td>
</tr>
<tr>
<td>Standing water</td>
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<tr>
<td>Supralittoral sediment</td>
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</tbody>
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<table>
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<tr>
<th>Geological Features</th>
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</thead>
<tbody>
<tr>
<td>Active Process Geomorphology</td>
</tr>
<tr>
<td>Tertiary Palaeobotany</td>
</tr>
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</table>

6.7. Ramsar sites do not have conservation objectives agreed in the same way as for SPAs however the interest features of the SPA overlap with the Ramsar criterion.
7. **FINDINGS OF THE 2013 HABITATS REGULATIONS ASSESSMENT**

7.1. In 2013 the Habitats Regulations Assessment for the Arun District Local Plan was carried out further to a screening exercise in 2007 of the Arun District Council Core Strategy\(^6\). All European Sites were screened out, except for Pagham Harbour SPA/Ramsar.

7.2. Based on the earlier findings, an appropriate assessment was undertaken in 2013, focussing on the effects of: disturbance to birds from recreation; demand for water sources; water abstraction and waste water pollution; introduction of non-native species to the site; and loss of supporting habitats to development.

7.3. Overall it was concluded that there would be no adverse effects on the ecological integrity and conservation features of Pagham Harbour, with no loss of supporting habitats. Overall, further avoidance and mitigation measures were not recommended as part of the appropriate assessment.

**Disturbance**

7.4. Increased residential development brings with it the risk of increased visitor pressures on European Sites and associated disturbance through recreational activities on the interest features of the Site. Such disturbance may result from a number of activities and will vary with seasons, species and individuals. Birds may however modify their behaviour to adapt to changes in disturbance.

7.5. A HRA of Arun Districts ‘Options For Growth’ document undertaken in 2010 analysed the findings of a visitor survey undertaken at Pagham in 2006\(^7\). Avoidance and mitigation measures in respect of increased visitor pressure from residential development were recommended and subsequently incorporated into the Local Plan as policy provisions in order to avoid negative impacts upon waterbird, wader and shorebird populations within Pagham Harbour SPA in relation to residential developments. For example, within 400m of the SPA development will only be permitted in exceptional circumstances.

7.6. The appropriate assessment identified that there would be no negative impact upon the extent and distribution of the qualifying features in view of the sites conservation objectives. Overall it was established that sufficient avoidance and mitigation measures were in place under the Local Plan.

**Water Resources, Water Abstraction and Waste Water**

7.7. The effects of increased demand on water resources were addressed within the 2013 report in relation to the increased demand arising from new residential development in particular. A review of water quality discharge consents was undertaken, specifically examining nutrient enrichment and impacts upon freshwater flows. It was concluded that there were no risk to Pagham Harbour.

7.8. Arun District Council is to encourage water efficiency measures in order to protect the water supply within the district, while improving the quality of the water environment. It was concluded that the integrity of Pagham Harbour SPA in view of the sites conservation objectives would not be detrimentally affected.

**Loss of Supporting Habitats**

7.9. Potential has been recognised as part of the previous HRA for a negative effect of residential development and associated land pressures on Dark-bellied Brent Geese. While the geese typically feed on eelgrass beds and other vegetation, they will also utilise expanses of grassland to

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\(^{6}\) Arun District Council(2007): Appropriate Assessment Screening Exercise for the Arun District local Development Framework Core Strategy.

supplement their diet. Concerns were raised in the 2007 HRA over the possibility of increased development resulting in losses of supporting habitat for the species.

7.10. The appropriate assessment identified that there would be no negative impact upon the extent and distribution of the qualifying features in view of the sites conservation objectives. Overall it was established that the populations and distribution of Dark-bellied Brent Geese would not be negatively impacted upon by the Local Plan.

