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**Date:** 10 July 2020



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

By Email

Dear Sir / Madam

**Chichester District Council Interim Policy Statement for Housing Development  
(July 2020)  
Northcommon Farm, Selsey  
Submitted on behalf of Deerhyde Limited**

The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) 2019.

We have been instructed by our client, Deerhyde Limited to submit the enclosed comments on 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**

The Local Plan Review (LPR) must provide for housing needs in accordance with paragraph 11 of the NPPF and ensure that the Council will identify deliverable sites sufficient to provide a minimum of five years' worth of housing in accordance with paragraph 73 of the NPPF.

There is clearly a strong need for additional housing sites in Chichester and development should be directed towards sustainable sites throughout the District, recognising that there are waiting lists for housing in areas outside of the East – West Corridor and Chichester city centre. Our client welcomes the positive sentiment set out in the IPS and the Council must ensure that the presumption in favour of sustainable development on suitable and deliverable sites is followed through to planning application stage. The 12 criteria set out in the IPS will provide Applicants with important guidance before submitting a planning application.

My client is the sole freehold owner of a number of sites in Selsey which have been overlooked during the LPR process due to the fact that no additional sites are allocated to Selsey outside of the strategic

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allocation in Policy AL12. My client has a number of local sites, some of which are adjacent to the settlement boundary, in sustainable locations which are free of environmental constraints and have services already available to deliver housing development within 2 years.

These representations intend to confirm that my client supports the positive approach to housing development as set out in the IPS and to bring to the attention of the Council land which is now available for development. This land is at Northcommon Farm – Sites 1 and 2, which are situated north and south of Golf Links Lane respectively and can be separated into two separate plots or provide the land necessary for a more comprehensive development over both plots. A site location plan is presented at **Appendix 1**.

This letter summarises the background and reasons why Northcommon Farm is a suitable, sustainable and deliverable site for residential development.

## 2 Housing Need

From 15 July 2020, the Councils housing need will be assessed against the Government's standard methodology for assessing housing need, which calculates a figure of 628 homes for Chichester. If the Council cannot demonstrate a five-year supply of housing land based on this figure, the presumption in favour of sustainable development should apply for planning applications proposing sustainable residential development. In areas where a Neighbourhood Plan has already been adopted, the Council must demonstrate a 3-year supply of housing. A Neighbourhood Plan has not yet been adopted in Selsey and if the draft Neighbourhood Plan is adopted, it could soon become out of date, given that the data within the Housing and Economic Development Needs Assessment (HEDNA) is already 2 years old, and the evidence base will therefore likely need to be updated again prior to adoption of the LPR.

The 2015 Chichester Local Plan (CLP) identified a target provision of 7,388 homes over the period 2012 to 2029 which equates to 430 dwellings per annum (dpa). These were distributed as 6,156 to the East-West Corridor (83%), 893 to the Manhood Peninsula (12%) and 339 to the North of Plan Area (5%). Evidently the principle focus of the CLP was the East West Corridor which relates to the area of the district with the highest population, best infrastructure and aligns with the employment growth priorities elsewhere in the plan.

The Housing and Economic Needs Assessment (HEDNA) document produced in support of the local plan review represents the most up to date assessment of housing need both overall and in the affordable sector for the district. The Strategic Housing Market Assessment (SHMA) from 2012 and its update in 2014 apply an approach which is now inconsistent with National Guidance and its overall numbers should be applied with caution as a result. The HEDNA identifies an OAN of 775 dwellings per annum but caps this to 609 dpa given the OAN assessment is made against the plan which was less than 5 years old at the time of it being produced in January 2018.

The NPPG implies that housing assessments should not be relied upon for plan making where they are more than two years old. It expressed this as the allowable period between submitting a plan for



approval and the adoption of a plan. CDC's capped approach to housing numbers therefore comes under additional scrutiny, given the OAN assessment is now more than 2 years old and in need of revision.

Notwithstanding that the baseline figures may be out of date and Chichester housing need may be significantly more than currently recorded, the revised numbers set out in the most up to date HEDNA propose 12,350 homes over the plan period with the HEDNA identifying an overall capped (from c.750dpa) housing need for 609 dpa. The revised plan number of c.650 dpa over the plan period represents an uplift of c.215dpa over the current adopted plan target of 435 dpa. The distribution of these housing numbers is 10,056 to the East-West Corridor (80.5%), 1,933 to the Manhood Peninsula (15.5%) and 489 to the North of Plan Area (4%). This shows a significant increase in the allocation of homes to the Manhood Peninsular, however no parish allocation is made to Selsey on the basis that the strategic allocation at the land north of Park Farm is deemed sufficient to deal with provision in that location. However, there are other sustainable and deliverable in Selsey sites, which are adjacent to the settlement boundary, and can help the Council to deliver its real housing need on the Manhood Peninsula.

### Affordable Housing Need

Housing need in Chichester is strong. Chichester is in the top 20 Districts of house prices in the UK, outside of London. Affordability is low, eliminating many local people from purchasing a home. The HEDNA reports the current housing waiting list information (as at Jan 18) and this is set out in table 1:

Table 1: Chichester District Housing Waiting List

Sub Area	Total in need	% households
Chichester City	189	34.9%
East West Corridor	73	13.5%
Manhood Peninsula	125	23.1%
Plan Area North	23	4.3%
SDNP	131	24.2%
<b>Chichester District Total</b>	<b>541</b>	<b>100%</b>

Source: Chichester Housing Register

The adopted CLP recognises the high need for affordable housing provision to meet existing 'backlog' need and resolve the future needs of households in the district. Policy 34 of the CLP seeks to respond to demand for affordable housing by requiring 30% of any net new homes on sites of greater than 11 units with financial contributions targeted by sites in the 6 – 10 unit range. However, Parish housing sites allocated in the CLP on the Manhood Peninsula account for just 200 homes and these generally comprise smaller developments. As a result, the level of affordable housing from these allocations would be nominal with most sites falling below the plan policy threshold for affordable housing.



