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From: David I. Harper [REDACTED]
Sent: 29 March 2017 10:20
[REDACTED]
Subject: Application No. P/6/17/OUT - Ecology Response

Liz,

Please find attached the response to your letter dated 15th March, which was sent David Innes at Arun District Council. I have also attached the response that we have had from Alison Giacomelli from Natural England's Sussex and Kent Area Team, as this helps address some of your comments/concerns.

As you will see I have also attached David Innes into this response.

If you have any further comments or questions please do not hesitate to contact me.

Regards

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Dear Liz,

Thanks for your comments dated the 15th March 2017, with regards to the international designated sites, protected species, recreational disturbance and financial contributions. I would like to go through some of the comments that were raised, to clarify our approach and justification for the conclusions provided.

Since the Ecological Appraisal has been submitted the Arun HRA Stage 3: Appropriate Assessment has been published (Feb 2017), which now identifies the North Pagham housing allocation as up to 800 units. Within the Executive Summary of this document, it comments that the Arun Local Plan (modifications) found that taking into account incorporated mitigation measures that there will be no adverse effect on the integrity of Pagham Harbour SPA/Ramsar as a result of disturbance, non-native species, supporting habitats for SPA species, water abstraction, water pollution and land take either alone or in combination.

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Associate Directors: Peter D. Dinklage, Director of the Center for the Study of the History of the American West, University of Colorado, Boulder, Colorado; and Robert M. Levine, Director of the Center for the Study of the History of the American West, University of Colorado, Boulder, Colorado.

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SOURCE: Bureau of Economic Analysis, Department of Commerce.

2, that a development could have a significant effect on the Pagham Harbour SPA/Ramsar in combination in respect of recreational disturbance. However, providing that an appropriate financial contribution is secured for strategic mitigation, a significant effect can be avoided, and screened out from any requirement for further assessment.

The Ecological Appraisal's financial contribution had been based on that recommended within the Arun HRA Stage 2 screening where a contribution of £1275 per unit was identified. The recently published Arun HRA Stage 3, states that meetings were held between Arun, Chichester and RSPB in October 2016, where it was agreed that current approaches were appropriate, but there would be a re-assessment of the scale of wardening and related activities needed on the SPA; so a reapportionment of costs per dwelling were anticipated due to the increases in the number of homes with a 5km zone, which would reduce the tariff as previously stated at £1275 per unit.

On 22nd March I spoke briefly to you about the financial contribution, which has been quoted to be £1153 within your correspondences, which was suggested to be based on the Chichester DC recommended contributions. The details of which are included within the Recreational Disturbance at Pagham Harbour – Joint Approach to Mitigation with Arun DC¹, which states in Appendix 2 Pagham Harbour SPA – Joint Scheme of Mitigation Cost Calculations, that the contribution would be £1153. This method of payment will be provided within an updated Strategic Access Management and Monitoring (SAMM) which would be similar to that already in place for other SPA's, with Pagham Harbour being potentially included within the SAMM for the Solent; however I do not believe that this has been written or in the public domain, can you please confirm.

I now believe we have confirmation on the significant effects the proposed development in combination will have and the contribution that needs to be provided; the issue of delivery also needs to be discussed. In your letter, you state *"The level of contribution to the interm scheme is £1153 per unit/pitch. Such a planning obligation should be payable at commencement in order to ensure that avoidance measures are in place before first occupation"*. The current proposals for the site will, once completed, consist of 300 units; this will provide a total financial contribution of £345,900. The development will provide housing on a staggered basis, whereby a number of units will be made available for sale when infrastructure and access has been completed; this will therefore restrict the number of residents, which coincidentally means that potential recreation pressure on the SPA will not include the entire population of the development in one single phase.

The restriction of housing numbers based on the construction rate will therefore limit the recreational effects on SPA, it would therefore seem reasonable for the financial contribution to be proportional to the number of completed and occupied units, at given times through the construction phase. The full contribution of £345,900 at commencement, would be disproportional to the potential effects subjected to the SPA at the early stages of the development, and would over compensate for the avoidance measures required for reduced residential numbers.

It is proposed that the financial contribution be secured through a S106 agreement, whereby payments are made in proportion to the number of units completed as certain stages; this will therefore release appropriate funding to mitigation for the residents in occupation. The S106 will ensure that the full payment is provided and it is felt that this staggered approach would be more pragmatic and sustainable, as funding will be made available from the sales of properties.

Water Voles

Water vole evidence was recorded during the May 2016 surveys, but only in eastern sections of ditch D1 where latrines and burrows were recorded; additional surveys undertaken in August and September 2016 found no new evidence of this species, which could possibly be due to the reduced water levels in the ditch.

¹ Chichester District Council website:

<http://chichester.moderngov.co.uk/issueDetails.aspx?Id=2149&PlanId=0&Opt=3#A11768> accessed on 22.03.17

The Water Vole Mitigation Handbook states that two surveys should be undertaken, the first between April/May to June and the second between July and September, which were achieved during the 2016 survey season. This handbook uses the number of latrines per 100m to assess the size of the population over the two visits, during which six latrines were recorded in May indicating a medium population; however these latrines were all located within the same area, the first 115m from the east after which no further latrines were recorded. The Water Vole Conservation Handbook 3rd Edition identifies that the territory of a water vole is dependent on the sex and habitat type; 30m to 150m for females and 60m to 300m for males and that these are marked by latrine sites. Based on the number and isolation of the latrines only found in May, it is unlikely that the population would consist of a medium population, as more latrines would be expected. Research has found that *"about six latrines per territorial adult female"* would be found along a habitat, but again the latrines were not spread within ditch D1, but all concentrated around one area, suggesting potentially only one/few individual/s. As breeding occurs between March to October, it would be an expectancy for more field signs to be recorded as the population increases; however no additional or fresh field signs were recorded in August or September. As the habitat was not that large, field signs would be easily visible during these periods, but none were recorded.

Based on the field signs and the guidance material, it is envisaged that the water voles using ditch D1 would not consist of more than one or two individuals, which are not present throughout the year. It has been commented within the Water Vole Mitigation Handbook that, *"It is not possible to make robust estimates of absolute numbers of animals from latrine counts. However, latrines provide relative indices of activity suitable for the purposes of assessing impacts or designing mitigation"*. It is more than likely that if there are individual/s present that the populations would decrease further in the winter, as mortality rates are up to 70%, as the habitats provide limited foraging resources it is thought unlikely that the habitat could support a medium population.

I understand your reasoning for wanting to determine the population size prior to the application, however the evidence provided would suggest that the population would only consist of a few individuals, as field signs were limited and inconsistent. It is potential that the individual/s present may have migrated out of the ditch into surrounding habitats after May, into more suitable habitats that are likely to support them in the future, but particularly before the onset of winter, this could explain lack of field signs in August and September.

The issue with not confirming the mitigation measures is more dependent on the final layout of the design rather than the population size, which will not be confirmed until a later stage, whereby the population dynamics may have changed again; hence the recommendation for further surveys closer to the full application when the impacts to the associated habitats can be more accurately assessed with up to date data sets, which would be used for a Natural England licence, if required.

I would be happy to undertake some further surveys in April if this would satisfy your objection, but I would then question your thoughts on mitigation if no further field signs are recorded; would you still then require surveys prior to the full application? If so it would seem more prudent to leave such surveys closer to a confirmed application layout.

I hope that the above information is of some use to you, if you have any further comments or questions please do not hesitate in contacting me.

Yours sincerely



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