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Our ref: 420345
Your ref: Regulation 19



Planning Policy Team
Chichester District Council

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BY EMAIL ONLY

Dear Planning Policy Team

The Chichester Local Plan 2021-2029: Proposed Submission (Regulation 19)

Thank you for your consultation on the above dated 03 February 2023 which was received by Natural England on the same date.

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.

Summary of advice

While we have raised some queries and recommended some further modifications to certain policies we do not find the Plan unsound on any grounds relating to our remit.

Natural England has reviewed the Proposed Submission Local Plan and accompanying appendices together with the Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA). Our detailed comments on the policies and site allocations are provided as follows:

- **Annex 1 - Chapter 2 – Vision and Strategic Objectives**
- **Annex 2 - Chapter 4 – Climate Change and the Natural Environment**
- **Annex 3 - Chapter 5 (Housing) and Chapter 6 – (Place-making, Health and Well-being)**
- **Annex 4 - Chapter 7 (Employment and Economy) and Chapter 8 (Transport and Accessibility)**
- **Annex 5 - Chapter 10 – Strategic and Area Based Policies**

Please note that we have not provided comments on all policies but those which have most influence on environmental issues. Natural England has no comment to make on the policies not covered in this response. Other than confirming that we have referred to it when considering our advice on specific policies and site allocations Natural England has no general comments to make on the SA.

Unfortunately due to unforeseen resourcing issues while we have reviewed the associated HRA we are not in a position to provide detailed comment on it as part of this response. We will rectify this as soon as possible and can confirm that we have seen nothing in it that raises any major concerns.

The Plan has many positive aspects including standalone policies on Green Infrastructure (GI) and wildlife corridors and an incredibly extensive suite of natural environment policies more generally. We are hugely appreciative of the opportunity that we were given to work with you on shaping key policies post-Regulation 18. However, we believe that the plan needs to go further in its recognition

of coastal squeeze as a key issue for the district, should include policy hooks for the forthcoming Local Nature Recovery Strategy (LNRS) and make up to date references to both the Environment Act (2021) and the Environmental Improvement Plan (EIP, 2023). Given how recent the publication of the EIP is we would be happy to discuss with your authority how this could best be achieved but we believe given the wealth of natural capital within Chichester District it is vitally important that this latest iteration of the Local Plan is set in its full policy and legislative context.

We have suggested a significant number of amendments and additions to both policies and supporting text throughout the Plan. In our view these could all be taken forward as minor modifications but if they were all acted upon they would leave the Plan much stronger and more coherent in delivering for the natural environment, one of the three central tenets of genuinely sustainable development as set out in the National Planning Policy Framework (NPPF 2021, paragraph 8c).

If you have any queries relating to the advice in this letter please contact me on heather.twizell@naturalengland.org.uk

Yours sincerely

Heather Twizell
Senior Adviser
Sussex & Kent Area Team

Annex 1 – Chapter 2 – Vision and Strategic Objectives

Natural England maintains its advice, provided both as part of the Regulation 18 statutory consultation in 2019 and through subsequent, non-statutory consultations during 2021 and 2022. This has still not be addressed in the following areas:

Vision (p26)

- Bullet point 1 – Natural England advise that “water scarcity” be mentioned under this, as it is recognised as an issue (under Issues and Options 2.29, p23)
- Bullet point 6 – Natural England advise the mention of “(including water supply)” after “natural” in this bullet, in order to provide context for its inclusion in Objective 7 Strategic Infrastructure on p32

Strategic Objectives

Objective 2: Natural Environment (p30)

- Natural England advise the addition of “and where relevant will be water neutral” to the final sentence in this objective in order to provide context for the inclusion of Policys NE16 and NE17.
- Natural England advise the inclusion of the phrase “SuDS will be incorporated to manage run-off” at the end of this objective although we acknowledge and support its inclusion in Chapter 4 Policy NE15.

Objective 6: Design and Heritage (p31)

Natural England advise the inclusion of the phrase “development to be sensitively designed, incorporating the special qualities of designated landscapes where required” to recognise the importance of the district’s protected lanscapes.

Objective 7: Strategic Infrastructure (p32)

Natural England advise the inclusion of the phrase “and that nature-based solutions are incorporated into new development”, as this will provide multifunctional benefits such as managing surface water and grey waste, contributing to biodiversity and proving natural cooling from the effects of climate change.

