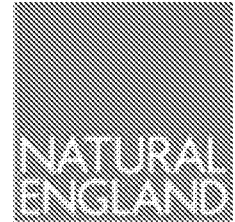


Date: 28 November 2023
Our ref: 454934
Your ref: P/153/21/RES



Jessica Riches
Arun District Council
Civic Centre
Littlehampton
West Sussex
BN17 5LF

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

BY EMAIL ONLY

Dear Ms Riches,

Planning consultation: Approval RMs following outline pp P/140/16/OUT for the erection of 350 dwellings with public open space, play space, drainage, parking and associated infrastructure, landscape, ancillary and site preparation works.

Location: Land South of Summer Lane and West of Pagham Road, Pagham.

Thank you for your consultation on the above dated 18 October 2023 which was received by Natural England on 18 October 2023.

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:

- have an adverse effect on the integrity of Pagham Harbour Special Protection Area (SPA) and Ramsar site <https://designatedsites.naturalengland.org.uk/>
- damage or destroy the interest features for which Pagham Harbour Site of Special Scientific Interest has been notified.

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:

- The delivery of the on-site boundary measures, as detailed within the submitted landscaping plans, in order to ensure that there is a suitable visual and physical barrier between the application site and adjacent areas of land used by Brent geese.
- The provision of suitably designed areas of alternative on-site greenspace within the boundaries of the proposed development, in order to provide attractive alternative opportunities to recreating within Pagham Harbour.

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

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Further advice on mitigation

In response to the Outline application for this development (P/140/16/OUT), it was recognised within your appropriate assessment that there would be a likely significant effect on the Pagham Harbour SPA and Ramsar site as a result of increased levels of recreational disturbance, and that mitigation was required to rule out an adverse effect on integrity.

Given the proximity to the Pagham Harbour designated sites and the number of units being proposed, it was also advised that on-site measures should be provided by the applicant, in addition to a financial contribution to the agreed strategic solution. We advised that such measures should include the provision of suitably designed areas of alternative on-site greenspace that include a variety of circular routes and recreation opportunities for residents. Additionally, Brent geese (which are a feature of both the SPA and Ramsar site), are known to use the fields in this area in large numbers for foraging, and therefore, could be deterred from using these foraging sites due to disturbance events. As such, we advised that on-site measures including visual screening in the form of thick hedging (and reinforced by fencing) along the western boundary of the site should be provided and considered as part of this Reserved Matters application.

Natural England advised that any information relating to the detail and design of these mitigation measures outlined above, should be delivered and secured as part of this Reserved Matters application, and that they should be considered as part of an appropriate assessment. It is noted that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended).

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that **we concur** with the assessment conclusions, providing that any planning permission given, is granted based upon the submitted plans, and that all mitigation measures are appropriately secured.

Further advice relating to the each of the mitigation measures considered by your authority is provided below.

Proposed boundary planting

As outlined above, Brent geese are known to use the fields in close proximity to the development site for foraging in large numbers. During the over-wintering period, and in particular, during periods of cold weather, birds are particularly susceptible to disturbance events. Therefore, the siting of a large residential development – including areas of alternative on-site greenspace and opportunities for dog walkers to walk their dog off the lead – adjacent to these areas of potential foraging habitat, poses a risk to the suitability and attractiveness of these areas in the absence of appropriate mitigation.

We previously raised concerns (our ref: 418393, 21st April 2023) that within earlier iterations of the landscaping plans, there were substantial sections along the western boundary that did not have any hedgerows present, and as such, it was unclear as to how the landscaping plans would help to mitigate for any visual disturbance impacts. It is now recognised that within the revised landscaping plans, that along the majority of the western boundary, a triple-staggered hedgerow is proposed and that it will be reinforced with a rail and post fence and wire mesh. Having reviewed these proposed measures, Natural England is satisfied in principle, that this will provide a strong visual and physical barrier along the western boundary of the site.