Summary of findings

7.11. In summary the 2013 appropriate assessment of likely significant effects of the Arun District Local Plan on European Sites concluded that sufficient avoidance and mitigation measures were incorporated into the Local Plan as policy provisions such that impacts on shorebird, wader and wildfowl populations within the Pagham Harbour SPA/Ramsar were avoided. While it was noted that additional work to determine funding mechanisms was required, overall it was concluded that there would be no adverse impacts upon the interest features in view of the conservation objectives of the European Site. No adverse effects on the ecological integrity of Pagham Harbour were identified.
8. FINDINGS OF THE 2014 HABITATS REGULATIONS ASSESSMENT

8.1. Pagham Parish Council (PPC) prepared the Pagham Neighbourhood Plan to guide development in the parish between 2014 and 2029. The plan was subject to Habitats Regulations Assessment in 2014.

Summary of findings

8.2. The assessment of the Pagham Neighbourhood Plan found there were sufficient avoidance and mitigation measures incorporated as policy provisions in order to avoid impacts on the shorebird, wader and wildfowl populations with the Pagham Harbour SPA/Ramsar due an anticipated increase in disturbance from residents.

8.3. Policies include avoiding disturbance by not allocating land to development within 400m of the SPA and making provisions for mitigation.
9. **ASSESSMENT OF THE LOCAL DEVELOPMENT ORDER ON NATURA 2000 SITES**

**Conclusions of the 2016 Screening Assessment**

9.1. The Habitats Directive requires competent authorities to decide whether or not a plan or project can proceed having regard for potential significant impacts upon a European Site. Under guidance issued by DEFRA in 2012\(^8\) in circumstances when more than one competent authority is required to undertake an assessment, it is possible to coordinate roles. Where previous decisions have been taken in respect of the likely significant effects on European Sites ‘competent authorities should adopt the reasoning, conclusion or assessment of another competent authority in relation to the appropriate assessment requirements for a plan or project, if they can.’

9.2. This is based on there being no change to the material information available, such as new environmental evidence or changes that means the assessment could be considered out of date.

9.3. This report has assessed the potential for likely significant effects to occur on European Sites that may arise from the proposed LDO alone or in combination. Further to the findings of previous assessments undertaken in Arun District in 2007 and 2013, likely significant effects of the LDO on Pagham Harbour SPA/Ramsar are considered. Details of other plans/projects that may give rise to ‘in combination’ significant effects are provided in Appendix 5.

9.4. The focus of the LDO is on developments within the core areas of existing activity, which will focus on regeneration and modernisation and involve little or no changes in the existing level of impacts. For example this will include replacement, renewal or upgrading of upgrading existing areas of glasshouses and poytunnels. No direct land take from European Sites is proposed within the LDO. No impacts based on increased recreational disturbance are anticipated due to the nature of the proposed activities.

9.5. Excluded from permitted developments under the LDO include plant and engineering works not directly associated with horticultural development, such as anaerobic digesters, solar arrays and wind turbines.

9.6. The majority of areas specified within the LDO are located in excess of 5km from Pagham Harbour SPA/Ramsar. Two of the LDO areas, LDO2 and LDO3 are within 5km and are summarised in Table 5 below (see Appendix 6 for LDO location plans).

**Table 5: Key LDO areas within 5km of Pagham Harbour**

<table>
<thead>
<tr>
<th>LDO2: Land off Pagham Road (South)</th>
</tr>
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<tbody>
<tr>
<td>LDO2 is located approximately 1.7km to the east of Pagham Harbour SPA/Ramsar. It covers 11.6 ha and is currently used for multiple purposes including a packing facility, an anaerobic digester and land in arable production.</td>
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<tr>
<th>LDO3: Land off Pagham Road (North)</th>
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<tbody>
<tr>
<td>LDO3 is located approximately 2.9km to the north-east of Pagham Harbour SPA/Ramsar. It covers 23.2 ha and comprises land used for glasshouses, water storage.</td>
</tr>
</tbody>
</table>

9.7. The LDO concerns itself with locations where agricultural development is already established and in the immediate surrounding area. Developments will proceed without a planning application only if in accordance with the parameters laid out in the LDO.

