

Date: 11 December 2018
Our ref: 266840
Your ref: BR/270/18/PL



Mr S Davis
Arun District Council
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

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

BY EMAIL ONLY

Dear Mr Davis

Planning consultation: Part conversion and extension to provide 104 No. student residential units with access from Bedford Street, associated servicing & ancillary accommodation, entrance & new internal stairs to existing building to provide access from Bedford Street..

Location: 18-20 London Road Bognor Regis PO21 1PY

Thank you for your consultation on the above dated 28 November 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 (SAMM) 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.

Natural England can confirm that it is appropriate for the Pagham SAMM project to take the same approach to student accommodation as the Bird Aware Solent strategy. This is because the site and interest features are similar to the Solent harbours, therefore it is likely that people, pets and wildlife will behave in the same way. As pets are not allowed in student accommodation and around half of major disturbance events recorded in the Solent were from dogs off leads, a 50% reduction in the tariff is appropriate. To further achieve a consistent approach, 5 student bedrooms should be treated as one residential dwelling.

Your authority is aware 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). Natural England's advice is that the suitability of the mitigation 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 sites in accordance with the Conservation of Habitats & Species Regulations 2017.

However, providing that the Appropriate Assessment concludes that the financial contribution referred to above is secured through a planning condition or obligation, to ensure the implementation of the mitigation measures for the duration of the development, and providing there are no other adverse impacts identified by your Authority's Appropriate Assessment, Natural England is satisfied that you could conclude there would be no adverse effect on the integrity of the Pagham Harbour SPA in view of its Conservation Objectives. In this case, we advise that there would be no need to consult Natural England on the Appropriate Assessment, as you can take this letter as our formal representation under Regulation 63(4) of the Habitats Regulations.

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

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.

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

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

Yours sincerely

Alison Giacomelli
Sussex and Kent Area Team

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