



The Former Kings Beach, Pagham, West Sussex

**Information to Support an Assessment
of Likely Significant Effects under the
Habitats Regulations**



Crescent Land Limited

February 2018

The Former Kings Beach, Pagham: Report to Inform Assessment of Likely Significant Effects



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Glossary

AA	Appropriate Assessment
ACIEEM	Associate Member of Chartered Institute of Ecology & Environmental Management
ALP	Asset Life Cycle Process
ALSE	Assessment of Likely Significant Effects
CEnv	Chartered Environmentalist
cSAC	Candidate Special Area of Conservation
CIEEM	Chartered Institute of Ecology & Environmental Management
Habitats Regulations	Conservation of Habitats and Species Regulations 2017
HRA	Habitats Regulations Assessment
JNCC	Join Nature Conservancy Council
LPA	Local Planning Authority
MAGIC	Multi Agency Geographic Information for the Countryside
MCIEEM	Member of Chartered Institute of Ecology & Environmental Management
Natura 2000 site	A European site designated for its nature conservation value
NE	Natural England
NPPF	National Planning Policy Framework
pSPA	Potential Special Protection Area
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SIP	Site Improvement Plan
SPA	Special Protection Area
SSSI	Site(s) of Special Scientific Interest
WSCC	West Sussex County Council
WWTW	Wastewater Treatment Works



1.0 Introduction

1.1 Background

WYG was commissioned by Cordage Group (on behalf of Crescent Land Limited) in January 2018, to prepare a report to inform the assessment of likely impacts of a proposed development at the Former Kings Beach, Pagham. This report provides information to inform an Assessment of Likely Significant Effect (ALSE) under Regulation 66 of the Habitats Regulations 2017 by Arun District Council as decision maker and therefore competent authority under the Habitats Regulations for the purposes of this assessment. The report has been written by WYG Associate Ecologist Tamsin Clark MCIEEM.

1.2 Site Location

The Ecology report by Ecosupport Limited (2017) confirms that:

"The site is located to the north of the former Kings Beach Hotel, which is now a Co-op, in Pagham (PO21 4TW) (Grid Reference SZ 89005 97453). The site is bound to the northwest and west by residential development, and associated garden space, with the neighbouring Co-op shop, and associated car park, to the south and southeast and finally commercial development to the northeast. The surrounding landscape dominated by residential development due to the sites location within Pagham along further afield agricultural land lies to the east with the coast to the west."

The Phase 1 habitat survey completed by Ecosupport Limited (2017) found that the site currently supports buildings, hard standing, improved grassland, scrub, shrubs and scattered trees, and did not consider that the site was suitable for wintering wildfowl and waders.

The site is located within a built-up environment, approximately 220m from Pagham Harbour SPA and Ramsar Site, and within the Pagham Harbour 400m buffer zone A (Arun District Council, March 2017, Local Plan Policy Map 3).

1.3 Development Proposals

The proposal is for the 'Erection of 1 x 4-bedroom house and 2 x 3-bedroom bungalows including shared use of existing vehicular accesses to convenience store and associated parking, landscaping, bin and cycle storage'. Further information is provided in Section 2.1.

1.4 Requirements for Habitats Regulations Assessment

The European Directive (92/43/EEC), termed 'the Habitats Directive' was introduced to protect and enhance species and habitats of nature conservation importance at the European level. As outlined in Article 6 (3) and 6 (4) of this directive, an 'Appropriate Assessment' must be carried out on any plans or projects where it is considered that they are likely to have significant effects on Natura 2000 sites, either alone or in-combination with other plans or projects. These European and International sites include both designated or candidate Special Areas of Conservation (SACs/cSACs) and designated or potential Special Protection Areas (SPAs/pSPAs). In order to assess the requirement for full Appropriate Assessment (AA), a screening exercise is carried out (Assessment of Likely Significant Effect (ALSE)). Full AA is carried out where the screening exercise has assessed that there will be a likely significant effect(s) on qualifying features (species and/or habitats) of the designated site(s).



Full AA then assesses whether or not these effects will result in an adverse effect on the designated site's integrity.

The following key legislation forms the basis for Appropriate Assessment:

EU 'Habitats Directive' 1992

"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment [...] the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site [...]."

Article 6 (3)

Habitats Regulations 2017

"A competent authority, before deciding to [...] give any consent [...] for a plan or project which a) is likely to have a significant effect on a European site [...] (either alone or in combination with other plans or projects), and b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for the site in view of that site's conservation objectives."

Regulation 63 (1)

[...] subject to regulation 62 (considerations of overriding public interest) the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site [...]."

Regulation 61 (5)

The Habitats Directive applies the precautionary principle to protected areas: plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of European sites. The first stage of HRA is screening, whose purpose is to establish whether the plan or project will have Likely Significant Effects on any European site; for this purpose and as a result of case law 'likely' means 'possible'. If the Competent Authority determines that there are no Likely Significant Effects (including 'in combination' effects from other plans or projects), then no further assessment is necessary, and the plan or project can, subject to other issues, be taken forward. If, on the other hand, the Competent Authority determines that there are Likely Significant Effects, or there is reasonable doubt, then the HRA must continue to the more detailed second stage called Appropriate Assessment.