In the very limited areas of the site (as demonstrated within the landscaping plans) that are to be without any form of hedgerow, Natural England is satisfied that their exclusion is either unavoidable for practical reasons, or unnecessary. For example, where the red-line boundary of this development meets the boundary of the adjacent Church Barton development – and therefore

naturally forms a natural extension of the visual barrier to this development – we are satisfied that hedgerow planting is not required. Similarly, we are satisfied that any other areas that have been excluded from the otherwise continuous visual barrier, are necessary in order to maintain access for essential services (i.e., drainage and overhead lines).

Should permission be granted, it is understood that a pre-commencement condition will secure the details of the timings for the mitigation planting and fencing along the western boundary in the form of a Landscape Phasing Plan. Natural England is satisfied that this will allow for the mitigation to be delivered prior to the construction and occupation of the site, thus ensuring its efficacy. It should be noted that we would expect to be consulted on the discharge of this condition, and the detail of the proposed Landscape Phasing Plan.

Alternative on-site greenspace

In determining that there would be no adverse effect on integrity on the Pagham Harbour designated sites (when granting Outline planning permission), your authority previously concluded that a suite of on-site mitigation measures, above and beyond a financial contribution to the agreed strategic solution should be provided. It was proposed within the applicant's report to inform a Habitats Regulations Assessment (December 2016), that this would include an area of 3.29ha of alternative on-site greenspace.

Coastal habitats provide a unique environment and an irreplaceable draw for visitors that cannot be replaced through the provision of inland greenspace, nor are they expected to relieve all of the additional pressure created by the proposed development. Instead, we expect any provision of on-site natural greenspace to supplement the mitigation that would be delivered through the agreed strategic solution. Nonetheless, in order to be effective and achieve their intended purpose, careful consideration should be given to the design and location of any on-site greenspace provisions, in order to make them an attractive alternative to residents that would otherwise visit the Pagham Harbour designated sites.

Having reviewed the proposed layout and plans, we are satisfied that its design provides residents with a variety of circular walks (both in length and route) within the development boundaries, and also largely remains within the open landscape, thus providing attractive and suitable routes for both dog walkers and residents alike.

Natural England welcomes the positive steps that have been taken by the applicant to address our concerns relating to the provision of on-site greenspace, and the consideration that has been made to ensure that residents that want to utilise any on-site greenspace can do so easily; thus enhancing its attractiveness as an alternative area of recreation. Similarly, we welcome the provision of fencing and hedgerows around the allotments in the south of the site, thus ensuring that there is not a conflict between access to nature (in the form of allotments) and a large open-space designed for dog walking and general recreating.

Signage and homeowner packs

It is understood that no detail has currently been provided relating to the location and details of the signage within the site, but that this would instead be secured via a planning condition. As advised previously, we would recommend that the details of any signage and homeowner packs should be agreed with the SAMM Project steering group for Pagham Harbour in order to ensure that consistent messaging is provided across both the application site and the wider SAMM project. We therefore welcome the indication within your appropriate assessment that the condition would require the applicant to incorporate the advice from the SAMM Project steering group within the delivery of these measures.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow

a further period of 21 days before the operation can commence.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A. If you have any queries relating to the advice in this letter please contact me

[REDACTED]

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

Luke Hasler
Sussex & Kent Area Team

Annex A – Additional advice

Annex A – Additional advice

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the [National Planning Policy Framework](#) (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

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 Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the [Magic](#) website or as Local Wildlife Sites. List of priority habitats and species can be found on [Gov.uk](#). Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

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

Annex A – Additional advice

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. It is anticipated that major development (defined in the [NPPF glossary](#)) will be required by law to deliver a biodiversity gain of at least 10% from January 2024 and that this requirement will be extended to smaller scale development in April 2024. For nationally significant infrastructure projects (NSIPs) it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

Further information on the timetable for mandatory biodiversity net gain can be found [here](#). Further general information on biodiversity net gain can be found [here](#).

The Government's [Biodiversity Metric](#) should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of the [Biodiversity Metric](#) and is designed for use where certain criteria are met.

We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). Opportunities for enhancement might include Incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the [Biodiversity Metric](#) and is available as a beta test version.

Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government [Planning Practice Guidance](#).