Annex 2 – Chapter 4 – Climate Change and the Natural Environment

NE1 Stand-alone Renewable Energy

Natural England is strongly supportive of the requirement in this policy for new, stand-alone renewable energy proposals to undergo a cumulative assessment of impacts. While we are fully supportive of renewable energy schemes in general they need to be appropriate in their scale and location. Multiple applications for wind turbines or solar farms have the potential for significant impacts on protected landscapes and designated nature conservation sites.

NE2 Natural Landscape

Natural England supports this policy particularly in respect of criteria 1 and 2, which seek to protect and enhance the views and distinctive landscape character in and around the coast and nationally designated sites, including Chichester Harbour AONB and South Downs National Park, and their settings.

However, we advise that the requirement for Landscape and Visual Impact Assessments (LVIAs) should more clearly articulate the need for such assessments to identify, describe and assess the likely significant effects of a project on the landscape (i.e. the direct and indirect change to the landscape character and the landscape condition), as well as the visual amenity and visual receptors, in accordance with Annex IV of the Environmental Impact Assessment (EIA) Directive 2014/52/EU, and NPPF 2021 para 174, rather than the current wording which simply describes the landscape “as an environmental resource.” Further, we advise that the thresholds for triggering the requirement for an LVIA should be more clearly stated, which should include the scale of the development proposal and the sensitivity of the identified character areas.

Natural England welcome reference to our guidance on Landscape Character Areas (p.45, para 4.7) and our guidance assessments of development proposals on agricultural land (P.45, para 4.8). We welcome the requirement that development proposals must meet the criteria contained in other relevant policies on landscape.

NE4 Strategic Wildlife Corridors

Natural England strongly supports the inclusion of this policy which is clearly based on significant background evidence. Our view is that this policy is important in meeting the requirements of the NPPF for ecological networks (paragraphs 174(d) and 179(a)) and supports the Lawton principles for nature conservation sites of “more, bigger, better, joined up.” We would welcome the opportunity to explore with you how these corridors will fit with the future Local Nature Recovery Strategy (LNRS) for Sussex. We would also like to propose the following modifications to make the policy even stronger:

- Given the importance of the area for bats we would encourage reference in the supporting text to the Draft Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol (2018).
- Point 1. should be expanded to state “There are no sequentially preferable sites available outside the wildlife corridor that also do not compromise the integrity and connectivity of sites, as identified through the LNRS”
- We would query whether the policy could be more explicit about development that could impact the corridors given that the potential for impact is likely to vary significantly depending on the scale and nature of the development in question. What exactly is “close proximity?” We would certainly appreciate a discussion with you about how this policy will be applied in practice to development management applications.

- The final sentence should be expanded to “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 and enhance those corridors and have regard to opportunities identified in nature recovery strategies.”

NE5 Biodiversity and Biodiversity Net Gain

Natural England welcomes the plan’s commitment to achieving a minimum of 10% biodiversity net gain across all development proposals and recognises the viability constraints of increasing the percentage further due to other developer contribution requirements within the district.

It is pleasing to see that our previous, informal advice (provided October and December 2021) has been taken into account and that Policy NE5 now sets out how BNG should be provided on-site in the first instance and then locally off-site if this is not feasible, where it should contribute to strategic networks (nature recovery networks, green infrastructure, wildlife corridors). The revised policy also makes it clear that designated sites and irreplaceable habitats are excluded from net gain metrics, as they are irreplaceable and subject to their own legislative tests, which is an important distinction to make.

Our advice remains that Policy NE5 should make reference to the production of a Supplementary Planning Document (SPD) to provide details of how net gain will be effectively delivered, particularly for proposals meeting their BNG requirements off-site. The SPD should include aspects such as:

- The biodiversity that is at risk locally and how BNG can help to restore it
- Existing important biodiversity assets and their connectivity within the district
- Most and least favourable areas for BNG to occur, underpinned by evidence
- How BNG could link up to strategic networks such as nature recovery networks and wildlife corridors.

The SPD can utilise other policies and strategies that are currently in place such as the Green Infrastructure Delivery Document (January 2016), which could be used to identify existing assets and opportunity areas within the district.

As stated at the beginning of this letter we also note that the plan currently makes no explicit reference to the developing LNRS (although it does make a number of welcome references to nature recovery networks more generally). While it is still not completely clear how Local Plans and LNRS will interact we would encourage you to future proof the plan by including a policy hook and this seems the most logical policy to do this. We would be happy to discuss this further with you but would suggest that a reference is made in the supporting text and that the policy itself could be expanded with the following wording:

Opportunities to conserve, protect, enhance and recover biodiversity and contribute to wildlife and habitats connectivity will be undertaken, including the preservation, restoration and recreation of priority habitats, ecological networks and the protection and recovery of priority species populations having regard to the LNRS to identify such opportunities.

NE6 Chichester’s Internationally and Nationally Designated Habitats

Comment on supporting text

The section of supporting text relating to the Solent Coast SPAs should also cover the Solent Maritime SAC. We are concerned that paragraph 4.28 only makes reference to nitrate pollution and recreational disturbance as two particular pressures on the harbours. We would urgently advise that a third pressure should be added which is inappropriate coastal management (resulting in significant

impacts including coastal squeeze). In the recent condition assessment of Chichester Harbour (referenced elsewhere in the plan) over half the saltmarsh has been lost since designation mainly due to coastal management and coastal squeeze.

Whilst the decline in the extent of saltmarsh within the site has slowed down since notification of the SSSI, an average of 2.54ha is still lost every year. At the current rate of decline the site could lose all its remaining saltmarsh habitat by the middle of the next century.

In the Condition Review NE concludes that the Harbour is suffering from 'coastal squeeze'. This occurs when sea levels are rising because of post-glacial isostatic adjustment and climate change. The intertidal area is unable to naturally 'rollback' onto the low lying land behind because it is blocked by defences such as sea walls. This results in the saltmarsh being more frequently inundated and the middle and upper saltmarsh are eventually lost because they are unable to colonise higher ground.

In addition, the Condition Review outlines that reflection of wave energy from a sea wall is more intense than that of a more natural system, which can result in the net export of the sediment required to maintain healthy continuation of the saltmarsh. Sea walls also prevent erosion of the land behind that would otherwise contribute additional sediment to the system.

While we appreciate the references to coastal squeeze in policies NE11 (The Coast) and NE15 (Flood Risk and Water Management) we would strongly advise that given the significance of the issue that policy requirements are also including in this policy (NE6) and NE12 (Development Around the Coast).

Comment on policy

Natural England has provided comments on several iterations of this policy and are pleased to see that all of our previous advice has been incorporated. However, we have two final points to make to improve the clarity of the policy and can only apologise for not raising them before.

Having read the policy through again in detail we aren't clear how it relates to "nationally" designated habitats. All the sites specifically referred to in the policy are SACs, SPAs and Ramsar sites – European or international designations, while the language used in the policy "adverse effect on integrity, either alone or in-combination" comes directly from the Conservation of Habitats and Species Regulations 2017 (as amended) – legislation to protect internationally important nature conservation sites. All of the strategic planning approaches summarised and signposted in the policy, including water and nutrient neutrality and bird disturbance, have been driven by the requirements of the Habitats Regulations (as interpreted by subsequent caselaw). We would suggest you consider amending the title to "Internationally Designated Habitats" only and that nationally designated sites are sufficiently covered under the relevant section of Policy NE5.

A final, minor point relates to the naming of sites:

- There are several instances including paragraph 4.27, the title of paragraph 4.31 and policy point a) where reference to the Arun Valley Ramsar site has been missed.
- To avoid any confusion we would encourage reference to the Chichester and Langstone Harbours SPA as this is the correct, full name of the site (even though it is only the Chichester Harbour section that falls within the district).

NE7 Development and Disturbance of Birds in Chichester and Langstone Harbours, Pagham Harbour, Solent and Dorset Coast Special Protection Areas and Medmerry Compensatory Habitat

Natural England welcomes this policy and the improvements that have been made to it following our advice from Regulation 18 onwards, particularly the inclusion of the Solent and Dorset Coast SPA

and the Medmerry Compensatory Habitat. However, we raised a number of relevant points that do not appear to have been addressed and would reiterate them again as necessary to improve the clarity of the policy:

- For the Pagham policy section, reference to the LNR Management Plan should be removed in clause a. The joint scheme of mitigation is separate from the Management Plan, the latter is focused on managing the current visitor experience, not mitigating additional visitor pressure. Therefore, whilst the joint scheme of mitigation should not hinder the LNR Management Plan, it does not need to be in accordance with it.
- It would be helpful to expand the parts of the policy on loss of functionally linked land and make them more distinct from the consideration of recreational disturbance impacts.
- It should also be made clear that the recreational disturbance part of the policy applies only to residential or tourist accommodation, whereas any type of development could impact functionally linked land (we suggest that this could be addressed in the supporting text through an expansion of paragraph 4.39).
- In addition to the above points which have been raised previously we would also recommend the removal of the first sentence in the second paragraph of the Pagham policy section which reads “Net increases in residential development, which incorporates appropriate avoidance/mitigation measures, which would avoid any likelihood of a significant effect on the SPA, will not require Appropriate Assessment.” This appears to be contrary to the current interpretation of the Habitats Regulations following the People over Wind ruling which found that avoidance/mitigation measures could not be taken into account at the screening stage (determination of likely significant effect) but instead required the proposal to be taken through to Appropriate Assessment.

NE8 Trees, Hedgerows and Woodlands

We support this policy and welcome the inclusion of our previous advice.

NE9 Canals

Natural England welcomes the council’s confirmation in paragraph 4.47 of the supporting text that this plan is not introducing any proposals to re-interpret or re-align the canals. Since through navigation ceased to be possible through this network of rivers and canals the surrounding landscape has changed, protected sites have been designated and reconnection could now lead to a number of significant issues for nature recovery, including, but not limited to:

- The spread of invasive, non-native species between river basin districts;
- Risk of exacerbating the water resources issues in Sussex North through the need for water supply to the canals in summer;
- Loss or damage to designated nature conservation sites should particular sections of the route be re-opened or re-aligned;
- Disturbance of wildlife through increased boat traffic.

We would suggest that the final sentence in the supporting text which refers to the potential need for development to undergo Appropriate Assessment be removed. It is currently incorrect as it implies it is impacts on the canals themselves which would require assessment – certainly within the plan area the canals are not subject to any statutory nature conservation designation. Rather it is the case that development proposals which aim to re-instate lengths of the canal and/or associated

features could have impacts on other designated nature conservation sites. We consider the policy wording itself along with other key policies such as NE5 sufficient to address this issue.

NE10 Development in the Countryside

Natural England support the inclusion of this policy but reiterate our comments from November 2021 in respect of Criterion 1 where we advised the addition of the phrase “and linking to green infrastructure” (NPPF 2021 para 174).

Under Criterion 3 we strongly advise the inclusion of an additional requirement that proposals should demonstrate they will not adversely impact Nature Recovery Networks (NPPF para 179).

We continue to advise that impacts to biodiversity are included as a consideration in this policy as inappropriate development in the Countryside can have significant impacts (NPPF paras 174, 179).

NE11 The Coast

We are pleased to note that much of our previous advice on this key policy has been incorporated but would advise that the following additions should still be made for completeness and clarity:

- Expand supporting paragraph 4.65: “Since designation, almost half (46%) of the saltmarsh has been lost, with the remainder of poor quality. Coastal defences are constraining the natural processes within the harbour, that allows it to respond to climate change.”
- Include reference to Chichester Harbour Conservancy in paragraph 4.66 as one of the key partners Natural England is working with.
- In relation to the final sentence in paragraph 4.66 we would like to point out that in it’s ability to control the amount and type of development in the district (including coastal defences, housing etc) the Local Plan has significant scope to contribute to addressing the various issues affecting Chichester Harbour.
- Expand first policy bullet to read “ongoing habitat protection, restoration, enhancement, and creation, including both compensatory and new coastal and wetland habitats to help meet the 30 by 30 targets set out in the Environmental Improvement Plan (2023); and opportunities to connect coastal and freshwater habitats and floodplain habitats at a catchment scale to facilitate wider nature recovery.”

NE12 Development around the Coast

One of the key tenets of this policy is the requirement for new development to be set back “at least 25m” from either the landward edge of any existing or proposed sea defences or from the mean-high-water mark. While we would not suggest changing this distance we would advise that to help guide development further the supporting text should make reference to the National Coastal Erosion Risk Management (NCERM) work carried out by the Environment Agency which provides detailed maps and measurements for projected coastal erosion: [National Coastal Erosion Risk Mapping \(NCERM\) - National \(2018 - 2021\) - data.gov.uk](#) This information may not be captured in the relevant Shoreline Management Plan (SMP) or Coastal Defence Strategy (CDS) depending on when they were last updated. Development should be set back from the coast in line with the expected lifetime of the property and the estimated erosion rates – these will be subject to change if climate change predictions worsen.

Relating to the reference in supporting paragraph 4.73 either this policy or Policy E9 (Caravan and Camping Sites) should make clear the expectation that new caravans or camping sites in coastal locations will not result in the creation of new defences to further constrain the coast but instead will be expected to move landward or be removed if they become at risk from coastal change / flooding (potentially through the granting of temporary permissions only).

We would also strongly advise that the policy requirements are amended / expanded as follows (a number of these points were made previously in our non-statutory response dated 7th February 2022):

- Policy Requirement 2 to include the following additional wording “The development provides recreational opportunities (requiring a coastal location), that do not adversely affect...”
- Policy Requirement 6 to include the following additional wording “Where relevant, the development would result in improvements to or redistribution of moorings, marine berths or launch on demand facilities (dry berths) in the harbours whilst also ensuring that any small-scale loss of mudflat within the designated sites is compensated for. Small-scale but cumulative losses of mudflat habitat within the harbours is an issue and beyond this policy wording we would appreciate the opportunity to work with your authority to find a strategic way to address it.
- Inclusion of an additional requirement “Wherever possible the development secures opportunities for the enhancement/creation/restoration of coastal/wetland habitats (guided by any local nature recovery strategy) and contributes to Biodiversity Net Gain.
- Inclusion of an additional requirement “Undeveloped areas on low lying land around Chichester Harbour are prioritised for opportunities that actively restore coastal habitats or works with natural processes to address climate impacts and loss of biodiversity”
- Inclusion of an additional requirement “The development can demonstrate consideration of and adaptation to future climate scenarios and their potential impacts, including (but not limited to) shading, surface water flooding, wind- blown sand, wave-driven shingle.
- Policy paragraph to be expanded as follows “Replacement buildings will be permitted unless there is evidence that the existing or demolished property has been damaged as a result of the effect of wind and waves. Replacement buildings should be set further back ~~whenever possible~~ in line with NCERM erosion prediction and coastal flooding and should not hinder coastal processes with regard to designated sites if applicable.
- Policy Requirement b. (in relation to boatyard and marina sites) to include the following additional wording “Harm nature conservation (particularly in relation to loss of mudflat), landscape or heritage interests;

NE13 Chichester Harbour Area of Outstanding Natural Beauty

NE welcome this policy which recognises the significance of the AONB and its setting. NE supports this policy which details a set of robust criteria for development proposals in this location which is in line with the purpose of the AONB’s designation and management plan (NPPF paras 176, 177).

NE14 Integrated Coastal Zone Management for the Manhood Peninsula

Natural England strongly supports the inclusion of this policy to help guide development in this particularly sensitive location.

In the second bullet of supporting paragraph 4.84 the incorrect reference to the “Chichester Harbour SAC/SPA/Ramsar sites” should be removed and replaced with the correct site name the

“Chichester and Langstone Harbours SPA/Ramsar site”. The Solent Maritime SAC (which partially overlaps with the SPA/Ramsar) is correctly referenced later in the paragraph.

We would recommend that Policy Requirement 4 is expanded as follows: “All development proposals should seek to enhance the distinctive character of the Manhood Peninsula, having particular regard to the ecology (including the potential to contribute to any nature recovery networks), landscape and heritage of the area.

NE15 Flood Risk and Water Management

Natural England welcome the recognition of the flood defence challenges in particular we welcome the recognition of developments ability to influence flood risk elsewhere and the cumulative impacts of flood risk. We strongly support the policy requirements relating to SuDs (particularly long-term management arrangements), coastal squeeze and the consideration of natural flood management.

NE16 Water Management and Water Quality

Natural England supports this policy’s clear delineation between standard development and development coming forward within the Sussex North Water Resource Zone and the inclusion of a separate policy NE17 to cover this.

We support the requirement for standard development to achieve a maximum water consumption rate of 110 litres per person per day, in line with current Building Regulations standards.

We strongly support encouragement of lower water efficiency rates for new development, and advise that the policy wording could be made stronger, to emphasise that 110 litres per person per day is the maximum rate. Greater encouragement should be given for new developments to achieve lower water efficiency ratings. We therefore advise that additional signposting of the [Waterwise UK Water Efficiency Strategy to 2030](#), should be included either within the policy wording or supporting text. The Waterwise UK Water Efficiency Strategy to 2030 can provide additional guidance on delivering greater water efficiency in the UK by 2030.

We support the policy wording relating to water quality which states ‘no adverse impact on the quality of water bodies and groundwater, nor will it prevent future attainment of favourable conservation status.’ However, we encourage you to expand the supporting text to include reference to Pagham Harbour so that all designated sites relevant to the plan which rely on water quality and water supply are covered.

NE17 Water Neutrality

Comments on supporting text

Paragraph	Summary	Proposed change	Suggested example wording
4.108	Suitably sets out that development in the WRZ is supplied from Pulborough abstraction	<u>Could</u> improve clarity by stating which aquifer is specifically being impacted by the Pulborough abstractions	"... by the Pulborough ground water abstraction site, <u>abstracting from the Folkestone beds of the lower greensand/Wealden greensand semi-confined aquifer.</u> As

			well as... "
4.109	Suitably sets out requirement to achieve WN for these developments	<u>Could</u> add wording to clarify that achieving WN is one of the most readily available methods to rule out an adverse effect on integrity	i.e. "...on the sites. <u>The most feasible method to achieve this is to require that development must be water neutral...</u> "
4.110	As the final strategy is not out yet we advise that this paragraph should include some discussion as to why achieving 85lppd is critical. i.e. achieving this high level of efficiency will enable the strategy to provide offsetting more effectively thereby reducing costs OR make direct reference to discussion in PART C strategy	<u>Should</u> add wording to make apparent within this local plan why these tighter measures are required before offsetting should be considered, given that the final plan is not yet published.	i.e. "...water issue category; <u>Achieving these higher levels of efficiency will enable the strategy to provide necessary offsetting more effectively, thereby reducing offsetting costs and ensuring viability for development within the WRZ.</u> This may ..."

Comments on policy

Overall we are satisfied that the policy requirements are sufficient rule out an AEOI of this plan on the Arun Valley designated sites resultant from increased abstraction at Pulborough from the lower greensand/Wealden greensand semi-confined aquifer of the Folkestone beds.

Policy requirement 1 is robust and clearly defines general requirements to rule out AEOI.

Policy requirements 2 and 3 are robust and suitably set out that a strategic offsetting strategy is being developed which should make achieving requirement 1 significantly easier for the allocations of this plan.

Policy requirement 4, while useful to include, **should** include wording to make clear that where alternative water supply is being proposed as a method to avoid AEOI the statement will also need to demonstrate that deliverability of this water supply is certain for the lifetime of the development. We would suggest the following:

4. Where an alternative water supply is to be provided, the statement will need to demonstrate that no water is utilised from sources that supply the Sussex North WRZ. The wider acceptability of and certainty of delivery for alternative water supplies will be considered on a case-by-case basis.

Adding this wording will make apparent to developers seeking alternative supply as an AEOI avoidance measure, what will required of them by the Habitats Regulations in line with the [People Over Wind ruling](#). This will have the benefit of ensuring this policy requirement does not unintentionally encourage a proliferation of developers seeking inappropriate water supply solutions while also giving your authority more confidence to reject such inappropriate proposals at an early stage, which should save your authority and developers time and resources.

Policy requirement 5 is robust and clearly defines the 3 key aspects of a WN statement which are required as a minimum to demonstrate that AEOI on the Arun Valley sites resulting from additional abstraction can be ruled out.

NE19 Nutrient Neutrality

General comments

The water environment within the Solent Region is one of the most important for water dependant wildlife sites in the United Kingdom. Chichester Harbour is internationally important for its wildlife and is protected under the Water Environment Regulations¹ and the Conservation of Habitats and Species Regulations² as well as national protection for many parts of the harbours³. There are high levels of nitrogen input to this water environment with sound evidence that these nutrients are causing eutrophication within Chichester and Langstone Harbours SPA, Ramsar and SSSI, as well as the Solent Maritime SAC. These nutrient inputs are currently thought to be caused mostly by agricultural sources and wastewater from existing housing. The resulting nutrient enrichment is impacting on the Chichester Harbour designated sites' protected habitats and species. There is uncertainty as to whether new growth will further deteriorate the designated sites.

One way to address this uncertainty and subsequent risk, until any solutions are implemented to remove the current adverse effects on the Solent designated sites, is for new development to achieve nutrient neutrality. Assessing and mitigating nutrients is a means of ensuring that development does not add to the existing nutrient burden, and this provides certainty that the whole of the scheme is deliverable in line with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations') and in light of relevant case law.

Comments on policy

Natural England welcomes and supports the policy wording, which ensures that proposals with new overnight accommodation, that discharge the Chichester and Langstone Harbours catchment, must ensure nutrient neutrality for the lifetime of the development. However, we would advise that to improve clarity for developers the policy is expanded (possibly with some of the wording currently in paragraph 4.121 of the supporting text) to make clear exactly what information relevant developments will be expected to provide.

We note that only new developments with overnight accommodation are captured by the policy. This is acceptable but we would encourage you to highlight in the supporting text that there may be individual cases where planning applications for new commercial or industrial development such as waste management facilities, road schemes or changes in agricultural practices could have other (non-sewerage) water quality implications. In these situations, a case-by-case approach will be adopted. Developers are encouraged to approach Natural England for early discussions via our chargeable Discretionary Advice Service (DAS). Further information on this subject can be found within Natural England's March 2022 advice.

In addition to the Nutrient Neutrality guidance located on the Chichester District Council's [website](#) Natural England has below provided some additional signposting of further guidance documents that can assist with the design and implementation of various options for nutrient neutrality mitigation which you may wish to reference in the supporting text:

- The [Wetland Mitigation Framework](#) should be utilised in the design and feasibility process for constructed wetlands. Additionally, further background information on constructed wetlands

¹ The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

² Conservation of Habitats and Species Regulations (England and Wales) Regulations 2017 (as amended)

³ Wildlife and Countryside Act 1981 as amended, Countryside and Rights of Way Act 2000, Natural Environment and Rural Communities Act 2006

can be found within the '[Introduction to Freshwater Wetlands for Improving Water Quality \(JP044\)](#)' report, which was recently published by Natural England.

- [Combining environmental payments: biodiversity net gain \(BNG\) and nutrient mitigation](#)
- [Constructed wetlands for the treatment of pollution](#)

NE20 Pollution / NE21 Lighting / NE22 Air Quality / NE23 Noise

Natural England supports the inclusion of the above four policies and welcomes the recognition in all of them that impacts have the potential to affect biodiversity and the natural environment as well as humans.

Annex 3 – Chapter 5 (Housing) and Chapter 6 (Place-making, Health and Well-being)

Meeting Gypsies, Travellers and Travelling Showpeoples' Needs – H11 / H12 / H13 / H14

We specifically support the inclusion of criterion 4 in Policy H13 which requires consideration of the potential impact of new pitches on nationally protected landscapes and nature conservation sites. For the avoidance of doubt we would strongly recommend including additional wording in this policy (as has already been done in E8) to make clear that new pitches will be required to contribute to the relevant access management strategies i.e:

“In all cases, proposals for *gypsy, traveller and travelling showpeople’s accommodation* are expected to contribute to relevant access management strategies to mitigate recreational disturbance to SPAs in accordance with Policy NE6 (Chichester’s Internationally and Nationally Designated Habitats), and Policy NE7 (Development and Disturbance of Birds in Chichester, Langstone and Pagham Harbours and Solent and Dorset Coast SPAs, and Medmerry Compensatory Habitat)”

P1 Design Principles

Natural England support this policy and welcome the requirement for development proposals to include a sustainability statement.

P2 Local Character and Distinctiveness

Natural England supports this policy and welcome the requirement for developments to respect existing natural features, to retain and enhance and create views, vistas and panoramas of protected landscapes.

P5 Spaces and Landscaping

Natural England support the policy criteria which require development proposals to create opportunities to promote biodiversity and to positively contribute to Green Infrastructure connectedness.

P14 Green Infrastructure

Natural England welcome the inclusion of a dedicated policy on Green Infrastructure (GI) which seeks to protect and enhance the GI network, recognising both the strategic significance of its provision and its multi-functional nature (NPPF paras 20c, 92c and 186). We welcome the expectation that development proposals have regard for the Natural England National Framework of Green Infrastructure Standards.

P15 Open Space, Sport and Recreation

Natural England supports this policy which includes provision to improve the GI network and protect existing by ensuring no adverse impacts on biodiversity, heritage assets or the integrity of the GI network (NPPF para 179)

P16 Health and Well-being

Natural England supports this policy which includes promotion of multi-functional GI and active travel networks (NPPF para 92)

Annex 4 – Chapter 7 (Employment and Economy) and Chapter 8 (Transport and Accessibility)

E3 Addressing Horticultural Needs

Looking at the plan's interactive policies map there appears to be both a partial overlap between the existing Runcton Horticultural Development Area (HDA) and a significant overlap between this HDA's proposed extension and one of the strategic wildlife corridors set out under Policy NE4. We note that this issue appears to be partially addressed by Requirement 9 of Policy E4 but believe that the supporting text to either E3 or E4 should specifically acknowledge this overlap and potentially provide a further steer to potential developers as to how the two plan designations will interact. We would advise that protection and enhancement of the wildlife corridor should take priority as if an inappropriate horticultural development was permitted within the Runcton HDA extension this could result in functional severance of the corridor.

E4 Horticultural Development

Natural England welcomes the policy criteria which are applied to development proposals, including considerations of opportunities to enhance GI and biodiversity connectivity as well as ensuring protection of natural resources and the avoidance and mitigation of impacts on European and other protected sites and landscapes. We advise that for large scale proposals within the HDAs that a Landscape and Visual Impact Assessment is required in order to assess the likely significant effects on landscape character and visual receptors, with regards to its location within the setting of the South Downs National Park.

E8 Built Tourist and Leisure Development

Natural England strongly supports the inclusion of both criterion 2. (applicable to all new tourist and leisure development) and the final policy paragraph which requires proposals for tourist accommodation to contribute to the relevant access management strategies to mitigate recreational disturbance to the coastal SPAs in accordance with policies NE6 and NE7.

E9 Caravan and Camping Sites

We maintain the advice given in our response dated 12th November 2021, that Requirement 9 (relating to designated sites and protected landscapes) should apply to all new caravan and camping sites and intensification/alterations to existing sites and should be strengthened and brought in line with the wording used in Policy E8 i.e. that all such development:

It is located so as not compromise the essential features of nationally designated areas of landscape, historic environment or nature conservation protection, including impacts from visitors or users of the facility, particularly in relation to the potential for increased recreational pressures on Chichester Harbour, Pagham Harbour, Medmerry Compensatory Habitat and other designated sites

E10 Equestrian Development

Following our advice given in November 2021 we are pleased to note the inclusion of an additional policy requirement (9) relating to consideration of biodiversity impacts and the provision of biodiversity net gain.

Transport and Accessibility – Policies T1 / T2 / T3

Natural England welcomes the extensive references across all three of these policies to reductions in car use, increased provision of sustainable transport choices and increased opportunities for active travel.

Annex 5 – Chapter 10 – Strategic and Area Based Policies

Natural England has reviewed all proposed housing and employment site allocations using our in-house mapping system and greatly appreciate your authority sharing the shapefiles with us to make this possible. **We do not object to any of the site allocations.** We note that where relevant policies include requirements relating to the natural environment (including protected sites), wildlife corridors, Biodiversity Net Gain, GI, SuDs, waste water/nutrient neutrality and protected landscape considerations and fully support this approach. We appreciate that in a number of cases our advice on specific site allocations at the statutory Regulation 18 stage has been incorporated into these requirements.

We further note that a number of the policies **A2 (Chichester City), A12 (Chidham and Hambrook), A13 (Southbourne) and A15 (Loxwood)** simply allocate broad locations for development at this stage with further detail on specific sites to come via either a Neighbourhood Plan or an updated Site Allocations document. This makes it difficult to provide detailed advice on potential impacts at this stage but the policy requirements provided thus far appear reasonable.

We do however have a query regarding the following allocations:

A7 Land at Shopwyke and A8 Land East of Chichester

We have been given to understand that the Pagham to Westhampnett Strategic Wildlife Corridor (Policy NE4) has been modified and narrowed (presumably to take account of allocation A8 and potentially also A7) at some point between the technical consultation that was run for the wildlife corridors in 2021 and the publication of this pre-submission plan. We would welcome a conversation with your authority to explore whether this is correct. We note that Requirement 6 of Policy A8 does require buffering of this corridor. However, given that our Regulation 18 advice (in 2019) was that some of the corridors were already rather narrow (particularly to the east of Chichester), thus limiting their value, we are concerned at the possibility that one of these corridors has been further reduced in order to accommodate development. If this is genuinely the case we would like to see the red-line boundary for the allocation site pushed back and the corridor restored to its original extent.