The HRA process is iterative, and the Competent Authority may consider additional incorporated mitigation following screening, consideration of which is part of the Appropriate Assessment. Compensatory measures imply that adverse effects cannot be avoided or mitigated and must not be considered during the initial stages of the Appropriate Assessment. If the Appropriate Assessment cannot conclude without reasonable scientific doubt that there will be 'no adverse effects on the integrity' of European sites, then the HRA proceeds to a third stage seeking alternative solutions with no or reduced adverse effects. If no suitable alternatives can be found, potentially damaging plans or



projects can be permitted only if there are 'Imperative Reasons of Overriding Public Interest' (IROPI) as to why they should go ahead, and in such cases compensatory measures are obligatory to ensure overall integrity of the network of European sites is maintained.

1.5 Purpose and Structure of the Report

The remainder of this report is structured as follows:

- » **Section 2:** outlines the development proposals;
- » **Section 3:** states the methods used in the assessment;
- » **Section 4:** summarises relevant policy and legislation, and it's relevance to the site;
- » **Section 5:** identifies the relevant European sites and their characterisation;
- » **Section 6:** identifies likely impacts;
- » **Section 7:** considers in-combination effects;
- » **Section 8:** assessment conclusions.



2.0 Description of the Proposed Development

2.1 Development Proposals

The proposal is for the 'Erection of 1 x 4-bedroom house and 2 x 3-bedroom bungalows including shared use of existing vehicular accesses to convenience store and associated parking, landscaping, bin and cycle storage'.

2.2 The Proposed Development Site

As stated within Section 1.2, the Phase 1 habitat survey completed by Ecosupport Limited (2017) found that the site currently supports buildings, hard standing, improved grassland, scrub, shrubs and scattered trees, and did not consider that the site was suitable for wintering wildfowl and waders.

The site is located within a built-up environment, approximately 220m from Pagham Harbour Special Protection Area (SPA) and Ramsar Site.

2.3 Incorporated Mitigation

The recommendations relating to Pagham Harbour made by Ecosupport Limited (2017) were:

"A contribution of £871 per unit will be secured in order to make the proposed development acceptable in planning terms. This will contribute towards strategic access management measures and it is therefore considered will alleviate the impact of a low increase in recreational pressure associated with this development." This is in accordance with Policy ENV DM2 (bi) of the Local Plan (Arun District Council, 2018).

The Ecology Report by Ecosupport Limited (2017) also included a recommendation for *"an information leaflet [to] be produced which will be passed on to the new inhabitants. This will notify them of the conservation status of Pagham Harbour and inform them of the disturbances caused by recreational pressure, particularly dog walking."* This is a precautionary approach, and of limited value as houses will change hands in the future. However, in keeping with this approach, we propose that the information leaflet also includes information detailing:

- ✧ Dog walking routes in the local area; and,
- ✧ Avoiding non-native invasive plant species when gardening (see Section 6.5.2).

No invasive plant species were noted on site at the Former Kings Beach by Ecosupport Limited (2017), and the future planting lists for the proposed gardens will avoid using invasive non-native species.

We have assumed that standard industry best practice will be followed during site clearance and construction reduce the potential of any adverse impacts on the wider area.

This incorporated mitigation has been assumed included when assessing potential impacts of the proposed development within the remainder of the document.



3.0 HRA Screening Methodology

3.1 Habitats Regulations Assessment Guidance

The HRA screening process undertaken by WYG has been developed with reference to the following guidance:

- ✦ The Conservation of Habitats and Species Regulations 2017;
- ✦ EU Directive 92/43/EC on the Conservation of Natural Habitats and Wild Fauna and Flora;
- ✦ DEFRA (2006) The Conservation (Natural Habitats, &c.) (Amendment) (England and Wales) Regulations 2006 Consultation Document;
- ✦ DCLG (2006) Planning for the Protection of European Sites: Appropriate Assessment (Consultation Document);
- ✦ EC (2001) Assessment of plans and projects significantly affecting Natura 2000 sites: methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC; and
- ✦ DTA Publications (2013). The Habitats Regulations Assessment Handbook (online).

3.2 Habitats Regulations Assessment Stages

The guidance provided under Department for Communities and Local Government (DCLG, 2006) identifies assessment required under the following stages:

- ✦ **Screening likely significant effects:** the precautionary principle has been used in assessing whether effects may be significant, so where there is any uncertainty the potential effect has been examined in greater detail.
- ✦ **Detailed Appropriate Assessment and ascertaining the effect on site integrity:** where there are potential significant effects more detailed information will need to be considered to determine the impact of these effects on the Natura 2000 qualifying features and hence site integrity.
- ✦ **Mitigation measures and alternative solutions:** where a project has been found to have an adverse effect on the integrity of a European site these should be mitigated where possible to overcome any adverse/negative effects. Where the effect cannot be mitigated the project should not proceed, unless there are imperative reasons of overriding public interest involved.

This report covers the initial 'screening likely significant effects' stage.



3.3 Consultation

Email correspondence has taken place with the Senior Environmental Assessment Officer for Planning at Arun District Council who confirmed the requirement for an HRA screening report.

