

**Our ref:** AF/Q50307  
**Your ref:**  
**Email:** angie.fenton@quod.com  
**Date:** 10 July 2020



Planning Policy Team  
Chichester District Council  
East Pallant House  
1 East Pallant  
Chichester  
West Sussex PO19 1TY

By Email

Dear Sirs,

## **Chichester District Council Interim Policy Statement for Housing Development (July 2020) Submitted on behalf of Thawscroft Limited**

We have been instructed by our client, Thawscroft Limited to submit the enclosed representations to the Chichester District Council Interim Policy Statement for Housing Development (July 2020). The closing date for submission is 10 July 2020 and as these representations have been submitted within that timeframe, we trust that they will be taken into account.

### **1 Summary of Representations**

Thawscroft Ltd is the freehold owner of the 2.8 hectare (7 acre) site to the west of Old Farm Road, Selsey (known as Land West of the Paddocks) ('the Site'). This letter provides information on the suitability and deliverability of our clients site located West of the Paddocks (also known as Land West of Old Farm Road).

Our client welcomes the positive approach to housing development set out in the IPS, however this sentiment must be followed through when considering planning applications on sustainable sites throughout the District. There are many sites available throughout the District that could help the Council to meet its housing needs, but they that have been discounted unnecessarily during the LPR process. Our client agrees that sites which are adjacent to settlement boundaries, suitable for housing and can be delivered within 2 years should be considered favourably with a presumption in favour of allowing their redevelopment. The 12 criteria set out in the IPS will help Applicants to consider whether their sites are suitable before entering into planning application process.

Our client has a number of sites in Selsey, one of which was already granted planning permission for housing in 1994 (ref: 93/02163/FUL) for the erection of 88 dwellings on a wider area, including this Site. The wider housing estate was developed and all of the underground services were installed to serve the Site, but the development was never progressed beyond what is now the Selsey Settlement Boundary. This part of the settlement boundary was subsequently formed in 1999, creating an unnecessary constraint to delivering a development on our clients' site.

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This site is 500 metres from the town centre and is surrounded on all sides by development. Part of the site is within the settlement boundary, it does not occupy an open countryside location, the site is fully owned by our client and the necessary underground utilities have already been installed. A housing development can therefore be delivered on this sustainable site in the short term. The presumption in favour should therefore be triggered if a second planning application is submitted for redevelopment of this site.

## 2 Available Sites in Selsey - Land West of the Paddocks

Our clients' site, is a 500-metre walk from Selsey town centre is in a sustainable location, close to shops and services and with limited environmental constraints. A Site Location Plan is presented at **Appendix 1**.

Access to the Site can be taken directly from Old Farm Road. School Lane connects the site to the B2145 (Chichester Road), which is a north-south route out of Selsey eventually joining the A27 at Chichester. The Site is also well served by public transport on Selsey High Street. It is a very short walk into the town centre.

### Site History

In the 1990's, the surrounding housing estate at The Paddocks was developed by Thawcroft Limited and the Site formed part of the area allocated for housing in the Local Plan. Planning permission was granted in 1994 (ref: 93/02163/FUL) for the erection of 88 dwellings on a wider area, including this Site. The wider housing estate was developed and all of the underground services were installed to serve the Site, but the development was never progressed beyond what is now the Selsey Settlement Boundary, which was formed in 1999, creating an unnecessary constraint to developing the site. The Site was prepared for the delivery of a residential development which would form a logical extension to the existing housing estates.

In June 2017 an outline planning application (ref: (SY/16/03997/OUT)) for 68no. homes on the site was refused for the following reasons: The location of the Site outside of the Settlement Boundary; the suitability of the sequential test carried out in terms of floodrisk; transport matters; and planning obligations. This refusal of planning permission was the subject of appeal, prior to which transport matters and planning obligations were agreed between both parties. The appeal was dismissed in 2018 on the grounds that the proposal would conflict with the development strategy and settlement hierarchy set out in the current Local Plan and that, although the Council need to find additional sites for housing, the Sequential Test was lacking.

The Inspector did not find any fundamental or technical reason why this site should not be developed for housing, aside from the countryside location and the sequential test. Now that the Council is seeking more sites so that it can meet its housing need, both of these matters would now be out of date and could be overcome.

It is an important point that the EA did not object to the site's development subject to floodrisk mitigation.



## Housing and Economic Land Availability Assessment

National planning policy requires a positive approach to drafting planning policies and making planning decisions. Housing requirements should be expressed as a minimum. The allocation of 250 additional homes allocated to Selsey is therefore a minimum, not a limit to the number of homes that can be delivered. Other suitable and sustainable sites closer to the town centre should also be considered for inclusion in the Selsey Settlement Boundary, to accommodate future housing needs.

The HELAA references the Site as HSY0006 as shown in the Table 1:

Table 1: CDC Local Plan Review HELAA Extract

HELAA ID	Site Address	Proposed Use	Reason for Rejection
HSY0006	Land West of the Paddocks	Housing	Flood Constraints

The Site is partly within a lood zone 3. However since the current flood maps were finalised, the Environment Agency built major new sea defences between Selsey and Bracklesham in West Sussex. This involved developing the Medmerry managed realignment scheme by constructing seven kilometres of new walls behind the previous defences in a £45 million investment. One of its express purposes is to provide flood defence for Selsey, including the vicinity of this site.

The Applicant has undertaken independent flood risk assessments of the Site which conclude that the flood defences are working as planned and that the Site should now be considered to be within Flood Zone 1, 2 and defended 3. Across the country major developments are consented in defended Floodzone 3 – for example, this designation applies to much of London but the presence of flood defences provides confidence that large scale development can go ahead. A recent example is the Barking Riverside Opportunity Area, which has been allocated for 10,000 homes, mostly within a defended Floodzone 3.

It is significant that, during the course of the 2017 planning application and subsequent appeal, the Environment Agency had no objections to the site being developed in terms of flood risk. Indeed, the appeal was refused on the basis that the site failed the sequential test, however the EA agreed that the site is otherwise developable so long as suitable mitigation measures are in place. Notwithstanding, a proportion of the site is in a Flood Zone 1. At the very least this part of the site should be allocated for development, since the infrastructure is in place to serve a residential development immediately.

Now that the Council is seeking sites for development, the sequential test can be updated and flood risk cannot realistically be used as a reason to prevent this site from coming forward for development. There are no other environmental or physical constraints that would prevent development of this site.

## Summary

The land to the west of the Paddocks is surrounded on all sides by development. A view from above clearly shows that the Site is an isolated green space surrounded by development. It does not



contribute to the open countryside. This is in contrast to the land north of Park lane, which is environmentally sensitive and in open countryside. Mitigation measures can be put in place to remove flood risk, as agreed by the EA. Notwithstanding, a large proportion of the site is in a Flood Zone 1. At the very least, this area in FZ1 should be allocated for housing, but we cannot see why the area in defended floodzone 3 cannot be allocated for housing, as is the case on sites throughout the country.

Our client supports the 12 criteria set out in the IPS. A table setting out how a development of this site can meet the 12 criteria set out in the Councils Interim Policy Statement for Housing Development is presented at **Appendix 2**.

### 3 Selsey - Long Term Infrastructure

As a separate matter and unrelated to the potential development of our clients site West of the Paddocks, the planning system and the Local Plan should take a longer term view on development of Selsey which has a significant housing need that must be accommodated over the lifetime of the Local Plan. Selsey currently has an affordable housing need for 285 affordable homes per annum, but are only planning for 4 homes per annum, or a total of 75 homes over the lifetime of the LPR, all of which will be located at Park Farm.

By extending the settlement boundary to include just one additional site, development of the town will continue in a piecemeal way with planning applications being forced through against a high housing need and limited allocated sites. There is a willingness from local land owners to think strategically to ensure that Selsey expands in a planned and sustainable manner. One option is to build the infrastructure required to deliver more homes closer to the town centre. The 'wave' roundabout, opposite the Manor Road and Chichester Road junction already has a spur constructed to the west. A road could be brought from this spur through the land to the west of Chichester road (north of Upway's Close), across Golf Links Lane and down Paddock Lane, to meet Warner's Lane. The road would lead past major new facilities at White Horse Caravan Park (the largest in Europe) and lead to the new Bunn Leisure Head Office on Warner's Lane, which serves more than 2,000 caravans

This is a logical solution to significantly reduce holiday traffic on the high street as it would bring this traffic off the B2145 to the 2,000 + holiday caravans at Bum Leisure Caravan Parks. The suggested route to the west of the B2145 would require the agreement of just three local landowners, including our client. If there is willingness from the District and County Council, a meeting could be facilitated to discuss the feasibility for creating this road.

### Summary

Selsey is a growing town. There is a huge demand for housing, and in particular affordable housing in the area. Allocating unsustainable sites for strategic housing development or not allocating enough sites will exacerbate existing problems, rather than solve them. In addition, the Councils negative approach to considering housing development on suitable and deliverable sites in Selsey is preventing sustainable housing development from being delivered. The current Local Plan Review provides an exciting opportunity to take a long term, strategic approach to the future of Selsey by considering the extension of the settlement boundary to include suitable and deliverable sites which are already adjacent to the settlement boundary and are not within the open countryside. There is an opportunity



for the Council to discuss the provision of highways infrastructure with willing landowners, which will resolve the current problems somewhat, reducing traffic on the high street and opening up sites close to the town centre for development. This will improve the quality of life for future generations in Selsey and ensure that there is sufficient housing to accommodate demand.

