

Date: 09 February 2022
Our ref: 377597
Your ref: P/167/21/RES & P/153/21/RES



David Easton
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 Mr Easton,

Planning consultation: Reserved Matters (appearance, layout, landscaping & scale) for outline P/140/16/OUT for the erection of 375 dwellings, together with public open space, play space etc.

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

Thank you for your consultation on the above dated 08 December 2021 which was received by Natural England on 08 December 2021.

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

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Pagham Harbour Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site. Natural England requires further information in order to determine whether this Reserved Matters application provides sufficient certainty that the **on-site mitigation measures** agreed as part of P/140/16/OUT can be delivered.

The following information is required:

- How suitable screening and on-site greenspace have been incorporated into the landscaping plan.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

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

Case History

It is noted that this case, from the outline application onwards, is both complex and long-running. "No Objection" responses were previously issued for both P/153/21/RES (13th December 2021, our ref: 374880) and P/167/21/RES (23rd December 2021, our ref: 376591) based on the information as we understood it at the time. However, we have continued discussions both internally and with your Authority which have given rise to concerns as to whether the S.106 agreement, pre-commencement conditions and recent Reserved Matters applications are working together as they should to ensure that the full suite of on and off site mitigation measures (as required by the P/140/16/OUT Appropriate Assessment) are delivered as they should be.

Natural England acknowledges that we have only been formally re-consulted on P/167/21/RES (due to an amendment), and not P/153/21/RES (the alternative RM application for the main part of the site), however we would respectfully ask your Authority to replace our 'No Comment' responses for both these Reserved Matters applications with the advice contained in this letter as the risks to the Pagham Harbour designated sites are identical.

Additional Information Required

On-site screening:

As per our response on the Outline application P/140/16/OUT (our ref: 259977, 18th October 2018), Natural England advised that given the history of Brent Geese foraging in the fields to the west of the application site, the landscaping plan should include details of thick hedging, reinforced by fencing, along the western boundary of the site. Having reviewed the information provided under this Reserved Matters application, it remains unclear as to how this advice has been incorporated within the landscaping design.

Given that the screening forms part of the suite of mitigation measures required to rule out an Adverse Effect on the Integrity of the Pagham Harbour designated sites, Natural England would advise that this information should be provided by the applicant and secured in perpetuity by your authority. Where this is not secured, there is a risk that the efficacy on the on-site greenspace is undermined by the absence of suitable places for residents to safely let their dogs off leads without adversely impacting the designated sites.

On-site greenspace:

In addition to the uncertainty surrounding the inclusion of suitable screening along the western boundary of the site, it is equally unclear as to whether the current layout of the site is able to facilitate the proposed 3.92ha of on-site greenspace within the development site. Whilst Natural England recognises that consideration has been given to its management of the greenspace within the S106 agreement for the Outline application, having reviewed the proposed block plan for the site it is unclear as to how 3.92ha of on-site greenspace shall be appropriately accommodated within the proposed layout.

Given that the on-site greenspace and screening measures form part of the suite of mitigation measures, as per the requirements of an Appropriate Assessment, there can be no uncertainty associated with the value of a proposed means of mitigation. As such, we would advise that permission should not be granted until your authority is able to be certain that all appropriate means of mitigation can be accommodated and secured in perpetuity.

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 the 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 at



Please consult us again once the information requested above, has been provided.

Yours sincerely

Luke Hasler
Sussex & Kent Area Team

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. 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 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 [here](#)². 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](#).

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

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

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Annex A – Additional advice

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.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.0](#) may 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 [Biodiversity Metric 3.0](#) and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

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 [Biodiversity Metric 3.0](#) and is available as a beta test version.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

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.

Annex A – Additional advice

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.