Going forward, affordable housing provision from the LPR (policy S6) remains consistent with the adopted policy with a 30% target on sites above 11 units with sites of 6 – 10 providing a financial contribution in lieu. The HEDNA identifies a net need for affordable housing of some 285 dwellings per annum in Selsey over the plan period which provides a guide as to the general scale of affordable housing need against which the plan needs to deliver against. The only draft allocation in Selsey (policy AL12) of 14 hectares to the north of Park Farm is intended to deliver the strategic allocation of a minimum of 250 homes in Selsey over the plan period. However, assuming no viability constraints, this would secure just 75 affordable homes in the locality over the entire plan period to 2036 or 4 dwellings per annum over and above the local relets. This is significantly below the affordable housing need of 285 homes per annum in Selsey.

The need for affordable housing in Chichester is therefore significant and must be addressed.

### 3 Land at Northcommon Farm

Deerhyde Limited is the owner of two sites at Northcommon Farm. Site 1 is situated to the north of Golf Links Lane and Site 2 is located to the south of Golf Links Lane. The land at Northcommon Farm has utilities services running through it and is situated adjacent to the Settlement Boundary. This makes it deliverable in the short term and suitable for development, two of the key criteria required by the Council when seeking new sites for housing development.

A Site Location Plan showing each of the sites is presented at **Appendix 1**.

Neither of the sites at Northcommon Farm has any physical or environmental constraints, are adjacent to the Selsey Settlement Boundary and close to existing residential development as well as the West Sands Caravan Park. A detailed planning review of both sites has been carried out and access and ecology were identified as potential planning constraints. However following inspections by competent experts in transport and ecology, it is now concluded that there are no constraints preventing these sites from development.

#### Suitability and Deliverability

Northcommon Farm is located adjacent to the existing Settlement Boundary and is of a size that would allow for a suitable development appropriate to the scale of Selsey.

As set out above, there is a significant need for market and also affordable housing in Selsey. As the sole landowner, our client has full control over the sites and is willing to enter into discussions with the Councils planning and housing teams as soon as possible to discuss a programme for development and to work with the Council to bring forward a development which would meet the three strands of sustainability. Development of these sites would also direct housing development to the east of Chichester Road, away from the Pagham Harbour SPA.

Both of the sites are Grade 3 agricultural land, the lowest agricultural quality.

The land already has services running through it and it is ready to deliver a housing development in the short term.



There are no physical or environmental constraints on the sites and a sustainable development could be delivered in the short term (within 2 years). My client is already in confidential discussions with other parties about upgrading Golf Links Lane to adoptable standards.

### Highways and Access

Cotswold Transport Planning (CTP) was appointed to carry out a review of the sites and advise on whether there would be any access or highways matters that could prevent a development from being delivered. CTP reviewed access, accident records and capacity of the road network.

CTP found that access to the site could be delivered via the upgrading of Golf Links Lane to adoptable standards, accessed from Chichester Road. They found that it is possible to provide sufficient junction visibility at the Golf Links Lane / Chichester Road junction from the amended Golf Links Lane alignment based on the Design Manual for Roads and Bridges requirement for a 30mph road. With regard to delivery of a new access and upgrading Golf Links lane, my client is already in early stage discussions with their legal team and other stakeholders who would benefit from upgrading Golf Links Lane to adoptable standards.

CTP also reviewed local highway safety records around the site, Golf Links Lane and Chichester Road which did not raise any pre-existing concerns that the development of this land would exacerbate.

CTP considered a development of 200 dwellings (for modelling purposes only) and found that a development of this scale would have a modest but identifiable impact on the local highway network. However, from an operational capacity perspective, high level analysis indicates that capacities would still be within acceptable assessment thresholds.

CTP conclude that there would be no highways safety or capacity issues that would present a significant issue at planning application stage. A letter from Cotswold Transport Planning is presented at **Appendix 2**.

### Ecology

All of the south coast local authorities areas have ecological constraints which limit the amount of development that can be delivered outside of existing settlements and development should be directed to sustainable sites which do not have ecological constraints. However ecologically sustainable sites are not limited to the east-west corridor and the city. The number of people on the housing list for Selsey and other semi-rural locations demonstrates the demand for housing outside of the existing urban area. There are sites in semi-rural locations which do not have significant ecological constraints that can deliver housing for those who want to live in these locations.

Competent ecological experts Tyler Grange (TG) were appointed to carry out an ecological assessment of the two sites at Northcommon Farm. Their Ecology Opportunities and Constraints Notes for each site are presented at Appendix 3. In summary, TG found that no significant ecological constraints were identified on-site that would impede the principle of development. However development specific phase 2 ecological surveys would be necessary at planning application stage to determine the full effects of any potential development on-site and influence design, mitigation and compensation, if required.

TG also found that development of Northcommon Farm 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.

The full Ecological Opportunities and Constraints Reviews are presented at **Appendix 3**.