Green Infrastructure

Natural England's [Green Infrastructure Framework](#) provides evidence-based advice and tools on how to design, deliver and manage green infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the [15 Green Infrastructure Principles](#). The Green Infrastructure Standards can be used to inform the quality, quantity and type of green infrastructure to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

GI mapping resources are available [here](#) and [here](#). These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the

Annex A – Additional advice

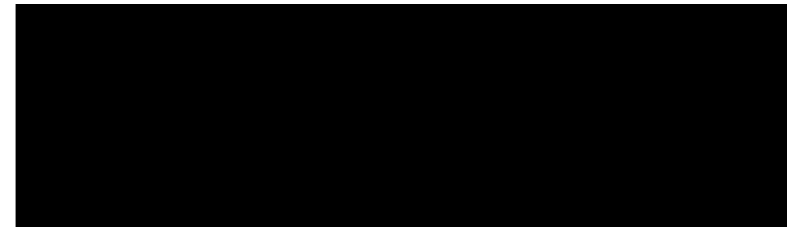
natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 100 and 174 of the NPPF highlight the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.



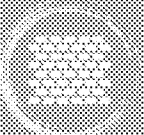
Arun District Council, Civic Centre, Maltravers Rd
Littlehampton, West Sussex, BN17 5LF

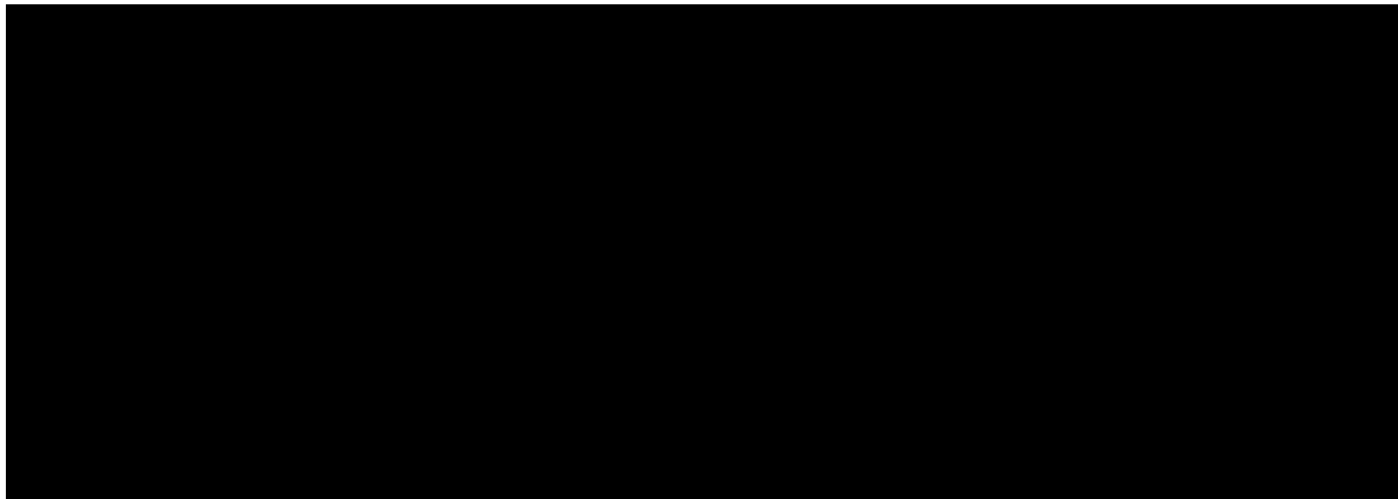
www.arun.gov.uk

To register to receive notifications of planning applications in your area please go to
<https://www1.arun.gov.uk/planning-application-finder>



Our priorities...

 Improving the wellbeing of Arun	 Delivering the right homes in the right places	 Supporting our environment to support us	 Fulfilling Arun's economic potential	 
---	--	--	---	--



T: 01903 737852

E: jessica.riches@arun.gov.uk

Arun District Council, Civic Centre, Maltravers Rd
Littlehampton, West Sussex, BN17 5LF
www.arun.gov.uk

To register to receive notification of planning applications in your area please go to www1.arun.gov.uk/planning-application-finder

