

## **Policy NE4: Strategic Wildlife Corridors**

### **Introduction**

1. These representations have been prepared on behalf of Gleeson Land in respect of its land interests at Land at Scant Road West, Hambrook ("the Site"). The Site is c. 3.0 ha. and is lies adjacent to the north eastern edge of Hambrook and the A27. The Site is ID reference HCH0024 within the Chichester Housing and Economic Land Availability Assessment, 2021 (HELAA).
2. The HELAA outlines that the Site has indicative capacity to deliver 80 dwellings. However, we envisage the capacity to be c. 56 dwellings. In accordance with the guidance and definitions within the National Planning Policy Framework (NPPF) and the accompanying Planning Practice Guidance (PPG), the overall HELAA conclusions are that the Site is: suitable, available, achievable and deliverable for residential-led development within the period covered by the draft Chichester Local Plan ("the draft CLP").
3. The Site is in single ownership and controlled by Gleeson Land. Gleeson Land has a strong track record in providing deliverable planning consents to the housebuilding industry, which regularly results in new housing being built out in a timely manner. Our average time from receiving outline planning consent to commencement of development is 22 months. The average time from commencement to first occupation is 10 months. Subject to being allocated within either the Chichester Local Plan, or the emerging review of the Chidham and Hambrook Neighbourhood Plan, Gleeson Land expects completions on the Site to be achieved within five years from adoption of the plan.

### **Policy NE4: Strategic Wildlife Corridors**

1. The Strategic Wildlife Corridors Local Plan Review Background Paper (December 2018) ("the Background Paper"), and the supporting text to Policy NE4 outline that principal basis of the Policy NE4 Strategic Wildlife Corridors (SWCs) are to prevent isolation of populations and degradation of designated sites through the provision of connections and passageways for wildlife through the landscape.
2. The Background Paper confirms that the vast majority of the designated sites are located within either the South Downs National Park, or the Chichester Harbour Areas of Outstanding Natural Beauty (AONB). In simple terms, the purpose of the SWCs are to provide north / south connections for animals to move between designated sites.
3. The policy justification is referenced to be paragraph 74(a) of the NPPF (paragraph 179(a) of the 2021 NPPF). Paragraph 179, concerns protecting and enhancing biodiversity and geodiversity as part of plan-making, and comprises two parts:
  - "(a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
  - (b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."*
4. The basis for sequential site selection element of Policy NE4 appears to be paragraph 180(a) of the NPPF which provides:
  - "(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."*

5. However, we also note that paragraph 180 (d) of the NPPF also provides:

*"(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate [added emphasis]"*

6. For completeness, NPPF paragraph 180(b) relates to Sites of Special Scientific Interest, and 180(c) relates to irreplaceable habitats (such as ancient woodland and ancient or veteran trees).

7. Within the context of the above, we make the following observations demonstrating that Policy NE4 as drafted, is unsound on the basis that it fails to be 'positively prepared', 'justified', nor 'consistent with national policy' (NPPF, paragraph 35 (a, b and d):

- (i) Ecology-led masterplanning can ensure development is accommodated within the SWCs while fully maintaining the functional elements of the corridors. In accordance with NPPF paragraphs 179(b) and 180(d), residential development can positively contribute to the function of corridors, and provide net gains where habitats are retained and enhanced, and where new linking green and blue infrastructure is provided.

Indeed, it is noted that the proposed SWCs exclude areas of intensely farmed arable land, but include areas of built development and urban areas. This clearly demonstrates that residential, and other forms of built development, can meet the purpose, and objectives of the SWCs, particularly within green and blue infrastructure.

It would therefore be flawed to conclude that development per-se within the SWCs results in harm to the function of the wildlife corridor, and fails to protect and enhance its features and habitats.

- (ii) The policy as drafted is also wholly inconsistent within NPPF paragraph 180, in that it only provides for development avoidance measures within the SWCs. The policy fails to include the other paragraph 180 measures, which include: adequate mitigation measures, and as a last resort, compensation.

Moreover, paragraph 180 is expressly clear that the level of harm demonstrated needs to be 'significant'. Policy NE4, as drafted, unjustifiably imposes a much lower threshold, as it prescribes that development within the SWC, no matter the degree of harm, must be avoided if other, potentially less sustainable, or suitable sites outside of the SWC are available. As referred within (i) above, the Council's own evidence base confirms that built development and urban areas can meet the purpose and objectives of the SWC without harm.

- (iii) The 'integrity' test element of the policy relates to paragraph 182 of the NPPF and the assessment of the effects on European designated sites (Special Protection Areas, Sites of Nature Conservation, and Ramsar) within the context of undertaking Appropriate Assessments under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations).

The integrity element is therefore demonstrably unjustified and inconsistent with national policy as the proposed SWCs are a local designation. The protection afforded within the policy wording must be proportionate to the locally important status of the designation.

8. Overall, whilst the purpose and objective of the policy is understood, and the principle broadly supported, the wording as drafted fails the NPPF soundness tests, namely being 'positively prepared', 'justified', and 'consistent with national policy'. However, the soundness failings can be rectified by policy and supporting text changes.

## Recommended Change

9. In view of the above, Policy NE4 and supporting text paragraph 4.18 should be amended to reflect the objectives and role of the Strategic Wildlife Corridor:

### **Policy NE4 Strategic Wildlife Corridors**

***Development will only be permitted where it would not lead to an significant adverse effect upon the ecological value, function and connectivity of the strategic wildlife corridors.***

***Development proposals within strategic wildlife corridors will only be granted where it can be demonstrated that:***

***~~1. There are no sequentially preferable sites available outside of the wildlife corridor; and~~***

***~~2. 1. The development will not have an significant adverse impact on the integrity and function of the wildlife corridor and protects and enhances its features and habitats.~~***

***2. The proposal will not undermine the connectivity and ecological value of the corridor.***

***Development proposals outside, but in close proximity to the strategic wildlife corridor will be acceptable where it can be demonstrated that:***

***a) The development will not have an significant adverse impact on the integrity and function of the wildlife corridor; and***

***b) The proposal will not undermine the connectivity and ecological value of the corridor.***

***All proposals for new development (with the exception of householder applications) within or in close proximity to wildlife corridors should take opportunities available in order to extend or enhance those corridors.***

## Supporting Text

***4.18 The Council will apply an additional layer of planning restraint to the countryside protection policies within these strategic wildlife corridors to ensure that connectivity between the South Downs National Park and the Chichester Harbour AONB and Padgham Harbour is maintain in the long term. ~~Within the corridors it will be necessary to demonstrate that no land outside of the corridor is available for development and the development will not have an~~ If a significant adverse impact on the function of the corridor resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then it will not be permitted.***

### **Chidham and Hambrook Neighbourhood Plan Process**

10. It is understood that the Chidham and Hambrook Neighbourhood Plan Steering Group are proactively looking to submit the Regulation 20 version of the Chidham and Hambrook Neighbourhood Plan Review to Chichester District Council at broadly at the same time as the CLP is submitted to the Secretary of State.

Within this context, having accepted the above wording changes to draft Policy NE4, and supporting paragraph 4.18 it will be imperative for Chichester District Council to update the Chidham and Hambrook Neighbourhood Plan Steering Group at the earliest opportunity. The reason being that the neighbourhood plan site selection process could incorrectly overlook potential suitable, available, achievable and deliverable housing site options, such as the Land at Scant Road West, given they fall partly, or wholly lie within one of the proposed SWCs.