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\(^8\) Guidance on competent authority coordination under the Habitats Regulations. DEFRA, July 2012.
9.8. These parameters include ecological considerations such as no development within 15m of existing hedgerows or trees. Water storage considerations are in place to ensure water storage reservoirs fall outside of the scope of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and also the Flood and Water Management Act 2010. Accordingly, measures are in place to ensure there are no impacts on any Natura 2000 from water storage, abstraction and run-off.

9.9. In consideration of the LDO, no significant impacts on the Pagham Harbour SPA/Ramsar or any other Natura 2000 site are likely.
Appendix 1: Summary of Permitted Development under the LDO

Ref: 15-3436
Permitted Development under the Local Development Order

The Arun Horticultural Local Development Order (LDO) permits development only within the boundaries identified on the LDO plans.

The developments permitted by the LDO shall comprise works to:

- Renew, replace or extend existing areas of glasshouses or polytunnels;
- Upgrade areas of polytunnels to glasshouses;
- Renew, replace or extend existing packhouse and distribution buildings;
- Construct water storage reservoirs; and/or
- Provide engineered operational surfaces or access routes (including parking areas) and plant/structures external to any proposed glasshouse, polytunnel or packhouse where these are essential to the proper functioning of the glasshouse, polytunnel or packhouse and/or to comply with development parameters or conditions set out within the Order.
Appendix 2: Summary of the stages of the Habitats Regulations Assessment

Ref: 15-3424
# Key Stages of Habitats Regulations Assessment

## Stage 1 – Pre Screening and Scoping

**Description**
- Ascertain whether the plan or project is subject to Habitats Regulation Assessment
- Identify European Sites (and Ramsar Wetlands) within and around the plan/project area
- Outline the conservation objectives and threats to site integrity of European Sites
- Set out the methodology for undertaking the scoping assessment

## Stage 2 – Screening for Potential Significant Effects

**Description**
- Identify what potential effects may occur on European sites and how these might affect conservation objectives of the site
- Evaluate other plans and programmes that may contribute to “in combination” effects
- Determine, through high level assessment, whether adaptations and adjustments to the plan will remove significant effects

If no effects are likely, report no significant effects. If effects are judged likely or where there is uncertainty use a precautionary principle and proceed to **Stage 3**.

## Stage 3 – Appropriate Assessment

**Description**
- Assess the direct and indirect effects on the integrity of European Sites of any elements of the plan identified as likely to have significant effects ‘in combination’ with other plans and programmes. Assess effects with respect to the conservation objectives of the European sites
- Determine how alternatives and changes to the plan can be used to avoid effects on site integrity
- Develop mitigation measures and define timescales and mechanisms
- Report outcomes of Appropriate Assessment including mitigation measures. Consult with Natural England, the Environment Agency and wider stakeholders (e.g. the public) as necessary
- If no adverse effect of the plan on the integrity of European sites alone or ‘in combination’ with other sites (the AEol) have been identified proceed without further reference to Habitats Regulations
- In the case where uncertainty remains despite consideration of alternatives and the development of mitigation measures proceed to **Stage 4**

## Stage 4 – Procedures (where adverse effect on ecological integrity of site remains): Derogations

**Description**
Where impacts remain, a plan or programme may only proceed if three tests are satisfied under the Habitats Directive’s article 6 (4) derogation requirements:

**Test 1:** There must be **no feasible alternative solutions** to the plan or project which are less damaging to European sites

**Test 2:** There must be **‘imperative reasons of overriding public interest, IROPI’** for the plan or project to proceed

**Test 3:** All necessary **compensatory measures** must be secured to ensure that the overall coherence of the network of European sites is protected.
Appendix 3: Pagham Harbour SPA/Ramsar Site Location Plan

Ref: M15-1758
Appendix 4: Site Overview: Pagham Harbour SPA/Ramsar

Ref: 15-3422
Pagham Harbour SPA/Ramsar

Pagham Harbour is located on the Sussex coast on the south-east of the Manhood Peninsula and comprises approximately 637 hectares of salt marsh and tidal mudflats, lagoons, shingle, open water, reed swamp, broad-leaved woodland and wet grassland. The area supports nationally and internationally important bird assemblages and the invertebrate-rich mudflats provide important feeding areas for a number of species.