3.4 Scope of the Assessment

In this assessment WYG have considered:

- ✦ European sites that could potentially be affected;
- ✦ The characteristics of these European sites;
- ✦ Their conservation objectives; and
- ✦ Other relevant plans and projects.

3.5 Information Used in this Assessment

The following sources have been consulted during the preparation of this report for information relating to European designated sites:

- ✦ Conservation objectives and favourable condition tables provided by Natural England / English Nature;
- ✦ Natural England's Site Improvement Plans for Pagham Harbour;
- ✦ <http://jncc.defra.gov.uk>;
- ✦ www.magic.gov.uk;
- ✦ Arun District Council Website (<https://www.arun.gov.uk/local-plan-primary-evidence>) for planning and other documents including (but not limited to):
 - Arun Local Plan 2011-2031 - Consultation on the Main Modifications (January 2018);
 - PELP33 The HRA Report (March 2017);
 - PELP33a Appendix 1 for Matter 4c (September 2017);
 - PELP33b Natural England Response to Inspectors Interim Findings (November 2017);
 - The Appropriate Assessment Addendum (December 2017);
 - Note regarding Strategic Approach to Access Management at Pagham Harbour (Date unknown); and
 - Decision of Cabinet Report. Update on Access Management at Pagham Harbour (April 2017).



4.0 Relevant Planning Policy & Legislation

4.1 National Planning Policy Framework

The NPPF was adopted in March 2012. Section 11 of the NPPF, *Conserving and Enhancing the Natural Environment* replaces *Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation*. However, government Circular 06/2005, *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*, which relates to PPS9 remains valid and is referenced within Paragraph 113 of the NPPF.

Circular 06/2005 states that the presence of protected species is a material consideration in the planning process. The NPPF also states that '*planning policies should promote the protection of priority species populations linked to national and local targets*'.

Furthermore, central and local government policy now points towards ecological enhancement on development sites. The NPPF considers enhancement in the statement '*The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes....and minimising impacts on biodiversity and providing net gains in biodiversity*'.

4.2 Biodiversity 2020: A strategy for England's wildlife & ecosystem services

Biodiversity 2020 replaces the previous UK Biodiversity Action Plan and sets national targets to be achieved. The intent of Biodiversity 2020, however, is much broader than the protection and enhancement of less common species, and is meant to embrace the wider countryside as a whole.

4.3 Summary of Relevant Information from the Local Plan

As outlined at <https://www.arun.gov.uk/current-consultations>, Arun District Council are currently consulting on proposed modifications to the Local Plan:

Arun District Council has produced a series of Main Modifications to the Plan that are being made available for public consultation for six week period from 12 January 2018 until 5pm on Friday 23 February 2018. This follows on from the Arun Local Plan examination hearings which were held in September 2017.

Extracts from the current consultation version of the Arun Local Plan (2018):

Policy H SP2a

Development proposals will need to meet the following key design and infrastructure requirements;

- a. ensure no detrimental impact to Pagham Harbour SPA, through compliance with ENV DM2 (Pagham Harbour) and its supporting text.*

Policy ENV DM1: Designated Sites of biodiversity or geological importance

- a. Proposed development likely to have an adverse effect on land with the designated features of any Site of Biodiversity or Geological Importance as listed in Tables 17.1 -*



17.7 or any subsequently designated sites (either individually or in combination with other developments), will not normally be permitted. Consideration will be given to the exact designated features present on the site, their scarcity/rarity and recognition of the protection offered by their existing status. Exceptions will only be made for those with the highest value where the following can be demonstrated:

- i. There is no alternative solution (which shall be adequately demonstrated by the developer).*
- ii. There are reasons of public health or public safety or*
- iii. There are benefits of primary importance to the environment or*
- iv. There are imperative reasons of overriding public interest.*

Notwithstanding the above however, the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

- b. In determining any planning application affecting Sites of Biodiversity or Geological Importance the Council will ensure that the intrinsic natural features of particular interest are safeguarded or enhanced having regard to;*
 - i. The European, National or Local status and designation of the site;*
 - ii. The nature and quality of the site's features, including its rarity value;*
 - iii. The extent of any adverse impacts on the notified features of interest;*
 - iv. The need for compensatory measures in order to re-create remaining features of habitats on or off the site.*
- c. Where appropriate the Council will ensure the effective management of designated sites through the imposition of planning conditions or Section 106 agreements as appropriate.*

Paragraph 17.1.20 states that "Pagham Harbour is vulnerable to disturbance, pollution, changes in hydrology and neglect of management which could lead to changes in habitat and invasion by non-native species".

Policy ENV DM2: Pagham Harbour

- d. Within Zone A (0-400m from the boundary) as identified on the Policies Maps, development will only be permitted in exceptional circumstances where the developer is able to demonstrate there will be no detrimental effects on Pagham Harbour, including non-native species and the water environment. Regard shall also be had to tests 1-4 as set out in Policy DM1 (Designated Sites of Biodiversity or Geological Importance).*
- e. Within Zone B (0-5km) for all new residential development and development which is likely to have an impact on Pagham Harbour will be required to:*



i. Make developer contributions towards the agreed strategic approach to access management at Pagham Harbour.

ii. create easily accessible new green spaces for recreation within or adjacent to the development site. These shall be capable of accommodating the predicted increases in demand for local walking, including dog walking. Good pedestrian links shall be provided between housing areas and new and existing green space in order to discourage car use.

f. Major developments (as defined in the GDPO 1995 as amended) taking place outside Zone B and close to its boundary will be considered on a case by case basis to determine any potential effects on Pagham Harbour, and the need for any avoidance or mitigation measures.

