

Date: 27 January 2021
Our ref: 337350
Your ref: AB/135/20/OUT



Michael Eastham,
Planning Officer,
Arun District Council

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

Dear Michael Eastham,

Planning consultation: Outline application with some matters reserved (except for access) for the development of 90 dwellings & associated amenity land. This application is a Departure from the Development Plan, affects the setting of listed buildings & affects the character & appearance of the Arundel Conservation Area.
Location: Land at Ford Road Arundel.

Thank you for your consultation on the above dated 16 December 2020 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES.

As submitted, the application could have potential significant effects on the Arun Valley Special Protection Area (SPA)/Ramsar site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.
The following information is required:

Information to demonstrate that the development will not result in a loss of land that is functionally-linked to the Arun Valley SPA/Ramsar.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information required

Possible functionally linked land

Birds for which the Arun Valley Special Protection Area/ Ramsar sites are designated, utilise land within, and also around, these sites. Where birds regularly forage on land outside the designated site, this land may be considered functionally linked to the SPA/Ramsar by providing supporting habitat. Its loss should, therefore, be considered in any assessment of impacts under the **Habitats Regulations**.

Due to its location and general habitat composition it is likely that the site of the proposed application could be regularly used by these species, as such it could be considered functionally linked land (FLL) for the non-breeding/wintering birds which are interest features of the Arun Valley SPA/Ramsar sites.

For this reason Natural England requires further assessment to determine with certainty that the existing application site serves as FLL. There are three levels of assessment which may need to be provided:

1. Habitat Suitability Assessment
2. Desk Based Assessment
3. Site Specific Surveys

We note that in this instance, the first two levels of assessment shown above, have been carried out, as detailed in the submitted 'Ecological Assessment Report'. Of particular significance is that the western part of the development site currently consists of pasture; and it should be noted that 'improved pasture' is included within the Conservation Objectives Supporting Advice document in relation to this SPA, as habitat likely to be supporting habitat (or FLL). In addition, the desk based assessment data includes reference to the presence of qualifying feature bird species being in the area; i.e. Bewick's swan; and also ruff, black-tailed godwit and kingfisher, which are component species of the water-bird assemblage.

However, the third item, site specific surveys, were only carried out for one over-winter period, whereas our advice is that survey data from at least two overwinter periods is required.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me on [REDACTED] or at [REDACTED]

Please consult us again once the information requested above, has been provided.

Yours sincerely,

[REDACTED]

Sustainable Development Adviser – Sussex & Kent Team

Annex A – Additional Advice

Natural England offers the following additional advice:

Landscape

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute Guidelines for Landscape and Visual Impact Assessment](#) for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#).

Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on rights of way in the vicinity of the development.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).