Development of this site would not extend the spread of built development. There are a number of services and facilities situated close to the Site including a medical practice, primary school, secondary school, foodstore and shops. Now that CDC is seeking more sustainable sites in the District, the Settlement boundary should be extended to include this site. Most importantly, it is deliverable in the short term.

#### **4 Conclusion**

The positive sentiment towards sustainable and deliverable housing development within the IPS is welcomed. The 12 criteria will provide a transparent measuring tool for Applicants to consider their sites against before going through a costly planning application process. The Council should ensure that the presumption in favour of sustainable development is followed through when considering planning applications. The allocation of a strategic site to the north of Selsey is an illogical and unsustainable response to the Districts housing need. Selsey needs strategic planning with new development guided towards the town centre, which has historically been the focus of the Selsey population.

The new urban area being created to the north of the town will draw further trade from the town centre, which is already struggling. It will exacerbate traffic congestion as new residents will be reliant on cars to access the town centre and will create a new population who are detached from the core high street area of Selsey.

Our client would welcome a discussion with officers and Members about the content of this letter. If you have any queries, please do not hesitate to contact us.

Yours sincerely

Angie Fenton  
Director

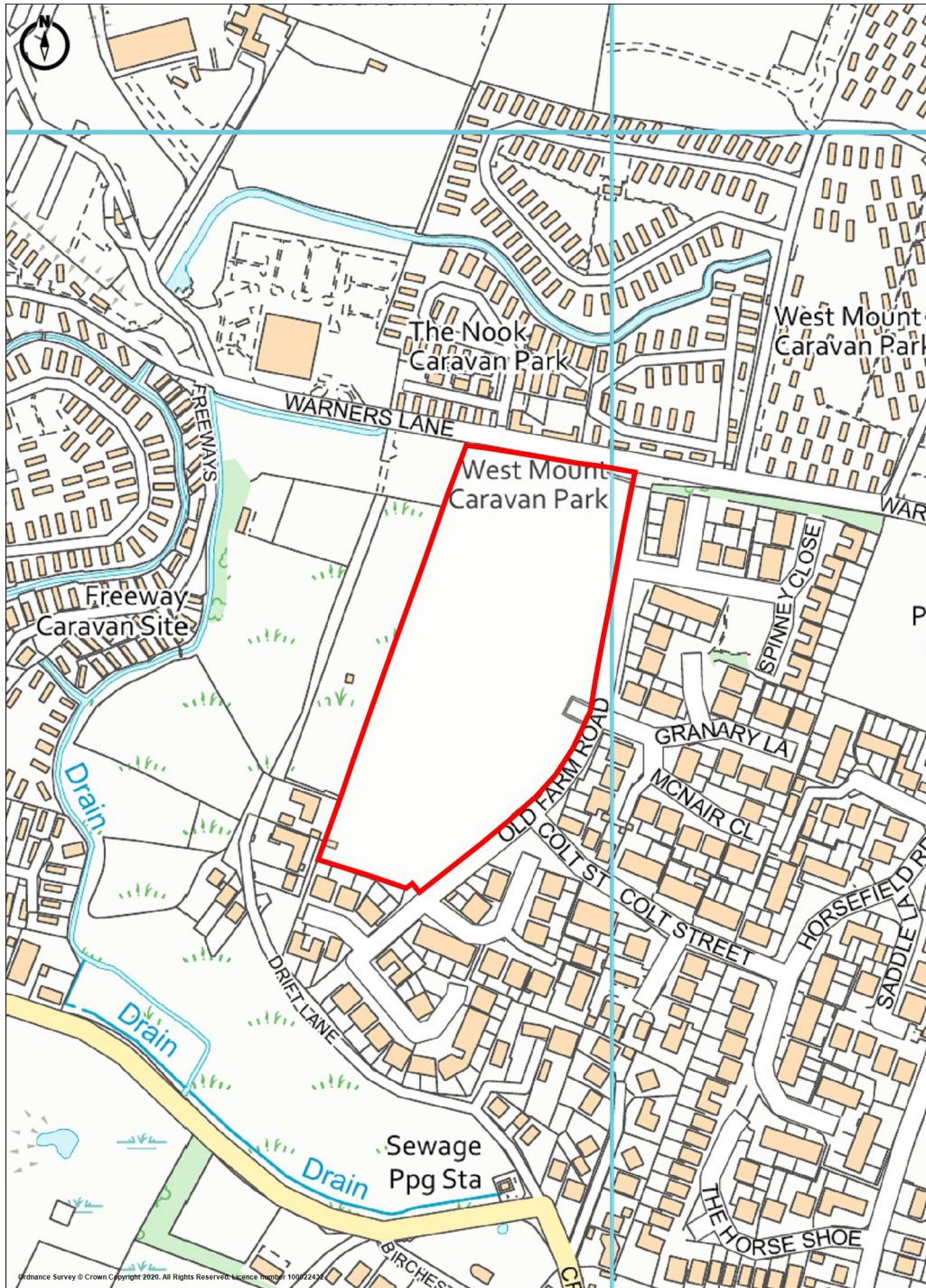


## APPENDIX 1

### SITE LOCATION PLAN

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Land West of the Paddocks, Selsey



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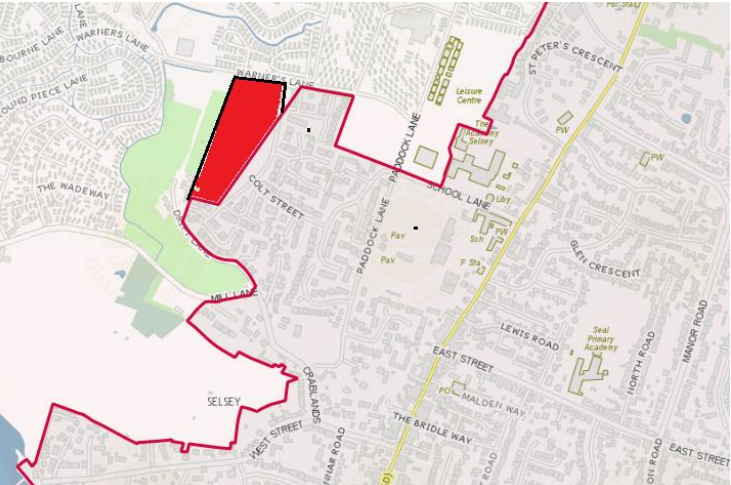


## APPENDIX 2

### CDC INTERIM PLANNING STATEMENT – CRITERIA FOR HOUSING DEVELOPMENT



Table 1: Land West of the Paddocks measured against 12 Criteria in the Housing Development IPS (June 2020)

No.	Criteria	Land West of Old Farm Road
1	<p>The site boundary in whole or in part is contiguous with an identified settlement boundary (i.e. at least one boundary must adjoin the settlement boundary or be immediately adjacent to it)</p> <p><i>The Site (shown shaded in red on the plan opposite) is partly within the Selsey Settlement Boundary (about 15% of the eastern edge), is adjacent to the Selsey Settlement Boundary on two sides and is surrounded by development on all sites.</i></p>	
2	<p>The scale of development proposed is appropriate having regard to the settlement's location in the settlement hierarchy.</p>	<p><i>A development of up to 68 dwellings on this site would be appropriate, and allow for public open space, children's playground, on street car parking and other local amenities.</i></p>
3	<p>The impact of development on the edge of settlements, or in areas identified as the locations for potential landscape gaps, individually or cumulatively does not result in the actual or perceived coalescence of settlements, as demonstrated through the submission of a Landscape and Visual Impact Assessment.</p>	<p><i>This site does not occupy an open countryside location and is not identified as an area with a potential landscape gap. An LVIA expert would be engaged at an early stage to help guide the design of any development and the LVIA would be submitted with a planning application.</i></p>
4	<p>Development proposals make best and most efficient use of the land, whilst respecting the character and appearance of the settlement. The Council will encourage planned higher densities in sustainable locations where appropriate (for example, in Chichester City and the Settlement Hubs). Arbitrarily low density or piecemeal</p>	<p><i>Policy 2 identifies Selsey as a Settlement Hub, which is the second settlement tier in the District, after the city of Chichester. However, Selsey is a low density and low rise town with average building heights of 2-3 storeys, which would be proposed on this site, respecting the prevailing local character.</i></p>

	development such as the artificial sub-division of larger land parcels will not be encouraged.	
5	Proposals should demonstrate consideration of the impact of development on the surrounding townscape and landscape character, including the South Downs National Park and the Chichester Harbour AONB and their settings. Development should be designed to protect long-distance views and inter-visibility between the South Downs National Park and the Chichester Harbour AONB.	<p><i>Views into and out of the South Downs National Park and Chichester Harbour would not be affected by this site. This would be demonstrated through the submission of an LVIA with a future planning application.</i></p> <p><i>The CDC Landscape Capacity Study (2009) designates the site in “Area 150 – Selsey Western Coastal Path”. The table on page 32 of the Landscape Capacity Study states that Area 150, which covers a large area, has high landscape qualities. However, it also states that these qualities are associated with vegetation around the watercourse. The watercourse is not on or near the Site and there are no ecological or countryside constraints to its development, as confirmed by Natural England in their consultation response to the 2017 planning application. The table also states that there are sites in Area 150 which are consistent with the existing settlement, stating:</i></p> <p><b><i>“A number of small parcels of land surrounded by settlement to the <u>western edge of Selsey are consistent with the existing settlement</u>”</i></b></p> <p><i>With regard to the Site’s contribution to the rurality of the surrounding landscape, the table on page 32 of the Landscape Capacity Study found that Area 150: “constitutes the only rural landscape within the local area but does not contribute to the wider landscape due to the surrounding land uses, except for the coastline”</i></p> <p><i>The Site is not visible from the coastline, is not close to water features and, given that it is surrounded by development, does not form part of a semi-rural setting. The Site would more appropriately be considered one of the small parcels of land in area 150 which is surrounded by settlement and is consistent with the existing settlement.</i></p>
6	Development proposals in or adjacent to areas identified as potential Strategic Wildlife Corridors as identified in the Strategic Wildlife Corridors Background Paper should demonstrate that they will not affect the potential or value of the wildlife corridor.	<i>The Site is not identified as a Strategic Wildlife Corridor.</i>
7	Development proposals should set out how necessary infrastructure will be secured, including, for example:	<i>A development on this site would not require any significant infrastructure delivery or improvements to existing infrastructure.</i>

	<p>wastewater conveyance and treatment, affordable housing, open space, and highways improvements.</p>	<p><i>The necessary utilities infrastructure is already in place having been installed when the surrounding housing estate was constructed in the 1990s, in anticipation of this site being developed out in the future. The site is therefore deliverable in the short term.</i></p> <p><i>Southern Water has already advised that they can provide foul and surface water sewage disposal to service a development of 68 homes (see Appendix 3).</i></p> <p><i>Infrastructure which is required as a result of development of the site would be secured via legal agreements with the relevant statutory bodies. WSCC has no objection to a development on the site. Highways England has agreed that the developer could carry out upgrades to the Stockbridge and Whyke roundabouts prior to occupation of a development (Appendix 3).</i></p> <p><i>A new road would not be necessary for a development on this site to proceed but a potential road from the wave roundabout through Golf Links Lane to Warner Lane could be secured through discussions with the three landowners in Selsey, who are willing to consider this. A new road link road would take the holiday traffic away from the B2145, helping with existing congestion problems in the town.</i></p> <p><i>Our client is also willing to discuss the potential of an affordable housing led development on his sites in Selsey.</i></p>
8	<p>Development proposals shall not compromise on environmental quality and should demonstrate high standards of construction in accordance with the Council's declaration of a Climate Change Emergency. Applicants will be required to submit necessary detailed information within a Sustainability Statement or chapter within the Design and Access Statement to include, but not be limited to:</p> <p>Achieving the higher building regulations water consumption standard of a maximum of 110 litres per person per day including external water use:</p>	<p><i>This is a highly sustainable location within walking distance from the town centre, shops, medical services and schools.</i></p> <p><i>The landowner is committed to promoting sustainable development and a proposed development will meet all the necessary sustainability and energy requirements to ensure that a highly sustainable development is delivered.</i></p>

	<ul style="list-style-type: none"> <li>• Minimising energy consumption to achieve at least a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) calculated according to Part L of the Building Regulations 2013. This should be achieved through improvements to the fabric of the dwelling;</li> <li>• Maximising energy supplied from renewable resources to ensure that at least 10% of the predicted residual energy requirements of the development, after the improvements to the fabric explained above, is met through the incorporation of renewable energy; and</li> <li>• Incorporates electric vehicle charging infrastructure in accordance with West Sussex County Council's Car Parking Standards Guidance.</li> </ul>	
9	<p>Development proposals shall be of high-quality design that respects and enhances the existing character of settlements and contributes to creating places of high architectural and built quality. Proposals should conserve and enhance the special interest and settings of designated and non-designated heritage assets, as demonstrated through the submission of a Design and Access Statement.</p>	<p><i>Architects and the design team would work with design officer at CDC to ensure that a high-quality development with placemaking at its heart is proposed on this site.</i></p> <p><i>There no heritage assets in the local area and the site would not within the setting of any listed buildings.</i></p>
10	<p>Development should be sustainably located in accessibility terms, and include vehicular, pedestrian and cycle links to the adjoining settlement and networks and, where appropriate, provide opportunities for new and upgraded linkages.</p>	<p><i>The site is sustainably located, allowing future occupiers of any future development to walk to and from the town centre which is located approximately 500 metres to the east. A development would link up with the Selsey cycle route into Chichester and Pagham (which could include the use of Paddock lane).</i></p>

11	<p>Development must be located, designed and laid out to ensure that it is safe, that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere, and that residual risks are safely managed. This includes, where relevant, provision of the necessary information for the LPA to undertake a sequential test, and where necessary the exception test, incorporation of flood mitigation measures into the design (including evidence of independent verification of SUDs designs and ongoing maintenance) and evidence that development would not constrain the natural function of the flood plain, either by impeding flood flow or reducing storage capacity. All flood risk assessments should be informed by the most recent climate change allowances published by the Environment Agency.</p>	<p><i>The Environment Agency completed the Medmerry Managed Realignment Flood Defence Scheme in 2013. The Medmerry realignment scheme offers tidal defence benefits resulting in the Site being safe from tidal flood risk for events up to and including a 1 in 1000 year return period. A residential layout can be designed to be resilient to sea level rises for at least 100 years and provide flood risk protection to homes and key infrastructure in Selsey, including the Site. The EA Policy Paper (May 2012, updated March 2014) confirms that the scheme is working as planned. The EA’s Emsworth to Littlehampton Flood Model Extents are shown below. This flood model has determined that the tidal flood risk that initially dictated the Flood Zone 3 boundary is residual flood risk only. Residual risks are those remaining after applying the sequential approach to the location of development and taking mitigating actions. This risk is only present if the flood defences fail. Paragraph 040-20140306 of the PPG states:</i></p> <p><i>“In locations where there is a residual risk of flooding due to the presence of defences, judgements on whether a proposal can be regarded as safe will need to consider the feasibility of evacuation from the area should it be flooded”.</i></p> <p><i>Mitigation can be proposed using a combination of site layout, ground and finished flood levels, and safe access and egress. In response to the previous planning application on this site, the EA agreed that mitigation measures previously proposed are sufficient to allow for the site to be developed.</i></p> <p><i>A full Sequential Assessment would be submitted with a future planning application.</i></p>
12	<p>Where appropriate, development proposals shall demonstrate how they achieve nitrate neutrality in accordance with Natural England’s latest guidance on achieving nutrient neutrality for new housing development</p>	<p><i>Early advice would be obtained from a competent expert ecologist and with CDC and Natural England discretionary advice eservice with regard to scope and nitrate mitigation measures.</i></p>



## APPENDIX 3

### LAND WEST OF THE PADDOCKS – ECOLOGY OPPORTUNITIES AND CONSTRAINTS



Ecological Opportunities and  
Constraints Note  
**Land West of Old Farm  
Road, Selsey**

10<sup>th</sup> July 2020

<b>Report No:</b>	<b>Date</b>	<b>Revision</b>	<b>Author</b>	<b>Checked</b>
13348_R01	10/07/2020	a	Christian Cairns MSc	Nathan Jenkinson MSc BSc (Hons) MCIEEM

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## Plan

13348/P01: Habitat Features Plan

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Land West of Old Farm Road, Selsey

Ecological Opportunity and Constraints Note  
13348\_R01a\_10<sup>th</sup> July 2020\_CC\_HB



## Section 1: Introduction and Site Context

### Introduction

- 1.1 This note has been prepared by Tyler Grange Group Limited (TG) on behalf of Thawscroft Limited following an update ecological walkover survey on 6<sup>th</sup> July 2020 at the above site. The overview provided relates to ecology matters and relevant planning policy at a high level to inform the opportunities and constraints for residential development at the above site.
- 1.2 The overview report does not constitute a comprehensive assessment of ecology issues. It is intended that this work will inform potential development going forward and will identify issues that might affect the principle of development or significantly affect the quantum of development the site could support.

### Site Context

- 1.3 The site is a previously grazed field west of Old Farm Lane. The site is bordered by grazed pasture to the west, a leisure park along Warner's Lane to the north, a road to the east along Old Farm Lane and residential properties along the site's southern boundary.
- 1.4 Previous ecological baseline survey was undertaken on the site in 2016<sup>1</sup> by Encon Associates. Potential for low bat activity and a small population of reptiles was found. Previous recommendations for Phase II protected species surveys include reptile and seasonal bat activity surveys, neither of which have been undertaken to date.



**Figure 1: Site Context and Boundary**  
(Aerial Imagery © Google 2020)

<sup>1</sup> Encon Associates. (2016). Ecological Appraisal.

## Section 2: Ecological Features

### Protected Sites

2.1 Potential constraints relating to statutory designated sites are discussed in **Table 1** below. Records of non-statutory sites were not obtained from Sussex Biodiversity Record Centre (SXBRC) for the purpose of this assessment.

**Table 1: Ecological Designations**

Constraint	Description	Scale of Constraint
<b>European Designation</b>  Definitions – SPA: Special Protection Area SAC: Special Area of Conservation	<u>Pagham Harbour SPA and Ramsar</u> – 2.1km east Designated as an SPA for presence of Annex I species under Article 4.1 of the Birds Directive (79/409/EEC) <sup>2</sup> . Designated under as a Ramsar site under Ramsar criterion 6 for supporting over 1% of a particular species or subspecies of waterfowl <sup>3</sup> . <b>International ecological importance</b>	<b>Major</b>
	<u>Chichester and Langstone Harbours SPA and Ramsar and Solent Maritime SAC</u> <sup>4</sup> – 7.7km north-west Designated as an SPA for presence of Annex I species under Article 4.1 and for supporting an internationally important assemblage of birds under Article 4.2, of the Birds Directive (79/409/EEC) <sup>5</sup> . Designated under as a Ramsar site under Ramsar criterion 6 for supporting over 1% of a particular species or subspecies of waterfowl <sup>6</sup> . <b>International ecological importance</b>	<b>Minor</b>
<b>National Designation</b>  Definitions –	<u>Bracklesham Bay SSSI</u> – 0.6km west A 201.9ha stretch of coastline supporting a range of breeding and migratory waterfowl Also supports a range of habitats including unimproved pastures, salt marsh, shingle bank, the rifes (wide flowing ditches) and reed beds <sup>7</sup> . <b>National ecological importance</b>	<b>Moderate</b>

<sup>2</sup> <https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9012041.pdf>

<sup>3</sup> <https://jncc.gov.uk/jncc-assets/RIS/UK11052.pdf>

<sup>4</sup> <https://sac.jncc.gov.uk/site/UK0030059>

<sup>5</sup> <https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9011011.pdf>

<sup>6</sup> <https://rsis.ramsar.org/ris/378>

<sup>7</sup> <https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1004079.pdf>

Constraint	Description	Scale of Constraint
SSSI: Special Site of Scientific Interest	Pagham Harbour SSSI – 2.1km east As above <b>International ecological importance (Due to its designation as an SPA and Ramsar)</b>	<b>Moderate</b>

## Site Habitats

- 2.2 The habitats present at the site, along with their ecological importance are detailed in **Table 2** below. This should be read in conjunction with **Appendix 3** for site photographs and Habitat Features Plan (**13348/P01**), appended to this report. Records of protected and priority species were not obtained from SXBRC for the purpose of this assessment.

**Table 2: Habitats**

Constraint	Description	Scale of Constraint
<b>Building</b>	Small wooden building (previous shelter for horses) with a corrugated concrete roof present on site. No potential for roosting bats found (See Photograph 1) Target Note 1 (TN1) – Three domestic bird boxes located on the rear of building B1 (See Photograph 2)	<b>None</b>
<b>Grassland (Species-Poor Semi-Improved)</b>	Previously grazed grassland making up the majority of the habitat present within the site. Sward is long with several grass species present, low diversity of forb and herbaceous species (See Photograph 3).	<b>Minor</b>
<b>Scrub (Scattered)</b>	Patches of scrub located around building B1 and along the east, south and west site boundaries (See Photographs 4 and 5).	<b>Minor</b>
<b>Hedgerows (Intact and Defunct Species-Poor)</b>	Hedgerows primarily dominated predominantly by hawthorn <i>Crataegus monogyna</i> but also by gorse <i>Ulex europaeus</i> in one area of the north site boundary. Present along the east, north and west site boundaries.  The hedgerows present along the site boundaries also qualify as a Habitat of Principle Importance (HoPI) <sup>8</sup> .  Hedge is intact along sections of the north and west site boundary (See Photograph 6), but no longer stock proof along the east and a section of the west site boundary (See Photograph 7).	<b>Moderate</b>

<sup>8</sup> <http://data.jncc.gov.uk/data/ca179c55-3e9d-4e95-abd9-4edb2347c3b6/UKBAP-BAPHabitats-17-Hedgerows.pdf>

Constraint	Description	Scale of Constraint
Treeline	Treeline is present within a section of the west site boundary (See Photograph 8).	Moderate
Scattered Trees (Broadleaved)	Three willow trees; two goat willows <i>Salix caprea</i> along the north site boundary and one crack willow <i>Salix fragilis</i> along the west boundary, are present on-site.	Minor

## Species

- 2.3 The potential for protected and priority species to be present at the site are detailed in **Table 3** below. This should be read in conjunction with **Appendix 3** for site photographs and Habitat Features Plan (**13348/P01**), appended to this report. Records of protected and priority species were not obtained from SXBRC for the purpose of this assessment.

**Table 3: Protected and Priority Species**

Species / Group	Potential Onsite	Scale of Constraint
Great crested newt (GCN) <i>Triturus cristatus</i> and other amphibians	No ponds within or directly adjacent to the site boundary.  A search of aerial imagery found one pond approximately 400m from the site, however, it was located on private land and inaccessible during the survey  Grassland, scrub and boundary features offer some potential for GCN. However, given the site's location, size, a proximity to suitable breeding ponds it is highly unlikely GCN are present on-site and therefore, considered absent.	None
Badger <i>Meles meles</i>	No setts or signs of foraging recorded on-site.  Grassland and scattered scrub offer foraging and dispersal habitats.	None
Bats	Grassland offers some high value habitat to foraging/commuting bats.  Site boundaries (hedgerows and treeline) could provide potential foraging or commuting routes, with connectivity to the wider landscape and habitats to the west of the site.  No roosting potential was found on any of the trees or building B1.	Minor

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Species / Group	Potential Onsite	Scale of Constraint
<b>Breeding birds</b>	<p>Potential for common and widespread garden and farmland birds including some declining species, such as house sparrow <i>Passer domesticus</i>; which is listed as a Bird of Conservation Concern (BoCC) Red List Species<sup>9</sup>, were seen in the hedgerow boundaries during the survey in July.</p> <p>Site offers limited opportunities for birds due to its small size and location within the landscape</p>	<b>Minor</b>
<b>Wintering birds</b>	Potential to be used by qualifying species of the Pagham Harbour SPA/Ramsar, namely brent geese. However, due to small size, boundary features (enclosed by hedgerows and trees on all sides), 'irregular' shape, the site is considered unlikely to be used by these species.	<b>Moderate</b>
<b>Dormouse <i>Muscardinus avellanarius</i></b>	Limited habitats present with poor connectivity to the wider landscape on-site. Hedgerows are poor quality (defunct in places) with limited connectivity and food sources present. Considered likely absent.	<b>None</b>
<b>European otter <i>Lutra lutra</i> &amp; water vole <i>Arvicola amphibius</i></b>	No suitable waterbodies within or adjacent to the site. Species both considered absent.	<b>None</b>
<b>West European Hedgehog <i>Erinaceus europaeus</i></b>	Site boundaries and scrub patches with grassland offering some foraging and shelter opportunities.	<b>Minor</b>
<b>Invertebrates</b>	Common assemblage only expected given nature of habitats and species diversity.	<b>Minor</b>
<b>Reptiles</b>	Grassland, scrub and boundary habitats (hedgerow and treeline) offer potential to support common and widespread reptile species.	<b>Moderate</b>

<sup>9</sup> <https://www.bto.org/our-science/publications/psob>

## Section 3: Ecological Opportunity and Constraints

- 3.1. Section 3 provides an overview of the potential opportunities and constraints that were identified during the site walk over in July 2020 (**Appendix 2**). **Table 4** provides a summary of the potential ecological constraints, along with an indication of design advice in order to avoid or mitigate impacts upon each feature.

**Table 4: Ecological Design Response.**

Feature	Potential impacts	Constraints and development design	Opportunity for net gain in biodiversity
<b>Designated Sites:</b>			
<b>Pagham Harbour SPA, Ramsar and SSSI</b>	<p>A review of the conclusions of the Habitat Regulation Assessment (HRA) undertaken to inform the Chichester Local Plan<sup>10</sup> is considered to limit the potential impact pathways for the site to:</p> <ul style="list-style-type: none"> <li>• Recreation pressure;</li> <li>• Water Quality; and</li> <li>• Loss of Functionally Linked Habitat for Birds.</li> </ul>	<p>Recreational Pressure - The Zone of Influence (Zoi) for Pagham Harbour SPA and Ramsar is 3.5km<sup>11</sup> which the site falls into. Therefore, mitigation is required in the form of a strategic access management and monitoring (SAMM) payment per net new dwelling. Through this payment, it is considered that impacts from recreational pressure can be fully mitigated.</p> <p>The perceived Zoi of Recreational Pressure for Chichester and Langstone Harbours SPA and Ramsar, and the overlapping Solent Maritime Special Area of Conservation (SAC) designation, is 5.6km<sup>8</sup>. As the site falls outside of this no mitigation is required.</p> <p>Water Quality - The Chichester District Council Water Quality Assessment<sup>12</sup> concluded that there was a low risk of eutrophication from treated water discharged into the Pagham Harbour SPA and Ramsar, therefore no mitigation for water quality is required.</p>	N/A
<b>Chichester and Langstone Harbours SPA and Ramsar and Solent Maritime SAC</b>			N/A

<sup>10</sup> <https://www.chichester.gov.uk/media/30918/Habitat-Regulations-Assessment-Chichester-Local-Plan->

<sup>11</sup> [https://www.chichester.gov.uk/media/27414/Recreational-Disturbance-of-Birds-in-Special-Protection-Areas/pdf/Recreational\\_Disturbance\\_of\\_Birds\\_in\\_Special\\_Protection\\_Areas\\_March\\_20\\_a.pdf](https://www.chichester.gov.uk/media/27414/Recreational-Disturbance-of-Birds-in-Special-Protection-Areas/pdf/Recreational_Disturbance_of_Birds_in_Special_Protection_Areas_March_20_a.pdf)

<sup>12</sup> <http://www.chichester.gov.uk/CHttpHandler.ashx?id=30900>

Feature	Potential impacts	Constraints and development design	Opportunity for net gain in biodiversity
		<p>No water quality impacts are perceived upon Chichester and Langstone Harbours SPA and Ramsar and Solent Maritime SAC. No mitigation required.</p> <p>Loss of Functionally Linked Habitat for Birds –</p> <p>The site possesses some suitable habitat for brent geese, however it is small in size (2.7Ha), is an irregular shape and is enclosed by hedgerows and housing developments making the site of limited suitability for brent geese<sup>3</sup>.</p> <p>For Chichester and Langstone Harbours SPA and Ramsar, the Solent Waders and Brent Geese Strategy<sup>13</sup> identifies areas of habitats used by these species. The site falls outside of these areas, therefore no mitigation is required.</p> <p>Due to the proximity to both protected sites a HRA will need to be undertaken for any proposed development which will include consultation on potential impacts with Natural England and the LPA.</p>	
<b><u>Bracklesham Bay SSSI</u></b>	Potential impacts from increased footfall, pollution and air pollution	<p>The site falls within SSSI Risk Zone for Bracklesham Bay SSSI as it meets the below criteria:</p> <p><i>‘Any residential developments with a total net gain in residential units.’</i></p> <p>Therefore, mitigation may be required as to not impact the site. Consultation with Natural England should be undertaken to determine if any impacts are perceived.</p>	No
<b>Habitats:</b>			

<sup>13</sup> <https://solentwbgs.files.wordpress.com/2017/02/solent-waders-and-brent-geese-strategy.pdf>



Feature	Potential impacts	Constraints and development design	Opportunity for net gain in biodiversity
<b>Grassland</b>	Loss of the majority of grassland	Areas of grassland will be lost to facilitate the development, which could be compensated for by retention and enhancement of existing habitat.	Yes
<b>Hedgerows</b>	Loss of hedgerows	<p>Sections of hedgerows lost to facilitate the development.</p> <p>Loss of boundary features should be avoided where possible.</p> <p>Loss of hedgerows should be compensated for by enhancement of retained boundary features and creation of additional hedgerow habitat.</p> <p>Retained hedgerows should be buffered from the proposed development to protect and enhance them.</p>	Yes
<b>Scrub</b>	Loss of scrub	No specific constraint, however, retain scrub habitats where possible and compensate for losses through new native woody species planting.	Yes
<b>Scattered Trees</b>	Loss of trees	<p>Loss of scattered trees to facilitate the development, which can be compensated for by additional planting of native tree species.</p> <p>Avoid removal wherever possible.</p>	Yes
<b>Protected and Priority Species:</b>			
<b>Bats</b>	Potential loss of habitat, increased lighting causing disturbance to bat activity (feeding/commuting)	<p>Potential loss of habitat that could be in use by foraging and commuting bats. See measures for grassland and hedgerows above.</p> <p>A CEMP detailing sensitive light measures to prevent disturbance to bats using the site should be drawn up. Furthermore, sensitive lighting designed to prevent light spill</p>	N/A

Feature	Potential impacts	Constraints and development design	Opportunity for net gain in biodiversity
		<p>should be included with the scheme design, as per best practise guidance<sup>14</sup>.</p> <p>Bat boxes (integrated or hung on buildings/trees) would offer an additional enhancement at the site.</p>	
<b>Reptiles</b>	Potential loss of habitat; grassland, scrub and boundary hedgerows/tree lines.	<p>Surveys should be undertaken to confirm current presence/likely absence.</p> <p>Recommendations for habitats above would also constitute enhancement for reptiles. See measures for grassland, hedgerows and scrub above.</p> <p>Mitigation in the form of translocation to an on-site or off-site receptor site may be required if a population of reptiles is present.</p>	N/A
<b>Wintering Birds</b>	Potential loss of functionally linked habitat (foraging habitat)	<p>As the site is small in size (2.7Ha), is an irregular shape and is enclosed by hedgerows and housing developments making the site of limited suitability for brent geese<sup>3</sup>. Research shows that the median distance where disturbance from people to brent geese occurred was 51.5m<sup>15</sup>.</p> <p>Therefore, further wintering bird surveys are considered unlikely to be required however this will be scoped with the LPA.</p> <p>Compensatory habitat provision may be required if surveys are undertaken and qualifying species of the SPA are using the site.</p>	N/A

<sup>14</sup> Bat Conservation Trust., Institution of Lighting Professionals. (2018). Bats and artificial lighting in the UK Bats and the Built Environment series. BCT & ILP.

<sup>15</sup> Lilley, D., Stillman, R. A. & Fearnley, H. 2010. The Solent Disturbance and Mitigation Project: results of disturbance fieldwork 2009/10. Report to the Solent Forum

Feature	Potential impacts	Constraints and development design	Opportunity for net gain in biodiversity
<b>Nesting birds</b>	Potential loss of habitat; grassland, scrub and boundary hedgerows/tree lines	<p>Retain and enhance habitats where possible for nesting birds. See measures for grassland, hedgerows and scrub above.</p> <p>Vegetation should be removed outside of the nesting bird season (March-September, inclusive, though this is not defined in law and birds can nest outside of this period). Should vegetation be required to be removed during the nesting bird season an ecological clerk of works (ECoW) will need to check any suitable vegetation immediately prior to removal. Should nesting birds be present, the nest(s) will need to be retained with a suitable buffer (c. 5m) in place until the young have fledged.</p> <p>Bird boxes (integrated or hung on buildings) to increase roosting opportunities, would offer an additional enhancement at the site.</p>	N/A
<b>West European Hedgehog</b>	Potential loss of habitat	Potential loss of habitat that could be in use by hedgehog, habitats within the site can be enhanced post development.	N/A
<b>Invertebrates</b>	Potential loss of habitat	Potential loss of habitat that could be in use by invertebrates, although extensive opportunities will remain post-development within retained and enhanced habitats.	N/A

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## Section 4: Recommended Further Work

- 4.1. In order to fully assess the impacts of the proposed scheme a number of Phase II surveys are required in order to establish presence or likely absence. These are outlined in **Table 5** below.
- 4.2. A HRA will be required to determine if any affects from the proposed development will impact on protected sites within the Zol, namely through recreational pressure and loss of potential functionally linked habitats. This will include consultation with the LPA and Natural England through there Discretionary Advice Service (DAS).

**Table 5: Phase II Ecology Surveys to Inform Planning**

Survey	Scope	Timing
<b>Bats</b>	Activity surveys: low potential <ul style="list-style-type: none"><li>Transect and static detectors, seasonally once per season (Spring, Summer and Autumn).</li></ul>	<b>April to October</b>
<b>Reptiles</b>	Presence / absence surveys: <ul style="list-style-type: none"><li>Artificial refugia set up in suitable habitat, seven visits.</li></ul>	<b>April to mid-June or September</b>
<b>Wintering Birds</b>	Possible monthly surveys for wintering birds, during the active season. Requirement for which will be scoped with the LPA.	<b>October to March</b>

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## Section 5: Summary and Conclusions

- 5.1 No significant ecological constraints were identified on-site that would impede the principle of development. In order to facilitate development additional works with regard to protected species and sites are required to determine the full effects of any potential development on-site and influence design, mitigation and compensation where required.
- 5.2 The development of the site offers the opportunity to enhance the site for biodiversity through improving both the quality of green infrastructure at the site and providing enhancement such as bat and bird boxes, and also improving the connectivity of the site to the wider landscape through planting up of boundary habitats.

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## Appendix 1: Planning & Legislative Context

### Legislation

- A1.1. Specific habitats and species receive legal protection in the UK under various pieces of legislation, including:
- The Wildlife and Countryside Act (WCA) 1981 (as amended);
  - The Conservation of Habitats and Species Regulations 2018;
  - The Countryside and Rights of Way (CRoW) Act 2000;
  - The Natural Environment and Rural Communities Act (NERC) 2006;
  - The Hedgerows Regulations 1997; and
  - The Protection of Badgers Act 1992.
- A1.2. The European Council Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna, 1992, often referred to as the 'Habitats Directive', provides for the protection of key habitats and species considered of European importance. Annexes II and IV of the Directive list all species considered of community interest. The legal framework to protect the species covered by the Habitats Directive has been enacted under UK law through The Conservation of Habitats and Species Regulations 2018 (as amended).
- A1.3. In Britain, the WCA 1981 (as amended) is the primary legislation protecting habitats and species. SSSIs, representing the best examples of our natural heritage, are notified under the WCA 1981 (as amended) by reason of their flora, fauna, geology or other features. All breeding birds, their nests, eggs and young are protected under the Act, which makes it illegal to knowingly destroy or disturb the nest site during nesting season. Schedules 1, 5 and 8 afford protection to individual birds, other animals and plants.
- A1.4. The CRoW Act 2000 strengthens the species enforcement provisions of the WCA 1981 (as amended) and makes it an offence to 'recklessly' disturb a protected animal whilst it is using a place of rest or shelter or breeding/nest site.

## National Planning Policy

*National Planning Policy Framework (NPPF), February 2019*

- A1.5. *The National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for England and how these should be applied. It replaces the previous National Planning Policy Framework published in March 2012.*
- A1.6. *Paragraph 11 states that:*
- “Plans and decisions should apply a presumption in favour of sustainable development.”*
- A1.7. *Section 15 of the NPPF (paragraphs 170 to 177) considers the conservation and enhancement of the natural environment.*
- A1.8. *Paragraph 170 states that planning and decisions should contribute to and enhance the natural and local environment by:*
- a) *“protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
  - b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and*
  - c) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”.*
- A1.9. *Paragraph 171 states that plans should distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.*
- A1.10. *Paragraph 174 states that in order to protect and enhance biodiversity and geodiversity, plans should:*
- 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.”*

A1.11. When determining planning applications, Paragraph 175 states that local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- 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;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*

A1.12. As stated in paragraph 176 the following should be given the same protection as habitats sites:

- a) *“potential Special Protection Areas and possible Special Areas of Conservation;*
- b) *listed or proposed Ramsar sites; and*
- c) *sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”*

A1.13. Paragraph 177 states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.



## Local Planning Policy

Adopted Chichester Local Plan 2014-2029<sup>16</sup>

A1.14. Policy 49: Biodiversity;

*Planning permission will be granted for development where it can be demonstrated that all the following criteria have been met:*

- 1. The biodiversity value of the site is safeguarded;*
- 2. Demonstrable harm to habitats or species which are protected or which are of importance to biodiversity is avoided or mitigated;*
- 3. The proposal has incorporated features that enhance biodiversity as part of good design and sustainable development;*
- 4. The proposal protects, manages and enhances the District's network of ecology, biodiversity and geological sites, including the international, national and local designated sites (statutory and non-statutory), priority habitats, wildlife corridors and stepping stones that connect them;*
- 5. Any individual or cumulative adverse impacts on sites are avoided;*
- 6. The benefits of development outweigh any adverse impact on the biodiversity on the site. Exceptions will only be made where no reasonable alternatives are available; and planning conditions and/or planning obligations may be imposed to mitigate or compensate for the harmful effects of the development.*

A1.15. Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas;

*It is Natural England's advice that all net increases in residential development within the 5.6km 'Zone of Influence' are likely to have a significant effect on the Chichester and Langstone Harbours SPA either alone or in-combination with other developments and will need to be subject to the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2010. In the absence of appropriate avoidance and/or mitigation measures that will enable the planning authority to ascertain that the development would not adversely affect the integrity of the SPA, planning permission will not be granted because the tests for derogations in Regulation 62 are unlikely to be met. Furthermore, such development would not have the benefit of the presumption in favour of sustainable development in the National Planning Policy Framework.*

*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 an 'appropriate assessment'. Appropriate avoidance/mitigation measures will comprise:*

- a) A contribution in accordance with the joint mitigation strategy outlined in Phase III of the Solent Disturbance and Mitigation Project; or*

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<sup>16</sup> [https://www.chichester.gov.uk/media/24759/Chichester-Local-Plan---Key-Policies-2014---2029/pdf/printed\\_version.pdf](https://www.chichester.gov.uk/media/24759/Chichester-Local-Plan---Key-Policies-2014---2029/pdf/printed_version.pdf)

- b) A developer provided package of measures associated with the proposed development designed to avoid any significant effect on the SPA; or
- c) A combination of measures in (a) and (b) above.

Avoidance/mitigation measures will need to be phased with development and shall be maintained in perpetuity. All mitigation measures in (a), (b) and (c) above must be agreed to be appropriate by Natural England. They should also have regard to the Chichester Harbour AONB Management Plan.

The provisions of this policy do not exclude the possibility that some residential schemes either within or outside the Zone of Influence might require further assessment under the Habitats Regulations. For example, large schemes, schemes proposing bespoke avoidance/mitigation measures, or schemes proposing an alternative approach to the protection of the SPAs. Such schemes will be assessed on their own merits, and subject to advice from Natural England.

#### A1.16. Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

Net increases in residential development within the 3.5km 'Zone of Influence' are likely to have a significant effect on the Pagham Harbour SPA either alone or in combination with other developments and will need to be subject to the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2010. In the absence of appropriate avoidance and/or mitigation measures that will enable the planning authority to ascertain that the development would not adversely affect the integrity of the SPA, planning permission will not be granted because the tests for derogations in Regulation 62 are unlikely to be met. Furthermore, such development would not have the benefit of the presumption in favour of sustainable development in the National Planning Policy Framework.

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'. Appropriate avoidance/mitigation measures will comprise:

- a) A contribution towards the appropriate management of the Pagham Harbour Local Nature Reserve in accordance with the LNR Management Plan; or
- b) A developer provided package of measures associated with the proposed development designed to avoid any significant effect on the SPA; or
- c) A combination of measures in (a) and (b) above.

Avoidance/mitigation measures will need to be phased with development and shall be maintained in perpetuity. All mitigation measures in (a), (b) and (c) above must be agreed to be appropriate by Natural England in consultation with owners and managers of the land within the SPA.

The provisions of this policy do not exclude the possibility that some residential schemes either within or outside the Zone of Influence might require further assessment under the Habitats Regulations. For example, large schemes, schemes proposing bespoke avoidance/mitigation measures, or schemes proposing an alternative approach to the protection of the SPAs. Such schemes will be assessed on their own merits, and subject to advice from Natural England.

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*Draft Chichester Local plan Review 2035<sup>17</sup>*

A1.17. Policy DM29: Biodiversity;

*Planning permission will be granted for development where it can be demonstrated that all the following criteria have been addressed:*

- 1. The biodiversity value of the site is safeguarded;*
- 2. Demonstrable harm to habitats or species which are protected or which are of importance to biodiversity is avoided or mitigated;*
- 3. The proposal has incorporated features that enhance biodiversity as part of good design and sustainable development, and identifies and pursues opportunities for achieving a net gain in biodiversity;*
- 4. The proposal protects, manages and enhances the plan area network of ecology, biodiversity and geological sites, including the international, national and local designated sites (statutory and non-statutory), priority habitats, wildlife corridors and stepping stones that connect them;*
- 5. Any individual or cumulative adverse impacts on sites are avoided;*
- 6. The benefits of development outweigh any adverse impact on the biodiversity on the site. Exceptions will only be made where no reasonable alternatives are available; and planning conditions and/or planning obligations may be imposed to mitigate or compensate for the harmful effects of the development.*

Policy DM30: Development and Disturbance of Birds in Chichester, Langstone and Pagham Harbours Special Protection Areas.

*It is Natural England's advice that all net increases in residential development within the 5.6km 'Zone of Influence' are likely to have a significant effect on the Chichester and Langstone Harbours SPA either alone or in-combination with other developments and will need to be subject to the provisions of Regulation 63 of the Conservation of Habitats and Species Regulations 2017. In the absence of appropriate avoidance and/or mitigation measures that will enable the planning authority to ascertain that the development would not adversely affect the integrity of the SPA, planning permission will not be granted because the tests for derogations in Regulation 64 are unlikely to be met. Furthermore, such development would not have the benefit of the presumption in favour of sustainable development in the National Planning Policy Framework.*

*Appropriate avoidance/mitigation measures that are likely to allow the planning authority to ascertain that there will be no adverse effect on the integrity of the SPA will comprise:*

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<sup>17</sup> [https://www.chichester.gov.uk/media/31058/Local-Plan-Review-2016-2035-Preferred-Approach/pdf/Local\\_Plan\\_Review\\_2016-2035\\_-\\_Preferred\\_Approach.pdf](https://www.chichester.gov.uk/media/31058/Local-Plan-Review-2016-2035-Preferred-Approach/pdf/Local_Plan_Review_2016-2035_-_Preferred_Approach.pdf)

a. A contribution in accordance with the joint mitigation strategy outlined in the Bird Aware Solent Strategy; or

b. A developer provided package of measures associated with the proposed development designed to avoid any significant effect on the SPA, provided and funded in-perpetuity; or

c. A combination of measures in (a) and (b) above.

Avoidance/mitigation measures will need to be phased with development and shall be maintained in perpetuity. All mitigation measures in (b) and (c) above must be agreed to be appropriate by Natural England through the Habitats Regulations Assessment process. They should also have regard to the Chichester Harbour AONB Management Plan.

The provisions of this policy do not exclude the possibility that some residential schemes either within or outside the Zone of Influence might require further assessment under the Habitats Regulations. For example, large schemes, schemes proposing bespoke or alternative avoidance/mitigation measures, or schemes that impinge on the supporting habitats identified by the Solent Waders and Brent Goose Strategy. Such schemes will be assessed on their own merits under Regulation 63 (appropriate assessment), and, subject to advice from Natural England. Where mitigation for any impact upon supporting habitat is required this should follow the guidance given in the Solent Waders and Brent Goose Strategy.

#### **Development and Disturbance of Birds in Pagham Harbour Special Protection Area**

Net increases in residential development within the 3.5km 'Zone of Influence' are likely to have a significant effect on the Pagham Harbour SPA either alone or in combination with other developments and will need to be subject to the provisions of Regulation 63 of the Conservation of Habitats and Species Regulations 2017. In the absence of appropriate avoidance and/or mitigation measures that will enable the planning authority to ascertain that the development would not adversely affect the integrity of the SPA, planning permission will not be granted because the tests for derogations in Regulation 64 are unlikely to be met. Furthermore, such development would not have the benefit of the presumption in favour of sustainable development in the National Planning Policy Framework.

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'. Appropriate avoidance/mitigation measures that are likely to allow the planning authority to ascertain that there will be no adverse effect on the integrity of the SPA will comprise:

a. A contribution towards the appropriate management of the Pagham Harbour Local Nature Reserve through the joint Chichester and Arun Scheme of Mitigation in accordance with the LNR Management Plan; or

b. A developer provided package of measures associated with the proposed development designed to avoid any significant effect on the SPA; or

c. A combination of measures in (a) and (b) above.

*Avoidance/mitigation measures will need to be phased with development and shall be maintained in perpetuity. All mitigation measures in (a), (b) and (c) above must be agreed to be appropriate by Natural England in consultation with owners and managers of the land within the SPA.*

*The provisions of this policy do not exclude the possibility that some residential schemes 195Chichester District Council Chichester Local Plan Review 2016-2035: Preferred Approach either within or outside the Zone of Influence might require further assessment under the Habitats Regulations. For example, large schemes, schemes proposing bespoke or alternative avoidance/mitigation measures, or schemes proposing an alternative approach to the protection of the SPAs where there is survey or other evidence that the site is used as supporting habitats by SPA species, including Brent Geese. Such schemes will be assessed on their own merits, under Regulation 63 (appropriate assessment), and subject to advice from Natural England.*

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## Appendix 2: Survey Methodology

- A2.1 A desk-based study was conducted whereby records of designated sites and records of protected and priority species were purchased and interrogated for the site and the surrounding landscape. The following resources were consulted / contacted:
- Multi-Agency Geographic Information for the countryside (MAGIC) website<sup>18</sup>;
  - Chichester Council Website<sup>19</sup>;
  - Joint Nature Conservation Committee (JNCC) website<sup>20</sup>;
  - Natural England (NE) designated sites website<sup>21</sup>;
  - Ordnance Survey mapping; and
  - Google Maps, including aerial photography.
- A2.2 The following areas of search around the boundary of the site boundary were applied:
- 2km for statutory designated sites; and
  - 10km for European statutory sites.
- A2.3 A site walkover survey was conducted on the 6<sup>th</sup> July 2020 by Christian Cairns MSc who is an experienced field ecologist. The methods used during the walkover survey broadly followed methods used in an 'extended' Phase I habitat survey<sup>22</sup>. This technique provides an inventory of the habitat types present and dominant species. Note was taken of the more conspicuous fauna and any evidence of, or the potential for, the presence of protected notable flora and fauna.
- A2.4 This report does not constitute a comprehensive assessment of ecological issues, which would require additional fieldwork at the site.

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<sup>18</sup> <https://magic.defra.gov.uk/>

<sup>19</sup> <https://www.chichester.gov.uk/>

<sup>20</sup> <http://jncc.defra.gov.uk/ProtectedSites/>

<sup>21</sup> <https://designatedsites.naturalengland.org.uk/>

<sup>22</sup> Joint Nature Conservation Committee (2010). *Handbook for Phase 1 habitat survey - a technique for environmental audit*. JNCC, Peterborough.

## Evaluation

- A2.5 The evaluation of habitats and species is defined in accordance with published guidance<sup>23</sup>. The level of importance of specific ecological features is assigned using a geographic frame of reference, with international being most important, then national, regional, county, borough, local and lastly, within the site boundary only.
- A2.6 Evaluation is based on various characteristics that can be used to identify ecological features likely to be important in terms of biodiversity. These include site designations (such as SSSIs), or for undesignated features, the size, conservation status (locally, nationally or internationally), and the quality of the ecological feature. In terms of the latter, quality can refer to habitats (for instance if they are particularly diverse, or a good example of a specific habitat type), other features (such as wildlife corridors or mosaics of habitats) or species populations or assemblages.

## Quality Control

- A2.7 All ecologists at Tyler Grange Ltd are members of CIEEM and abide by the Institute's Code of Professional Conduct.

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<sup>23</sup> Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland, 2nd Edition. <http://www.cieem.net/ecia-guidelines-terrestrial->. Chartered Institute of Ecology and Environmental Management, Winchester

### Appendix 3: Designated Sites within 10km of the Site



Land West of Old Farm Road, Selsey



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## Appendix 4: Site Photographs



***Photograph 1: Building 1 located within the south-west corner of the site.***



***Photograph 2: Three domestic bird boxes located on the rear of building B1***



***Photograph 3: Species-poor semi-improved grassland***



***Photograph 4: Scattered scrub to the rear of Building B1***



***Photograph 5: Scattered scrub along fence line***



***Photograph 6: Intact species-poor hedgerow along north boundary***



***Photograph 7: Defunct hedgerow along the east site boundary***

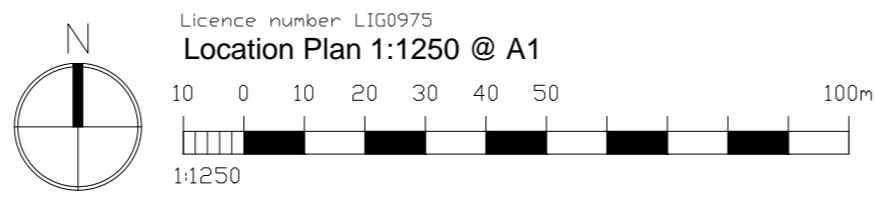


***Photograph 8: Treeline along the west site boundary***

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**Appendix 5: Site Location Plan - 15-085\_THA-MHA-00-DR-A-0001-A1-C01**





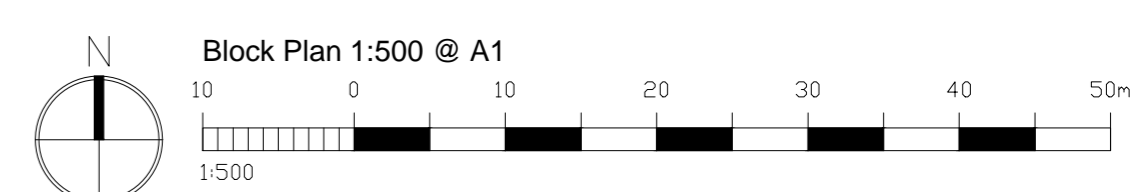
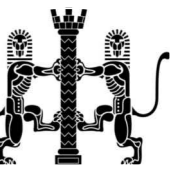
Notes

- This drawing is the copyright of MH Architects Ltd
- Do not scale this drawing except for Local Authority planning purposes
- All dimensions must be checked on site by the contractor prior to commencement of the works.

Client Approval

X	A - Approved
X	B - Approved with comments
X	C - Do not use

Rev.	Revision Note/Purpose of Issue	Drw By	Date	Chk By	Date
------	--------------------------------	--------	------	--------	------



**Thawscroft Limited**  
 Proposed Residential Development  
 west of Old Farm Road  
 Selsey

Drawing title: **Site Location Plan Block Plan**

Drawn	Date	Checked	Date	Scale at A1
sgm	12/10/16	jdm	12/10/16	1:1250 1:500

Job No. 15-085 THA-MHA-00-DR-A-0001-A1-C01  
 Purpose of Issue: PLANNING

Ground Floor | Bicentennial Building  
 Southern Gate | Chichester  
 West Sussex | PO19 8EJ

t: 01243 774748  
 e: admin@mharchitects.co.uk  
 www.mharchitects.co.uk

Limited Company  
 Registered in England No: 0994823

## Appendix 6: Ecology Survey Planner

Birmingham  
t. 0121 773 0770

Cotswolds  
t. 01285 831 804

Exeter  
t. 01392 447 588

Manchester  
t. 0161 236 8367

London  
t. 020 3934 9470

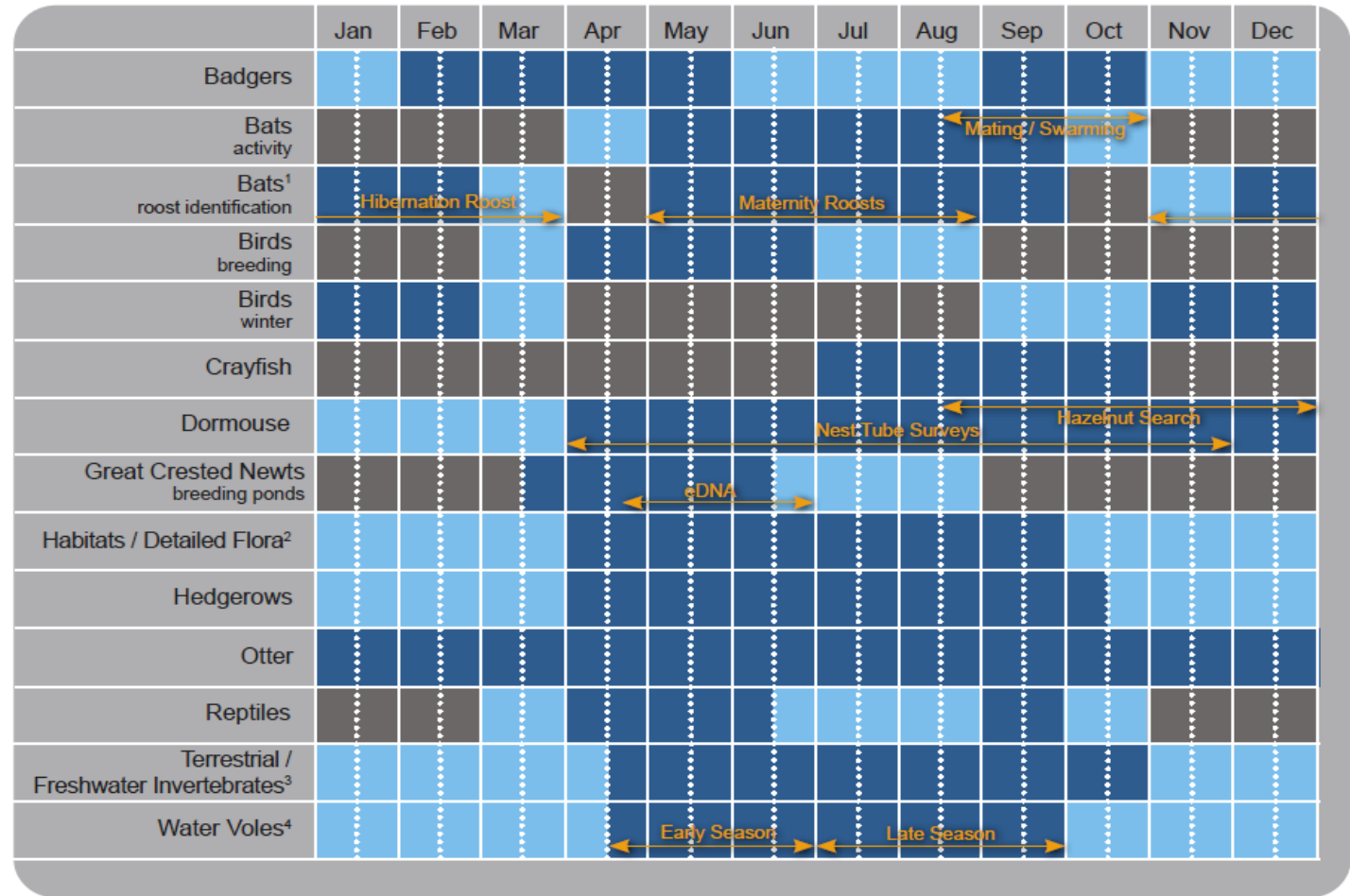
e. [info@tylergrange.co.uk](mailto:info@tylergrange.co.uk)  
w. [tylergrange.co.uk](http://tylergrange.co.uk)

<sup>1</sup> Internal building searches for evidence of bats can be undertaken at any time; winter is the best time for assessing trees for roosting potential, with further work to confirm potential undertaken in spring / summer.

<sup>2</sup> The timing of detailed flora surveys, such as those to inform planning and Biodiversity Net Gain, are dependent on the specific habitat type to be investigated.

<sup>3</sup> Timing is dependent on target species/group.

<sup>4</sup> Surveys are required in both the early and late seasons.



Land West of Old Farm Road, Selsey

Ecological Opportunity and Constraints Note  
13348\_R01a\_10<sup>th</sup> July 2020\_CC\_HB

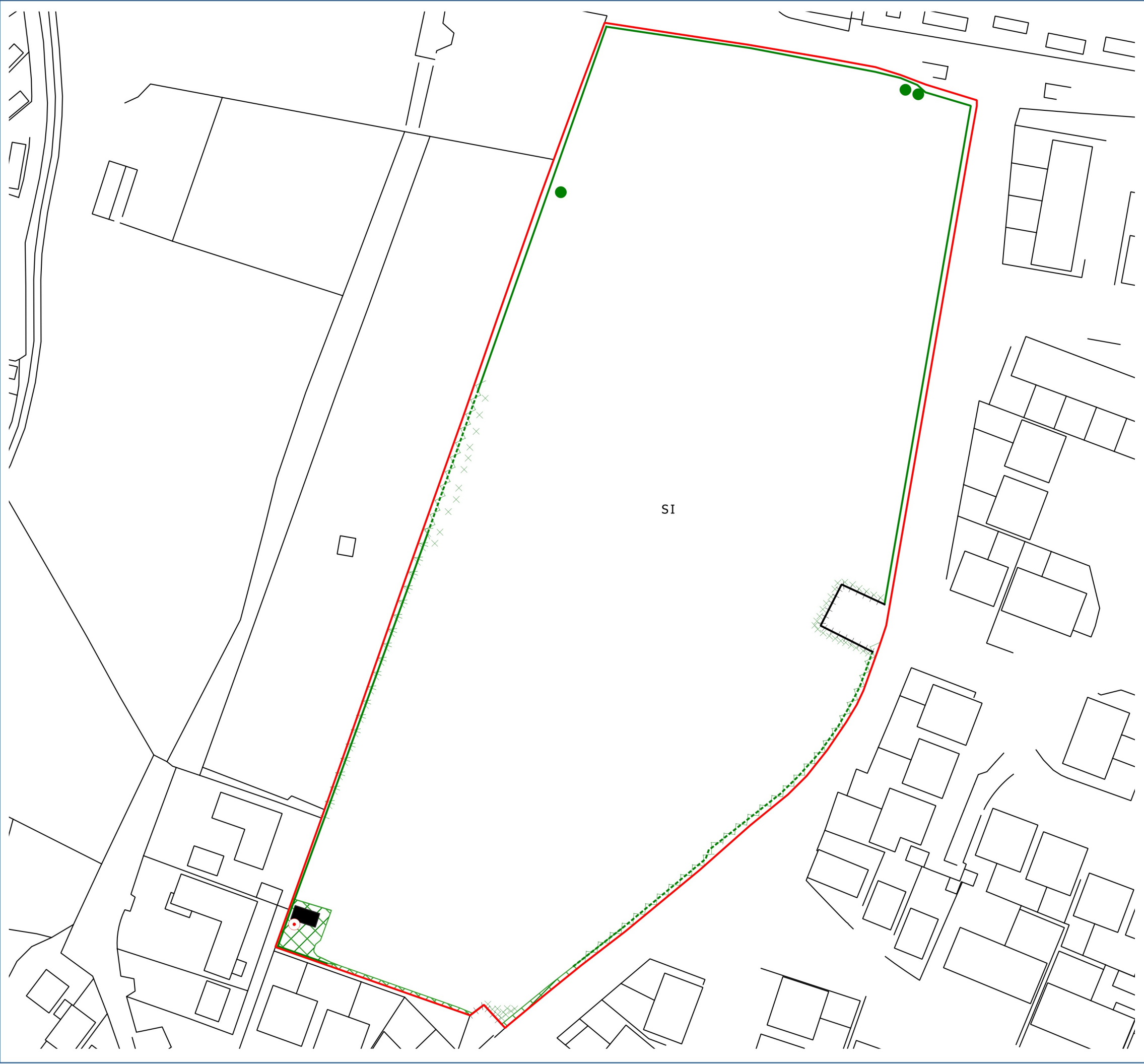
Appendix 6  
Page 1



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# Plan

13348/P01: Habitat Features Plan



**Legend**

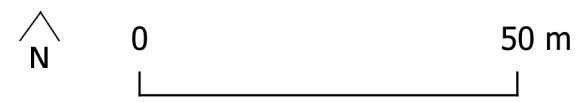
- Site Boundary
- Target Note

**Habitat Features**

- Building
- Dense Scrub
- Fence
- × Scattered Scrub
- Scattered Trees
- Species-Poor Defunct Hedgerow
- Species-Poor Intact Hedgerow
- SI Species-Poor Semi-Improved Grassland
- Treeline



Target Notes:  
 TN1 - Three domestic birds boxes on the rear of building B1



<p>Project</p> <p>Drawing Title</p> <p>Scale</p> <p>Drawing No.</p> <p>Date</p> <p>Checked</p>	<p>Land West of Old Farm Road, Selsey</p> <p><b>Habitat Features Plan</b></p> <p>As Shown (Approximate)</p> <p>13348/P01</p> <p>July 2020</p> <p>cc</p>
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South Bank Central Vivo Tower, 30 Stamford Street  
 London, SE1 9PY  
 T:020 3934 9470 E: info@tylergrange.co.uk W: www.tylergrange.co.uk





Tyler Grange Group Limited

Marsden Estate, Rendcomb.Cirencester, Gloucestershire, GL7 7EX

Tel: 01285 831804 [www.tylergrange.co.uk](http://www.tylergrange.co.uk)

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