The Appropriate Assessment Addendum by Urban Edge Environmental Consulting (December 2017) found that the proposed modifications to the Local Plan (2018 consultation version), were likely to have:

"No additional adverse effect (because although H SP2a no longer refers specifically to provision of accessible green space, proposals at sites SD1 and SD2 will need to comply with all plan policies including ENV DM2)."

4.4 Relevance of Local Plan to Proposed Development

The site at Former Kings Beach falls within Zone A and Zone B as identified on the Policies Maps. As such:

- ✧ The current Report to Inform HRA Screening has been provided in response to Policy ENV DM2 (a);
- ✧ Developer contributions are likely to be required in response to Policy ENV DM2 (bi); and
- ✧ With regards to Policy ENV DM2 (bii), the proposed development of three houses is considered extremely unlikely to have significant impacts, or to require green space to be provided.

With reference to the internationally designated sites at Pagham Harbour, Ecosupport Limited (2017) concluded that:

"It is considered highly unlikely proposals will impact directly upon the designated site and therefore negatively impact upon the qualifying features as it is separated via roads and housing. It is therefore considered unlikely noise, water and/or air pollution generated during the construction phase will reach the Harbour. Therefore during construction there will likely be negligible impacts.

The proposals will see a small increase in residents to the local area and therefore potential increased recreational pressure however given the scale of these proposals (i.e. introduction of three homes) it is considered this will have a low negative impact at a local level as opposed to regional and/or international level associated with the statutory protection of SPAs."



5.0 Identification of European Sites and Characterisation

Projects may have spatial implications which can have further reaching effects than those predicted to fall within the development footprint. Specifically, it is recognised that distance between a proposed development and a designated site in itself is not a definitive determinant as to the likelihood or severity of an impact occurring. Site variables such as prevailing wind conditions, surface and groundwater flow direction will all have an influence on the relative distance at which an impact can occur.

Additionally, the mobile nature of qualifying interest bird species must also be considered, since an adverse effect on the qualifying species of a site, even if they are not present within the site for which they are a qualifying feature, may still result in a significant adverse impact upon a site. Hence, a development some distance away from a European site could still have effects on the site and, therefore, needs to be considered as part of the screening process (DCLG, 2008).

5.1 Screening

Given the small size of the proposals (three houses), this report considers the presence of the following European designated sites within 2 km of the proposed development:

- ✧ Pagham Harbour SPA; and
- ✧ Pagham Harbour Ramsar

These sites are discussed in greater detail below.

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Table 1: Qualifying Features of Internationally Designated Sites

Designated Site	Feature	Conservation Objectives	Site Condition
Pagham Harbour Special Protection Area (SPA)	This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive: During the breeding season; * Little Tern <i>Sterna albifrons</i>, 12 pairs representing 0.5% of the breeding population in Great Britain (Count as at 1995) * The SIP (Natural England, 2014) also makes reference to common tern <i>Sterna hirundo</i>, with the breeding population forming 2.2% of the national population. Over winter; * Dark-bellied Brent goose <i>Branta bernicla bernicla</i>, 0.6% of GB population (1,794 individuals) (5yr peak mean 1991/92-1995/96) * Ruff <i>Philomachus pugnax</i>, 160 individuals representing at least 22.9% of the wintering population in Great Britain This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species: Over winter; * Pintail <i>Anas acuta</i>, 628 individuals representing at least 1.0% of the wintering Northwestern Europe population (5 year peak mean 1991/2 - 1995/6) JNCC Website (http://jncc.defra.gov.uk/default.aspx?page=2044)	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring; * The extent and distribution of the habitats of the qualifying features * The structure and function of the habitats of the qualifying features * The supporting processes on which the habitats of the qualifying features rely * The population of each of the qualifying features, and, * The distribution of the qualifying features within the site.	Threats to Pagham Harbour listed in the Site Improvement Plan (Natural England, 2014), include: * Physical modification; * Public access / disturbance; * Water pollution; * Fisheries; and, * Change in land management. Those of potential relevance to the current application are in bold. The majority of the SSSIs that make up the SPA are currently considered to be in 'favourable' condition, with a few also classified as 'unfavourable, recovering' (http://www.natureonthemap.naturalengland.org.uk/MagicMap.aspx). The exception to this is the sublittoral sediment along the beachfront (to the southeast of the proposed development) which is suffering from invasive red valerian <i>Centranthus ruber</i>, and boat storage (https://designatedsites.naturalengland.org.uk/UnitDetail.aspx?UnitId=1029561)

