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Our ref: 237833
Your ref: P/140/16/OUT



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BY EMAIL ONLY

Dear David

Planning consultation: Outline application for access only - mixed use development comprising of up to 400 dwellings, a care home with up to 70 beds, a Local Centre comprising up to 2000sqm of A1/A2/A3/D1/sui generis floorspace, provision of land for a 1FE primary school (with sufficient space to ensure that it is expandable to 2FE), provision of land for a scout hut, safeguarding of land to help link the site to the Pagham Harbour Cycle Route & other community uses including public open space & allotments with some matters reserved

Location: Land South of Summer Lane & West of Pagham Road Pagham

Thank you for your consultation, dated 29 January 2018, on the Brent Goose Mitigation Plan (December 2017).

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 could have a significant effect on Pagham Harbour Special Protection Area and Ramsar site

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Appropriate financial contributions to the strategic approach to mitigating recreational disturbance;
- Alternative foraging habitat for dark-bellied brent geese (hereafter brent geese)
- Measures to minimise disturbance to brent geese foraging in fields adjacent to the application site.

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

Further advice on mitigation

Mitigation measures for recreational disturbance to SPA birds

As set out in Natural England's response to this application, dated 13 February 2017, the application will add to recreational pressure on the Pagham Harbour SPA/Ramsar site, in combination with other housing developments, and therefore mitigation measures are required. The following measures should be secured:

- Financial contribution to the Pagham Harbour Strategic Access Management and Monitoring (SAMM) Project;
- A landscaping plan setting out how the 3.92ha of semi-natural greenspace to be provided as part of the development will be managed. The application documents indicate that the greenspace will include a walking route to encourage dog walkers to take their daily walks there instead of the SPA. As noted in our letter dated 13 February 2017, attractive greenspace incorporating a fenced area where dogs can safely be let off their leads would be helpful in reducing recreational pressure on the SPA, and details of this should be included in the landscaping plan.
- Signage and homeowner information packs are proposed in the and Brent Goose Mitigation Plan (BGMP), to encourage residents to use the on-site recreation space and inform them of the sensitivities of the Harbour and brent geese foraging. Details of the signage and information packs should be agreed at the reserved matters stage. Signage and information should be agreed with the SAMM Project steering group (made up of Arun and Chichester District Councils, Natural England and the RSPB). This is so that consistent messages are given on the application site and through the SAMM project.

Mitigation measures to minimise disturbance to brent geese foraging in adjacent fields

The Brent Goose Mitigation Plan (BGMP) sets out, at paragraphs 2.1 to 2.4, the strategy designed to mitigate any potential impacts on brent geese. This strategy includes measures to minimise disturbance to brent geese foraging in fields adjacent to the application site, and which were described in the applicant's Report to Inform an HRA, previously submitted. Dense new tree planting is proposed along the western boundary to avoid visual disturbance from people within the application site. As noted in Natural England's letter dated 18 August 2017, screening can be effective as brent geese are recorded in fields adjacent to existing housing. However, I have recommended to the applicant that the screening should be reinforced by fencing, which is particularly important along the parts of the boundary where there is no current hedgerow.

Open space is planned along the western boundary of the application site. This is welcomed as it will provide a recreational resource for people, as described above, and will also provide a buffer between the proposed housing and adjacent fields.

Paragraph 2.2 of the BGMP states that no footpaths, which link the application site to the SPA/Ramsar site, will be closed. Natural England confirms that it is not appropriate to try to deny access to the harbour to existing or new residents. Rather, the purpose of the SAMM Project is to encourage responsible access, principally through wardening¹. This has the flexibility to be targeted to areas where it is particularly needed, as agreed by the Steering Group. This could be the footpaths leading from the application site, and could include direct engagement with the residents of any new housing sites, for example by giving talks or guided walks. Therefore, messages about the importance of the Harbour and the brent geese on signage and homeowner packs (mentioned above) can be reinforced by the wardens employed by the SAMM Project.

¹ The first year's monitoring results from the Bird Aware Solent project (which has introduced the same measures as the Pagham SAMM Project will do) show encouraging results that the rangers are already reducing the numbers of birds disturbed by recreation. See First Year Results of Monitoring Bird Disturbance around the Solent in the presence/absence of Rangers, at:
<http://www.birdaware.org/CHttpHandler.ashx?id=28773&p=0>

The following measures should be secured to minimise visual disturbance to brent geese:

- Details of the screening and fencing should be set out and agreed in the landscaping plan at reserved matters stage.
- Tree and hedgerow planting along the western boundary should be carried out on commencement of works on site, so that it has the maximum time to mature before first occupation.

Mitigation measures to provide alternative foraging habitat for brent geese

As set out in Natural England's letter dated 13 February 2017, brent geese forage within, and on land near to, Pagham Harbour SPA/Ramsar site. Where significant numbers of geese regularly forage on land outside the SPA/Ramsar site, this land may be considered functionally linked by providing supporting habitat necessary for the maintenance of the population. Its loss should, therefore, be considered under the Habitats Regulations. At that time, Natural England's view was that the size and location of the fields that make up the application site meant that brent geese may use them when they are planted with a suitable crop. However, as surveys and data searches did not reveal any use and given the availability of alternative foraging habitat, we were satisfied that the loss of the application site was not likely to have a significant effect on brent geese.

