

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



Mr D Easton
Planning Officer
Arun District Council

Customer Services
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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