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Designated Site	Feature	Conservation Objectives	Site Condition
Pagham Harbour Ramsar Site	Ramsar criterion 6 – species/populations occurring at levels of international importance. Qualifying Species/populations (as identified at designation): Species with peak counts in winter: * Dark-bellied brent goose, 2512 individuals, representing an average of 1.1% of the population (5 year peak mean 1998/9-2002/3). Species/populations identified subsequent to designation for possible future consideration under criterion 6. Species with peak counts in winter: * Black-tailed godwit , <i>Limosa limosa islandica</i>, Iceland/W Europe 377 individuals, representing an average of 1% of the population (5 year peak mean 1998/9- 2002/3) (http://incc.defra.gov.uk/pdf/RIS/UK11052.pdf)	<i>As the provisions on the Habitats Regulations relating to Habitat Regulations Assessments (HRAs) extend to Ramsar sites, Natural England considers the Conservation Advice packages for the overlapping European Marine Site designations to be, in most cases, sufficient to support the management of the Ramsar interests</i> (https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx).	As above



6.0 Identification of Likely Impacts

As the qualifying features and potential impacts to of the Pagham Harbour SPA and Ramsar are largely similar, potential impacts on these sites are discussed together.

6.1 Direct Loss of Habitat

The proposed development at The Former Kings Beach will have **no direct impacts** through land take upon the Pagham Harbour SPA/Ramsar. The site comprises existing buildings, hard standing, improved grassland, scrub, shrubs and scattered trees. There is residential development surrounding the proposed site, and between the site and the SPA/ Ramsar. The proposed development site is subject to existing human disturbance and does not contain suitable terrestrial habitat for any of the qualifying species of the SPA/Ramsar (little tern, common tern, ruff, pintail, brent goose and black-tailed godwit) which are associated with coastal habitats.

6.2 Recreation and Disturbance

The qualifying features of the SPA and Ramsar designations are bird species, which may be subject to disturbance, for example from dog walking and outdoor sports.

The proposed development of three properties within an existing town of 7,538 (data for Pagham and Rose Green, UK Census data, 2011, <http://www.ukcensusdata.com/pagham-and-rose-green-e05007594#sthash.N97cWSfw.dpbs>) is considered extremely unlikely to result in a significant increase in recreation.

However, in accordance with the emerging local plan (Arun District Council, 2018), and with particular reference to the *Update on Access Management at Pagham Harbour* (Arun District Council, April 2017), and as cited in the *Ecology Report* (Ecosupport Limited, 2017):

"A contribution of £871 per unit will be secured in order to make the proposed development acceptable in planning terms. This will contribute towards strategic access management measures and it is therefore considered will alleviate the impact of a low increase in recreational pressure associated with this development."

As outlined in Section 2.3 (inherent mitigation), the *Ecology Report* by Ecosupport Limited (2017) also proposed that: *"It is also recommended that an information leaflet be produced which will be passed on to the new inhabitants. This will notify them of the conservation status of Pagham Harbour and inform them of the disturbances caused by recreational pressure, particularly dog walking."* We also propose that the information leaflet includes information detailing dog walking routes in the local area.

With the above inherent mitigation included, in accordance with Policy ENV DM2 (bi), it is considered that the potential impact of recreation on qualifying bird species using the SPA will be **Not Significant**.



6.3 Pollution

The SIP for Pagham Harbour (Natural England, 2014) states that:

"The Pagham Lagoon and Harbour both receive fresh water from agricultural land drainage through rife systems. Pagham lagoon in particular is vulnerable to freshwater ingress as it has limited saline input and also receives surface water via road drains, and other drains and overflows. The pollutants and nutrients possibly present in the surface runoff could threaten the water quality of the lagoon. It is thought that the surface water drainage system is somehow connected to the sewage system (through piecemeal development in Pagham) causing it to overflow back into the surface water. Any remedy based on the outcomes of a Surface Water Management Plan and infiltration study lead by West Sussex County Council (in partnership) will likely lead to a multi agency approach with a possible outcome utilising "sustainable urban drainage systems" or similar. Given the potential closure of the harbour by the shingle spit (priority 1), water pollution could become an issue over the long term for the inner harbour".

In addition, *"the microalgae status of the Harbour is classed as borderline for the Water Framework Directive"* (Memorandum of Understanding, Appendix A).

6.3.1 Construction phase pollution

Within the incorporated mitigation, we have assumed that standard industry best practice will be followed during site clearance and construction to reduce the risk of adverse impacts on habitats in the wider area. As there is a distance of approximately 0.2km of built up environment between the site and the beachfront section of the SPA / Ramsar Site, it is considered **extremely unlikely** that any pollution incident could occur of a magnitude sufficient to have an adverse effect on the SPA / Ramsar Site.

6.3.2 Surface Water Drainage

The accompanying *Drainage Strategy & Impact Assessment* (Opus International Consultants (UK) Ltd, 2018) for The Former Kings Beach proposals has confirmed that the proposed surface water drainage will provide a **net water quality benefit** to Pagham Lagoon and any subsequent exfiltration to Pagham Harbour through removal of the existing (baseline) load.

