

Date: 10 March 2017
Our ref: 209911
Your ref: P/6/17/OUT



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Dear David

Planning consultation: Outline application with some matters reserved for construction of up to 300 No. new homes, Care home of up to 80 No. beds, D1 uses of up to 4000sqm including a 2 form entry Primary School, formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure.

Location: Land North of Hook Lane, Pagham

Thank you for allowing Natural England additional time to respond to the above application.

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.

Town and Country Planning (Development Management Procedure) (England) Order 2010
The Conservation of Habitats and Species Regulations 2010 (as amended)
The Wildlife and Countryside Act 1981 (as amended)¹

Internationally and nationally designated sites – no objection

The application site is in close proximity to the Pagham Harbour Special Protection Area (SPA) and Ramsar site, and therefore has the potential to affect their features. It is also notified at a national level as Pagham Harbour Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

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 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 the Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based upon the information provided, Natural England offers the following advice:

¹ This reply comprises our statutory consultation response under provisions of Article 20 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, Regulation 61 (3) of the *Conservation of Habitats and Species Regulations 2010 (as amended)*, and Section 28(l) of the *Wildlife and Countryside Act 1981 (as amended)*.

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.

- The proposals are not necessary for the management of the European site;
- Natural England agrees with the conclusions of the Arun Local Plan HRA Stage 2³, in that development at this site could have a likely significant effect on Pagham Harbour SPA/Ramsar in combination with other housing development, in respect of recreational disturbance and water quality impacts.
- However, provided there is capacity at Pagham Waste Water Treatment Works (WwTW) and appropriate financial contributions are secured for strategic mitigation, a likely significant effect can be avoided, and can therefore be screened out from any requirement for further assessment.

When recording your Habitats Regulations Assessment, we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects:

Mitigation measures for recreational disturbance to SPA birds

Appropriate financial contributions should be made to the Pagham Harbour strategic access management and monitoring project. This strategic approach to mitigating recreational disturbance resulting from new residential development around Pagham Harbour takes the form of a package of measures comprising wardening in perpetuity to encourage responsible use of the harbour; a dog project including website and events; contribution to signage and interpretation; and monitoring.

Additional housing to meet the district's objectively assessed need is being considered through the Local Plan process, and is assessed in the Arun Local Plan HRA Stage 3 report⁴. This report sets out (paragraph 5.2.27) the proposed scaled-up level of mitigation to address these increased housing numbers (including the housing proposed at the Hook Lane site). Therefore, Natural England is satisfied that provided contributions are made to the, scaled-up level of mitigation, a likely significant effect from increased recreational disturbance can be ruled out.

Natural England notes that 6.65ha of greenspace is provided, with a walking route and dog exercise area. Our view is that green infrastructure measures on their own are insufficient to avoid a likely significant effect from recreational disturbance to Pagham Harbour SPA/Ramsar site. However, attractive greenspace within the development site, which allows dog owners to let their dogs off leads, may take some of the short daily dog walks away from the harbour. It would also allow the development to comply with policy ENV DM2 in the emerging Arun Local Plan, which requires measures on- and off- the SPA.

Potential loss of functionally linked habitat

Dark-bellied brent geese forage within, and on land near to, Pagham Harbour SPA/Ramsar site. Where the geese regularly forage on land outside the SPA/Ramsar site, this land may be considered functionally linked to the SPA/Ramsar by providing supporting habitat. Its loss should, therefore, be considered in any in combination assessment of impacts under the Habitats Regulations.

A wintering bird survey was carried out in 2015/16 to assess the use of the application site by brent geese. This survey did not record any brent geese using the application site, though the Ecological Appraisal states that the application site has been planted with maize in the last three years, which is not a favoured crop for foraging.

The Ecological Appraisal identifies two historic records of brent geese recorded in the same 1km grid square as the application (table 22: counts of 17 and 150 brent geese at Sefter Farm in 2002/03). However, Natural England agrees with the conclusion of the Ecological Appraisal, that these records are more likely to be associated with the fields to the north of the application site (Sefter Farm) than the application site.

³ Urban Edge Environmental Consulting. June 2016. Habitats Regulations Assessment of the Arun Local Plan. Stage 2: Screening for Likely Significant Effects.

⁴ Urban Edge Environmental Consulting. February 2017. Habitats Regulations Assessment of the Arun Local Plan. Stage 3: Appropriate Assessment.

Therefore, Natural England is satisfied that the application site is not likely to be regularly used functionally linked habitat for brent geese. This, and the availability of other agricultural land nearer the SPA, lead us to conclude that the proposal would not lead to a likely significant effect through loss of supporting habitat.

Water quality

The Arun Local Plan HRA Stage 3 report, identifies that development in this location has the potential to impact the water quality of Pagham Harbour SPA/Ramsar site. Pagham waste water treatment works (WwTW) serves the Pagham area, and discharges to Pagham Rife, which feeds into the SPA/Ramsar site.

The Flood Risk Assessment (January 2017) submitted with this application, states that Southern Water has indicated that there is sufficient capacity within the Pagham Waste Water Treatment Works to accommodate the site. Provided this is the case, and that there is no issue with capacity in combination with the other housing developments coming forward around Pagham, Natural England is satisfied that a likely significant effect in relation to water quality from foul sewerage can be ruled out.

The application site is hydrologically connected to Pagham Harbour SPA/Ramsar by the ditch network and Pagham Rife. Therefore, there is a risk that waterborne pollutants from the site could enter the SPA/Ramsar. The Flood Risk Assessment states that surface water drainage from the application site will be addressed by a Sustainable Urban Drainage System (SuDS). Given the connection of the application site to the SPA/Ramsar, which is sensitive to pollution, Natural England would expect to see the SuDS include three treatment stages in the management train, for example, a swale, filter drain and pond.

Natural England recommends that a condition be included in any permission for the application, such that a detailed SuDS strategy is submitted for approval, which should include elements to address both water quality and volume of run-off.

SSSIs

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, and subject to the comments above, will not damage or destroy the interest features for which the Pagham Harbour SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details change, Natural England draws your attention to Section 28(l) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England

Other Advice

Protected Species

Natural England has produced [standing advice](#)⁵ 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 SSSI or in exceptional circumstances..

Environmental enhancement

Development provides opportunities to contribute to and enhance biodiversity and the local environment, as outlined in paragraph 109 of the NPPF. Section 4 of the Ecological Appraisal sets out recommendations for environmental enhancements. and your authority should consider securing these measures, if it is minded to grant permission. This is in accordance with Paragraph 118 of the NPPF.

We would be happy to comment further should the need arise but if in the meantime you have any

⁵ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Alison Giacomelli on 0208 225 7693 or alison.giacomelli@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Alison Giacomelli
Sussex and Kent Area Team