The area supports internationally important bird assemblages of birds, including breeding Little Tern *Sterna albifrons* and Common Tern *Sterna hirundo* and over-wintering Ruff *Philomachus pugnax*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Pintail *Anas acuta* and Black-tailed Godwit *Limosa limosa islandica*. Many other species, including Grey Plover *Pluvialis squatarola* and Little Egret *Egretta garzetta* are also present.

**Species Populations - Status and Trends**

<table>
<thead>
<tr>
<th>Little Tern</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description</strong></td>
</tr>
<tr>
<td>The smallest species of tern breeding in the UK, which nests exclusively on the coast in well-camouflaged shallow scrapes on beaches, spits or inshore islets. The species does not forage far from breeding sites, therefore it is necessary for breeding sites to be close to shallow, sheltered feeding areas.</td>
</tr>
<tr>
<td><strong>Conservation Status</strong></td>
</tr>
</tbody>
</table>
| Little Tern is identified as a conservation priority in the following:  
- Wildlife and Countryside Act 1981 – Schedule 1  
- EC Birds Directive – Annex 1 (migratory species)  
- Birds of Conservation Concern (2009) – Amber listed |
| **Population Status and Trends** |
| Tern species in north-west Europe were threatened to near extinction during the 19th century by high hunting pressure of adults for the millinery trade but protective legislation during the 20th century has enabled recovery. Breeding of Little Terns occurs at scattered colonies around much of the coast of Britain and Ireland (north of Scotland to the south coast of England). All British and Irish tern species nest on the coast on sand and shingle beaches and spits as well as small islets of sand or rock close inshore.  
The main colonies occur in the south and east of England from Hampshire to Norfolk¹ and the UK population figure has been estimated at 2.2% of the world population, at 1,900 apparently occupied nests.  
Pagham Harbour supports 12 breeding pairs of Little Tern, representing 0.5% of the world population. |

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breeding population in Great Britain (Count as at 1995, JNCC).

The RSPB Pagham Harbour annual report for Pagham Harbour Local Nature Reserve from April 2014 to March 2015 reported 11 pairs on Church Norton Spit and a single pair on Tern Island. Despite varied results nationally the report highlights that this has been the most successful breeding season for Little Tern within the Pagham Harbour Local Nature Reserve for over 30 years, with the reserve now holding almost 40% of the Sussex population. Measures to reduce predation on eggs and chicks as well as a nearby supply of small fish are thought to be factors contributing to this success.

**Common Tern**

**Description**

Common Tern is not the most abundant tern species in the UK, however its breeding range extends around much of the UK coastline, along with inland lakes, reservoirs and gravel pits.

**Conservation Status**

Common Tern is identified as a conservation priority in the following:
- Wildlife and Countryside Act 1981 – Schedule 1
- EC Birds Directive – Annex 1 (migratory species)
- Birds of Conservation Concern (2009) – Amber listed

**Population Status and Trends**

The UK population figure has been estimated at 2.2% of the world population, at 11,800 apparently occupied nests.

12 pairs, representing 10% of the Sussex population were recorded breeding by RSPB’s annual report of Pagham Harbour Local Nature Reserve between April 2014 and March 2015.

**Ruff**

**Description**

Ruff has a global breeding distribution and Britain is at the extreme western edge of the breeding range. Only very small numbers nest in the UK. Ruff is a typical wader of lowland wet grassland and its occurrence is a good indicator of high conservation value farmland.