#### **4 Selsey Settlement Boundary Proposed Extension – Land North of Park Farm**

The land to the north of Park Farm has been allocated in the draft Revised Local Plan as a strategic site to accommodate 250 homes. Historically, Park Lane has been the most northern boundary of Selsey for future housing development and it has remained as such in the emerging Neighbourhood Plan. There are number of planning reasons why this site is not the most suitable site in Selsey when there are many other suitable and deliverable sites without environmental constraints available:

- The site is beyond the north eastern boundary of Selsey and the proposal for 250 homes would significantly reduce the Strategic Gap between the proposed development site and Pagham Harbour;
- The Park Lane Area has known surface water drainage problems. The land is very low lying at 4 metres AOD over a wide area which creates a high-water table. Indeed, the new development to the south of Park Lane has had difficulty with surface water, which has been drained into a ditch. Local residents report that the ditch overflows at times and that four of the new houses have suffered from serious subsidence problems and have subsequently been underpinned as a result;
- The Agricultural Land Classification map for London and the South East (ALC007) grades this land as “Excellent to Very Good”. This is the highest agricultural land grading in the country. It is suitable for growing the sort of market garden crops which could be processed in the adjacent processing factory;
- This site is less than a kilometre from Pagham Harbour Special Protection Area (SPA) and Ramsar site. The Habitat Regulation Assessment carried out by AECOM on behalf of the Council shows that development of this site will have a likely significant effect on the Pagham and Chichester Harbour SPA’s/Ramsar sites. Objections have been raised by the Sussex Wildlife Trust, the RSPB, the Sussex Ornithological Society. The latter advise that they would much rather see development west of the Chichester Road. They are very concerned that development on the east side of Chichester road will seriously harm the SPA.

There were a number of objections citing surface water flooding and other issues which indicate that this is not the most suitable site for further residential development in Selsey. There are other sites which should also be thoroughly assessed as alternatives, before adopting this strategic site allocation on the land north of Park Lane.

Notwithstanding the above, the 250 homes allocated to Selsey is a minimum, not a cap on the number of homes. Other sustainable sites should also be included within the revised Settlement Boundary to ensure that Selsey can develop in a planned and sustainable way throughout the lifetime of the LPR.



## 5 Conclusion

The sites at Northcommon Farm are suitable, sustainable and with services running through the land which means that it can be delivered in the short term, either independently or as one. The land is wholly owned by our client who is willing to engage with the Council and agree a programme for development to ensure that a suitable and sustainable development of market and affordable housing is delivered within 2 years. This site is likely to be brought forward to planning application stage. In line with the IPS, we expect that the Council will view the site positively, subject to meeting all of the 12 criteria set out in the IPS.

