



LINDEN HOMES SOUTH

LAND AT NEWBARN LANE,
NORTH BERSTED,
WEST SUSSEX

**Information to enable a
Habitats Regulations
Assessment
(Appropriate Assessment)
of the impacts on the
Pagham Harbour Ramsar /
Special Protection Area
[pursuant to Regulation 63
of The Conservation of
Habitats and Species
Regulations 2017]**

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1. INTRODUCTION

1.1. Background

- 1.1.1. Ecology Solutions was commissioned by Linden Homes South to undertake ecological assessment work pursuant to the production of documentation in support of a planning application to be submitted in respect of Land at Newbarn Lane, North Bersted, West Sussex.
- 1.1.2. As part of this instruction, Ecology Solutions were specifically instructed to assess implications of the Development Proposals on nearby designated sites of European/international importance, namely the Pagham Harbour Special Protection Area (SPA) / Ramsar site.
- 1.1.3. The findings of this assessment work are set out within this 'Information to enable a Habitats Regulations Assessment' (IHRA) document, such that the competent authority, in this instance the Arun District Council has all the necessary information in order to carry out his / her duties in considering the application in line with relevant planning policy and legislation, including specifically The Conservation of Habitats and Species Regulations 2017 (hereinafter referred to as the Habitats Regulations).
- 1.1.4. The Development Proposals are for the erection of 99 new residential properties and associated works.
- 1.1.5. In finalising the Development Proposals, consultation has taken place with Arun District Council, Natural England and other key stakeholders. Relevant correspondence is cited or referred to wherever appropriate.

1.1. Purpose of this Report

- 1.1.1. This report specifically assesses the potential significant effects of the Development Proposals on the nearby designated sites of European/international importance, including Pagham Harbour SPA / Ramsar site.
- 1.1.2. Specific regard is had to the test under Regulation 63(1) of the Habitats Regulations. Regulation 63(1) is described and considered further in Section 2 of this document.
- 1.1.3. Assessment under Regulation 63 of the Habitats Regulations is required in this instance given the Application Site's proximity to the Pagham Harbours SPA/Ramsar site. The proximity of the Application Site to these and other European designated sites is described in detail at Section 3 of this report and is also shown on Plan ECO1.
- 1.1.4. As part of this assessment, professional judgement has been applied in some instances in order to interpret information. Ecology Solutions is a member of the Institute of Ecology and Environmental Management and the Institute of Environmental Management and

Assessment and its' professional ecologists are qualified to make such judgements where appropriate.

- 1.1.5. This document assesses the likely significant effects of the Development Proposals associated with the Application Site as a whole, both alone and in combination with other plans / projects.
- 1.1.6. The purpose of this report is to provide the Competent Authority with the information required to consider the proposals in line with the test set out in Regulation 63 of the Habitats Regulations. It is the opinion of Ecology Solutions, in the light of all relevant available information, that the development proposals would not adversely affect the integrity of any European designated sites, and as such that consent may be safely granted for the development proposals. The information contained within this report provides all of the detail necessary to enable the Competent Authority to undertake their assessment.

1.2. Application Site Characteristics

- 1.2.1. The Application Site is located to the west of the village of North Bersted, near Bognor Regis, in West Sussex (see Plan ECO1). Existing residential development is situated to the east of the Application Site, with Newbarn Lane forming the eastern boundary. To the north lies a caravan park, with farmland situated to the south and west of the Application Site.
- 1.2.2. The Application Site comprises a pasture field, with some scattered scrub and ruderal vegetation in addition to a small strip of amenity grassland. Hedgerows are present along the southern and western boundaries of the field, whilst a treeline is situated beyond the northern boundary.

2. LEGISLATION, CASE LAW AND RELEVANT GUIDANCE

Legislation and relevant case law

- 2.1. The proximity of the Appeal Site to the nearby designated site of European/international importance, most notably the Pagham Harbour SPA / Ramsar site means that the EC Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna (Habitats Directive) and the EC Directive on Wild Birds (the Birds Directive) are relevant in this instance. These two Directives are transposed in UK legislation through the Habitats Regulations (2010).
- 2.2. Pagham Harbour is also classified as a Ramsar site. The UK is a signatory to the Convention on Wetlands of International Importance Especially as Wildfowl Habitat 1971, commonly known as the Ramsar Convention after the town in which it was signed. Parties to the Ramsar Convention are obliged to designate particular sites as Wetlands of International Importance. The obligations imposed by the Convention are in themselves not particularly strong, in that they require the promotion and encouragement of the stated aims, rather than any specific action. However, as a matter of policy, Ramsar sites receive the same protection as designated SPAs and Special Areas of Conservation (SACs). The procedures applicable to European sites are therefore to be applied to Ramsar sites, even though these are not European sites as a matter of law.
- 2.3. The relevant Directives and UK legislation are discussed below.

Habitats and Birds Directives

- 2.4. Under the EC Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna, commonly referred to as the Habitats Directive (Council Directive 92/43/EEC), Member States are required to take special measures to maintain the distribution and abundance of certain priority habitats and species (listed in Annexes I and II of the Directive). In particular each Member State is required to designate the most suitable sites as SACs. All such SACs will form part of the Natura 2000 network under article 3(1) of the Habitats Directive.
- 2.5. Article 2(3) sets out that member states have a duty, in exercising their obligations under the Habitats Directive to:

“.. take account of economic, social and cultural requirements and local characteristics.”
- 2.6. Under the EC Directive on Wild Birds (the Birds Directive) (Council Directive 2009/147/EEC, previously 79/409/EEC), Member States are required to take special measures to conserve the habitats of certain rare species of birds (listed in Annex I of the Directive) and regularly occurring migratory birds. In particular each Member State is required to classify the most suitable areas of such habitats as SPAs. This is designed to protect wild birds, and to provide sufficient diversity of habitats for all species so as to maintain populations at an ecologically sound level. All Bird Directive

SPAs will also be part of the Natura 2000 network under article 3(1) of the Habitats Directive.

- 2.7. Thus there is an obligation under the Habitats Directive and the Birds Directive for member states to designate sites before turning to measures for their protection.
- 2.8. The protection afforded to SPAs is delivered through Article 6 of the Habitats Directive. Article 6(2) requires member states to take appropriate steps to avoid the deterioration of natural habitats and disturbance of species for which the sites have been designated, in so far as the disturbance could be significant in relation to the objectives of the Directive. Article 6(3) and Article 6(4) require that a plan or project not directly connected with the management of the site, but likely to have a significant effect upon it, either individually or in combination with other plans or projects, must be subject to an appropriate assessment of its implications on the site, in view of the sites conservation objectives.
- 2.9. Having undertaken an appropriate assessment, the competent authority may agree to a plan or project where it can be concluded that it will not adversely affect the integrity of the site. In light of a negative assessment on the implications for the integrity of the site, Article 6(4) provides that the plan or project may still proceed where it can be demonstrated that there are no alternatives and there are imperative reasons of over-riding public interest as to why it must proceed. In the event that a plan or project is to proceed on the basis of imperative reasons of over-riding public interest, by direction of Article 6(4), compensatory measures must be put in place to ensure that the overall coherence of the Natura 2000 network is protected.

The Conservation of Habitats and Species Regulations 2017

- 2.10. The Conservation of Habitats and Species Regulations 2017, commonly referred to as the Habitats Regulations, transpose the requirements of the Habitats Directive and Birds Directive into UK legislation. The Habitats Regulations aim to protect a network of sites in the UK that have rare or important habitats and species in order to safeguard biodiversity.
- 2.11. Under the Habitats Regulations, Competent Authorities have a duty to ensure that all the activities they regulate have no adverse effect on the integrity of any of the Natura 2000 sites. Regulation 61 of the Habitats Regulations requires that:

“63(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project, which:-

- (a) is likely to have a significant effect on a European site or a European offshore marine site in Great Britain (either alone or in combination with other plans or projects) and
- (b) is not directly connected with or necessary for the management of the site,

shall make an appropriate assessment of the implications for the site in view of that site's conservation objectives.

63(3) The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority may specify.

63(5) In the light of the conclusions of the assessment, and subject to regulation 64, the authority shall agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

63(6) In considering whether a plan or project will adversely affect the integrity of the site, the authority shall have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given."

- 2.12. Regulation 63 of the Habitats Regulations therefore sets out a two stage process. The first test is to determine whether the plan / project is likely to have a significant effect on the European site, the second test (if applicable) is to determine whether the plan / project will affect the integrity of the European site.
- 2.13. Some key concepts of the Habitats Directive and Habitats Regulations have been clarified through case law. The most pertinent cases in relation to Development Proposals are the "Waddenzee Judgment", the "Dilly Lane Decision" and the Sweetman Case. These are discussed below.

Waddenzee Judgement

- 2.14. In the 'Waddenzee' case the European Court of Justice considered the trigger for 'Appropriate Assessment'. It decided that an appropriate assessment is required for a plan or project where there is a probability or a risk that it will have a significant effect on the SPA. The Judgement states [at paragraph 3(a)] that:
- "...any plan or project not directly connected with or necessary to the management of the site is to be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects."
- 2.15. Hence the need for an appropriate assessment should be determined on a precautionary basis.
- 2.16. The Judgement gives clarity that the test of 'likely significant effect' should also be undertaken in view of the European sites conservation objectives. It is stated at paragraph 3(b)] that:

“where a plan or project not directly connected with or necessary to the management of a site is likely to undermine the site’s conservation objectives, it must be considered likely to have a significant effect on that site.”

- 2.17. Paragraph 4 of the Judgement emphasises the requirement for the appropriate assessment to rely on objective scientific information:

“...an appropriate assessment...implies that, prior to its approval, all the aspects of the plan or project which can, by themselves or in combination with other plans or projects, affect the site's conservation objectives must be identified in the light of the best scientific knowledge in the field. The competent national authorities, taking account of the appropriate assessment of the implications...for the site concerned in the light of the site's conservation objectives, are to authorise such an activity only if they have made certain that it will not adversely affect the integrity of that site. That is the case where no reasonable scientific doubt remains as to the absence of such effects.”

Dilly Lane Decision

- 2.18. The Secretary of State’s decision to allow an appeal in relation to applications for a total of 170 new homes on a greenfield site off Dilly Lane, Hartley Witney was challenged in High Court by Hart District Council. The legal challenge was made on the grounds that the Secretary of State had erred in departing from her Inspector’s conclusions as to the effects on the Thames Basin Heaths SPA. A key issue for the case was whether mitigation measures should be disregarded when assessing whether the project would have a significant effect on the SPA. Mr Justice Sullivan ruled in favour of the Secretary of State after concluding that there was no absolute legal rule that mitigation measures should be disregarded in assessing whether the new homes would have significant effect on the SPA. Mr Justice Sullivan states at paragraph 55 of his judgement:

“The competent authority is not considering the likely effect of some hypothetical project in the abstract. The exercise is a practical one which requires the competent authority to consider the likely effect of the particular project for which permission is being sought. If certain features (to use a neutral term) have been incorporated into that project, there is no sensible reason why those features should be ignored at the initial, screening, stage merely because they have been incorporated into the project in order to avoid, or mitigate, any likely effect on the SPA.”

- 2.19. As such, it is right and proper that mitigation or avoidance measures, which form a feature of a plan / project should be viewed as integral to the plan / project and not excluded when considering the likely significance test at Regulation 61(1).

Sweetman Case

- 2.20. Further guidance in relation to the consideration of impacts in the light of the Habitats Regulations is provided in the Sweetman case. The case as set out by the Advocate General considered in detail the test for likely significant effect in paragraphs 50 and 51:

“50. The test which that expert assessment must determine is whether the plan or project in question has ‘an adverse effect on the integrity of the site’, since that is the basis on which the competent national authorities must reach their decision. The threshold at this (the second) stage is noticeably higher than that laid down at the first stage. That is because the question (to use more simple terminology) is not ‘should we bother to check’ (the question at the first stage) but rather ‘what will happen to the site if this plan or project goes ahead; and is that consistent with “maintaining or restoring the favourable conservation status” of the habitat or species concerned’...

51. It is plan, however, that the threshold laid down at this stage of Article 6(3) may not be set too high, since the assessment must be undertaken having rigorous regard to the precautionary principle. That principle applies where there is uncertainty as to the existence or extent of risks. The competent national authorities may grant authorisation to a plan or project only if they are convinced that it will not adversely affect the integrity of the site concerned. If doubt remains as to the absence of adverse effects, they must refuse authorisation.”

- 2.21. The Court of Justice of the European Union (CJEU) agreed with the Advocate General’s conclusions, and held:

“40. Authorisation for a plan or project, as referred to in Article 6(3) of the Habitats Directive, may therefore be given only on condition that the competent authorities – once all aspects of the plan or project have been identified which can, by themselves or in combination with other plans or projects, affect the conservation objectives of the site concerned, and in the light of the best scientific knowledge in the field – are certain that the plan or project will not have lasting adverse effects on the integrity of that site. That is so where no reasonable scientific doubt remains as to the absence of such effects.”

- 2.22. Hence a plan or project may be authorised only if no reasonable scientific doubt remains as to the absence of effects. Reasonable scientific doubt will exist if the evidence is not sufficiently conclusive, or if there are gaps in the information.

People over Wind (Sweetman II) [C323/17]

- 2.22.1. The CJEU judgment referred to in Section 1 of this document concerned a Preliminary Ruling in Case C-323/17. A request for a preliminary ruling was made to the CJEU concerning the interpretation of Article 6(3) of Council Directive 92/43/EEC (the Habitats Directive). The request was made in relation to proceedings brought by ‘People

Over Wind', and Mr Peter Sweetman against Coillte Teoranta. The ruling is as follows:

"Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."

- 2.22.2. The new ruling from the CJEU, departs from previous domestic jurisprudence (in particular the Dilly Lane Decision), where it was deemed acceptable to include consideration of any mitigation / avoidance measures, which formed an integral part of the plan or project, in considering the first stage of assessment and screening for likely significant effects on a European site (or Ramsar site). In that case, where it could be concluded that no likely significant effect arises there was no recourse to move to Appropriate Assessment and address the Integrity test.
- 2.22.3. In view of this ruling from the CJEU, in addressing the test at Regulation 63(1) of the Habitats Regulations, it is necessary to undertake the screening assessment in the absence of any consideration of avoidance or mitigation measures. It is in this light (and only in this light) that this revised IHRA has been produced.