**Conservation Status**

Ruff is identified as a conservation priority in the following:
- Wildlife and Countryside Act 1981 – Schedule 1
- EC Birds Directive – Annex 1 (migratory species)

**Population Status and Trends**

Britain lies at the extreme western edge of the species world breeding range and only a very small number nest in the UK with no birds nesting some years. The Ruff was a widespread locally common breeding bird in eastern England until the 18th Century when impacts of hunting and drainage of breeding habitats led to extensive declines and extinction.
160 individuals recorded at Pagham Harbour, representing 22.9% of the UK population. Pagham Harbour no longer supports Ruff in internationally important numbers.

### Pintail

**Description**

Pintail concentrate in large numbers at only a small number of sites and are extremely mobile during winter, readily taking advantage of habitats which are temporarily available due to flooding.

**Conservation Status**

Pintail is identified as a conservation priority in the following:
- Wildlife and Countryside Act 1981 – Schedule 1
- EC Birds Directive – Annex 1 (migratory species)
- Birds of Conservation Concern (2009) – Amber listed

**Population Status and Trends**

The species is threatened by wetland habitat loss on its breeding and wintering grounds and reclamation of coastal area by industrial development poses a problem in Europe. Numbers fluctuate markedly between years due to a low degree of site fidelity. Thousands winter in Britain however Pintails rarely breed in Britain, possibly due to very specific breeding requirements (shallow pools in open grassland).

The maximum count recorded during WeBS counts between April 2014 and March 2015 was 283, with a five year average of 320. The RSPB report concluded the lower count for Pintail was potentially due to ‘short-stopping’ in which birds don't travel as far for the winter, staying at sites further north in the UK.

### Dark-bellied Brent Goose

**Description**

A small goose that flies in loose flocks along the coast, found at just a few sites within the UK and feeding on eel-grass.

**Conservation Status**

Dark-bellied Brent Goose is identified as a conservation priority in the following:
- Wildlife and Countryside Act 1981 – Schedule 1
- EC Birds Directive – Annex 1 (migratory species)
- Birds of Conservation Concern (2009) – Amber listed

**Population Status and Trends**

The main wintering areas of Dark-bellied Brent Geese in the UK are in England, along the North Sea and Channel coasts, from The Wash south to Poole Harbour. Important concentrations are found around The Wash, along the Norfolk, Essex and north Kent coasts, and in the natural harbours of the south coast. The geese rarely occur far from the sea and
feed on intertidal plants and a small range of littoral plants and therefore tend to occur in shallow coats and estuaries with extensive mudflats and intertidal areas.

Over 91,000 have been recorded wintering in the UK and Pagham Harbour supports important over-wintering concentrations of the species. The maximum count recorded during WeBS counts between April 2014 and March 2015 was 2102, with a five year average of 2346.

### Black-tailed Godwit

#### Description

A large wading bird found in the UK within estuaries and coastal lagoons. A small breeding population may be found in the UK on a select few wet meadows and marshes. Birds from Iceland over-winter in the UK.

#### Conservation Status

Black-tailed Godwit is identified as a conservation priority in the following:
- Wildlife and Countryside Act 1981 – Schedule 1
- EC Birds Directive – Annex 1 (migratory species)

#### Population Status and Trends

In lowland Britain, Black-tailed Godwits were formerly widespread, but suffered a major decrease and extinction in the early part of the nineteenth century. This was a consequence of widespread drainage of natural wetlands, especially the East Anglian fens. Regular breeding commenced again at Ouse Washes in 1952.

The UK holds a small vulnerable breeding population on a select few wet meadows and marshes (54-57 pairs of the *limosa* 'Eurasian' subspecies and 7-9 pairs of the islandic subspecies recorded breeding in the UK).

The maximum count recorded during WeBS counts between April 2014 and March 2015 was 277, with a five year average of 556.
Natural England Assessment of SSSI units

Natural England reviews condition for all SSSIs on a periodic basis. Pagham Harbour is defined by 23 SSSI units and recent assessment placed 17 of these as currently in ‘favourable condition’, 5 as ‘unfavourable/recovering’ and 1 as ‘unfavourable/no change’. In terms of whole site area this equates to 93.15% of Pagham Harbour being in ‘favourable condition’, 5.35% in unfavourable/recovering condition and 1.50% as ‘unfavourable/no change’.