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

cc. Deerhyde Limited



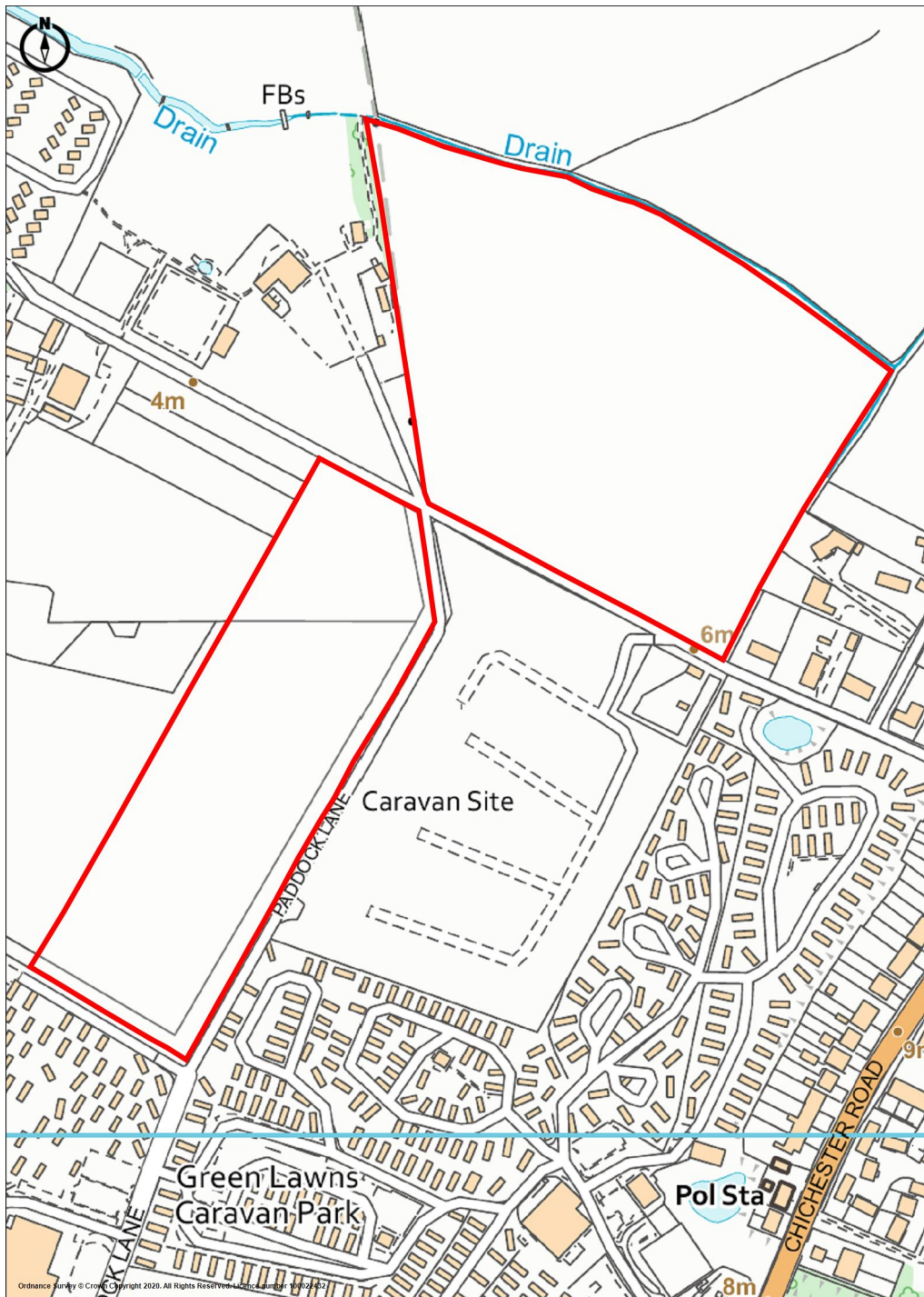
## APPENDIX 1

### SITE LOCATION PLAN

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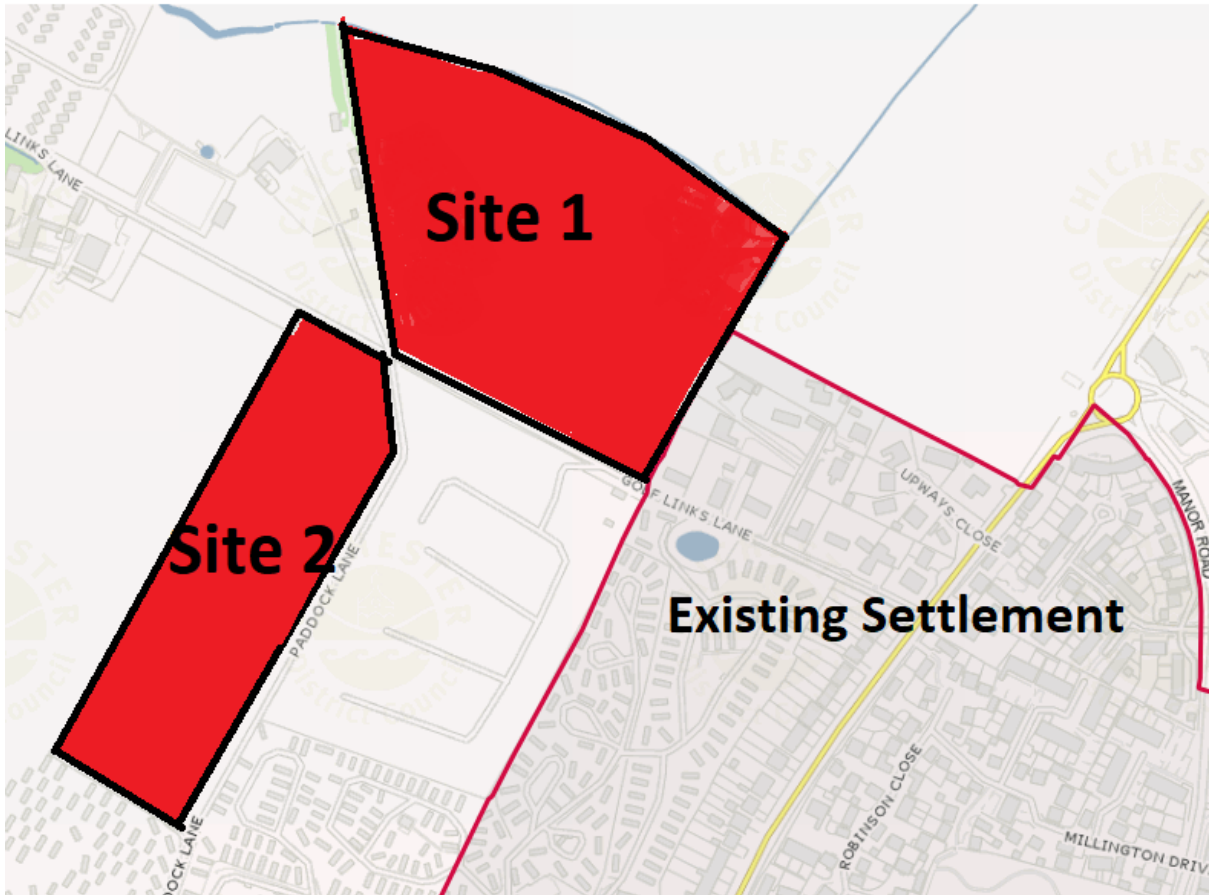


Northcommon Farm, Selsey - Sites 1 and 2



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Northcommon Farm – relationship with Existing Settlement

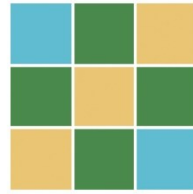




## APPENDIX 2

### NORTHCOMMON FARM – TRANSPORT REVIEW

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Quod  
Ingeni Building  
17 Broadwick Street  
London  
W1F 0DE  
FAO. Angie Fenton

Date: 8<sup>th</sup> August 2020

Dear Angie,

**Land at Northcommon Farm, Selsey – Review of Highways and Transportation Matter Concerning Residential Development**

Further to our instruction, CTP have reviewed the potential land allocation at Northcommon Farm in Selsey and conclude, in highways and transportation terms, this site would be suitable for residential development, for the reasons set out below.

The site would be situated adjacent to existing residential development offering excellent opportunities for making connections into a pre-existing local highway network, for travel by all modes, but particularly walking. An initial review of the local highway safety records around the site, Golf Links Lane and Chichester Road indicate that there are no pre-existing concerns that the development of this land would exacerbate.

The site is considered to be sustainable, in so far as it would be accessible to a wide range of services and amenities in Selsey, with cycling and public transport offering access to facilities further afield. Opportunities for minimising car travel would therefore be in abundance.

Access to the site could be delivered via the upgrading of Golf Links Lane, accessed in turn from Chichester Road. CTP have undertaken an initial review of Golf Links Lane and conclude, subject to acquisition of the necessary land and/or privileges, an upgraded road built to an adoptable standard could be delivered.

From a capacity perspective, a development of say 200 dwellings would have a modest but identifiable impact on the local highway network, particularly at the junction formed between Golf Links Lane and Chichester Road. However, from an operational capacity perspective, high level analysis indicates that capacities would still be within acceptable assessment thresholds, and therefore CTP are able to conclude at this stage, that capacity would not present an overall, insurmountable issue, at the planning application stage.

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I trust the information set out in this letter is both useful and acceptable,  
and I look forward to hearing from you in due course.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ame'.