Subsequent to this, however, Sussex Ornithological Society (SOS) and Pagham and Aldwick Greenfields Action Movement (PAGAM) submitted records and anecdotal information on the bird use of the application site and surrounding fields. This information called into question whether the application site was 'regularly' used by foraging geese or not. Natural England, therefore, informally recommended Arun DC review the conclusion of the Habitats Regulations Assessment for the Local Plan Main Modifications (which include the application site), which was done in a Technical Note to the Examination in Public, dated September 2017. Given the apparent extent of the local residents' observations, the Technical Note made recommendations regarding assessment, and potential mitigation, at the planning application stage.

Following these recommendations, the applicant sought Natural England's advice on precautionary mitigation and avoidance measures in relation to brent goose foraging habitat. My letter setting out the principles for creation of suitable alternative habitat (dated 23 November 2017) is appended to the BGMP.

The measures to replace, on a precautionary basis, the area of potential brent goose foraging habitat lost to the proposals, are set out in paragraph 2.4 of the BGMP. These broad measures follow the principles I set out in my letter dated 23 November 2017.

Location of the replacement habitat:

Natural England's view is that the location of the proposed mitigation land (shown at Plan ECO1 of the BGMP) is acceptable as it is closer to the SPA than the application site. It therefore, offers an advantage over the application site for foraging, as geese will expend less energy flying to the mitigation land from their roost site. A further advantage over the application site is that the mitigation land is not crossed by any footpaths, therefore is not susceptible to disturbance.

Area of replacement habitat:

The BGMP provides details of the crop rotation, which have been used to calculate the area of the application site that could potentially be used by brent geese. This calculation follows my advice that a like-for-like area of habitat is not necessary if the application site is not permanently available to foraging geese, and gives a maximum requirement of 18.7ha (paragraph 2.23). The BGMP goes on to state that this will be provided through approximately 5ha of permanent habitat managed for brent geese, and a total of 18.5ha where bird scaring to reduce crop damage will no longer occur (shown on Plan ECO1). As this will be secured in perpetuity, Natural England's view is that this represents an improvement over the current situation.

Habitat management:

The combination of permanent winter cereal/clover cropping, and permanent wet grassland creation

described in paragraphs 3.5 – 3.10, follows the advice set out in my letter of 23 November 2017. The land that has recently been left fallow is currently made up of rank vegetation with a high proportion of rushes and reeds. Whilst the frequently flooded part of the site has value for passage and wintering waders and wildfowl, and possibly breeding lapwing, the grassland is not suitable for brent geese. Therefore, the proposed grassland management regime, and creation of permanent scrapes, represents a benefit for brent geese, without compromising the interest for waders and other wildfowl. However, Natural England will comment on the detailed Management Plan for the site, when it is consulted on at reserved matters stage.

Permanently planting winter wheat/clover in the western part of the field will represent an improvement over the current situation for brent geese, as described in paragraph 3.10 of the BGMP. However, there would be further improvement if the eastern part of the field were planted with winter cereals more often. The Habitat Management Plan should include an agreed cropping regime for the fields outside the permanent habitat creation area, but within the area of cessation of bird scaring activities.

Sight lines for brent geese:

Some scrub clearance is proposed on the boundaries of the habitat creation area. In principle, this could open up sight lines for brent geese and increase the likelihood that they will use the habitat created. However, Natural England has some concerns over the impacts of this on wider biodiversity interests. Therefore, as described in paragraph 3.15 of the BGMP, we would welcome further discussion over this point as the detailed Management Plan is developed.

Cessation of bird scaring:

The cessation of bird scaring measures over the area described in Plan ECO1 is essential for the successful implementation of the measures described above, and would be an improvement over the current situation. However, this would not be the case if crops favoured by brent geese are planted less often than currently. Therefore, the Habitat Management Plan should include a commitment to planting winter cereals at an appropriate frequency in the rotation.

Approach to consenting

I understand from discussions with Sussex Ornithological Society that they and the RSPB are planning brent geese surveys to create usage maps. This may lead to a strategic approach to mitigation, and identification of alternative brent goose reserves, which would have to be agreed by Arun and Chichester District Councils. Therefore, the approach set out in paragraph 2.6 of the BGMP is welcomed – namely that in the future, the applicant may, in agreement with Arun DC, make financial contributions to any strategic mitigation package, in lieu of the measures set out in the BGMP.

Timing of works

The provision of the mitigation measures set out in paragraphs 4.3 to 4.6 of the BGMP in advance of commencement of development is welcomed, and compliant with the Habitats Regulations, as it ensures that the mitigation habitat will be available before the loss occurs.

In conclusion, Natural England's view is that, in principle, the package of measures described above and set out in the BGMP are sufficient to avoid a likely significant effect on the SPA from loss of brent goose foraging habitat and should be secured in perpetuity (in this case 80 years, as this is the definition used by the SAMM Project). However, the detail should be set out in a Habitat Management Plan to be agreed at the reserved matters stage.

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

We would be pleased to provide advice on the discharge of planning conditions or obligations attached to any planning permission to address the issues above.

Should the proposal change, please consult us again.

Yours sincerely

Alison Giacomelli
Sussex and Kent Area Team