ESB Wind Developments (Sweetman III) [Case C- 164/17]

- 2.22.4. In this case a request for a preliminary ruling was made to the CJEU concerning the interpretation of Articles 6(3) and 6(4) of Council Directive 92/43/EEC (the Habitats Directive). The request was made in relation to proceedings brought by Mr Peter Sweetman and Edel Grace against the decision of An Bord Pleanála (National Planning Appeals Board, Ireland) concerning the latter's decision to grant ESB Wind Developments Ltd and Coillte permission for a wind farm project within an SPA. The ruling was handed down on 25th July 2018.
- 2.22.5. This ruling distinguishes between, for the purpose of the application of Articles 6(3) and 6(4) of the Directive, 'mitigation' that consists of measures intended to avoid or reduce harm to the protected site, and measures intended to compensate for any harm (Compensatory measures). It is stated:

"Article 6 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, where it is intended to carry out a project on a site designated for the protection and conservation of certain species, of which the area suitable for providing for the needs of a protected species fluctuates over

time, and the temporary or permanent effect of that project will be that some parts of the site will no longer be able to provide a suitable habitat for the species in question, the fact that the project includes measures to ensure that, after an appropriate assessment of the implications of the project has been carried out and throughout the lifetime of the project, the part of the site that is in fact likely to provide a suitable habitat will not be reduced and indeed may be enhanced may not be taken into account for the purpose of the assessment that must be carried out in accordance with Article 6(3) of the directive to ensure that the project in question will not adversely affect the integrity of the site concerned; that fact falls to be considered, if need be, under Article 6(4) of the directive."

- 2.22.6. The ruling clarifies (in the context of the specifics of that project) what constitutes mitigation and what should correctly be termed compensation. It confirms that mitigation should be subject to Appropriate Assessment under article 6(3) but that measures designed to compensate for any harm rather than prevent it, cannot be considered under article 6(3) (Appropriate Assessment). In such instances, the proposal must be considered under article 6(4) and thus it cannot be permitted unless there are, "Imperative Reasons of Overriding Public Interest".

Guidance and other Relevant Documents

- 2.23. Guidance on the interpretation of key terms and concepts contained within the European and UK legislation of relevance to European designated sites is provided through several documents issued by the European Commission and national organisations such as the Joint Nature Conservation Committee (JNCC) and Natural England. This guidance is discussed below.

Natura Standard Data Forms

- 2.24. A standard reporting format has been developed for Natura 2000 sites (SPAs and SACs) to ensure that the relevant site selection information is reported and stored in a consistent manner which can be easily made available.
- 2.25. A standard reporting form for SPAs and SACs was developed by the European Commission and published in 1996. The form is used for all sites designated, or proposed to be designated as SPAs and SACs under the relevant Directives, with the information to be stored on a central database.
- 2.26. Article 4 of the Habitats Directive provides the legal basis for providing the data. Article 4 states that information shall include a map of the site, its name, location, extent and the data resulting from application of the criteria specified in Annex III and that this shall be provided in a format established by the Commission. Under Article 4 (paragraph 3) of the Birds Directive Member States are required to provide the Commission with all relevant

information to enable it to take any appropriate steps in order to protect relevant species in areas where the Directive applies.

- 2.27. Whilst it is the relevant country agency (i.e. Natural England) that is responsible for designating a site, it is the JNCC who are responsible for collating the lists of European and international designated sites, together with relevant supporting information. The Nature 2000 Data Forms for SPAs and SACs are therefore made available by the JNCC.
- 2.28. Within the explanatory notes for Natura Standard Data Forms (European Commission 1996) the following “main objectives” of the Natura data form / database are given:
1. “to provide the necessary information to enable the Commission, in partnership with the Member States, to co-ordinate measures to create a coherent NATURA 2000 network and to evaluate its effectiveness for the conservation of Annex I habitats and for the habitats of species listed in Annex II of Council Directive 92/43/EEC as well as the habitats of Annex I bird species and other migratory bird species covered by Council Directive 79/409/EEC.”
 2. “to provide information which will assist the Commission in other decision making capacities to ensure that the NATURA 2000 network is fully considered in other policy areas and sectors of the Commission’s activities in particular regional, agricultural, energy, transport and tourism policies.”
 3. “to assist the Commission and the relevant committees in choosing actions for funding under LIFE and other financial instruments where data relevant to the conservation of sites, such as ownership and management practice, are likely to facilitate the decision making process.”
 4. “to provide a useful forum for the exchange and sharing of information on habitats and species of Community interest to the benefit of all Member States.”

Managing Natura 2000 Sites (European Communities 2000)

- 2.29. The document entitled “Managing Natura 2000 Sites the provisions of article 6 of the Habitats Directive 92/43/CEE”, published by the European Commission in 2000, provides guidelines to the Member States on the interpretation of certain key concepts used in Article 6 of the Habitats Directive. It should be noted that the section relating to Article 6(4) has subsequently been replaced through the publication of a further guidance document by the European Commission in 2007 entitled “Guidance document on Article 6(4) of the ‘Habitats Directive’, which is considered below under the relevant heading.
- 2.30. This document states at Section 2.3.3 that conservation measures must correspond to the ecological requirements of the habitats and species

present for which the site is designated and that these requirements “involve all the ecological needs necessary to ensure their favourable conservation status”.

- 2.31. At section 3.5 the guidance states, in relation to deterioration and disturbance of habitats or species:

“Deterioration or disturbance is assessed against the conservation status of species and habitats concerned. At a site level, the maintenance of the favourable conservation status has to be evaluated against the initial conditions provided in the Natura 2000 standard data forms when the site was proposed for selection or designation, according to the contribution of the site to the ecological coherence of the network. This notion should be interpreted in a dynamic way according to the evolution of the conservation status of the habitat or the species.”

- 2.32. Section 4.4.1 sets out that in determining what may constitute a likely ‘significant’ effect one should take into account the conservation objectives for the site and other relevant baseline information. In the second paragraph of this section of the document it is stated:

“In this regard, the conservation objectives of a site as well as prior or baseline information about it can be very important in more precisely identifying conservation sensitivities.”

- 2.33. Section 4.5.3 of the document sets out the duty of member states to provide certain specific information in support of the inclusion of a site within the Natura 2000 network. This information is to be provided in a format specified by the European Commission (the Natura 2000 Standard Data Form).

- 2.34. A link is drawn between the Standard Data Form and the formation of the sites conservation objectives within the text box at the end of section 4.5.3 of the guidance where it is stated:

“The information provided according to the standard data form established by the Commission forms the basis for a Member State’s establishment of the site’s conservation objectives.”

- 2.35. With regard to an assessment of the effects of a plan / project on the integrity of a site, the ‘integrity of the site’ is defined at Section 4.6.3 as:

“... the coherence of the site’s ecological structure and function, across the whole area, or the habitats, complex of habitats and / or populations of species for which the site is or will be classified.”

- 2.36. The guidance is clear, within the text box at the foot of page 39, that an assessment as to the implications of the plan / project on the integrity of the site should be limited to an assessment against the site’s conservation objectives:

“The integrity of the site involves its ecological functions. The decision as to whether it is adversely affected should focus on and be limited to the site’s conservation objectives.”

- 2.37. Section 5 of the document deals with Article 6(4) of the Habitats Directive. Note that this section has been expanded upon, and replaced by further guidance issued by the European Commission entitled “Guidance document on Article 6(4) of the Habitats Directive 92/43/EEC” (2007). This document is dealt with below at paragraphs 2.57 – 2.61.

Assessment of Plans and Projects Significantly Affecting Natura 2000 sites- Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission 2001)

- 2.38. This document, published by the European Commission in 2001, gives guidance on carrying out and reviewing those assessments required under Article 6(3) and (4) of the Habitats Directive. It is provided as supplementary guidance and does not over-ride or replace any of that set out within Managing Natura 2000 (European Commission 2000) which as stated at page 6 of the document, “is the starting point for the interpretation of the key terms and phrases contained in the Habitats Directive”. The guidance provided is not mandatory and it is clearly set out that its use is “optional and flexible” and that it is for “Member States to determine the procedural requirements deriving from the directive”.
- 2.39. The guidance sets out the key stages in following the tests contained within the Habitats Directive. Pertinent to this application, stages one and two are relevant. Stage one is the screening stage assessing the likelihood of a plan / project resulting in a significant effect upon the European site. The second comprises the appropriate assessment.
- 2.40. Section 3.2.4 is concerned with Appropriate Assessment and specifically, the assessment against the conservation objectives of the European Site. Box 9 provides a list of five example conservation objectives for differing broad habitat types. One such example, that for a coastal site, taken from Box 9 is provided below:

“to maintain the status of the European features of this coastal site in favourable condition, allowing for natural change. Features include coastal shingle vegetation and lagoons (within a candidate special area of conservation (SAC), which is also an SPA).”

Internal Guidance to decisions on ‘Site Integrity’: A framework for provision of advice to competent authorities (English Nature 2004)

- 2.41. Natural England (formerly English Nature) has produced an internal guidance document on the provision of advice to competent authorities regarding the concept of “site integrity” in undertaking an appropriate assessment.

- 2.42. This guidance sets out a definition for integrity. It states that integrity is considered at the site level and gives the following definition, as taken from PPG9:

“The coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and / or levels of populations of the species for which it was classified”.

- 2.43. Integrity is further defined within section 3.0 where it is stated that:

“In a dynamic context ‘integrity’ can be considered as a site having a sense of resilience and ability to evolve in ways that are favourable to conservation.”

- 2.44. The need to maintain, or restore the site to, favourable conservation status is dealt with in the final paragraph of section 3.0. Natural England quotes guidance issued jointly by the Environment Agency, English Nature and Countryside Council for Wales.

- 2.45. The guidance provides a checklist within section 4.1, for assessing the likelihood of an adverse effect on integrity occurring as a result of the proposed plan / project. It is stated that if the answer to all of the questions posed within the checklist is “yes” then it is reasonable to conclude that there will be no adverse effect upon integrity. In the event that one or more of the answers is no, then the guidance suggests that a series of further site specific factors, listed at 4.2 – 4.7 of the guidance must be considered in detail.

Common Standards Monitoring (JNCC February 2004)

- 2.46. Common Standards Monitoring is a means by which condition objectives for habitats, species, or other features of designated sites (e.g. Sites of Special Scientific Interest – SSSIs, and SPAs) are set based on key attributes of the features.

- 2.47. The Joint Nature Conservation Committee (JNCC) and the country Conservation Agencies (e.g. Natural England) developed guidance on the setting and assessing of condition objectives, as required under the Birds and Habitats Directives and set out a framework for this in 1999. This framework is provided in the form of Common Standards Monitoring (CSM) guidance which comprises a suite of documents including an “Introduction to the Guidance Manual on Common Standards Monitoring” and several species / habitat specific documents, including those for lowland heathland, birds, reptiles and invertebrates. The Introduction to the Guidance Manual covers various relevant concepts and terms. It also provides a background to the setting of conservation objectives and sets out the desired approach to setting targets, monitoring, management and reporting on conservation measures in designated sites.

- 2.48. The Introduction to CSM Guidance and CSM guidance for individual site attributes (e.g. its bird interest) set out specific criteria regarding the

identification of interest features, targets and methods of assessment. There is in-built flexibility and allowances for 'judgements to be made' when assessing, for example, favourable condition.

- 2.49. It is understood that Natural England applies the Common Standards Monitoring approach to European designated sites through an assessment of the SSSI unit condition. This is undertaken on a cycle of approximately 6 years. The assessment does not relate to the Conservation Objectives of the European site, but provides a tool for tailoring future management of the SSSI such that favourable condition of the interest features can be maintained or restored as appropriate.

National Planning Policy Framework (2018) and ODPM / Defra Circular (ODPM & Defra, 2005)

- 2.50. Paragraphs 170, 174 and 176 of the National Planning Policy Framework (2018) are of direct relevance. Paragraph 174 is concerned with the hierarchy of international, national and locally designated sites and paragraph 170 states such sites should be protected in "a manner commensurate with their statutory status or identified quality". Paragraph 176 asserts that Ramsar sites, proposed SPAs, SACs and sites providing compensatory measures for adverse effects on "habitats" sites should be afforded the same level of protection as classified SPAs and designated SACs.
- 2.51. Guidance on the determination of whether an effect on a European designated site is likely to be significant, together with the scope of appropriate assessments and ascertaining the effect on the integrity are provided within the DEFRA Circular (ODPM & DEFRA, 2005). This DEFRA Circular was published in relation to Planning Policy Statement 9 (PPS(9), which was superseded by the National Planning Policy Framework (2012). However, the National Planning Policy Framework retains reference to the DEFRA Circular (2005).
- 2.52. With respect to the significance test, the DEFRA Circular states at paragraph 13 that:
- "The decision as to whether an appropriate assessment is necessary should be made on a precautionary basis".
- 2.53. The Waddenzee Judgement is specifically referred to at paragraph 13 of the Circular. With regards to the need to undertake an appropriate assessment; this is only required where it is not possible to conclude, on the basis of objective information, that the plan / project will not have a significant effect on the European site, either individually or in combination with other plans / projects.
- 2.54. Paragraph 14 clarifies that in considering the likely significance of an effect, the decision taker should assess whether the effect would be significant in terms of the site's conservation objectives.

2.55. Paragraph 15 clarifies the importance of assessing the likely significant effect on each of the interest features for which the site is designated.

2.56. Guidance on the scope of an Appropriate Assessment is provided at paragraph 17:

“If the decision-taker concludes that a proposed development (not directly connected with or necessary to the management of a site) is likely to significantly affect a European site, they must make an appropriate assessment of the implications of the proposal for the site in view of the site’s conservation objectives. These relate to each of the interest features for which the site was classified...The scope and content of an appropriate assessment will depend on the nature, location, duration and scale of the proposed project and the interest features of the relevant site. It is important that an appropriate assessment is made in respect of each interest feature for which the site is classified; and for each designation where a site is classified under more than one international obligation...”

2.57. At paragraph 20 the definition of “integrity” for the purpose of interpreting the tests contained within the Habitats Regulations is given as:

“The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified.”

2.58. The DEFRA Circular includes a flow diagram setting out the series of steps competent authorities are required to take in considering proposals affecting internationally designated Nature Conservation Sites. This is based on the information and flow charts given in guidance issued by the European Commission (European Commission Environment DG, 2001).

2.59. The information contained within this report follows the steps outlined in the flow diagram and takes account of the EC guidance on the basis of information currently available on the nature of the development in relation to those Internationally Designated Nature Conservation Sites identified within this assessment. Professional judgement has been applied to interpret this information within the context of the sites’ conservation objectives and the criteria under which they are designated.

Guidance document on Article 6(4) of the 'Habitats Directive' (European Commission 2007)

- 2.60. This document, published by the European Commission in 2007, is intended to provide clarification on key terms / concepts as referred to within "Managing Natura 2000 Sites" and replaces the section on Article 6(4) within that earlier document.
- 2.61. The Guidance document covers, in particular, the concepts of Alternative Solutions, Imperative Reasons of Overriding Public Interest, Compensation Measures, Overall coherence and the Opinion of the Commission.
- 2.62. With regard to ensuring the quality of an appropriate assessment, and to define exactly what needs to be compensated, it is stated at Section 1.3 that:
- "Assessment procedures of plans or projects likely to affect Natura 2000 sites should guarantee full consideration of all elements contributing to the site integrity and to the overall coherence of the network, both in the definition of the baseline conditions and in the stages leading to identification of potential impacts, mitigation measures and residual impacts. These determine what has to be compensated, both in quality and quantity."
- 2.63. The need to use information contained within the Natura Standard Data Form, in tandem with the sites conservation objectives when undertaking an appropriate assessment is specifically referred to (under the second hyphenated point at Section 1.3 on page 5).
- 2.64. Section 1.3.2 gives guidance on the application of Article 6(4) in respect of reasons of overriding public importance and Section 1.4.1 gives guidance on the application of Article 6(4) in respect of compensatory measures.

