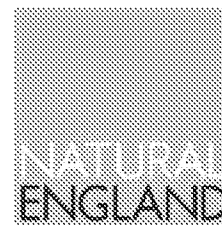


Date: 07 September 2015
Our ref: 162429
Your ref: P/58/15/OUT



Mr Simon Davies
Arun District Council
Planning.responses@arun.gov.uk

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

BY EMAIL ONLY

Dear Mr Davies

Planning consultation: P/58/15/OUT

Location: Land at Summer Lane, Pagham

Thank you for your consultation on the above received by Natural England on 01 August 2015 and thank you for agreeing to extend the response deadline to 7th September 2015.

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.

**CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (AS AMENDED)
WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)**

Internationally and nationally designated sites

The application site is in close proximity to Pagham Harbour Special Protection Area (SPA) which is a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The site is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar site¹) and also notified at a national level as a Site of Special Scientific Interest (SSSI). Natural England's comments below also relate to the SSSI as this shares a number of interest features with the European designations.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have². The Conservation objectives for each European site

¹ Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

² Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.



explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have. In advising your authority on the requirements relating to Habitat Regulation Assessment (HRA), it is Natural England's advice that the proposal is not necessary for the management of the European site.

Mitigation Measures

Through recent discussions with Natural England, Chichester District Council, RSPB and your Authority agreement has been reached to implement a strategic approach to deliver in perpetuity wardening and access management provision as part of a mitigation package for recreational disturbance resulting from housing development around Pagham Harbour.

Natural England is pleased to note that the application includes information to support a Habitat Regulations Assessment (HRA) which recognises the potential for likely significant effect on Pagham Harbour SPA and Ramsar site through the pathway of recreational pressure. Natural England welcomes the commitment by the applicant to make a financial contribution towards the agreed strategy in order to deliver the following mitigation measures;

- Provision of a year round warden (part time)
- Signage/interpretation, access management and education
- Monitoring

We also support the inclusion of recreational greenspace integral to the development which can be used by dog walkers as detailed in the HRA document including;

- An off-lead dog exercise area/informal and core open space
- Dog walking route/circular walks
- Information pack for new residents/local signage and interpretation

Natural England advise that securing delivery of the above combined package of on and off-site mitigation measures including the provision of in-perpetuity wardening, will enable Arun District Council to conclude no likely significant effect on Pagham Harbour SPA from recreational disturbance.

Potential impact on SPA supporting habitat (loss of functional land)

The HRA report also includes an assessment of the potential impacts on SPA birds resulting from direct or indirect loss of supporting habitat for Dark-bellied Brent geese; *Branta bernicla bernicla* which includes use of historic data and recent survey information gathered specifically for this application.

It is noted that the 2014/15 survey data, detailed in Appendix 5, provides evidence that Brent geese use arable land to the north west of the proposal site (field 5). Most of the eastern boundary of this field is adjacent to already developed land with open landscape to the north, west and south. The open character of the landscape is a consideration in determining impacts to SPA birds such as

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>



Brent geese. Natural England is pleased to note that there a buffer of land between the development site and the arable field which should be retained to maintain the existing boundary.

Based on the evidence provided within the HRA report, Natural England concurs with the conclusion drawn in the report that the proposal at Summer Lane, as submitted, is unlikely to result in a significant adverse effect on Dark-bellied Brent geese through impacts on supporting habitat.

In conclusion, it is Natural England's view that measures detailed in the HRA report to mitigate recreational disturbance to Pagham Harbour SPA are consistent with the strategic approach agreed with Chichester DC, Arun DC, RSPB and Natural England.

Natural England therefore has no objection to this proposal provided the development falls within the strategic approach and your Council can secure adequate contributions from the applicant towards the strategy.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at Wildlife and Countryside link.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

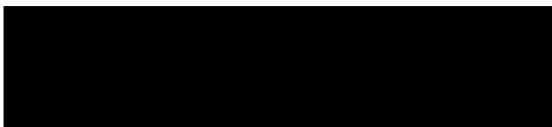


If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Elaine Webster on 0300 060 4094. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely



Elaine Webster
Sussex and Kent Team