Adam Padmore

*Managing Director* on behalf of **Cotswold** Transport Planning Ltd



## APPENDIX 3

### NORTHCOMMON FARM – ECOLOGY OPPORTUNITIES AND CONSTRAINTS



Ecological Opportunities and  
Constraints Note  
**Land North of Golf Links  
Lane**

10<sup>th</sup> July 2020

<b>Report No:</b>	<b>Date</b>	<b>Revision</b>	<b>Author</b>	<b>Checked</b>
13348_R02	10/07/2020	a	Christian Cairns MSc	Nathan Jenkinson MSc BSc (Hons) MCIEEM

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- Appendix 2: Survey Methodology
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- Appendix 4: Site Photographs
- Appendix 5: Ecology Survey Planner

## Plans

- 13348/P02: Habitat Features Plan

## Section 1: Introduction and Site Context

### Purpose

- 1.1 This note has been prepared by Tyler Grange Group Ltd (TG) on behalf of Deerhyde Limited following an update ecological walkover survey on 6th 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 north of Golf Links Lane. It is bordered by arable fields to the north and east, residential properties with associated gardens to the east, Green Lawns Holiday park to the south and Selsey Country Club to the west.



**Figure 1: Site Context and Boundary**  
(Aerial Imagery © Google 2019)

## Section 2: Ecological Features

### Protected Sites

2.1 Potential constraints relating to statutory designated sites is discussed in **Table 1** below. Records of non-statutory sites were not obtained from Sussex Biodiversity Record Centre (SXBRC) for the purposes 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> – 1.3km east Designated as an SPA for presence of Annex I species under Article 4.1of the Birds Directive (79/409/EEC) <sup>1</sup> . Designated under as a Ramsar site under Ramsar criterion 6 for supporting over 1% of a particular species or subspecies of waterfowl <sup>2</sup> . <b>International ecological importance</b>	Major
	<u>Chichester and Langstone Harbours SPA and Ramsar and Solent Maritime SAC</u> – 7.1km 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>3</sup> . Designated under as a Ramsar site under Ramsar criterion 6 for supporting over 1% of a particular species or subspecies of waterfowl <sup>4</sup> . <b>International ecological importance</b>	Minor
<b>National Designation</b>  Definitions – SSSI – Special Site of Scientific Interest	<u>Pagham Harbour SSSI</u> – 1.3km east As above <b>International ecological importance (Due to its designation as an SPA and Ramsar)</b>	Moderate
	<u>Bracklesham Bay SSSI</u> – 1.4km 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>5</sup> . <b>National ecological importance</b>	Moderate

<sup>1</sup> <https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9012041.pdf>

<sup>2</sup> <https://jncc.gov.uk/jncc-assets/RIS/UK11052.pdf>

<sup>3</sup> <https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9011011.pdf>

<sup>4</sup> <https://rsis.ramsar.org/ris/378>

<sup>5</sup> <https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1004079.pdf>

## 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/P02**), 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>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 1).	Minor
<b>Scrub (Dense and Scattered)</b>	Patches of scrub located across the site predominantly along the north, east and west site boundaries (See Photograph 2). Some patches of scattered scrub present within the grassland (See Photograph 3).	Minor
<b>Hedgerows (Intact and Defunct Species-Poor)</b>	Hedgerows primarily dominated by blackthorn <i>Prunus spinosa</i> (north site boundary) hawthorn <i>Crataegus monogyna</i> (east and west site boundary) are present along the east, north and a west site boundary (See Photograph 4).  The hedgerows present along the site boundaries also qualify as a Habitat of Principle Importance (HoPI) <sup>6</sup> .	Moderate
<b>Hedgerow (Hedge with Trees)</b>	An overgrown hedgerow with some scattered trees, primarily composed of hawthorn, present along the west site boundary (See Photograph 5).	Moderate
<b>Bracken (Dense and Scattered)</b>	Patches of bracken <i>Pteridium aquilinum</i> located along sections of the north and east site boundary. Bracken is dense within the site boundary (See Photograph 6) but scattered as it encroaches into the grassland (See Photograph 7).	Minor
<b>Wet Ditch (Offsite)</b>	A wet drainage ditch, potentially used for crop irrigation, located along the length of the north site boundary (See Photograph 8).	Moderate

<sup>6</sup> <http://data.jncc.gov.uk/data/ca179c55-3e9d-4e95-abd9-4edb2347c3b6/UKBAP-BAPHabitats-17-Hedgerows.pdf>

## 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/P02**), 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 (If present)
<b>Great crested newt (GCN)</b> <i>Triturus cristatus</i> and other amphibians	<p>No ponds within or directly adjacent to the site boundary.</p> <p>A wet ditch is present along the north site boundary. No surface flow was observed however, as the ditch feeds into a fishing lake at Selsey Country Club and is likely used for arable drainage which will include pollutant runoff, it is considered unlikely to support GCN. However, to provide more certainty a Habitat Suitability Index (HSI) of this ditch should be undertaken.</p> <p>A search of aerial imagery found four waterbodies approximately 270m west, 280m, 300m and 500m north from the site, however, they are on private land and were inaccessible during the survey. From aerial images it is inferred that all waterbodies are unsuitable for GCN. The first pond is a well-stocked<sup>7</sup> and heavily managed fishing lake within Selsey Country Club. The remaining three waterbodies are all lined depressions north of the site and are assumed to be used for irrigation of the adjacent arable farmland. Further HSI's of these ponds, to determine if they possess potential to support GCN, should be undertaken if access can be obtained.</p> <p>Grassland, scrub and boundary features offer some potential for GCN. However, it is considered due to the location of the site and a lack of suitable breeding ponds, that GCN are high unlikely to be present on site and are therefore, considered absent.</p>	<b>Minor</b>
<b>Badger</b> <i>Meles meles</i>	<p>No setts or signs of foraging recorded on-site.</p> <p>Grassland offers some foraging and dispersal habitat.</p>	<b>None</b>
<b>Bats</b>	<p>Grassland offers some high value habitat to foraging/commuting bats.</p> <p>Site boundaries (hedgerows) could provide potential foraging or commuting routes, with connectivity to the wider landscape and habitats to the west of the site.</p> <p>No roosting potential was found on any of the trees on or directly adjacent to the site.</p>	<b>Moderate</b>