6.3.3 Foul Water Drainage

With regards to foul water, the LPA have a *Memorandum of Understanding: sewerage capacity (and treatment)* with Southern Water (September 2017, attached as Appendix A), which explicitly states that existing environmental permits are sufficient to continue *"to ensure water quality objectives in Pagham Harbour are met"*. The *Drainage Strategy & Impact Assessment* (Opus, 2018) concludes that *"it is implicit from this that there will be **no adverse impact** from the proposed development on water quality in Pagham Harbour."*

The *Memorandum of Understanding* also confirms that *"There is existing capacity... and some additional capacity may be gained...."* And that there is *"ability of the WWTW to expand as required to accommodate future growth in the District..."* Also, as *"The water industry's investment planning is scheduled on a 5 yearly basis..... there will be repeated opportunities throughout the lifetime of the ALP to review the requirements at Ford WWTW."*



6.3.4 Drainage Summary

Given the above, it is considered **extremely unlikely that the proposed development of three residential dwellings will have significant impacts on** the European designated sites at Pagham Harbour.

6.4 Changes in Hydrology

There are no ponds or watercourses on site. Within the incorporated mitigation, we have assumed that standard industry best practice will be followed during site clearance and construction (as noted in section 6.3.1) to reduce the risk of adverse impacts on habitats in the wider area. As there is a distance of approximately 0.2km of built up environment between the site and the beachfront section of the SPA / Ramsar Site, it is considered **extremely unlikely** that any changes to hydrology could occur of a magnitude sufficient to have an adverse effect on the SPA / Ramsar Site.

6.5 Management

6.5.1 Grassland Management

The SIP (Natural England) confirms that *"Some areas of land under agricultural use within the wet grassland are currently outside the management control of the RSPB or an environmental scheme (i.e. they are not within Environmental Stewardship or other formal management). NE is looking to target landowners to get the land into appropriate management either through the RSPB scheme or separately."* There is **no potential** for the proposed works at Former Kings Beach to impact the management of wet grassland within Pagham Harbour.

6.5.2 Invasive Species

Of more relevance to the proposed development, paragraph 17.1.20 of the Local Plan (Arun District Council, 2018) states that *"neglect of management could lead to changes in habitat and invasion by non-native species"*. Sections of the Pagham Harbour SSSI along the beachfront (just over 0.2km from the proposed development site) are currently considered to be suffering from invasive red valerian and privately owned boat storage. Pagham Rife has been noted to have infestations of floating pennywort *Hydrocotyle ranunculoides* (WSCC, 2007, cited in the Local Plan HRA by Urban Edge, March 2017).

With regards to invasive species, the Ecology Report (Ecosupport Limited, 2017) did not record any invasive plant species on the site at Former Kings Beach during the survey. It is considered that there are **no mechanisms** for the proposed development of three houses to adversely impact management of the SPA / Ramsar. As a precaution, as outlined in Section 2.3, it is recommended that information regarding avoiding planting of non-native invasive plant species is included within the information pack to be provided to future residents, and that the planting lists for the gardens avoid invasive non-native species. There is no potential for accidental dumping of weeds 'over the garden fence' as the proposed gardens border other residential gardens, and the hard standing around the Former Kings Beach Hotel.



7.0 Consideration of 'In-combination' Effects

7.1 Arun Local Plan

The Habitats Regulations Assessments of the Local Plan, and appendices and addendums (Urban Edge Environmental Consulting, various, 2017) have concluded **no adverse effects** on the integrity of the Pagham Harbour SPA/Ramsar through the consultation version of the Local Plan (2018) which includes 1,200 houses within Pagham (at Pagham North and Pagham South). The assessment of the Local Plan includes mitigation measures such as developer contributions towards a strategic approach for access management, and the use of alternative discharge locations for Waste Water in combinations with Pagham WWTW.

Paragraph 7.3.1.1 of the HRA (Urban Edge Environmental Consulting, March 2017) states: *"It can be concluded that there will be no adverse effects on the integrity of the Pagham Harbour SPA/Ramsar. The Arun Local Plan can be considered compliant with the Habitats Regulations in this respect"*.

With regards to the consultation version of the Local Plan (2018), Urban Edge Environmental Consulting (December 2017) states *"In conclusion, the final proposed Main Modifications are not predicted to significantly alter the profile or scale of the effects of the Local Plan over and above those predicted at the Proposed Modifications consultation stage"*

The *Memorandum of Understanding* between Arun District Council and Southern Water (September 2017, attached as Appendix A) confirms that *"Environmental permits at Pagham wastewater treatment works (WWTW) are sufficient to accommodate growth proposed in Policy SD1 of the Arun Local Plan (2011-2031), whilst continuing to ensure water quality objectives in Pagham Harbour are met."*

7.2 Summary of In-combination Effects

Significant local proposals for 1,200 houses have been included within the Arun Local Plan (2018) and assessed against the Habitats Regulations (Urban Edge Environmental Consulting, various, 2017). No adverse effects on the integrity of the Pagham Harbour SPA/Ramsar are expected to result from the Local Plan assuming the inclusion of the incorporated mitigation.

The proposed development of three houses at Former Kings Beach is not considered to have any adverse effects on the integrity of the Pagham Harbour SPA/Ramsar Site, particularly once the inherent mitigation of developer contributions, and leaflets to future residents are included.

As such, it is concluded that there are **no likely significant effects** on the qualifying interest features of Pagham Harbour resulting from the proposals, either alone or in combination with other known local developments.