Conservation Objectives

- 2.65. The Conservation Objectives for SPAs and SACs are published by Natural England. Those for Pagham Harbour SPA are included at Appendix 1.

3. SITE LOCATIONS

- 3.1. The Pagham Harbour SPA/Ramsar site is located to the south and west of the Application Site, approximately 4.4km away at its closest point. Other European / international designated sites are located at considerably greater distances. For completeness, the Chichester and Langstone Harbours SPA / Ramsar site and the Solent Maritime Special Area of Conservation (SAC) are located approximately 8km to the west of the Application Site at their closest point. The Solent to Dorset Coast potential SPA (pSPA) boundary overlaps that of Pagham Harbour, with the boundary drawn to mean high water. There are no other such sites within 10km of the Application Site.
- 3.2. Consideration has been given to potential significant effects occurring on the Chichester and Langstone Harbours SPA / Ramsar site, the Solent Maritime SAC and the Solent to Dorset Coast pSPA. In relation to the Chichester and Langstone Harbours SPA / Ramsar site and the Solent Maritime SAC, it is considered that given the distances involved, the Development Proposals would not be likely to give rise to a significant effect on these sites, when the project is considered either alone or in combination with other plans or projects. This conclusion is also reflected within the "Interim Policy Statement on Development and Disturbance of Birds in Special Protection Areas and identified Compensatory Habitats" document (April 2014) published by Chichester District Council. It is stated that:
- "Through the Solent Disturbance and Mitigation Project (SDMP), Councils across the Solent have identified a "zone of influence" surrounding the Chichester & Langstone Harbours SPA/SAC site that extends to 5.6km from the Special Area of Conservation(SAC) boundary. Accordingly, the Council will approach consideration of planning applications within the zone as set out below."
- 3.3. In this instance, the Application Site falls well outside of the identified zone of influence. No further consideration is therefore required in relation to potential effects on the Chichester and Langstone Harbours SPA / Ramsar site and the Solent Maritime SAC.
- 3.4. In relation to the Solent to Dorset Coast pSPA, which would be classified in order to protect foraging species of Tern *Sterna* sp., given the distances involved and the nature of the Development Proposals no disturbance effects on Tern species using this pSPA would occur. On this basis no further consideration is therefore required.
- 3.5. **Pagham Harbour SPA / Ramsar site**
- 3.5.1. Pagham Harbour SPA / Ramsar Site covers an area of 636.68ha, the SPA boundary being consistent with that of the Ramsar Site. The relevant Natura Standard Data Form and Ramsar Information Sheet are included at Appendix 2.

- 3.5.2. Pagham Harbour SPA / Ramsar Site comprises one underpinning SSSI, namely Pagham Harbour SSSI. The citation for this SSSI is included at Appendix 3.

3.6. **Relationship between the SPA / Ramsar sites and the Application Site**

- 3.6.1. The relationship between the relevant SPA / Ramsar Site is shown on Plan ECO1.

4. CONSERVATION STATUS OF THE PAGHAM HARBOUR SPA / RAMSAR SITE

4.1. SPA Qualifying Features

- 4.1.1. Pagham Harbour SPA (and Ramsar site) comprises an estuarine basin with an extensive central area of saltmarsh and intertidal mud-flats, surrounded by lagoons, shingle, open water, reed swamp and wet grassland. The mud-flats are rich in invertebrates and algae, which provide feeding areas for birds. Areas of lower saltmarsh are dominated by Common Cord-grass *Spartina anglica*, with patches of Glasswort *Salicornia* spp.
- 4.1.2. From a review of relevant information published by the JNCC and Natural England it would appear that the 2016 SPA Review has resulted in a change in the qualifying interest features for this SPA. These changes have not however been reflected in the Natura 2000 Standard Data Form (published in December 2015) or the formal Conservation Objectives (published in June 2014).
- 4.1.3. According to the Natura 2000 Standard Data Form Pagham Harbour SPA qualifies under Article 4.1 of the Birds Directive on account of it supporting breeding populations of Little Tern *Sterna albifrons*, Common Tern *Sterna hirundo*, together with over-wintering Ruff *Philomachus pugnax*. The site further qualifies under Article 4.2 of the Birds Directive on account of it supporting important populations of over-wintering Dark-bellied Brent Goose *Branta bernicla*.
- 4.1.4. The Natura 2000 Standard Data Form for the SPA is included in Appendix 2.
- 4.1.5. The formal Conservation Objectives, a copy of which are included at Appendix 1, also cite the same qualifying interest features.
- 4.1.6. Information published on the JNCC website gives the following information. Pagham Harbour SPA qualifies under Article 4.1 of the Birds Directive on account of it supporting breeding populations of Little Tern *Sterna albifrons*, together with over-wintering Ruff *Philomachus pugnax*. The site further qualifies under Article 4.2 of the Birds Directive on account of it supporting important populations of over-wintering Pintail *Anas acuta*.
- 4.1.7. From a review of the individual species accounts associated with the 2016 SPA Review, for Dark-bellied Brent Goose Pagham Harbour is not cited as a SPA for which the species is classified. This is also the case for Common Tern. For Pintail, Pagham Harbour is listed as a site for which this species is considered important (in the context of the Natura 2000 network) but it is stated that classification of the species has not yet been confirmed.
- 4.1.8. It can be concluded that the 2016 SPA Review has identified Pagham Harbour as a SPA for which Pintail should / will be classified for Pintail and that this species should be treated as a qualifying interest feature

of the SPA. Conversely it appears that breeding Common Tern and over wintering Dark-bellied Brent Goose are no longer considered to be qualifying interest features of the SPA.

- 4.1.9. However, in the light of the fact that the formal Conservation Objectives for the site have not been updated and since Dark-bellied Brent Goose remain a qualifying interest feature of the Ramsar site (see below) this species has been treated as a feature which requires consideration in respect of the application of the tests of the Habitats Regulations in this instance. For completeness, to ensure a fully robust assessment, consideration is also given to potential significant effects on breeding Common Tern and Pintail, in addition to those species for which no apparent changes in qualifying status at the site have occurred.

4.2. Ramsar site Qualifying Features

- 4.2.1. Pagham Harbour Ramsar site qualifies under Ramsar criterion 6 on account of it supporting important populations of wintering Dark-bellied Brent Goose. Black-tailed godwit *Limosa limosa islandica*, are cited on the Ramsar Information Sheet as being identified subsequent to designation for possible future consideration under Criterion 6.
- 4.2.2. The Ramsar Information Sheet for the Ramsar site is included in Appendix 2.

4.3. Condition of SPA Ramsar Habitats

- 4.3.1. Habitat information for each of the management units of the Pagham Harbour SSSI is given within the 'condition assessment comment' included within the documents at Appendix 3. There are currently 23 management units, of which the majority are documented as being in "favourable condition", with the condition of six units being documented as either "unfavourable recovering" or 'unfavourable no change'.
- 4.3.2. Favourable condition for the SSSI is defined as being adequately conserved and meeting its 'conservation objectives'. Nonetheless, it is stated that there is scope for the enhancement of these SSSIs (SPA / SAC / Ramsar site).
- 4.3.3. The citation for the Pagham harbour SSSI is included at Appendix 2.

4.4. Conservation Objectives

- 4.4.1. The Habitats Regulations require an appropriate assessment to be undertaken "in view of the site's nature conservation objectives". Further, in light of relevant case law and guidance (as discussed above), it is right and proper that a screening assessment for likely significant effects is also undertaken in view of the formal Conservation Objectives for the site. Conservation objectives are a statement of the measures required to maintain at, or restore to, favourable conservation status the natural habitats and / or the populations of

species of wild fauna and flora for which the site has been selected. The conservation status of a species is defined as favourable when the population, range and natural habitats of the species are stable or increasing. Similarly the conservation status of a habitat is favourable when the range, structure and function, and typical species thereof, are stable or increasing.

- 4.4.2. The Conservation Objectives for the Pagham Harbour SPA / Ramsar site are included at Appendix 1.

4.5. Pagham Harbour SSSI qualifying features

- 4.5.1. Pagham Harbour SSSI is designated on account of ecological and geological interest features. In relation to ecological matters, the site contains an extensive area of salt-marsh with tidal mudflats, shingle, open water, reed swamp and wet grassland. The site is of national importance for wintering wildfowl and waders and also for breeding birds within the harbour and the surrounding pasture. In addition, the site supports nationally important communities of plants and invertebrates.
- 4.5.2. Whilst the main purpose of this document is to address potential significant effects on the Pagham Harbour SPA / Ramsar site, given the underpinning nature of the SSSI designation and the consistency of site boundaries consideration is also give to effects on the SSSI where relevant.

5. ASSESSMENT OF THE IMPLICATIONS OF THE DEVELOPMENT PROPOSALS FOR THE SPA / RAMSAR SITE CONSERVATION OBJECTIVES

- 5.1. Section 2 of this document sets out the legislation, guidance and case law of relevance to an assessment of the implications of a plan / project on a European site. Having regard to this legislation and supporting guidance it is clear that the assessment is a two stage process, the first being the 'likely significant effect' stage, the second being the 'integrity test'.
- 5.2. It is clear that the Conservation Objectives of the European site are the most important consideration in determining whether the plan / project will have an adverse effect on the site, including any effects on its integrity. Indeed, some guidance indicates that it is only the Conservation Objectives against which the plan / project should be tested in line with the Habitats Directive / Regulations. However, other European guidance implies that additional information is relevant.
- 5.3. It is evident that there is a clear hierarchical approach to assessing effects on European sites in line with the Habitats Directive / Regulations. The primary test is that against the Conservation Objectives (now updated to include specific reference to qualifying interest features) with other considerations following these. Such other considerations would include:
 - Other features of interest associated with the site; and
 - Other relevant baseline information for the site.
- 5.4. In line with the above, whilst the qualifying interest features of the sites and other baseline information have informed this assessment, the greatest weight has been placed upon the formal Conservation Objectives for the European designated sites, as set out by Natural England.
- 5.5. This section includes a description of the potentially significant effects arising from the development proposals at the application site on the European designated sites. The potential effects are assessed within this section in order to address the test under Regulation 63(1) in the first instance.
- 5.6. In undertaking this assessment, consideration has been given to the best available scientific knowledge. Further consideration under the Habitats Regulations (i.e. Appropriate Assessment, if required) can therefore be undertaken, consistent with the *Waddenzee* Judgement, which requires the use of the best scientific knowledge to inform a decision where no reasonable scientific doubt remains as to the presence and / or absence of effects that would adversely affect the integrity of the designated site (see Section 2 above).
- 5.7. Furthermore, consideration is given to the recent 'People Over Wind' case, which confirmed the view of the ECJ that any avoidance or mitigation measures that form an integral part of the project can only be taken into consideration at the Appropriate Assessment stage. This supersedes the domestic Dilly Lane judgement in the High Court (see Section 2 above).

5.8. Potential Impacts on the Pagham Harbour SPA / Ramsar site in the absence of Mitigation

- 5.8.1. Given that the reasons for classification as an SPA and designation as a Ramsar Site are essentially similar, it is reasonable to consider the potential for impacts upon the two designations as one rather than undertake a separate assessment for each.
- 5.8.2. Natural England were consulted on a previous application of relevance to the Development Proposals. The advice provided by Natural England, relates to the deliver of a smaller scheme within the Application Site and has been used to guide this assessment. A copy of the relevant correspondence is included at Appendix 4. With reference to the letter at Appendix 4, Natural England confirmed that without appropriate mitigation a development of 10 residential units would be likely to have a significant effect on Pagham Harbour SPA / Ramsar. The letter goes on to state that adverse effects can be mitigated through an appropriate financial contribution to the Pagham Harbour strategic access management and monitoring project.
- 5.8.3. Natural England refer to the recent ECJ decision that has clarified that avoidance and mitigation measures can only be considered at the Appropriate Assessment stage, it is axiomatic that the position of Natural England would be that subject to inclusion of these measures, the proposals would not result in an adverse effect on the integrity of the European site. This is considered in further detail below.
- 5.8.4. Given the separation of the Application Site from the SPA/Ramsar site it is considered that there would be no significant effects from lighting, hydrology, air quality or noise impacts during the construction or operational phases of the Development Proposals.
- 5.8.5. The potential pathway for significant effects is considered to be limited to the following:
- Disturbance effects (dog walking, walking) through increased recreational pressure at the SPA.
- 5.8.6. Natural England concurs with this view (see Appendix 4), raising only recreational disturbance in relation to the proposals. The identified pathway for effects is discussed in detail below.

Disturbance effects (on qualifying bird species)

- 5.8.7. Given the distances involved, it is considered that there is potential for new residents associated with the proposed development to access areas of the SPA / Ramsar site (e.g. for recreational purposes), thereby increasing visitor pressure on the site and potentially disturbing birds, including those listed as designating features of the site.

- 5.8.8. The SPA / Ramsar site is designated on account of its breeding and over-wintering bird populations (see Section 4) and as such, it is considered that effects are associated with both the spring / summer and winter periods. During winter, birds are susceptible to adverse effects through disturbance due to food sources being scarcer and efficient use of energy being of heightened importance to survival. During the breeding season, disturbance can result in adult birds being flushed from nests, leaving eggs or young exposed to the elements and predation. Prolonged or repeated disturbance can cause the adults to abandon a nest site.

Assessing visitor impacts

- 5.8.9. The proposals are for the construction of up to 99 residential units.
- 5.8.10. The average number of residents per household within the Arun District¹ is 2.2. On this basis, the new development could give rise to a population of 218 additional people. The housing mix for this application includes one (6 in total), two (38 in total), three (46 in total) and four (9 in total) bedroom properties. It has been assumed that the Development proposals could give rise to up to 364 new residents. This figure is a worst case scenario based on maximum occupancy rates for these dwelling types although the actual figure is likely to be lower.
- 5.8.11. Some of these new residents would be expected to own pets, including dogs and access to nearby recreational areas for dog walking will be required. In light of this the development proposals have the potential to result in some increase in walkers / dog walkers using the SPA / Ramsar site.
- 5.8.12. On the basis of emerging planning policy and guidance in respect of the effects of new residential developments in the district, a strategic package of mitigation and avoidance measures aimed at mitigating / avoiding recreational impacts on the SPA / Ramsar site has been put forward. This is discussed further below in Section 6.