<sup>7</sup> <https://www.selseycountryclub.co.uk/selsey-fishing-club>

Species / Group	Potential Onsite	Scale of Constraint (If present)
<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>8</sup>, were seen in the hedgerow boundaries during the survey in July.</p> <p>Site offers limited opportunities for birds due to it's small size and location within the landscape.</p>	<b>Minor</b>
<b>Wintering Birds</b>	The site provides potential habitat for qualifying species of the Pagham Harbour SPA/Ramsar, namely brent geese.	<b>Moderate</b>
<b>Dormouse</b> <i>Muscardinus avellanarius</i>	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 absent.	<b>None</b>
<b>European otter</b> <i>Lutra lutra</i> & <b>water vole</b> <i>Arvicola amphibius</i>	No suitable waterbodies within the site. Wet ditch directly adjacent to the site boundary is Species both considered absent.	<b>None</b>
<b>West European Hedgehog</b> <i>Erinaceus europaeus</i>	Site boundaries and scrub patches with grassland offering some foraging 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, bracken and boundary habitats (hedgerow) offer potential to support common and widespread reptile species.	<b>Moderate</b>

<sup>8</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>	A review of the conclusions of the Habitat Regulation Assessment (HRA) undertaken to inform the Chichester Local Plan <sup>9</sup> limits the potential impact pathways for the site to: <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>	<b>Recreational Pressure -</b> The Zone of Influence (Zoi) for Pagham Harbour SPA and Ramsar is 3.5km <sup>10</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.  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.  <b>Water Quality -</b> The Chichester District Council Water Quality Assessment <sup>11</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.	N/A
<b>Chichester and Langstone Harbours SPA and Ramsar and Solent Maritime SAC</b>			N/A

<sup>9</sup> <https://www.chichester.gov.uk/media/30918/Habitat-Regulations-Assessment-Chichester-Local-Plan->

<sup>10</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>11</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.</p> <p>Loss of Functionally Linked Habitat for Birds –</p> <p>The site possesses some suitability as feeding habitat for waterfowl, particularly brent geese. Further wintering bird surveys are recommended to determine if brent geese are using the site.</p> <p>For Chichester and Langstone Harbours SPA and Ramsar the Solent Waders and Brent Geese Strategy<sup>12</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 as it meets the below criteria:</p> <p><i>Any residential developments with a total net gain in residential units.</i></p> <p>Mitigation maybe required as to not impact the proposed site. Consultation with Natural England should be undertaken to determine if any impacts are perceived.</p>	N/A

<sup>12</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>Habitats:</b>			
<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	Sections of hedgerows lost to facilitate the development.  Loss of boundary features should be avoided where possible.  Loss of hedgerows should be compensated for by enhancement of retained boundary features and creation of additional hedgerow habitat.	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>Bracken</b>	Loss of bracken habitat	No specific constraint. Pioneer species and hard to manage, bracken can present a health risk to animals and humans recommended removal and replacement with native species planting.	Yes
<b>Wet Ditch</b>	Impact on aquatic life from surface run-off	A Construction Environment Management Plan (CEMP) should be written for any proposed development detailing best practise environmental protection measures to prevent impacting waterways from any proposed development at any stage.	Yes
<b>Protected and Priority Species:</b>			
<b>Bats</b>	Potential loss of habitat, increased lighting	Potential loss of habitat that could be in use by foraging and commuting bats. See measures for grassland and hedgerows above.  A CEMP detailing sensitive light measures to prevent disturbance to bats using the site should be draw up.	N/A

Feature	Potential impacts	Constraints and development design	Opportunity for net gain in biodiversity
		<p>Furthermore, sensitive lighted designed to prevent light spill should be included with the scheme design, as per best practise guidance<sup>13</sup>.</p> <p>Bat boxes (integrated or hung on buildings/trees) would offer an additional enhancement at the site.</p>	
<b>GCN</b>	Potential disturbance to GCN habitat	Further HSI's are needed to determine if the ditch and four ponds within 500m of the site have potential to support GCN.	N/A
<b>Reptiles</b>	Potential loss of habitat; grassland, scrub and boundary hedgerows.	<p>Surveys will 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>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 required 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>	N/A

<sup>13</sup> Bat Conservation Trust., Institution of Lighting Professionals. (2018). Bats and artificial lighting in the UK Bats and the Built Environment series. BCT & ILP.

Feature	Potential impacts	Constraints and development design	Opportunity for net gain in biodiversity
		Bird boxes (integrated or hung on buildings) to increase roosting opportunities, would offer an additional enhancement at the site.	
<b>Wintering birds</b>	Potential loss of feeding habitat for migrant and overwintering bird species	<p>Research shows that the median distance where disturbance from people to brent goose occurred was 51.5m. As the site is large (5.3ha) some sections fall outside of the 51.1m from human disturbance. As such, further wintering bird surveys are recommended to determine if brent geese or any other qualify species of the Pagham Harbour SPA/Ramsar are using the site.</p> <p>Potential mitigation in the form of habitat creation on or off-site to replace any feeding habitat lost maybe required.</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	<p>Potential loss of habitat that could be in use by invertebrates, habitats within the site can be enhanced post development.</p> <p>Recommendations for habitats above would also constitute enhancement for invertebrates. See measures for grassland, hedgerows and scrub above.</p>	N/A

## 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 in 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: <ul style="list-style-type: none"> <li>• Transect and static detectors, monthly visits.</li> </ul>	<b>April to October</b>
<b>GCN</b>	Habitat Suitability Index of four ponds within 500m of the site	<b>No seasonal constraint; can be undertaken anytime</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>	Wintering bird surveys during the active season	<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>14</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>14</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.