8.0 Conclusions

Using a precautionary approach, this screening assessment has concluded that there are **no likely significant effects** on qualifying interest features within Pagham Harbour SPA / Ramsar Site resulting from the proposals, either alone or cumulatively with other known local development projects.

This conclusion is based on the incorporation of precautionary **inherent mitigation** as outlined in Section 2.3, i.e.; developer contributions, planting schemes, best practice construction, and leaflets to future residents.

All potential impacts on designated sites are considered to have been 'screened-out' as they are unlikely to have significant effects on the qualifying features of European designated sites.

As such, the 'Competent Authority', in consultation with Natural England is considered unlikely to require that the second stage of the Habitats Regulations Assessment, an 'Appropriate Assessment', be completed and the proposed development should be able to proceed without any adverse effects on the integrity of the internationally designated sites at Pagham Harbour.



9.0 References

- * Arun District Council (2018). Arun Local Plan 2011 – 2031. Consultation on the Main Modifications. January 2018. <https://www.arun.gov.uk/current-consultations>
- * Arun District Council & Southern Water Services (2017). Arun District Council Local Plan. Memorandum of Understanding – Sewerage Capacity (and Treatment). *Attached as Appendix A.*
- * Arun District Council (April 2017). Decision of Cabinet Report. Update on Access Management at Pagham Harbour.
- * Arun District Council (Date unknown). Note regarding Strategic Approach to Access Management at Pagham Harbour
- * DCLG (2006) Planning for the Protection of European Sites: Appropriate Assessment (Consultation Document)
webarchive.nationalarchives.gov.uk/20061101113831/http://...id=1502353
- * DTA Publications (2016). The Habitats Regulations Assessment Handbook (online).
<https://www.dtapublications.co.uk/handbook/>
- * Ecosupport Limited (2017). The Former Kings Beach Hotel, Pagham. Ecological Survey.
- * European Commission (2001). Assessment of Plans and Projects significantly affecting European sites. Methodological guidance on the provisions of Article 6 (3) and (4) of the Habitats Directive 92/43/EEC. European Communities 2001.
http://www.rspb.org.uk/Images/spatialplansengland_tcm9-168180.pdf.
- * EU Directive 92/43/EC on the Conservation of Natural Habitats and Wild Fauna and Flora
http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm
- * EU Directive 2009/147/EC on the Conservation of Wild Birds. <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32009L0147>
- * Joint Nature Conservation Committee www.jncc.org.uk
- * JNCC/Defra Natura 2000 Standard Data Form, Pagham Harbour SPA
<http://jncc.defra.gov.uk/default.aspx?page=2044>
- * JNCC/Defra Natura 2000 Standard Data Form, Pagham Harbour Ramsar
<http://jncc.defra.gov.uk/pdf/RIS/UK11052.pdf>
- * Magic – Department for Environment, Food and Rural Affairs www.magic.gov.uk
- * Natural England (2014). Site Improvement Plan for Pagham Harbour.
<http://publications.naturalengland.org.uk/publication/5799069091889152>
- * Natural England Response to Inspectors Interim Findings (November 2017). PELP33b
- * Opus International Consultants (UK) Ltd (2018). Drainage Strategy & Impact Assessment. The Former Kings Beach Hotel, Pagham, West Sussex.
- * The Conservation of Habitats and Species Regulations, 2017.
<https://www.legislation.gov.uk/uksi/2017/1012/contents/made>
- * The national Air Pollution Information System (APIS) <http://www.apis.ac.uk>
- * Urban Edge Environmental Consulting (March 2017). Habitats Regulations Assessment for the Arun Local Plan. Supplementary Work. Stage 3 Report. Appropriate Assessment. PELP33.
- * Urban Edge Environmental Consulting (September 2017). Appendix 1 for Matter 4c. PELP33a
- * Urban Edge Environmental Consulting (December, 2017). Appropriate Assessment Addendum.



**Appendix A – Arun District Council & Southern Water Services
(September 2017). Arun District Council Local Plan.
Memorandum of Understanding – Sewerage Capacity (and
Treatment)**

Arun District Council Local Plan**Memorandum of Understanding: Sewerage capacity (and treatment)****September 2017**

Between:

- 1) Arun District Council (ADC) – Local Planning Authority**
 - 2) Southern Water Services (SWS) – Sewerage Undertaker for District**
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Summary

This statement has been prepared by the above parties to assist the Examination-in-Public by setting out the areas of common ground in respect of the delivery of sewerage and drainage networks for foul water, relating to locations that have been identified for allocation in the Arun District Local Plan (2011-2031) area. The Arun Local Plan (2011-2031) shall hereafter be referred to as the ALP.

Background

Arun District Council has prepared a Local Plan which will cover the period 2011 to 2031. Chapter 18 provides the approach that should be taken for all aspects relating to water. Policies H SP2 and H SP2a-c provide the basis for the allocation of sites and sets out the main design principles for the specific site(s). Policy INF SP1 sets out the requirements relating to infrastructure provision and implementation.

There have been longstanding drainage issues in the Lidsey catchment, which has previously resulted in a moratorium on developments within the catchment in the past. Issues remain and significant flooding has occurred with incidence of backsurgings in residential pipes, which resulted in collaborative working between the relevant authorities to produce a Surface Water Management Plan for the catchment.

