



WORTHING LOCAL PLAN 2020- 2036

**Habitat Regulations Assessment -
Addendum**

SUBMISSION

August 2021



**WORTHING BOROUGH
COUNCIL**

HABITATS REGULATIONS ASSESSMENT SCREENING: 2021 ADDENDUM

Introduction

A Habitats Regulations Assessment (HRA) screening assessment was undertaken in 2018 to support the Draft Worthing Local Plan. It accompanied publication of the Regulation 18 Worthing Local Plan and formed part of the evidence upon which it was based. It was published as Appendix E within the Technical Appendices of the Draft Integrated Impact Assessment (2018). (<https://www.adur-worthing.gov.uk/media/Media.151300.smxx.pdf>)

This addendum seeks to update, clarify and confirm that the previous screening assessment remains relevant for the Submission Draft Local Plan.

Habitats Regulations Assessment

A HRA refers to the several distinct stages of Assessment which must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). This first state of assessment known as screening should take into account the potential effects of the plan or project itself, and in combination with other plans or projects. If screening finds a proposed plan or project is considered likely to have a significant effect on a protected habitats site then an appropriate assessment of the implications for the site must be undertaken.

A habitats site is defined as any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites. The National Planning Policy Framework also affords the following the same protection as habitats sites:

- potential Special Protection Areas and possible Special Areas of Conservation,
- listed or proposed Ramsar sites, and
- sites identified or required as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

In April 2018, the Court of Justice of the European Union delivered its judgment in 'People over Wind'. The judgment clarified that when making screening decisions for the purposes of deciding whether an appropriate assessment is required, competent authorities cannot take into account any mitigation measures. In accordance with the judgement, the 2018 screening assessment did not take into account any potential mitigation.

2018 Screening Assessment

The first step in screening a HRA is to make a decision as to whether there is any mechanism by which the plan can affect any habitats site by altering its environmental conditions.

The 2018 screening assessment found there were no habitats sites within the borough and identified two relevant sites within a 15km radius from the borough boundary (Arun Valley

SPA and Duncton and Bignor Escarpment SAC). For completeness it also considered Castle Hill SAC (over 20km away) and Ashdown Forest SAC and SPA (over 35km away).

Since the 2018 HRA screening assessment the list of sites that could potentially be affected by the Worthing Local Plan through a known pathway has not changed.

Submission Draft Worthing Local Plan 2021

The Submission Draft Worthing Local Plan 2020 - 2036 seeks to meet local housing need as far as possible through maximising redevelopment of brownfield sites, increasing densities and allocating new edge of town sites for development. However, despite taking a positive approach to development the delivery rate for housing (230 homes per annum) will fall significantly below the levels of housing need identified (885 homes per annum) due to the tightly drawn boundary around the borough and lack of available land.

The Local Plan allocates 15 sites for development, however none of these are significant in size with the largest expected to deliver 250 homes (A3: Centenary House, A8: HMRC Offices, A12: Teville Gate). The Local Plan also sets strategic policies to protect key areas of open space through the designation of Local Green Gaps (Policy SS5) and Local Green Space (Policy SS6).

Implications of the Local Plan on European Sites

The 2018 HRA screening assessment found the scale of development proposed in the Worthing Local Plan and the distance from the sites meant there were no realistic impact pathways present and therefore it is very unlikely that the spatial approach identified within Local Plan will damage the features of interest. Having reviewed these conclusions in light of the policies and scale of development set out in the Submission Draft Local Plan (2021), it is considered that they still stand.

Consultation

The 2018 HRA screening assessment was made available as part of the Draft Worthing Local Plan consultation between 31st October and 12th December 2018. Natural England were subsequently asked to review the HRA screening assessment ahead of the Regulation 19 publication consultation. Natural England provided specific comments on Tuesday 19th January 2020 (full response appended) as follows:

With regards to your HRA Screening Natural England concurs with the finding of your authority insofar that the proposed Worthing Local Plan is unlikely to have any likely significant effects on the identified European sites alone or in-combination with other plans or projects.

Conclusion

There have been no changes since the 2018 screening assessment that would alter the conclusions found. Therefore it is still the case that there would be no significant adverse effects on any of the identified habitats sites, either alone or in combination, arising from the Worthing Local Plan. Therefore as concluded in the 2018 screening assessment, the Local Plan does not require progression to the next stage of the HRA.

RE: 337815 Worthing Local Plan HRA Screening Adur-Worthing DC's

Burns, Nathan <Nathan.Burns@naturalengland.org.uk>

19 January 2021 at 09:39

To: "catherine.hutchins@adur-worthing.gov.uk" <catherine.hutchins@adur-worthing.gov.uk>

Our ref:337815

Dear Catherine Hutchins,

Thank you for your email.

With regards to your HRA Screening Natural England concurs with the finding of your authority insofar that the proposed Worthing Local Plan is unlikely to have any likely significant effects on the identified European sites alone or in combination with other plans or projects.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

Yours sincerely,

Nathan Burns

Lead Adviser

Area Team 14 – Kent & Sussex

07554226006

02080266551

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From: Catherine Hutchins <catherine.hutchins@adur-worthing.gov.uk>
Sent: 16 December 2020 10:17
To: Burns, Nathan <Nathan.Burns@naturalengland.org.uk>
Cc: Jennifer Ryan <jennifer.ryan@adur-worthing.gov.uk>; Ian Moody <ian.moody@adur-worthing.gov.uk>
Subject: Worthing Local Plan HRA Screening

Morning Nathan

You commented on the Draft Worthing Local Plan when it was out for consultation in 2018. We are now getting ready to consult on our Submission Draft Local Plan from mid January and have been working through the compliance checklists.

This has highlighted that we didn't receive from you in your response to the Draft Local Plan any comments or agreement to the HRA Screening. It was published alongside the Local Plan as an appendices to the Sustainability Appraisal which can be found here:

<https://www.adur-worthing.gov.uk/media/Media,151300,smxx.pdf>

It would be really appreciated if you could have a look at the HRA Screening and if possible provide us with an email stating that you concur with its findings, or alternatively any comments you may have so we have time if needed to update the Screening in time for the consultation in January.

Kind regards

Catherine Hutchins

Senior Planning Officer, Planning Policy, Adur & Worthing Councils

Phone: 01273 263344

Email: catherine.hutchins@adur-worthing.gov.uk

Website: www.adur-worthing.gov.uk

Address: Economic Growth, Portland House, [44 Richmond Road, Worthing, West Sussex BN11 1HS](#)



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Worthing Borough Council
Planning Policy
Portland House
44, Richmond Road
Worthing
West Sussex
BN11 1HS



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