¹ 2011 Census, Office for National Statistics

6. MITIGATION / AVOIDANCE MEASURES AND THE IN COMBINATION TEST

- 6.1. Contribution to strategic mitigation/avoidance measures is proposed, focussed upon alleviating visitor pressure on the SPA / Ramsar site. Natural England are satisfied that this approach will mitigate against the potential recreational impacts of the development on Pagham Harbour SPA / Ramsar, subject to financial contributions being secured.
- 6.2. In the light of the CJEU judgment (12th April 2018), the following detailed information regarding the proposed avoidance and mitigation measures is provided such that in undertaking an Appropriate Assessment, the Competent Authority has all necessary available information to reach firm conclusions in respect of the Integrity test associated with Regulation 63 of the Habitats Regulations.
- 6.3. The mitigation / avoidance strategy comprises, a package of measures aimed at alleviating existing and future pressures from visitor numbers at the SPA / Ramsar site itself. These measures are discussed below.

Open space provision

- 6.4. Informal open space is to be provided within the Application Site, in the immediate vicinity of the new properties. A total provision of approximately 0.58ha of open space and landscape planting is proposed, not including small pockets and strips of grassland. These areas will have permanent public access. Although the provision of such open space does not replicate the draw of coastal area and therefore does not have the same draw, it is considered that the provision of on the door step open space resource will provide recreational opportunities for walker / dog walkers.
- 6.5. Within the 0.58ha of open space, there is a need to deliver equipped children's play areas and the proposed provision totals 0.06ha, leaving around 0.52ha of open space available for informal recreation activities. This will be open semi-natural greenspace comprising wildflower grassland and tree / shrub planting.
- 6.6. The proposed open space has a clear flow through the proposed development, providing good opportunities for walks. Away from formal play areas, dogs will be allowed to run off the lead, which is an important consideration in relation to walk experiences for dog walkers.
- 6.7. The open space will be subject to a suitable management regime to maintain an informal and safe environment for users. In addition, to encourage use of the onsite open space provision and deter additional visits to the SPA/Ramsar site, signage and homeowner welcome packs will be provided emphasising the sensitivities of Pagham Harbour and promoting the recreational opportunities available elsewhere (e.g. within the Application Site itself).
- 6.8. The open space will be available to new residents ahead of first occupation, thus before a potential adverse effect on the SPA / Ramsar site could occur.

- 6.9. As stated above, the intention is to create a significant area of open space which offers opportunities for recreation (including dog walking) which will be easily accessible to the new residents associated with the Development Proposals. It is accepted that the proposals will not deliver an experience akin to that found at the coast, and some new residents would be likely to visit the SPA / Ramsar site on occasion. It is expected however, that the open space provision will reduce the overall number of potential visits to the SPA / Ramsar site (and SSSI) by offering an easily accessible area for regular (e.g. daily / routine) dog walks by new residents.
- 6.10. It is noted that Natural England considers that even in instances where open space is provided for new residents, increased visitor pressure is still likely to result, when considering residential development proposals in combination with other plans / projects. On this basis, consideration has been given to the requirement for further mitigation / avoidance measures, such that when the Development Proposals are considered both alone and in combination, the conclusion of 'no adverse effect on integrity' can be safely reached. This additional mitigation is discussed below.

Visitor access management and monitoring

- 6.11. A widely accepted approach to such mitigation / avoidance measures, is for visitor access and management initiatives (e.g. wardening, signage and footpath management) to be implemented at the designated site itself and funded through developer contributions.
- 6.12. It is understood from consultation with Natural England and a review of information available (including an Appropriate Assessment² undertaken to inform the Arun Local Plan) from Arun District Council, that a strategic level approach to mitigation for the Pagham Harbour SPA / Ramsar site has been formulated and this is currently adopted as an interim planning policy approach. It is understood that the relevant projects to be funded and the associated direct costs have been identified. The identified projects are understood to be as follows:
- Provision of part time wardening;
 - Signage / interpretation and education; and
 - Monitoring the effectiveness of the measures.
- 6.13. The Applicant is fully committed to the payment of a developer contribution towards a strategic level mitigation / avoidance strategy. The final sum payable would be secured by way of a section 106 agreement. In this way the Competent Authority can be assured (i.e. no doubt remains) that appropriate mitigation / avoidance measures will be delivered ahead of any potential significant effect arising in relation to the Development Proposals.
- 6.14. It is considered that (having adopted a precautionary stance) the provision a financial contribution towards agreed and properly targeted visitor access / management initiatives at the SPA / Ramsar site / SSSI, would avoid any

²Urban Edge Environmental Consulting, February 2017. Habitats Regulations Assessment for the Arun Local Plan: Supplementary Work Stage 3 Report: Appropriate Assessment

potential significant adverse effects on the SPA / Ramsar site / SSSI through increased recreational pressure when the project is considered both alone and in combination with other plans or projects. Having undertaken an assessment of all possible effects on the SPA / Ramsar site as a result of the Development Proposals, it is considered that the plan / project would not give rise to an adverse affect on the integrity of the European site, when the plan / project is considered alone. At worst, the plan / project would give rise to effects which would be classed as *de minimis*.

Summary conclusion

- 6.15. Ecology Solutions have considered all of the potential significant effects that could arise from the Development Proposals in view of the European sites Conservation Objectives. In light of the assessment undertaken and with due regard had to relevant case law, the avoidance and mitigation measures proposed, Ecology Solutions conclude that the proposals would not adversely affect the integrity of the SPA / Ramsar site when the Development Proposals are considered either alone or in combination with other plans or projects. No additional potential significant effects have been identified in relation to Pagham Harbour SSSI and no additional mitigation would be required.

7. SUMMARY AND CONCLUSIONS

- 7.1. Ecology Solutions has undertaken an initial screening assessment of the implications of the Development Proposals on the Pagham Harbour SPA / Ramsar site in view of the European sites conservation objectives. Further detailed assessment has then been undertaken, including the proposal of specific avoidance and mitigation measures.
- 7.2. The findings of this work are set out within this Information to enable a Habitats Regulations Assessment document, such that the competent authority, in exercising its duties under the Habitats Regulations, has all the necessary information before it to consider the application.
- 7.3. Assessment under Regulation 63 of the Habitats Regulations is required in this instance, since the Application Site lies in relatively proximity to the Pagham Harbour SPA / Ramsar site. Consideration has also been given to any additional impacts which could arise in relation to the Pagham Harbour SSSI, wherever relevant and other European level designated sites.
- 7.4. The principal potential adverse impacts which could arise in respect of the SPA / Ramsar site / SSSI are through increased visitor pressure.
- 7.5. With regard to potential increased recreational pressure at the SPA / Ramsar site / SSSI, mitigation / avoidance measures have been put forward following consultation with Natural England. The proposed measures are supported by Natural England, whose position is clearly described within the letter dated 10th September 2018, a copy of which is appended to this document.
- 7.6. The Applicant is committed to the securing of an appropriate financial contribution, as set within the interim mitigation / avoidance strategy for the SPA / Ramsar site.
- 7.7. It is considered that the provision of the financial contribution would avoid any potential significant adverse effects that the Development Proposals could have on the SPA / Ramsar site through increased recreational pressure.
- 7.8. In addition, as part of the Development Proposals, a significant area of informal open space will be provided for recreational purposes, including dog walking. The open space will deliver an attractive environment for informal recreation where dogs can be exercised, with grassland, trees and boundary hedgerows. A network of footpaths will enable circular walks.
- 7.9. It is considered that this IHRA contains all the information required for the Competent Authority to undertake an Appropriate Assessment of the Development Proposals. It is considered that there would not be an adverse effect on the integrity of Pagham Harbour SPA/Ramsar site when the Development Proposals are considered, either alone or in combination with other plans/projects, with reference to the test at Regulation 63(1) of the Habitats Regulations. No additional impacts have been identified in

relation to Pagham Harbour SSSI and no additional mitigation measures are considered necessary.

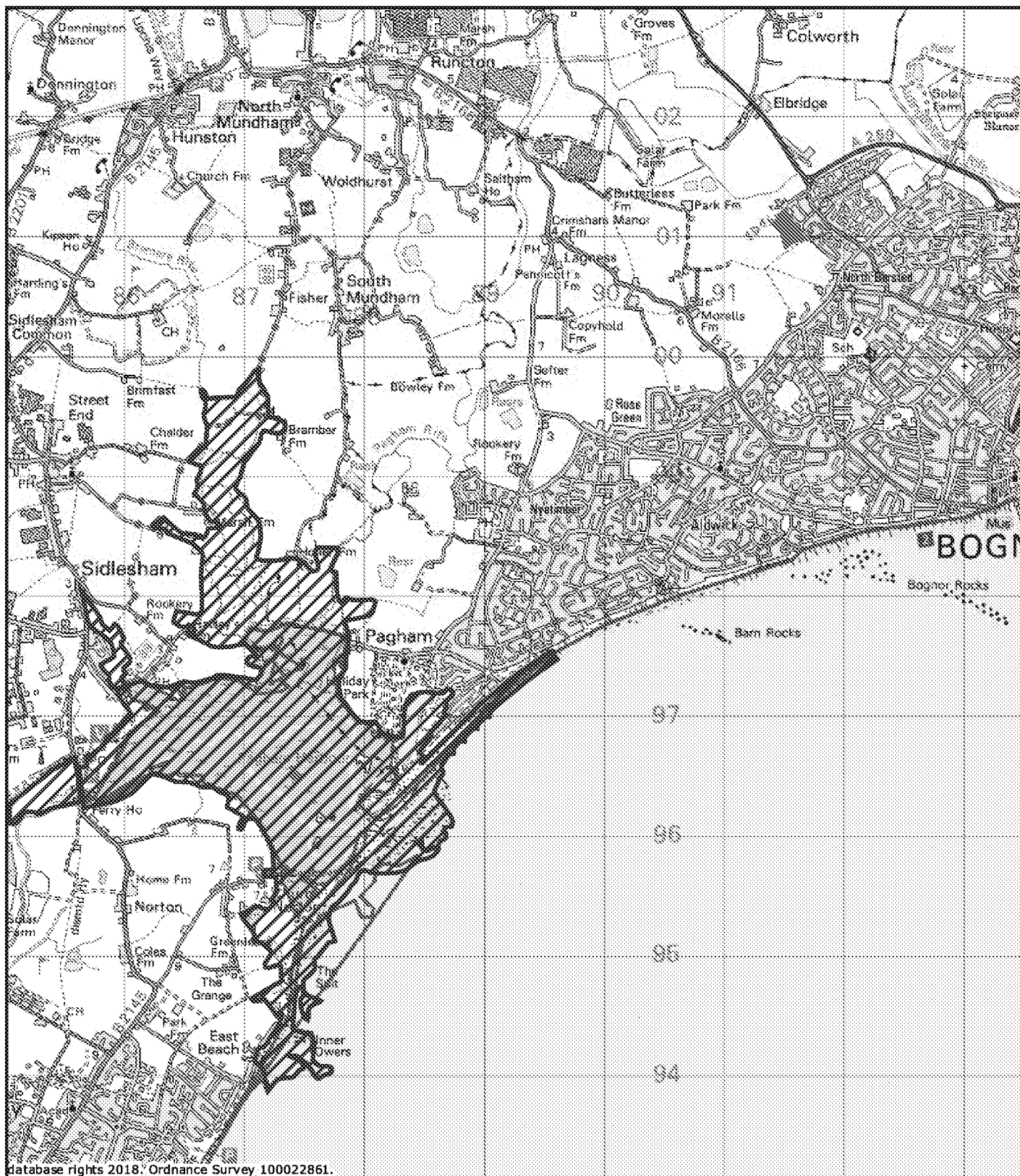
- 7.10. As the project alone or in combination would not contribute to an adverse impact on the integrity of the SPA / Ramsar site (in view of the SPA conservation objectives), or adverse impacts on the SSSI, the Development Proposals would by definition be acceptable, subject to securing the mitigation and avoidance measures proposed. In those terms the competent authority could legally and safely grant consent for the proposed plan/project.

PLANS AND APPENDICES

PLANS

PLAN ECO1

Application Site in relation to relevant European designated sites



database rights 2018. Ordnance Survey 100022861.

KEY:

-  APPLICATION SITE
-  PAGHAM HARBOUR SPA AND RAMSAR SITE



ecology solutions ltd

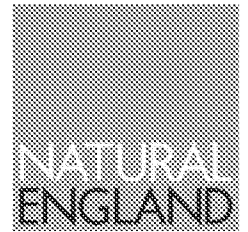
6767: LAND AT NEWBARN LANE,
NORTH BERSTED

PLAN ECO1: APPLICATION SITE
LOCATION IN RELATION TO RELEVANT
EUROPEAN DESIGNATED SITES

APPENDICES

APPENDIX 1

Copy of the Conservation Objectives for Pagham Harbour SPA



European Site Conservation Objectives for Pagham Harbour Special Protection Area Site Code: UK9012041

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure 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.

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)

A151 *Philomachus pugnax*; Ruff (Non-breeding)

A193 *Sterna hirundo*; Common tern (Breeding)

A195 *Sterna albifrons*; Little tern (Breeding)

This is a European Marine Site

This SPA is a part of the Pagham Harbour European Marine Site (EMS). These Conservation Objectives should be used in conjunction with the Regulation 35 Conservation Advice document for the EMS. For further details about this please visit the Natural England website at: <http://www.naturalengland.org.uk/ourwork/marine/protectandmanage/mpa/europeansites.aspx> or contact Natural England's enquiry service at enquiries@naturalengland.org.uk or by phone on 0845 600 3078.

Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") and Article 6(3) of the Habitats Directive. They must be considered when a competent authority is required to make a 'Habitats Regulations Assessment' including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives and the accompanying Supplementary Advice (where this is available) will also provide a framework to inform the management of the European Site under the provisions of Articles 4(1) and 4(2) of the Wild Birds Directive, and the prevention of deterioration of habitats and significant disturbance of its qualifying features required under Article 6(2) of the Habitats Directive.

These Conservation Objectives are set for each bird feature for a Special Protection Area (SPA). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving the aims of the Wild Birds Directive.

Publication date: 30 June 2014 (Version 2). This document updates and replaces an earlier version dated 29 May 2012 to reflect Natural England's Strategic Standard on European Site Conservation Objectives 2014. Previous references to additional features identified in the 2001 UK SPA Review have also been removed.