Current prioritised issues impacting or threatening the condition of key features within Pagham Harbour as evaluated in the Site Improvement Plan for England include:

- Physical modification
- Public Access/Disturbance
- Water Pollution
- Fisheries: Commercial marine and estuarine
- Fisheries: Recreational marine and estuarine
- Change in Land Management

Key factors that contribute to Pagham Harbour’s favourable condition and conservation status as highlighted in The 2013 Arun District Local Plan HRA:

- Maintenance of isolated, open, non-vegetated sand and shingle beaches and spits for nesting (breeding Terns)
- Protection from human disturbance during the breeding season (breeding Terns)
- Protection from both terrestrial and aerial predators (breeding Terns)
- Maintenance of a wide range of habitats including coastal marshes, intertidal zones, inland flooded fields and muddy margins of lakes and pools (wintering Ruff)
- Maintenance of suitable feeding areas in estuarine habitats and inland grazing marshes (wintering Pintail)
- Maintenance of suitable feeding areas with winter wheat/grass close to Pagham Harbour (wintering Brent goose)
- Maintenance of suitable breeding, roosting and foraging areas such as trees/woodland or tall scrub, and grazing pasture (breeding/wintering Little Egret)
- Protection from human disturbance (all features)
- Maintenance of hydrological regime (all features)
- Maintenance of water quality; absence of enrichment and pollution (all features)
- Sufficient space between the site and development to allow for managed retreat of intertidal habitats and avoid coastal squeeze (all features)
- Absence of non-native species (all features).
Appendix 5: Summary of likely ‘in-combination’ effects

Ref: 15-3423
### Analysis of other plans that may give rise to ‘in-combination’ significant effects upon European Sites

<table>
<thead>
<tr>
<th>Plan / Strategy</th>
<th>Purpose of the Document</th>
<th>Possibility of ‘in-combination’ likely significant effects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arun District Council Local Plan</td>
<td>Aim is to guide strategic and site-specific development across the borough between 2013 and 2028.</td>
<td>Subject to its’ own HRA in 2013. In summary, no adverse effects on the ecological integrity of any European Site. Sufficient avoidance and mitigation measures were found to be integrated into the Local Plan as policy provisions in order to avoid impacts on any European Site.</td>
</tr>
<tr>
<td>Arun District Council: Arun Core Strategy</td>
<td></td>
<td>Subject to its’ own HRA in 2007 (Appropriate Assessment Screening Exercise for the Arun District Local Development Framework Core Strategy). Likely significant effects identified upon two European Sites: Arun Valley SPA/Ramsar and Pagham Harbour SPA/Ramsar. Later screened out.</td>
</tr>
<tr>
<td>Pagham Parish Council Pagham Neighbourhood Plan</td>
<td>To guide development within the parish between 2014 and 2029.</td>
<td>Subject to its own HRA in 2014 as much of the parish lies within the 5km buffer zone of Pagham Harbour.</td>
</tr>
<tr>
<td>Pagham to East Head Coastal Defence Strategy. Environment Agency. 2007</td>
<td>Options for management of coastal erosion.</td>
<td>No significant likely effect on the ecological integrity of Pagham Harbour SPA/Ramsar.</td>
</tr>
<tr>
<td>Havant Local Plan (Allocations) adopted July 2014</td>
<td>Identifies sites for specific uses, such as housing, employment and green infrastructure.</td>
<td>Subject to its own HRA screening assessment in 2012 by Lepus Consulting on behalf of Havant Borough Council. The screening assessment was unable to conclude that there would be no adverse effects upon the ecological integrity of several European Sites however Pagham Harbour SPA/Ramsar was screened out.</td>
</tr>
</tbody>
</table>
Appendix 6: LDO Location Plans

Ref: 15-3431 and 15-3432