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.*

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<sup>15</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)

*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 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>16</sup>;
  - Chichester Council Website<sup>17</sup>;
  - Joint Nature Conservation Committee (JNCC) website<sup>18</sup>;
  - Natural England (NE) designated sites website<sup>19</sup>;
  - Ordnance Survey mapping; and
  - Google Maps, including aerial photography.
  - 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>20</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>16</sup> <https://magic.defra.gov.uk/>

<sup>17</sup> <https://www.chichester.gov.uk/>

<sup>18</sup> <http://jncc.defra.gov.uk/ProtectedSites/>

<sup>19</sup> <https://designatedsites.naturalengland.org.uk/>

<sup>20</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>21</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>21</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





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## Appendix 4: Site Photographs



***Photograph 1: Species-poor semi-improved grassland***



***Photograph 2: Dense scrub along north site boundary***



***Photograph 3: Scattered scrub along west site boundary***



***Photograph 4: Intact species-poor hedgerow along north site boundary***



***Photograph 5: Hedge with trees along west site boundary***



***Photograph 6: Dense bracken along north site boundary***



***Photograph 7: Scattered bracken encroaching on grassland***



***Photograph 8: Wet ditch along north site boundary***

## Appendix 5: 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

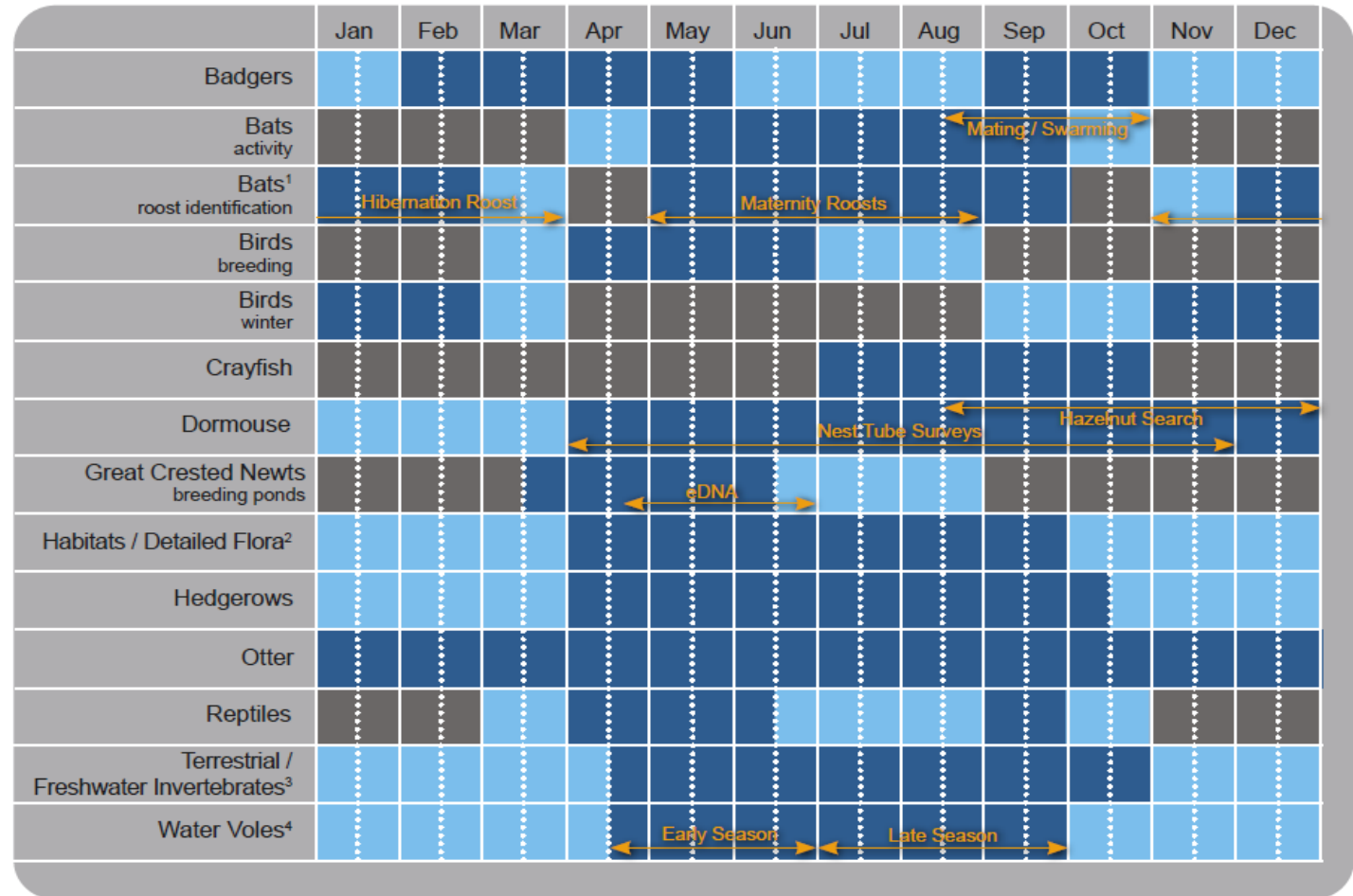
e. [info@tylergrange.co.uk](mailto:info@tylergrange.co.uk)  
w. [tylergrange.co.uk](http://tylergrange.co.uk)

<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.