APPENDIX 2

SPA Natura Form, Ramsar Information Sheet and SSSI citation

COUNTY: WEST SUSSEX

SITE NAME: PAGHAM HARBOUR

DISTRICT: CHICHESTER: ARUN

Status: Site of Special Scientific Interest (SSSI) notified under Section 28 of the Wildlife and Countryside Act 1981. Part of this site is a Local Nature Reserve (under S21 of The National Parks and Access to the Countryside Act 1949)

Local Planning Authority: CHICHESTER DISTRICT COUNCIL; ARUN DISTRICT COUNCIL

National Grid Reference: SZ 875 970

Area: 615.9 ha 1521.9 acres

Ordnance Survey Sheet 1:50,000: 197

1:10,000: SZ 89 NW, NE, SE

Date Notified (under 1949 Act): 1954

Date of Last Revision: 1980

Date Notified (under 1981 Act): 1986

Date of Last Revision:

Other Information: This site lies within the South Coast Plain. Pagham Harbour is a proposed NCR site. This site contains Pagham Harbour GCR site and part of Bognor Regis (Palaeobotany) GCR site. This is also a proposed Ramsar/SPA site.

Reasons for Notification:

This site comprises an extensive central area of salt-marsh and tidal mudflats with surrounding habitats including shingle, open water, reed swamp and wet permanent grassland. Pagham Harbour is of national importance for wintering wildfowl and waders and also for breeding birds both within the Harbour and the surrounding grazing pasture. The site supports nationally important communities of plants and invertebrates.

Pagham Harbour was reclaimed for agriculture in the late nineteenth century but was flooded again by a storm in the early twentieth century. The extensive intertidal mudflats are rich in algae and invertebrates and provide important feeding areas for birds.

Salt-marsh is a habitat threatened nationally through reclamation for agriculture. The lower part of the salt-marsh is dominated by the hybrid common cord-grass *Spartina anglica* with patches of the glassworts *Salicornia* spp. Above this zone sea-purslane *Halimione portulacoides* covers large areas with other species such as sea aster *Aster tripolium* in the periphery. At one part of the site within a mixed salt-marsh community greater sea-spurrey *Spergularia media* and sea lavender *Limonium vulgare* are found. The upper margin of the salt-marsh has developed a narrow strip of grassland dominated by sea couch *Elymus pycnanthus*.

Vegetated shingle is a nationally rare community. At Pagham, the type and extent of plant cover is dictated by the shifting nature of the substrates, the sea defence works, and by its relative exposure to the elements. In sheltered areas a diverse grass sward has developed with herbs such as early forget-me-not *Myosotis ramosissima*, biting stonecrop *Sedum acre* and the nationally endangered chiding pink *Petrorhagia nanteuilli*. This contrasts with the sparse vegetation of the shingle ridge where the uncommon sea-kale *Crambe maritima* and yellow-vetch *Vicia lutea* are found.

Pagham Harbour has a wide variety of wetland habitats. Brackish drainage ditches dissect the land where common reed *Phragmites australis* dominates. This forms fairly extensive swamps in some areas including the Severals to the west of the Harbour which are important for breeding and migrating reed and sedge warblers. Sidlesham ferry to the north-west provides high water feeding and roosting areas for waders while Pagham Lagoon in the east is a stormy weather sheltering site for sea duck. Here may also be found the nationally endangered starlet sea anemone *Nematostella vectensis*.

The small amount of woodland at Pagham Harbour is dominated by willow and oak. One of these areas supports a small heronry. In contrast, the ancient woodland at Norton Priory is drier with oak standards and a rich ground flora. Scrub is found both in the form of hedges and as more extensive patches with hawthorn *Crataegus monogyna* and gorse *Ulex europaeus* being the main constituents. The damp unimproved grassland surrounding the Harbour is used as a major wader roost and is grazed by large numbers of Brent Geese. Some fields of improved grassland are included in the site as they too, support nationally important populations of birds.

Pagham Harbour is an overwintering area for over 120 species of bird. The numbers of wintering pintail, ringed and grey plover and black-tailed godwit regularly reach 1% of British populations and the site is of international importance for wintering ruff and Brent Geese. The mudflats also provide food for a diverse breeding community of birds including oystercatcher, shelduck and redshank.

Notable invertebrates include the sand dart *Agrotis ripae*, Matthew's wainscot moth *Mythimna favicolor* and the long-winged conehead grasshopper *Conocephalus discolor*.

Geology:

Pagham Harbour is a key site for coastal geomorphology. It is significant both as a classic shingle spit landform and for the links that have been demonstrated between the coastal near shore and offshore forms and sediments. The shingle spit system comprises a series of sub-parallel ridges and recurves, marking different phases of extension and frontal accretion. Shingle reaches the beach *via* the intertidal zone, and the so-called "Pagham delta" and the behaviour of the spits and delta are intimately linked with water and sediment circulation around the Selsey peninsula. The area also provides an excellent example of the role of weed rafting of shingle in coastal sediment budgets.

This site also includes, at the north-eastern end, part of a key site for plant fossils from the London Clay (divisions B₁ and B₂). It is the only locality in the Hampshire Basin to yield abundant London Clay plants and the only site known to have yielded plants from the B₂ division of this formation. The site has yielded examples of some one hundred and thirty species (representing seventy families), including numerous type specimens. Dominant families include the Vitaceae, Menispermaceae and Burseraceae. The genera *Bognoria* and *Aldwichia* are only found here, as are some thirty species. An outstanding palaeobotanical site of great importance to studies of Tertiary floras.

Information Sheet on Ramsar Wetlands (RIS)

Categories approved by Recommendation 4.7 (1990), as amended by Resolution VIII.13 of the 8th Conference of the Contracting Parties (2002) and Resolutions IX.1 Annex B, IX.6, IX.21 and IX.22 of the 9th Conference of the Contracting Parties (2005).

Notes for compilers:

1. The RIS should be completed in accordance with the attached *Explanatory Notes and Guidelines for completing the Information Sheet on Ramsar Wetlands*. Compilers are strongly advised to read this guidance before filling in the RIS.
2. Further information and guidance in support of Ramsar site designations are provided in the *Strategic Framework for the future development of the List of Wetlands of International Importance* (Ramsar Wise Use Handbook 7, 2nd edition, as amended by COP9 Resolution IX.1 Annex B). A 3rd edition of the Handbook, incorporating these amendments, is in preparation and will be available in 2006.
3. Once completed, the RIS (and accompanying map(s)) should be submitted to the Ramsar Secretariat. Compilers should provide an electronic (MS Word) copy of the RIS and, where possible, digital copies of all maps.

1. Name and address of the compiler of this form:

Joint Nature Conservation Committee

Monkstone House

City Road

Peterborough

Cambridgeshire PE1 1JY

UK

Telephone/Fax: +44 (0)1733 – 562 626 / +44 (0)1733 – 555 948

Email: RIS@JNCC.gov.uk

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DD MM YY

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Designation date

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Site Reference Number

2. Date this sheet was completed/updated:

Designated: 30 March 1988

3. Country:

UK (England)

4. Name of the Ramsar site:

Pagham Harbour

5. Designation of new Ramsar site or update of existing site:

This RIS is for: Updated information on an existing Ramsar site

6. **For RIS updates only,** changes to the site since its designation or earlier update:

a) Site boundary and area:

**** Important note:** If the boundary and/or area of the designated site is being restricted/reduced, the Contracting Party should have followed the procedures established by the Conference of the Parties in the Annex to COP9 Resolution IX.6 and provided a report in line with paragraph 28 of that Annex, prior to the submission of an updated RIS.

b) Describe briefly any major changes to the ecological character of the Ramsar site, including in the application of the Criteria, since the previous RIS for the site:

7. Map of site included:

Refer to Annex III of the *Explanatory Notes and Guidelines*, for detailed guidance on provision of suitable maps, including digital maps.

a) A map of the site, with clearly delineated boundaries, is included as:

- i) **hard copy** (required for inclusion of site in the Ramsar List): *yes* ✓ -or- *no* ☐;
- ii) **an electronic format** (e.g. a JPEG or ArcView image) *Yes*
- iii) **a GIS file providing geo-referenced site boundary vectors and attribute tables** *yes* ✓ -or- *no* ☐;

b) Describe briefly the type of boundary delineation applied:

e.g. the boundary is the same as an existing protected area (nature reserve, national park etc.), or follows a catchment boundary, or follows a geopolitical boundary such as a local government jurisdiction, follows physical boundaries such as roads, follows the shoreline of a waterbody, etc.

The site boundary is the same as, or falls within, an existing protected area.

For precise boundary details, please refer to paper map provided at designation

8. Geographical coordinates (latitude/longitude):

50 45 48 N 00 45 38 W

9. General location:

Include in which part of the country and which large administrative region(s), and the location of the nearest large town.

Nearest town/city: Chichester

10 km south-east of Chichester.

Administrative region: West Sussex

10. Elevation (average and/or max. & min.) (metres): 11. Area (hectares): 636.68

Min. -1

Max. 5

Mean 1

12. General overview of the site:

Provide a short paragraph giving a summary description of the principal ecological characteristics and importance of the wetland.

Pagham Harbour comprises an extensive central area of saltmarsh and tidal mudflats with surrounding habitats including lagoons, shingle, open water, reed swamp and wet permanent grassland.

The intertidal mudflats are rich in invertebrate and algae, and provide important feeding areas for birds. The lower saltmarsh is dominated by common cord-grass but also includes patches of glasswort. At higher levels sea-purslane is abundant. The area supports internationally important numbers of wintering pintail and nationally important numbers of dark-bellied brent goose, grey plover and black-tailed godwit.

13. Ramsar Criteria:

Circle or underline each Criterion applied to the designation of the Ramsar site. See Annex II of the *Explanatory Notes and Guidelines* for the Criteria and guidelines for their application (adopted by Resolution VII.11).

6

14. Justification for the application of each Criterion listed in 13 above:

Provide justification for each Criterion in turn, clearly identifying to which Criterion the justification applies (see Annex II for guidance on acceptable forms of justification).

Ramsar criterion 6 – species/populations occurring at levels of international importance.

Qualifying Species/populations (as identified at designation):

Species with peak counts in winter:

Dark-bellied brent goose, *Branta bernicla* 2512 individuals, representing an average of 1.1% of the population (5 year peak mean 1998/9-2002/3)

Species/populations identified subsequent to designation for possible future consideration under criterion 6.

Species with peak counts in winter:

Black-tailed godwit, *Limosa limosa islandica*, 377 individuals, representing an average of 1% of the population (5 year peak mean 1998/9-2002/3)

Contemporary data and information on waterbird trends at this site and their regional (sub-national) and national contexts can be found in the Wetland Bird Survey report, which is updated annually. See www.bto.org/survey/webs/webs-alerts-index.htm.

15. Biogeography (required when Criteria 1 and/or 3 and /or certain applications of Criterion 2 are applied to the designation):

Name the relevant biogeographic region that includes the Ramsar site, and identify the biogeographic regionalisation system that has been applied.

a) biogeographic region:

Atlantic

b) biogeographic regionalisation scheme (include reference citation):

Council Directive 92/43/EEC

16. Physical features of the site:

Describe, as appropriate, the geology, geomorphology; origins - natural or artificial; hydrology; soil type; water quality; water depth, water permanence; fluctuations in water level; tidal variations; downstream area; general climate, etc.

Soil & geology	neutral, shingle, sand, mud, clay, alluvium, nutrient-rich, sedimentary, gravel
Geomorphology and landscape	lowland, coastal, floodplain, shingle bar, subtidal sediments (including sandbank/mudbank), intertidal sediments (including sandflat/mudflat), open coast (including bay), enclosed coast (including embayment), estuary, islands, lagoon, pools
Nutrient status	mesotrophic
pH	circumneutral
Salinity	brackish / mixosaline, fresh, saline / euhaline
Soil	mainly mineral
Water permanence	usually permanent

Summary of main climatic features	Annual averages (Bognor Regis, 1971–2000) (www.metoffice.com/climate/uk/averages/19712000/sites/bognor_regis.html) Max. daily temperature: 13.7° C Min. daily temperature: 7.7° C Days of air frost: 24.0 Rainfall: 717.4 mm Hrs. of sunshine: 1902.9
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General description of the Physical Features:

Pagham Harbour is an estuarine basin that comprises an extensive central area of saltmarsh and intertidal mudflats, surrounded by lagoons, shingle, open water, reed swamp and wet permanent grassland.

17. Physical features of the catchment area:

Describe the surface area, general geology and geomorphological features, general soil types, general land use, and climate (including climate type).

Pagham Harbour is an estuarine basin that comprises an extensive central area of saltmarsh and intertidal mudflats, surrounded by lagoons, shingle, open water, reed swamp and wet permanent grassland.

18. Hydrological values:

Describe the functions and values of the wetland in groundwater recharge, flood control, sediment trapping, shoreline stabilization, etc.

Shoreline stabilisation and dissipation of erosive forces, Sediment trapping

19. Wetland types:

Marine/coastal wetland

Code	Name	% Area
G	Tidal flats	33.3
Other	Other	31
E	Sand / shingle shores (including dune systems)	20.1
H	Salt marshes	5.2
F	Estuarine waters	3.3
J	Coastal brackish / saline lagoons	2.4
Sp	Saline / brackish marshes: permanent	2.2
Tp	Freshwater marshes / pools: permanent	0.8
W	Shrub-dominated wetlands	0.6
A	Shallow marine waters	0.6
M	Rivers / streams / creeks: permanent	0.3
9	Canals and drainage channels	0.2

20. General ecological features:

Provide further description, as appropriate, of the main habitats, vegetation types, plant and animal communities present in the Ramsar site, and the ecosystem services of the site and the benefits derived from them.

This site comprises an extensive central area of saltmarsh and tidal mudflats with surrounding habitats including shingles, open water, reed swamp and wet permanent grassland. Pagham Harbour is of national importance for wintering, wildfowl and waders and also for breeding birds both within the Harbour and the surrounding grazing pasture. The site supports nationally important communities of plants and invertebrates.

Ecosystem services

21. Noteworthy flora:

Provide additional information on particular species and why they are noteworthy (expanding as necessary on information provided in **12**. Justification for the application of the Criteria) indicating, e.g. which species/communities are unique, rare, endangered or biogeographically important, etc. *Do not include here taxonomic lists of species present – these may be supplied as supplementary information to the RIS.*

Nationally important species occurring on the site.**Higher Plants.**

Petrorhagia nanteuillii

22. Noteworthy fauna:

Provide additional information on particular species and why they are noteworthy (expanding as necessary on information provided in **12**. Justification for the application of the Criteria) indicating, e.g. which species/communities are unique, rare, endangered or biogeographically important, etc., including count data. *Do not include here taxonomic lists of species present – these may be supplied as supplementary information to the RIS.*

Birds**Species currently occurring at levels of national importance:****Species with peak counts in spring/autumn:**

Little egret , <i>Egretta garzetta</i> , West Mediterranean	60 individuals, representing an average of 3.6% of the GB population (5 year peak mean 1998/9-2002/3)
Whimbrel , <i>Numenius phaeopus</i> , Europe/Western Africa	104 individuals, representing an average of 3.4% of the GB population (5 year peak mean 1998/9-2002/3 - spring peak)
Common greenshank , <i>Tringa nebularia</i> , Europe/W Africa	20 individuals, representing an average of 3.3% of the GB population (5 year peak mean 1998/9-2002/3)

Species with peak counts in winter:

Slavonian grebe , <i>Podiceps auritus</i> , Northwest Europe	14 individuals, representing an average of 1.9% of the GB population (5 year peak mean 1998/9-2002/3)
Northern pintail , <i>Anas acuta</i> , NW Europe	462 individuals, representing an average of 1.6% of the GB population (5 year peak mean 1998/9-2002/3)
Grey plover , <i>Pluvialis squatarola</i> , E Atlantic/W Africa -wintering	704 individuals, representing an average of 1.3% of the GB population (5 year peak mean 1998/9-2002/3)
Spotted redshank , <i>Tringa erythropus</i> , Europe/W Africa	5 individuals, representing an average of 3.6% of the GB population (5 year peak mean 1998/9-2002/3)

Species Information**Nationally important species occurring on the site.****Invertebrates.**

Nematostella vectensis

23. Social and cultural values:

Describe if the site has any general social and/or cultural values e.g. fisheries production, forestry, religious importance, archaeological sites, social relations with the wetland, etc. Distinguish between historical/archaeological/religious significance and current socio-economic values.