The Local Plan policies are supplemented by the Infrastructure Delivery Plan (IDP), which provides details of the infrastructure requirements for the District and the sites. Further detail on the drainage catchments the strategic allocations are in and the preferred option regarding discharge connections is contained in the Copy of Strategic Growth Assessment [SEDP4] at the bottom of the Secondary Evidence.

Southern Water has provided comments on the ALP as part of the Local Plan production process since 2011. Specifically these were in terms of the content of supporting paragraphs in Chapter 12 of the submitted ALP during the Reg19/20 consultation, a further Hearing statement and the Main Modifications [PUB-12.1.39-518-SWS; Rep 844269 Matters & Issues 4.7 Southern Water; ALPMods339].

Issues remaining after initial hearings

The only comments Southern Water had provided on early versions of the Plan, required the insertion of the need for connections, particularly relating to the BEW site, to be made to the nearest point of adequate capacity, which was incorporated and so there were no issues at that stage.

However, Southern Water's Hearing Statement commented that it had not previously identified completions from 2019 for the BEW location as the planning authority's assumption, and that the site had lacked planning certainty to justify investment proposals to Ofwat. It further stated that on the basis of other development permitted in the catchment there was insufficient capacity at the Lidsey treatment works to accommodate development at the BEW location before 2020, particularly being constrained by not breaching the environmental permit for the works.

Though not considered a fundamental constraint this may affect phasing until the additional capacity was available. It confirmed that development would have to be co-ordinated with the timescale mentioned if they were to connect to the Lidsey catchment or it could connect to the Ford catchment beyond 2020.

During work updating the evidence base and consideration of the modifications, a potential issue was identified with respect to the capacity at Pagham Treatment works and if this could have impacts on water quality at Pagham Harbour.

As such detail on the capacity and the timing of investment at Lidsey Waste Water Treatment Works (WWTW) and the timing or phasing of the proposed development remained an issue. In addressing the significant increase in housing need, these issues cut across all the strategic sites, as well as potential issues with respect to water quality and Pagham Harbour.

Areas of Agreement

The parties agree that the Arun Local Plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and is sound. The Plan is considered to be: positively prepared; justified; effective; and consistent with national policy, in accordance with paragraph 182 of the National Planning Policy Framework.

With respect to capacities of the waste water treatment works in the District, impacts to water quality and expected phasing and timings, the parties agree that:

1. Environmental permits at Pagham wastewater treatment works (WWTW) are sufficient to accommodate growth proposed in Policy SD1 of the Arun Local Plan (2011-2031), whilst continuing to ensure water quality objectives in Pagham Harbour are met.

As mentioned under the background section, potential capacity and water quality at Pagham Harbour was raised through work connected with the updated Appropriate Assessment. Information provided by the Environment Agency identified that the microalgae status of the Harbour is classed as borderline for the Water Framework Directive. Though the contribution from the treatment works is small, if flows were to go over that consented then it may be considered significant.

In March 2017 SWS produced a table [SEDP4] showing the preferred drainage options for the strategic locations. On the basis, it is expected that only the 400 at Pagham South (SD1) connect to Pagham WWTW, in line with the preferred option, this would only take capacity to the existing permit level and so it would not be expected to impact water quality at Pagham Harbour.

2. Sufficient capacity can be delivered in the overall sewerage network in line with the intended phasing of the BEW site

Lidsey WWTW has some headroom to the capacity of the existing permit although this is limited. Due to the existing tight limits on the environmental permit for the WWTW, SWS do not feel it is possible to deliver an extension to the works within the current timeframes for development. As a result the preferred option would be for new infrastructure to be added to the network so that the additional flows are transferred across to Ford WWTW.

To ensure delivery of existing commitments in this area and some early units at this location, Southern Water has an interim solution that will mean connections can be made to the existing plant, until it reaches the existing flow permit level. The preferred solution at this stage is for a new pipeline to connect development at BEW to Ford WWTW. It is anticipated that this would be funded jointly by Southern Water and developers on the basis of the proportion of developers' overall contribution to the 2,300 homes allocated for the site up to 2031.

3. Any requirement for an extension at the Ford treatment works would be triggered by the rate and scale of housing delivery within the catchment over the plan period.

There is existing capacity at the Ford WWTW and some additional capacity may be gained through less obvious actions. It is acknowledged by the statutory bodies that an extension to this treatment works may be required towards the end of the Plan period, as recognised in the IDP [PEDP5], however this is dependent upon housing delivery rates throughout the Plan period. Currently it is expected that this could be achieved against the expected timings of the housing trajectory.

It is further acknowledged that since the vast majority of housing allocated in the ALP will connect to the WWTW at Ford, it is agreed that housing development at the allocated site in Policy SD8 will have due regard to Policies WM DM1 and QE SP1 of the ALP in determining appropriate site layout on the basis of an odour assessment, to protect the amenity of future residents whilst ensuring the ability of the WWTW to expand as required to accommodate future growth in the District.

The water industry's investment planning is scheduled on a 5 yearly basis, therefore there will be repeated opportunities throughout the lifetime of the ALP to review the requirements at Ford WWTW.

Executed for and on behalf of each authority by its authorised signatories as set out below: