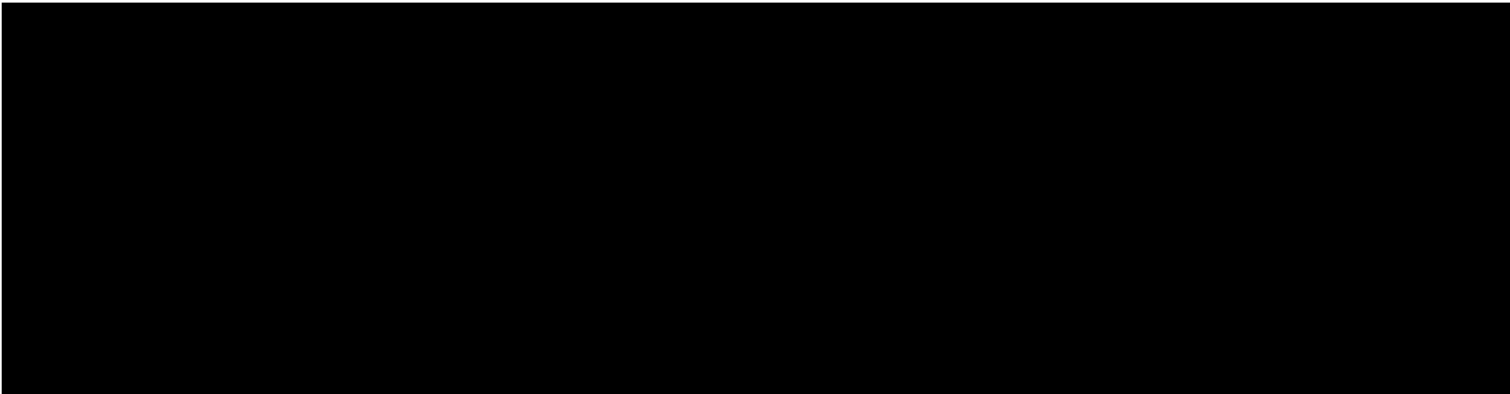




From: David Easton
Sent: 28 February 2018 14:49
To: Planning.Responses
Subject: FW: P/140/16/OUT

Please upload as an objection to P/140/16/OUT

From: [REDACTED]
Sent: 28 February 2018 12:56
To: David Easton
Cc: Alison Giacomelli; Chloe Rose
Subject: P/140/16/OUT

Hello David,

As promised, attached is the SOS response to Natural England's 15 February advice regarding the Mitigation Conditions for this planning proposal. We regard them as unsatisfactory, and therefore our objection to this planning proposal remains.

Regards,

Richard



SUSSEX ORNITHOLOGICAL SOCIETY

Registered charity 256936

www.sos.org.uk

Beavers Brook,
The Thatchway,
Angmering,
West Sussex BN16 4HJ

28 February 2018

By e-mail only

Mr David Easton,
Planning Department,
Arun District Council,
Maltravers Road,
Littlehampton,
West Sussex BN17 5LF

Dear David,

Planning Application P/140/16/OUT – further response to mitigation proposals for
Pagham South

On 6 February we wrote to you objecting to the mitigation proposals put forward by Ecology Solutions at the end of December, 2017, in respect of the above planning application, and outlined alternative mitigation proposals that we felt would be acceptable. On 12 February RSPB also wrote to you objecting to these mitigation plans and they put forward alternative mitigation proposals which were very similar to those outlined in the 6 February SOS letter. So both the RSPB and SOS are in agreement on what mitigation would be acceptable (our proposals of 6 and 12 February respectively) and what is not acceptable (the Ecology Solution proposals of 21 December).

On 15 February Natural England updated their advice to Arun DC on the mitigation measures that should be attached as a planning condition or obligation to the granting of planning approval for this site. Whilst their new advice reflects some of the additional mitigation measures that RSPB and SOS have asked for, crucially it does not reflect all of them. SOS, therefore, does not find the mitigation proposals outlined by Natural England on 15 February acceptable. Our reasons for this are as follows:

- 1) We believe that 7.04ha rather than 5ha of permanent pasture needs to be created i.e. that the whole of field 9309 needs to become permanent pasture.
- 2) Whilst we welcome the commitment to sign an 80-year agreement banning bird scarers from an additional 18.5 ha of fields, we do not feel that this mitigates for the loss of any of the area on which the P/140/16 development would take place. This is because, as far as we are aware, few, if any, bird scarers have ever been used on the P/140/16 site except for a 3-month period between January and March 2017 (when development proposals for the site were being developed). Nor are we aware that they are in use, or

ever have been in use, in the area that is now being proposed as the future site of mitigation action. (Notably, in their Dec 2017 proposal, Ecology Solutions did not provide details of where any current or historic bird scaring devices had been used). In other words the commitment not to use bird scarers in the future is a commitment not to make things worse for foraging winter geese, rather than a commitment to stop doing something which is currently harmful to foraging winter geese. It does not improve things, rather it commits to not making things worse. As it doesn't improve anything it cannot be regarded, on its own, as mitigation.

However, the commitment to ban bird scarers is an essential part of any mitigation agreement, as clearly there is little point in having a mitigation agreement to plant new areas with replacement foraging crops if bird scarers are going to be present, as their presence would significantly harm the attractiveness of such new planting to foraging Brent Geese. Therefore we wholeheartedly welcome the proposed agreement to ban bird scarers from an 18.5ha mitigation area, as no mitigation proposals could be watertight without such a commitment. But we do also need to see a commitment to how much of this area is going to be planted with crops suitable for Brent Geese.

- 3) Unfortunately, neither Ecology Solutions in their Dec 2017 document, nor Natural England in their 15 February response, have made any commitment about the amount of replacement foraging crops that will need to be planted in order to provide adequate mitigation. The SOS and RSPB responses of 6 and 12 February spelt out where and what we felt was needed – it was that in addition to the whole of field 9309 being turned over to permanent pasture, an additional 12.75ha of fields need to be planted one year in three with crops suitable for foraging Brent Geese. i.e. an equivalent of 4.25 ha a year of foragable crops, plus 7.04 ha of permanent pasture in field 9309.
- 4) Until this mitigation acreage is defined as part of the mitigation agreement, SOS will continue to oppose the mitigation terms as outlined in Natural England's 15 February letter, where they appear to be suggesting that only 5 ha of permanent pasture will suffice, and that the precise area to be planted with foragable crops can be decided as part of drawing up a Habitat Management Plan. To us definition of this area has to be a fundamental part of any mitigation agreement. It is not something that should be decided offline, and by a group that probably would not include the SOS.
- 5) In their 15 February letter Natural England note that RSPB and SOS are carrying out surveys to create Brent Geese usage maps and that the outcome might influence the mitigation proposals. I have pointed out to Alison that this work has only just begun and that it will take some years to draw conclusions.
- 6) I have also talked to Alison about the comment you say she made about her uncertainty about how important the P/140/16 site is for foraging Brent Geese. As you know 31 people who have lived opposite the site for a combined total of over 650 years stated in the PAGAM/SOS survey that they have seen large numbers of Brent Geese using the site every year, as have another 6 nearby residents who regularly walk along Pagham Road. Therefore, at the very least, it is clear that this is not an unimportant site for foraging Brent Geese ! Unfortunately Natural England's advice to Arun DC and the Planning Inspector (during the Local Plan discussions) that the site be planted with suitable crops this winter, that bird scarers should not be used and that Brent Geese numbers be recorded, has been ignored by the

developers, who have left the site fallow for the first time in recent memory, thereby effectively ensuring that there will be no records of Brent Geese using the site this winter. This action leads one to assume that the developers also know that the site is historically well used by wintering Brent Geese. Given this SOS feels that there are no grounds for regarding the P/140/16 site as some kind of site of secondary importance for Brent Geese. There are simply no facts to support such a conclusion.

- 7) SOS, with PAGAM, has led the opposition to this development, which we feel WILL harm Sussex birds. We are uncomfortable with a planning process that says it is acceptable to impact a key species (Dark-bellied Brent Geese) that is one of the reasons that Pagham Harbour has been designated an SPA, provided suitable mitigation can be put in place. We don't think it is in the interests of wildlife that such trade-offs be made. However, we accept that is the outcome of the planning process.
- 8) Given this, you will understand why the SOS wants any planning approval of P/140/16/OUT to be subject to mitigation conditions that clearly define the minimum conditions that we feel would be acceptable. For this reason we want the acreage of compensatory land that has to be created in mitigation to be defined as part of the mitigation conditions and not left to be defined offline in the Habitat Management Plan, as Natural England appear to be suggesting. And we also want the whole of field 9309, and not just 5ha of it, to become permanent pasture.
- 9) Until the mitigation conditions reflect the above to our satisfaction, the SOS will continue to object to this development going forward.

Yours sincerely,

Richard Cowser
(SOS Conservation Manager)