Aesthetic

Aquatic vegetation (e.g. reeds, willows, seaweed)

Archaeological/historical site

Environmental education/ interpretation

Fisheries production
 Livestock grazing
 Non-consumptive recreation
 Scientific research
 Sport fishing
 Sport hunting
 Tourism

b) Is the site considered of international importance for holding, in addition to relevant ecological values, examples of significant cultural values, whether material or non-material, linked to its origin, conservation and/or ecological functioning? No

If Yes, describe this importance under one or more of the following categories:

- i) sites which provide a model of wetland wise use, demonstrating the application of traditional knowledge and methods of management and use that maintain the ecological character of the wetland:
- ii) sites which have exceptional cultural traditions or records of former civilizations that have influenced the ecological character of the wetland:
- iii) sites where the ecological character of the wetland depends on the interaction with local communities or indigenous peoples:
- iv) sites where relevant non-material values such as sacred sites are present and their existence is strongly linked with the maintenance of the ecological character of the wetland:

24. Land tenure/ownership:

Ownership category	On-site	Off-site
Non-governmental organisation (NGO)	+	+
Local authority, municipality etc.	+	+
National/Crown Estate	+	+
Private	+	+

25. Current land (including water) use:

Activity	On-site	Off-site
Nature conservation	+	
Tourism	+	+
Recreation	+	+
Current scientific research	+	
Bait collection	+	+
Arable agriculture (unspecified)		+
Permanent arable agriculture		+
Livestock watering hole/pond	+	+
Permanent pastoral agriculture	+	+
Hunting: recreational/sport	+	+
Sewage treatment/disposal	+	+
Flood control	+	+
Irrigation (incl. agricultural water supply)		+
Transport route		+

Urban development		+
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26. Factors (past, present or potential) adversely affecting the site's ecological character, including changes in land (including water) use and development projects:

Explanation of reporting category:

1. Those factors that are still operating, but it is unclear if they are under control, as there is a lag in showing the management or regulatory regime to be successful.
2. Those factors that are not currently being managed, or where the regulatory regime appears to have been ineffective so far.

NA = Not Applicable because no factors have been reported.

Adverse Factor Category	Reporting Category	Description of the problem (Newly reported Factors only)	On-Site	Off-Site	Major Impact?
No factors reported	NA				

For category 2 factors only.

What measures have been taken / are planned / regulatory processes invoked, to mitigate the effect of these factors?

Is the site subject to adverse ecological change? NO

27. Conservation measures taken:

List national category and legal status of protected areas, including boundary relationships with the Ramsar site; management practices; whether an officially approved management plan exists and whether it is being implemented.

Conservation measure	On-site	Off-site
Site/ Area of Special Scientific Interest (SSSI/ASSI)	+	+
Special Protection Area (SPA)	+	
Land owned by a non-governmental organisation for nature conservation	+	
Management agreement	+	
Site management statement/plan implemented	+	

b) Describe any other current management practices:

The management of Ramsar sites in the UK is determined by either a formal management plan or through other management planning processes, and is overseen by the relevant statutory conservation agency. Details of the precise management practises are given in these documents.

28. Conservation measures proposed but not yet implemented:

e.g. management plan in preparation; official proposal as a legally protected area, etc.

No information available

29. Current scientific research and facilities:

e.g. details of current research projects, including biodiversity monitoring; existence of a field research station, etc.

Contemporary.

Fauna.

Numbers of migratory and wintering wildfowl and waders are monitored annually as part of the national Wetland Birds Survey (WeBS) organised by the British Trust for Ornithology, Wildfowl & Wetlands Trust, the Royal Society for the Protection of Birds and the Joint Nature Conservation Committee.

Completed.

Environment, Flora and Fauna.

Extensive research and surveys into tidal regimes, sediment movement and the distribution of all major animal and plant groups has been carried out in Pagham Harbour.

30. Current communications, education and public awareness (CEPA) activities related to or benefiting the site:

e.g. visitor centre, observation hides and nature trails, information booklets, facilities for school visits, etc.

There is an interpretative centre for the Local Nature Reserve.

A full time Education Officer is employed, the programme being particularly directed at schoolchildren.

31. Current recreation and tourism:

State if the wetland is used for recreation/tourism; indicate type(s) and their frequency/intensity.

Activities, Facilities provided and Seasonality.

Land based recreation:

Walking including dog walking - all year.

Bird watching - all year.

Sea bathing - mostly summer.

Wildfowling: Only in agreed areas - 1 September to 20 February

Adjacent seasonal caravan parks - mainly summer.

32. Jurisdiction:

Include territorial, e.g. state/region, and functional/sectoral, e.g. Dept. of Agriculture/Dept. of Environment, etc.

Head, Natura 2000 and Ramsar Team, Department for Environment, Food and Rural Affairs,
European Wildlife Division, Zone 1/07, Temple Quay House, 2 The Square, Temple Quay, Bristol,
BS1 6EB

33. Management authority:

Provide the name and address of the local office(s) of the agency(ies) or organisation(s) directly responsible for managing the wetland. Wherever possible provide also the title and/or name of the person or persons in this office with responsibility for the wetland.

Site Designations Manager, English Nature, Sites and Surveillance Team, Northminster House,
Northminster Road, Peterborough, PE1 1UA, UK

34. Bibliographical references:

Scientific/technical references only. If biogeographic regionalisation scheme applied (see 15 above), list full reference citation for the scheme.

Site-relevant references

Barne, JH, Robson, CF, Kaznowska, SS, Doody, JP & Davidson, NC & Buck, AL (eds.) (1998) *Coasts and seas of the United Kingdom. Region 8 Sussex: Rye Bay to Chichester Harbour*. Joint Nature Conservation Committee, Peterborough. (Coastal Directories Series.)

Buck, AL (ed.) (1997) *An inventory of UK estuaries. Volume 6. Southern England*. Joint Nature Conservation Committee, Peterborough

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- Covey, R (1998) Chapter 7. Eastern Channel (Folkestone to Durlston Head) (MNCR Sector 7). In: *Benthic marine ecosystems of Great Britain and the north-east Atlantic*, ed. by K. Hiscock, 199-218. Joint Nature Conservation Committee, Peterborough. (Coasts and Seas of the United Kingdom. MNCR series)
- Cranswick, PA, Waters, RJ, Musgrove, AJ & Pollitt, MS (1997) *The Wetland Bird Survey 1995-96: wildfowl and wader counts*. British Trust for Ornithology, Wildfowl and Wetlands Trust, Royal Society for the Protection of Birds & Joint Nature Conservation Committee, Slimbridge
- Doody, JP, Johnston, C & Smith, B (1993) *Directory of the North Sea coastal margin*. Joint Nature Conservation Committee, Peterborough
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- Irving, R (1994) *Report of the West Sussex Seasearch Project. 1992-1993: Chichester Harbour to Littlehampton*. West Sussex Seasearch Project, Coldwaltham
- James, CM (1987) Pagham Harbour. In: *Birds in Sussex 1962 - 1987*, 14-18. Sussex Ornithological Society
- May, VJ & Hansom, JD (eds.) (2003) *Coastal geomorphology of Great Britain*. Joint Nature Conservation Committee, Peterborough (Geological Conservation Review Series, No. 28)
- Musgrove, AJ, Langston, RHW, Baker, H & Ward, RM (eds.) (2003) *Estuarine waterbirds at low tide. The WeBS Low Tide Counts 1992-93 to 1998-99*. WSG/BTO/WWT/RSPB/JNCC, Thetford (International Wader Studies, No. 16)
- Musgrove, AJ, Pollitt, MS, Hall, C, Hearn, RD, Holloway, SJ, Marshall, PE, Robinson, JA & Cranswick, PA (2001) *The Wetland Bird Survey 1999-2000: wildfowl and wader counts*. British Trust for Ornithology, Wildfowl and Wetlands Trust, Royal Society for the Protection of Birds & Joint Nature Conservation Committee, Slimbridge.
www.wwt.org.uk/publications/default.asp?PubID=14
- Pagham Harbour Project (in prep.) *Pagham Harbour Management Plan*. West Sussex County Council, Chichester
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- Robinson, AWH (1995) The harbour entrances of Poole, Christchurch and Pagham. *Geographical Journal*, **121**(1), 33-50
- Shedder, M & Shedder, A (1989) Lagoon survey of the south coast, Dorset to East Sussex, 1989. Final report. *Nature Conservancy Council, CSD Report*, No. **1116**
- Sneddon, P & Randall, RE (1994) *Coastal vegetated shingle structures of Great Britain: Appendix 3. Shingle sites in England*. Joint Nature Conservation Committee, Peterborough
- Stroud, DA, Chambers, D, Cook, S, Buxton, N, Fraser, B, Clement, P, Lewis, P, McLean, I, Baker, H & Whitehead, S (eds.) (2001) *The UK SPA network: its scope and content*. Joint Nature Conservation Committee, Peterborough (3 vols.)
www.jncc.gov.uk/UKSPA/default.htm
- West Sussex County Council (1987) *A guide to Pagham Harbour Nature Reserve*. West Sussex County Council, Chichester
- Wood, C (ed.) (1984) Sussex sublittoral survey. Selsey Bill to Beachy Head. *Nature Conservancy Council, CSD Report*, No. **527**

Please return to: **Ramsar Secretariat, Rue Mauverney 28, CH-1196 Gland, Switzerland**
Telephone: +41 22 999 0170 • Fax: +41 22 999 0169 • email: ramsar@ramsar.org

NATURA 2000 – STANDARD DATA FORM

Special Protection Areas under the EC Birds Directive.

Each Natura 2000 site in the United Kingdom has its own Standard Data Form containing site-specific information. The data form for this site has been generated from the Natura 2000 Database submitted to the European Commission on the following date:

22/12/2015

The information provided here, follows the officially agreed site information format for Natura 2000 sites, as set out in the Official Journal of the European Union recording the Commission Implementing Decision of 11 July 2011 (2011/484/EU).

The Standard Data Forms are generated automatically for all of the UK's Natura 2000 sites using the European Environment Agency's Natura 2000 software. The structure and format of these forms is exactly as produced by the EEA's Natura 2000 software (except for the addition of this coversheet and the end notes). The content matches exactly the data submitted to the European Commission.

Please note that these forms contain a number of codes, all of which are explained either within the data forms themselves or in the end notes.

Further technical documentation may be found here
http://bd.eionet.europa.eu/activities/Natura_2000/reference_portal

As part of the December 2015 submission, several sections of the UK's previously published Standard Data Forms have been updated. For details of the approach taken by the UK in this submission please refer to the following document:

http://jncc.defra.gov.uk/pdf/Natura2000_StandardDataForm_UKApproach_Dec2015.pdf

More general information on Special Protection Areas (SPAs) in the United Kingdom is available from the SPA home page on the JNCC website. This webpage also provides links to Standard Data Forms for all SPAs in the UK.

Date form generated by the Joint Nature Conservation Committee
25 January 2016.

<http://jncc.defra.gov.uk/>



NATURA 2000 - STANDARD DATA FORM

For Special Protection Areas (SPA),
Proposed Sites for Community Importance (pSCI),
Sites of Community Importance (SCI) and
for Special Areas of Conservation (SAC)

SITE UK9012041
SITENAME Pagham Harbour

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1. SITE IDENTIFICATION

1.1 Type A	1.2 Site code UK9012041	Back to top
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1.3 Site name

Pagham Harbour

1.4 First Compilation date 1988-03	1.5 Update date 2015-12
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1.6 Respondent:

Name/Organisation: Joint Nature Conservation Committee
Address: Joint Nature Conservation Committee Monkstone House City Road Peterborough PE1 1JY
Email:

1.7 Site indication and designation / classification dates

Date site classified as SPA:	1988-03
National legal reference of SPA designation	Regulations 12A and 13-15 of the Conservation Habitats and Species Regulations 2010, (http://www.legislation.gov.uk/ukxi/2010/490/contents/made) as amended by The Conservation of Habitats and Species (Amendment) Regulations 2011 (http://www.legislation.gov.uk/ukxi/2011/625/contents/made).

2. SITE LOCATION

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2.1 Site-centre location [decimal degrees]:

Longitude

-0.760555556

Latitude

50.76333333

2.2 Area [ha]:

629.01

2.3 Marine area [%]

53.4

2.4 Sitelength [km]:

0.0

2.5 Administrative region code and name

NUTS level 2 code

Region Name

UKJ2	Surrey, East and West Sussex
------	------------------------------

2.6 Biogeographical Region(s)

Atlantic (100.0 %)

3. ECOLOGICAL INFORMATION

3.2 Species referred to in Article 4 of Directive 2009/147/EC and listed in Annex II of Directive 92/43/EEC and site evaluation for them

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Species					Population in the site						Site assessment			
G	Code	Scientific Name	S	NP	T	Size		Unit	Cat.	D.qual.	A B C D	A B C		
						Min	Max				Pop.	Con.	Iso.	Glo.
B	A675	~~Branta bernicla~~ Branta bernicla			w	1794	1794	i		G	C		C	
B	A151	~~Philomachus pugnax~~			w	10	10	i		G	C		C	
B	A195	~~Sterna albifrons~~			r	7	7	p	P	G	C		C	
B	A193	~~Sterna hirundo~~			r			p	P	DD	C		C	

- **Group:** A = Amphibians, B = Birds, F = Fish, I = Invertebrates, M = Mammals, P = Plants, R = Reptiles
- **S:** in case that the data on species are sensitive and therefore have to be blocked for any public access enter: yes
- **NP:** in case that a species is no longer present in the site enter: x (optional)
- **Type:** p = permanent, r = reproducing, c = concentration, w = wintering (for plant and non-migratory species use permanent)
- **Unit:** i = individuals, p = pairs or other units according to the Standard list of population units and codes in accordance with Article 12 and 17 reporting (see [reference portal](#))
- **Abundance categories (Cat.):** C = common, R = rare, V = very rare, P = present - to fill if data are deficient (DD) or in addition to population size information

- **Data quality:** G = 'Good' (e.g. based on surveys); M = 'Moderate' (e.g. based on partial data with some extrapolation); P = 'Poor' (e.g. rough estimation); VP = 'Very poor' (use this category only, if not even a rough estimation of the population size can be made, in this case the fields for population size can remain empty, but the field "Abundance categories" has to be filled in)

4. SITE DESCRIPTION

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4.1 General site character

Habitat class	% Cover
N03	5.2
N02	39.2
N01	0.6
N07	2.8
N14	30.3
N06	1.0
N16	0.7
N05	20.2
Total Habitat Cover	100.00000000000001

Other Site Characteristics

1 Terrestrial: Soil & Geology: shingle,clay,nutrient-rich,mud,neutral,sedimentary,alluvium,sand 2 Terrestrial: Geomorphology and landscape: coastal,lowland,floodplain 3 Marine: Geology: shingle,gravel,mud,sedimentary 4 Marine: Geomorphology: estuary,islands,subtidal sediments (including sandbank/mudbank),lagoon,pools,open coast (including bay),intertidal sediments (including sandflat/mudflat),shingle bar

4.2 Quality and importance

ARTICLE 4.1 QUALIFICATION (79/409/EEC) During the breeding season the area regularly supports: *Sterna albifrons* (Eastern Atlantic - breeding) 0.3% of the GB breeding population 5 year mean, 1992-1996 *Sterna hirundo* (Northern/Eastern Europe - breeding) % of the GB breeding population Count, as at 1996 Over winter the area regularly supports: *Philomachus pugnax* (Western Africa - wintering) 1.4% of the GB population 5 year mean, 1995-1999 ARTICLE 4.2 QUALIFICATION (79/409/EEC) Over winter the area regularly supports: *Branta bernicla bernicla* (Western Siberia/Western Europe) 0.6% of the population 5 year peak mean 1991/92-1995/96

4.3 Threats, pressures and activities with impacts on the site

The most important impacts and activities with high effect on the site

Negative Impacts			
Rank	Threats and pressures [code]	Pollution (optional) [code]	inside/outside [i o b]
H	H02		B
H	G01		I
H	J02		B
H	F02		I

Rank: H = high, M = medium, L = low

Pollution: N = Nitrogen input, P = Phosphor/Phosphate input, A = Acid input/acidification,

T = toxic inorganic chemicals, O = toxic organic chemicals, X = Mixed pollutions

i = inside, o = outside, b = both

Positive Impacts			
Rank	Activities, management [code]	Pollution (optional) [code]	inside/outside [i o b]
H	B02		I
H	G03		I
H	A02		I
H	D05		I

4.5 Documentation

Conservation Objectives - the Natural England links below provide access to the Conservation Objectives (and other site-related information) for its terrestrial and inshore Natura 2000 sites, including conservation advice packages and supporting documents for European Marine Sites within English waters and for cross-border sites. See also the 'UK Approach' document for more information (link via the JNCC website).

Link(s): <http://publications.naturalengland.org.uk/category/3212324>
http://jncc.defra.gov.uk/pdf/Natura2000_StandardDataForm_UKApproach_Dec2015.pdf
<http://publications.naturalengland.org.uk/category/5490068894069216>

5. SITE PROTECTION STATUS (optional)

5.1 Designation types at national and regional level:

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Code	Cover [%]	Code	Cover [%]	Code	Cover [%]
UK04	100.0				

6. SITE MANAGEMENT

6.1 Body(ies) responsible for the site management:

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Organisation:	Natural England
Address:	
Email:	

6.2 Management Plan(s):

An actual management plan does exist:

☐	Yes
☐	No, but in preparation
☒	No

6.3 Conservation measures (optional)

For available information, including on Conservation Objectives, see Section 4.5.

EXPLANATION OF CODES USED IN THE NATURA 2000 STANDARD DATA FORMS

The codes in the table below are also explained in the [official European Union guidelines for the Standard Data Form](#). The relevant page is shown in the table below.

1.1 Site type

CODE	DESCRIPTION	PAGE NO
A	Designated Special Protection Area	53
B	SAC (includes candidates Special Areas of Conservation, Sites of Community Importance and designated SAC)	53
C	SAC area the same as SPA. Note in the UK Natura 2000 submission this is only used for Gibraltar	53

3.1 Habitat representativity

CODE	DESCRIPTION	PAGE NO
A	Excellent	57
B	Good	57
C	Significant	57
D	Non-significant presence	57

3.1 Habitat code

CODE	DESCRIPTION	PAGE NO
1110	Sandbanks which are slightly covered by sea water all the time	57
1130	Estuaries	57
1140	Mudflats and sandflats not covered by seawater at low tide	57
1150	Coastal lagoons	57
1160	Large shallow inlets and bays	57
1170	Reefs	57
1180	Submarine structures made by leaking gases	57
1210	Annual vegetation of drift lines	57
1220	Perennial vegetation of stony banks	57
1230	Vegetated sea cliffs of the Atlantic and Baltic Coasts	57
1310	Salicornia and other annuals colonizing mud and sand	57
1320	Spartina swards (Spartinion maritima)	57
1330	Atlantic salt meadows (Glaucio-Puccinellietalia maritima)	57
1340	Inland salt meadows	57
1420	Mediterranean and thermo-Atlantic halophilous scrubs (Sarcocornetea fruticosi)	57
2110	Embryonic shifting dunes	57
2120	Shifting dunes along the shoreline with Ammophila arenaria ("white dunes")	57
2130	Fixed coastal dunes with herbaceous vegetation ("grey dunes")	57
2140	Decalcified fixed dunes with Empetrum nigrum	57
2150	Atlantic decalcified fixed dunes (Calluno-Ulicetea)	57
2160	Dunes with Hippophae rhamnoides	57
2170	Dunes with Salix repens ssp. argentea (Salicion arenaria)	57
2190	Humid dune slacks	57
21A0	Machairs (* in Ireland)	57
2250	Coastal dunes with Juniperus spp.	57
2330	Inland dunes with open Corynephorus and Agrostis grasslands	57
3110	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)	57
3130	Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoëto-Nanojuncetea	57
3140	Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.	57
3150	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation	57

CODE	DESCRIPTION	PAGE NO
3160	Natural dystrophic lakes and ponds	57
3170	Mediterranean temporary ponds	57
3180	Turloughs	57
3260	Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation	57
4010	Northern Atlantic wet heaths with Erica tetralix	57
4020	Temperate Atlantic wet heaths with Erica ciliaris and Erica tetralix	57
4030	European dry heaths	57
4040	Dry Atlantic coastal heaths with Erica vagans	57
4060	Alpine and Boreal heaths	57
4080	Sub-Arctic Salix spp. scrub	57
5110	Stable xerothermophilous formations with Buxus sempervirens on rock slopes (Berberidion p.p.)	57
5130	Juniperus communis formations on heaths or calcareous grasslands	57
6130	Calaminarian grasslands of the Violetalia calaminariae	57
6150	Siliceous alpine and boreal grasslands	57
6170	Alpine and subalpine calcareous grasslands	57
6210	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)	57
6230	Species-rich Nardus grasslands, on silicious substrates in mountain areas (and submountain areas in Continental Europe)	57
6410	Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)	57
6430	Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels	57
6510	Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis)	57
6520	Mountain hay meadows	57
7110	Active raised bogs	57
7120	Degraded raised bogs still capable of natural regeneration	57
7130	Blanket bogs (* if active bog)	57
7140	Transition mires and quaking bogs	57
7150	Depressions on peat substrates of the Rhynchosporion	57
7210	Calcareous fens with Cladium mariscus and species of the Caricion davallianae	57
7220	Petrifying springs with tufa formation (Cratoneurion)	57
7230	Alkaline fens	57
7240	Alpine pioneer formations of the Caricion bicoloris-atrofuscae	57
8110	Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani)	57
8120	Calcareous and calcshist screes of the montane to alpine levels (Thlaspietea rotundifolii)	57
8210	Calcareous rocky slopes with chasmophytic vegetation	57
8220	Siliceous rocky slopes with chasmophytic vegetation	57
8240	Limestone pavements	57
8310	Caves not open to the public	57
8330	Submerged or partially submerged sea caves	57
9120	Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrublayer (Quercion roburi-petraeae or Ilici-Fagenion)	57
9130	Asperulo-Fagetum beech forests	57
9160	Sub-Atlantic and medio-European oak or oak-hornbeam forests of the Carpinion betuli	57
9180	Tilio-Acerion forests of slopes, screes and ravines	57
9190	Old acidophilous oak woods with Quercus robur on sandy plains	57
91A0	Old sessile oak woods with Ilex and Blechnum in the British Isles	57
91C0	Caledonian forest	57
91D0	Bog woodland	57
91E0	Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)	57
91J0	Taxus baccata woods of the British Isles	57

3.1 Relative surface

CODE	DESCRIPTION	PAGE NO
A	15%-100%	58
B	2%-15%	58
C	< 2%	58

3.1 Conservation status habitat

CODE	DESCRIPTION	PAGE NO
A	Excellent conservation	59
B	Good conservation	59
C	Average or reduced conservation	59

3.1 Global grade habitat

CODE	DESCRIPTION	PAGE NO
A	Excellent value	59
B	Good value	59
C	Significant value	59

3.2 Population (abbreviated to 'Pop.' in data form)

CODE	DESCRIPTION	PAGE NO
A	15%-100%	62
B	2%-15%	62
C	< 2%	62
D	Non-significant population	62

3.2 Conservation status species (abbreviated to 'Con.' in data form)

CODE	DESCRIPTION	PAGE NO
A	Excellent conservation	63
B	Good conservation	63
C	Average or reduced conservation	63

3.2 Isolation (abbreviated to 'Iso.' in data form)

CODE	DESCRIPTION	PAGE NO
A	Population (almost) Isolated	63
B	Population not-isolated, but on margins of area of distribution	63
C	Population not-isolated within extended distribution range	63

3.2 Global Grade (abbreviated to 'Glo.' Or 'G.' in data form)

CODE	DESCRIPTION	PAGE NO
A	Excellent value	63
B	Good value	63
C	Significant value	63

3.3 Assemblages types

CODE	DESCRIPTION	PAGE NO
WATR	Non breeding waterfowl assemblage	UK specific code
SBA	Breeding seabird assemblage	UK specific code
BBA	Breeding bird assemblage (applies only to sites classified pre 2000)	UK specific code

4.1 Habitat class code

CODE	DESCRIPTION	PAGE NO
N01	Marine areas, Sea inlets	65
N02	Tidal rivers, Estuaries, Mud flats, Sand flats, Lagoons (including saltwork basins)	65
N03	Salt marshes, Salt pastures, Salt steppes	65
N04	Coastal sand dunes, Sand beaches, Machair	65
N05	Shingle, Sea cliffs, Islets	65
N06	Inland water bodies (Standing water, Running water)	65
N07	Bogs, Marshes, Water fringed vegetation, Fens	65
N08	Heath, Scrub, Maquis and Garrigue, Phygrana	65
N09	Dry grassland, Steppes	65
N10	Humid grassland, Mesophile grassland	65
N11	Alpine and sub-Alpine grassland	65
N14	Improved grassland	65
N15	Other arable land	65
N16	Broad-leaved deciduous woodland	65
N17	Coniferous woodland	65
N19	Mixed woodland	65
N21	Non-forest areas cultivated with woody plants (including Orchards, groves, Vineyards, Dehesas)	65
N22	Inland rocks, Scree, Sands, Permanent Snow and ice	65
N23	Other land (including Towns, Villages, Roads, Waste places, Mines, Industrial sites)	65
N25	Grassland and scrub habitats (general)	65
N26	Woodland habitats (general)	65

4.3 Threats code

CODE	DESCRIPTION	PAGE NO
A01	Cultivation	65
A02	Modification of cultivation practices	65
A03	Mowing / cutting of grassland	65
A04	Grazing	65
A05	Livestock farming and animal breeding (without grazing)	65
A06	Annual and perennial non-timber crops	65
A07	Use of biocides, hormones and chemicals	65
A08	Fertilisation	65
A10	Restructuring agricultural land holding	65
A11	Agriculture activities not referred to above	65
B01	Forest planting on open ground	65
B02	Forest and Plantation management & use	65
B03	Forest exploitation without replanting or natural regrowth	65
B04	Use of biocides, hormones and chemicals (forestry)	65
B06	Grazing in forests/ woodland	65
B07	Forestry activities not referred to above	65
C01	Mining and quarrying	65
C02	Exploration and extraction of oil or gas	65
C03	Renewable abiotic energy use	65
D01	Roads, paths and railroads	65
D02	Utility and service lines	65
D03	Shipping lanes, ports, marine constructions	65
D04	Airports, flightpaths	65
D05	Improved access to site	65
E01	Urbanised areas, human habitation	65
E02	Industrial or commercial areas	65

CODE	DESCRIPTION	PAGE NO
E03	Discharges	65
E04	Structures, buildings in the landscape	65
E06	Other urbanisation, industrial and similar activities	65
F01	Marine and Freshwater Aquaculture	65
F02	Fishing and harvesting aquatic resources	65
F03	Hunting and collection of wild animals (terrestrial), including damage caused by game (excessive density), and taking/removal of terrestrial animals (including collection of insects, reptiles, amphibians, birds of prey, etc., trapping, poisoning, poaching, predator control, accidental capture (e.g. due to fishing gear), etc.)	65
F04	Taking / Removal of terrestrial plants, general	65
F05	Illegal taking/ removal of marine fauna	65
F06	Hunting, fishing or collecting activities not referred to above	65
G01	Outdoor sports and leisure activities, recreational activities	65
G02	Sport and leisure structures	65
G03	Interpretative centres	65
G04	Military use and civil unrest	65
G05	Other human intrusions and disturbances	65
H01	Pollution to surface waters (limnic & terrestrial, marine & brackish)	65
H02	Pollution to groundwater (point sources and diffuse sources)	65
H03	Marine water pollution	65
H04	Air pollution, air-borne pollutants	65
H05	Soil pollution and solid waste (excluding discharges)	65
H06	Excess energy	65
H07	Other forms of pollution	65
I01	Invasive non-native species	65
I02	Problematic native species	65
I03	Introduced genetic material, GMO	65
J01	Fire and fire suppression	65
J02	Human induced changes in hydraulic conditions	65
J03	Other ecosystem modifications	65
K01	Abiotic (slow) natural processes	65
K02	Biocenotic evolution, succession	65
K03	Interspecific faunal relations	65
K04	Interspecific floral relations	65
K05	Reduced fecundity/ genetic depression	65
L05	Collapse of terrain, landslide	65
L07	Storm, cyclone	65
L08	Inundation (natural processes)	65
L10	Other natural catastrophes	65
M01	Changes in abiotic conditions	65
M02	Changes in biotic conditions	65
U	Unknown threat or pressure	65
XO	Threats and pressures from outside the Member State	65

5.1 Designation type codes

CODE	DESCRIPTION	PAGE NO
UK00	No Protection Status	67
UK01	National Nature Reserve	67
UK02	Marine Nature Reserve	67
UK04	Site of Special Scientific Interest (UK)	67

APPENDIX 3

Relevant SSSI Unit Condition Tables

Main Habitat	Responsible Officer	Unit Number	Unit Id	Area (ha)	NNR Overlap Area (ha)	Latest Assessment Date	Assessment Description	Comment	Adverse Condition Reasons
PAGHAM HARBOUR - WEST SUSSEX, (ARUN,CHICHESTER,)									
STANDING OPEN WATER AND CANALS	KRISTOFFER HEWITT	001	1008822	11.5833	0.00	26/10/2010	Unfavourable - Recovering	This unit was apparently affected by a pollution incident. Investigation did not reveal a source of pollution and there are no indications that there is a risk of a recurrence. Survey carried out by University of Brighton indicates that although there is still a rather impoverished flora and fauna, there are clear signs of recovery of the lagoon system. This includes relatively good overall populations of lagoon taxa, including 3 specialist lagoon species, and an absence of several taxa previously recorded that indicated organic enrichment. A previously recorded diverse gastropod community is not evident however. Further monitoring will be carried out to better understand the processes driving the biological composition of the site.	
NEUTRAL GRASSLAND - Lowland	KRISTOFFER HEWITT	002	1008829	1.8925	0.00	12/03/2009	Unfavourable - Recovering	Improvements have been made under AMP and through direct management and water qulaity is now improving.	
NEUTRAL GRASSLAND - Lowland	KRISTOFFER HEWITT	003	1017439	15.8196	0.00	01/10/2008	Favourable	The grassland is notified for the breeding birds it supports. The most recent Pagham Harbour LNR breeding bird survey has identified the breeding bird interest as being in favourable condition.	

FEN, MARSH AND SWAMP - Lowland	KRISTOFFER HEWITT	004	1008840	9.4987	0.00	12/04/2005	Unfavourable - Recovering	A Management Agreement has now been signed, and a tender accepted for the works, so reed clearance should now take place in autumn 2005. This assessment has been made on the basis that management of the unit to achieve favourable condition has been secured through the WES agreement just signed, which addresses all reasons for unfavourable condition. It is not based on a full site assessment.	
FEN, MARSH AND SWAMP - Lowland	KRISTOFFER HEWITT	005	1017443	10.339	0.00	28/01/2010	Favourable	The unit, part of the Pagham Harbour Local Nature Reserve, is predominantly occupied by reed swamp dominated by common reed. The habitat is in good condition and well managed, and is considered to support suitable habitat for breeding and non-breeding bird assemblages. Woodland within the northern part of the unit is has not undergone any decline since the previous assessment and remains in good condition.	
NEUTRAL GRASSLAND - Lowland	KRISTOFFER HEWITT	006	1017441	12.9443	0.00	01/10/2008	Favourable	The grassland is notified for the breeding birds it supports and the wintering birds (brent geese). The Pagham harbour LNR breeding bird survey has identified the breeding bird interest as being in favourable condition and the WeBS counts indicates the brent geese numbers are in favourable condition.	
NEUTRAL GRASSLAND - Lowland	KRISTOFFER HEWITT	007	1008830	62.5501	0.00	01/10/2008	Favourable	The grassland is notified for the breeding birds it supports and the wintering birds (brent geese). The Pagham harbour LNR breeding bird survey has identified the breeding bird interest as being in favourable condition and the WeBS counts indicates the brent geese numbers are in favourable condition.	

NEUTRAL GRASSLAND - Lowland	KRISTOFFER HEWITT	008	1008831	26.2269	0.00	01/10/2008	Favourable	The grassland is notified for the breeding birds it supports and the wintering birds (brent geese). The Pagham harbour LNR breeding bird survey has identified the breeding bird interest as being in favourable condition and the WeBS counts indicates the brent geese numbers are in favourable condition.	
NEUTRAL GRASSLAND - Lowland	KRISTOFFER HEWITT	009	1008832	32.7494	0.00	28/01/2010	Favourable	The unit, part of the Pagham Harbour Local Nature Reserve, is predominantly occupied by lowland neutral grassland. The area is well managed, involving grazing and coppicing some of the ditches in sections to encourage the aquatic plant diversity. The unit is considered to support suitable habitat for breeding bird assemblage.	
BROADLEAVED, MIXED AND YEW WOODLAND - Lowland	KRISTOFFER HEWITT	010	1008825	2.616	0.00	29/04/2009	Unfavourable - Recovering	WGS has been agreed for the wood and is underway, with works concentrating on removal of bracken, rhododendron and sycamore. Early results are very encouraging.	

NEUTRAL GRASSLAND - Lowland	KRISTOFFER HEWITT	011	1008834	10.7349	0.00	28/01/2010	Favourable	The unit is occupied by a mosaic of woodland, lowland neutral grassland and reed swamp dominated by common reed. The area appears to be well managed, and is considered to support suitable habitat for breeding bird assemblage. The woodland exhibits good structural diversity including oak, yew, alder and hawthorn, with bramble and gorse occupying the groundlayer, along with satisfactory levels of standing/lying deadwood. In addition, a small area of habitat with affinities to dune heath was observed on the eastern margin of the unit adjacent to the public footpath, supporting a good cover of lichens and bryophytes such as Cladonia spp, Rhytidiadelphus squarrosus, Pseudoscleropodium purum and Dicranum scoparium. This area soon grades into neutral grassland towards the centre of the unit. The site is also subject to rabbit grazing, which is not considered to be having a significant adverse impact on the site.	
LITTORAL SEDIMENT	KRISTOFFER HEWITT	012	1008823	35.434	0.00	28/01/2010	Favourable	The northern half of the unit is dominated by littoral sediment and upper saltmarsh, dominated by sea-purslane and common cord-grass (Spartina). The southern half of the site is mainly littoral sediment with some amounts of sea-purslane dominated salt marsh and small areas of shingle on the southern margin. The saltmarsh has not appeared to undergo any significant decline since the previous assessment, and is considered to provide suitable supporting habitat for aggregations of non-breeding birds.	

SUPRALITTORAL SEDIMENT	KRISTOFFER HEWITT	014	1017447	19.0505	0.00	12/09/2008	Favourable	First CVSM assessment and the vegetated shingle came out well. The coastal geomorphology is also in favourable condition.	
EARTH HERITAGE	KRISTOFFER HEWITT	015	1016777	12.9243	0.00	10/06/2010	Favourable	Site visited with SSSI officer Elaine Webster. SSSI interest feature assessed: SD1 - Rumex crispus - Glaucium flavum shingle community. The unit, part of the Pagham Harbour Local Nature Reserve, supports some strandline vegetation including Atriplex prostrata Spear-leaved Orache, Beta maritima Sea Beet, Sedum acre Biting Stonecrop and Suaeda maritima Annual Sea-blite. Since the previous assessment the shingle bar has shifted in position, as part of the natural dynamic processes of the shingle system. This change does not affect the assessment of this unit.	

EARTH HERITAGE	KRISTOFFER HEWITT	016	1017438	57.6464	0.00	10/06/2010	Favourable	Site visited with SSSI Officer Elaine Webster. SSSI interest feature assessed: SD1 - Rumex crispus - Glaucium flavum shingle community. The unit, part of the Pagham Harbour Local Nature Reserve, supports shingle vegetation in its northern half including several positive indicator species, dominated by Crambe maritima with frequent Elytrigia atherica and occasional Glaucium flavum, Sedum acre, Cerastium diffusum and Solanum dulcamara. However, invasive red valerian Centranthus ruber is at risk of encroaching into the northern half of the unit and requires immediate attention. The council who are responsible for managing the Local Nature Reserve are aware of this problem. Much of this vegetation appears to have encroached from adjacent unit 14.	
BROADLEAVED, MIXED AND YEW WOODLAND - Lowland	KRISTOFFER HEWITT	017	1017442	1.0521	0.00	01/10/2008	Favourable	The woodland is notified for the breeding birds it supports, in particular the small heronry. The Pagham Harbour LNR breeding bird survey has identified the breeding bird interest as being in favourable condition and the heronry in this unit is doing well.	
NEUTRAL GRASSLAND - Lowland	KRISTOFFER HEWITT	018	1008833	13.0362	0.00	01/10/2008	Favourable	The rough grassland is notified for the breeding birds it supports. The Pagham Harbour LNR breeding bird survey has identified the breeding bird interest as being in favourable condition.	

FEN, MARSH AND SWAMP - Lowland	KRISTOFFER HEWITT	019	1017444	2.412	0.00	01/10/2008	Favourable	The grassland and fen is notified for the breeding birds it supports. The Pagham Harbour LNR breeding bird survey has identified the breeding bird interest as being in favourable condition.	
LITTORAL SEDIMENT	KRISTOFFER HEWITT	020	1017445	250.291	0.00	01/10/2008	Favourable	The intertidal sediment is notified for the wintering birds it supports. WeBS and other counts indicates the wintering wader and wildfowl numbers are in favourable condition. The saltmarsh was assessed on 22 July and was favourable, though it was noted that the Spartina is still dominant over large areas.	
LITTORAL SEDIMENT	KRISTOFFER HEWITT	021	1017446	3.2476	0.00	01/10/2008	Favourable	The intertidal sedimentis notified for the wintering birds it supports. WeBS and other counts indicates the wintering wader and wildfowl numbers are in favourable condition.	
NEUTRAL GRASSLAND - Lowland	KRISTOFFER HEWITT	022	1017440	8.0815	0.00	27/10/2008	Unfavourable - Recovering	The grassland and fen is notified for the breeding birds it supports and the wintering birds (mainly brent geese). The Pagham Harbour LNR breeding bird survey has identified the breeding bird interest as being in favourable condition and the WeBS and other counts indicates the brent geese and other wader/ wildfowl numbers are in favourable condition. Works are continuing on improvements to trhe new scrape to get better control of water levels and these will greatly improve its potential for breeding waders when completed.	

SUPRALITTORAL SEDIMENT	KRISTOFFER HEWITT	023	1029561	9.4054	0.00	10/06/2010	Unfavourable - No change	SSSI interest feature assessed: SD1 - Rumex crispus - Glaucium flavum shingle community. The unit, under private ownership, supports shingle vegetation including several positive indicator species, dominated by Crambe maritima with frequent Elytrigia atherica and occasional Glaucium flavum Yellow-horned Poppy, Echium vulgare Viper?s-bugloss, Sedum acre Biting Stonecrop, Tripleurospermum maritimum Sea Mayweed, Cerastium diffusum Sea Mouse-ear and Solanum dulcamara Bittersweet. However the unit has been heavily invaded by red valerian Centranthus ruber which has established a dense and expanding cover, most likely as a result of garden invasives from the adjacent houses. It appears little action has been taken to remove this species over recent years, and requires immediate action to prevent further encroachment. This should be addressed preferably as part of a wider plan to address this invasive species for the SSSI as a whole. In addition, some of the neighbouring residents keep boats on the unit which has resulted in some degradation of existing shingle vegetation.	LACK OF CORRECTIVE WORKS - INAPPROPRIATE WEED CONTROL,
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SUPRALITTORAL SEDIMENT	KRISTOFFER HEWITT	024	1029562	19.4761	0.00	10/06/2010	Favourable	Site visited with SSSI Officer Elaine Webster. SSSI interest feature assessed: SD1 - Rumex crispus - Glaucium flavum shingle community. The unit, part of the Pagham Harbour Local Nature Reserve, supports shingle vegetation including several positive indicator species, dominated by Crambe maritima with frequent Elytrigia atherica and occasional Glaucium flavum Yellow-horned Poppy, Echium vulgare Viper?s-bugloss, Sedum acre Biting Stonecrop, Tripleurospermum maritimum Sea Mayweed, Cerastium diffusum Sea Mouse-ear and Solanum dulcamara Bittersweet. In addition there are patches of lichen cover (Cladonia spp and a black lichen which indicates minimal disturbance) scattered across the south-western end of the unit. Much of this vegetation is in good condition with these species occurring at appropriate levels of cover across the unit, especially within the south-western end of the unit. In addition, scattered Silene uniflora Sea Campion occurs within the central part of the unit near to the car park. However this appears to be adversely affected by rabbit grazing in this area which should be	
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APPENDIX 4

Copy of Natural England letter dated 10th September 2018

Date: 10 September 2018
Our ref: 255310
Your ref: BE/77/18/PL



Mr D Easton
Planning Officer
Arun District Council

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

BY EMAIL ONLY

Dear David

Planning consultation: Erection of 10 No. dwellings & associated works
Location: Land West of New Barn Lane Bersted

Thank you for your consultation on the above dated 09 August 2018 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

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would be likely to have a significant effect through recreational disturbance on Pagham Harbour Special Protection Area (SPA) and Ramsar site, in combination with other residential proposals in the 5km zone of influence.

In order to mitigate these adverse effects and make the development acceptable, an appropriate contribution should be made to the strategic approach to access management at Pagham Harbour.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure this measure.

Natural England's advice on other natural environment issues is set out below.

Further advice on mitigation

Mitigation measures for recreational disturbance to SPA birds

Appropriate financial contributions should be made to the Pagham Harbour strategic access management and monitoring project. This strategic approach to mitigating recreational disturbance resulting from new residential development around Pagham Harbour takes the form of a package of measures comprising wardening in perpetuity to encourage responsible use of the harbour; a dog project including website and events; contribution to signage and interpretation; and monitoring.

Housing to meet the district's objectively assessed need has been agreed through the adopted Arun Local Plan, and is assessed in Arun District Council's Stage 3 Report: Appropriate Assessment document dated February 2017.

The level of mitigation to address the recreational impact from the housing numbers in the Local Plan has been agreed. Natural England considers this strategic solution to be ecologically sound. Therefore, subject to the appropriate financial contribution being secured, we are satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site.

Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017. This view is in light of the ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C 323/17).

SSSIs

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, and subject to the comments above, will not damage or destroy the interest features for which the Pagham Harbour SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England

Other advice

In addition, Natural England would advise on the following issues.

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.

Biodiversity Enhancements

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraph 175(d) of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 175(a) 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.

An Ecological Enhancement Scheme (EES) is set out at Appendix 8 of the Ecological Assessment (June 18) submitted with this application. The EES was produced to discharge condition 15 of BE/18/17/PL. Provided that the EES can still be delivered with the additional application for 10 houses on the site, its implementation and continued management of habitats should be appropriately secured.

If you have any queries relating to the advice in this letter please contact me on 0208 225 7693.

We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission.

Should the proposal change, please consult us again.

Yours sincerely

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

Alison Giacomelli
Sussex and Kent Area Team