



LAND SOUTH OF SUMMER LANE AND WEST OF PAGHAM ROAD

RESPONSE TO CONSULTATION COMMENTS

Planning ref: P140/16/OUT

June 2017

This note has been prepared in response to comments received from Pagham Parish Council (PPC) in relation to planning application P140/16/OUT.

Comments were provided by PPC by way of letter, with the cover email dated 22nd May 2017. Ecology Solutions has reviewed the comments made by PPC, together with supporting appended letters and a document titled "Report on Ecological Appraisals Presented in Support of Applications For Housing Development at Pagham, West Sussex" (March 2017), produced by Petra Billings Woodland Consultancy Ltd. Ecology Solutions has also reviewed the consultation responses from Natural England (the statutory authority on nature conservation matters) and Chichester District Council.

Main body of PPC letter

The main body of the PPC response is concerned with a purported failing of this planning application to meet the planning tests of the National Planning Policy Framework (NPPF). Matters are dealt with under various themes. Theme 11 is concerned with conserving and enhancing the natural environment. Under Theme 11, a list of NPPF paragraphs are quoted or summarised and it is understood that these are the paragraphs of the NPPF considered relevant to PPC's determination that the proposals are non-compliant with the NPPF. Scant detail is given within the main body of the letter regarding PPC's position or evidence base, however further detail is presented at Appendix 6a and 6b of PPC's letter and these matters are considered in detail further below.

Within the main body of PPC's response, the lack of Environmental Impact Assessment (EIA) is questioned. It should be noted that appropriate EIA screening was in fact undertaken and a direction was sought from the Secretary of State. It was deemed that the development proposals need not be subject to EIA.

Three further points are made, as follows:

- "Studies commissioned by Pagham Parish Council identify presence of protected species;
- Development will affect foraging and nesting habitat;

- Sites confirmed as particularly sensitive and individual and cumulative effects of development will have a serious negative effect on wildlife, biodiversity and special habitats.”

These broad points are discussed in further detail at appendices 6a and 6b of the PPC letter as such Ecology Solutions response focusses on these appendices in addressing PPC’s concerns.

Appendix 6a

Appendix 6a comprises a letter from Mr David Huntley. This letter covers several topics including ecology and nature conservation, landscape and visual impacts, housing need, flooding / hydrology and agricultural land. Ecology Solution’s response focusses on those points made in relation to ecology and nature conservation, and then only those where a substantive issue is raised.

It is stated that various faunal species use the features (e.g. hedgerows and streams) within the site and wider local area as part of a habitat corridor. Ecology Solutions do not dispute use of the application site by some protected and notable species. A full suite of ecological surveys has been undertaken and reported, with appropriate mitigation and enhancement measures proposed wherever appropriate.

Regarding the assertion that loss of hedgerow sections for access purposes would ruin their function as a corridor and flight path for species, this claim disregards the significant benefits which arise through the scheme in relation to improved habitat diversity, quality and connectivity. Of particular note is the new boundary hedgerow provision and bolster planting (of exiting hedgerows) which, together with new informal meadow grassland, link with off-site habitats. Any losses of habitat are more than mitigated through the proposals and the concern raised is unfounded.

In relation to Water Voles, Ecology Solutions are not able to comment on historic use of the site by this species, or the reasons for a purported population demise. Whilst a point of interest, insofar as the proposed development may help to encourage future use of the site by this species (known from the wider local area) though the new drainage network, surveys have demonstrated that currently the site does not support them and that no adverse impact could arise.

Ecology Solutions strongly dispute the claim that “The disturbance caused by the building will complete the habitat destruction of Pagham (taking all the other Pagham development sites) which will not be repaired by mitigation monies of £1275 per unit built.” Ecology Solutions is unclear on the nature of the cited “destruction” and the evidence base for this. The mitigation strategy referenced in this instance is one devised jointly by Arun District Council, Chichester District Council and the RSPB in liaison with Natural England (the statutory authority in such matters). In addition to a commitment towards the strategic level mitigation package, the proposals include additional measures such as a significant area of informal open space provision, interpretation initiatives and appropriate site screening to prevent significant indirect impacts on qualifying birds (of the SPA / Ramsar) which may utilise adjacent land. All of these measures have been welcomed by Natural England, which has confirmed that it does not object to the proposals.

Mr David Huntley presents a confused picture in relation to case law insofar as Habitats Regulations matters are concerned. The Sweetman Case is specifically cited by Mr Huntley although he does refer (rightly) to others being relevant. His point is that:

“If doubt exists that there will be no deleterious effects to the environment planning permission should not be given”.

The Sweetman Case (and others in this context) are however very specific in precisely what is being considered. They are not dealing with general “effects to the environment”, but very specifically; adverse effects on the integrity of a European protected site. In this instance, it has been demonstrated that no such effects arise when the plan / project is considered both alone and in combination with other plans or projects. Natural England have agreed with these conclusions.

Overall it is considered that the concerns raised by Mr David Huntley are without foundation.

Appendix 6b and Report by Petra Billings

Appendix 6b summarises the findings discussed within the report by Petra Billings. Much of the summarised information is in fact rather misleading. Relevant matters are discussed below, however the main focus of this section of Ecology Solutions response is on the conclusions of the Petra Billings report.

Appendix 6b refers to protected species being present at the application site (and for clarity, other sites also being considered within this consultation response by PPC). Ecology Solutions are fully aware of the presence of certain protected species, the likely population sizes and the impacts on these which could arise. Survey and assessment work has confirmed the significance of any likely impacts and appropriate mitigation has been put forward, where necessary. The planning test is not, “is a species present”, but rather, will it be adversely affected and can appropriate mitigation, and where appropriate, enhancements be delivered. Ecology Solutions have described all necessary mitigation and the proposed enhancement measures to be brought forward, within the Ecological Assessment.

Regarding the report by Petra Billings, this presents a summary of the Ecological Assessment and Habitats Regulations Assessment. Insofar as protected species and habitat issues are concerned it does little more than highlight the findings of the surveys and no substantive points are made. Regarding European designated sites issues the two key points are as follows:

- 1) Brent Geese, a qualifying interest features of the SPA and Ramsar site, use the application site (photographic evidence is provided); and
- 2) No in-combination assessment has been provided.

In relation to Brent Geese, whilst specific surveys did not record the presence of this species within the application site, their presence in the local area and the likelihood that they would (from time to time) use the application site, was fully acknowledged and reported. Provision of photographic evidence confirming the same, does not in fact lead to any different conclusion or the need for further mitigation. In forming its own view, Natural England specifically reference use of the application site by the species, but it also (rightly) acknowledges the extent and location of other supporting habitat and the mitigation measures proposed as part of the planning application.

Regarding the in-combination assessment, it should be noted that the strategic level mitigation package has been specifically brought forward (by the local authorities, RSPB and Natural England) to mitigate in-combination effects of development, based upon projected new household figures. As agreed with Natural England, the proposed contribution towards the strategic level mitigation package is appropriate and no further consideration of in combination issues is required.

By way of conclusion, it is considered that none of the points raised by PPC within its consultation response should give rise to a conclusion that significant harm to designated sites, habitats, protected species or biodiversity in general arises. Moreover, it is considered that the development proposals deliver not only appropriate and proportionate mitigation but that real biodiversity benefits arise.