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## Plans

13348/P02: Habitat Features Plan



### Legend

- Site Boundary
- Target Note

### Habitat Features

- Dense Bracken
- Dense Scrub
- Fence
- Wet Ditch
- Hedge with Trees
- Scattered Bracken
- Scattered Scrub
- Species-Poor Intact Hedgerow
- Species-Poor Defunct Hedgerow
- SI Species-Poor Semi-Improved Grassland

Target Notes:  
TN1 - Log piles



Project	Land North of Golf Links Lane
Drawing Title	<b>Habitat Features Plan</b>
Scale	As Shown (Approximate)
Drawing No.	13348/P02
Date	July 2020
Checked	cc



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Ecological Opportunities and  
Constraints Note  
**Land South of Golf Links  
Lane**

10<sup>th</sup> July 2020

<b>Report No:</b>	<b>Date</b>	<b>Revision</b>	<b>Author</b>	<b>Checked</b>
13348_R03	10/07/2020	a	Christian Cairns MSc	Nathan Jenkinson MSc BSc (Hons) MCIEEM

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## Plans

- 13348/P03: Habitat Features and Preliminary Bat Roost Assessment Plan

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## Section 1: Introduction and Site Context

### Purpose

- 1.1 This note has been prepared by Tyler Grange Group Ltd (TG) on behalf of Deerhyde Limited following an update ecological walkover survey on 6th 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 south of Golf Links Lane. The site is bordered by Selsey Country Club to the north, Green Lawns Holiday Park to the east and south, and grazed pasture to the west.



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

## Section 2: Ecological Features

### Protected Sites

2.1 Potential constraints relating to statutory designated sites is discussed in **Table 1** below. Records of non-statutory sites were not obtained from Sussex Biodiversity Record Centre (SXBRC) for the purposes 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> – 1.6km east Designated as an SPA for presence of Annex I species under Article 4.1of the Birds Directive (79/409/EEC) <sup>1</sup> . Designated under as a Ramsar site under Ramsar criterion 6 for supporting over 1% of particular species or subspecies of waterfowl <sup>2</sup> . <b>International ecological importance</b>	Major
	<u>Chichester and Langstone Harbours SPA and Ramsar and Solent Maritime SAC</u> – 7.3km north 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>3</sup> . Designated under as a Ramsar site under Ramsar criterion 6 for supporting over 1% of a particular species or subspecies of waterfowl <sup>4</sup> . <b>International ecological importance</b>	Minor
<b>National Designation</b>  Definitions – SSSI – Special Site of Scientific Interest	<u>Bracklesham Bay SSSI</u> – 1.4km south 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>5</sup> . <b>County ecological importance</b>	Moderate
	<u>Pagham Harbour SSSI</u> – 1.6km east As above <b>International ecological importance (Due to its designation as an SPA and Ramsar)</b>	Moderate

<sup>1</sup> <https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9012041.pdf>

<sup>2</sup> <https://jncc.gov.uk/jncc-assets/RIS/UK11052.pdf>

<sup>3</sup> <https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9011011.pdf>

<sup>4</sup> <https://rsis.ramsar.org/ris/378>

<sup>5</sup> <https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1004079.pdf>

## 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 and Preliminary Bat Roost Assessment Plan (**13348/P03**), 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>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 1).	Minor
<b>Scrub (Dense and Scattered)</b>	Patches of scrub located within and along the treeline running along the west and south site boundary (See Photograph 2).	Minor
<b>Tall Ruderal</b>	A strip of tall ruderal primarily composed of arable weeds, between the species-poor semi-improved grassland and the dry ditch (See Photograph 3).	Minor
<b>Hedgerows (Intact and Defunct Species-Poor)</b>	Hedgerows primarily dominated by hawthorn present along the north (See Photograph 4) and west site boundary. Hedgerow along the west site boundary is defunct and no longer stock proof (See Photograph 3).  The hedgerows present along the site boundaries do not qualify as a Habitat of Principle Importance (HoPI) due to them being heavily defunct, possessing over 20m gaps between vegetated sections <sup>6</sup> .	Moderate
<b>Dry Ditch</b>	Dry recently dug drainage ditch along the west site boundary with two culverts, one at either end of the ditch (See Photograph 5).	Minor
<b>Treeline</b>	A treeline runs along the east and south site boundary (See Photograph 6). Two damaged trees are present within the tree lines that possess low potential to support roosting bats (see Table 3 – Bats below) TN1 – Broken tree along the east site boundary. TN2 – Broken tree along the south site boundary (See Photograph 7).	Moderate

<sup>6</sup> <http://data.jncc.gov.uk/data/ca179c55-3e9d-4e95-abd9-4edb2347c3b6/UKBAP-BAPHabitats-17-Hedgerows.pdf>

## 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 and Preliminary Bat Roost Assessment Plan (**13348/P03**), 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
<b>Great crested newt (GCN)</b> <i>Triturus cristatus</i> and other amphibians	<p>No ponds within or directly adjacent to the site boundary.</p> <p>The dry ditch present on site is newly created and does not hold water yet. .As such, it is considered unsuitable for GCN.</p> <p>A search of aerial imagery found two waterbodies approximately 360m north-west and 476m north from the site, however, they are on private land and were inaccessible during the survey. From aerial images it is inferred that all waterbodies are unsuitable for GCN the first waterbody is a well-stocked<sup>7</sup> and heavily managed fishing lake within Selsey Country Club. The second waterbody is a lined depression north of the site and is assumed to be used for irrigation of the adjacent arable farmland.</p> <p>Grassland, scrub and boundary features offer some potential for GCN. However, it is considered due to the location of the site and a lack of suitable breeding ponds within 250m, that GCN are high unlikely to be present on-site and are therefore, considered absent.</p>	None
<b>Badger</b> <i>Meles meles</i>	<p>No setts or signs of foraging recorded on-site.</p> <p>Grassland and scattered scrub offer foraging and dispersal habitat.</p>	None
<b>Bats</b>	<p>Grassland unlikely to offer high value habitat to foraging/commuting bats.</p> <p>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.</p>	Moderate

<sup>7</sup> <https://www.selseycountryclub.co.uk/selsey-fishing-club>

Species / Group	Potential Onsite	Scale of Constraint
	Two damaged trees are present within the treeline that could support roosting bats. These trees were assessed as possessing a low potential to support roosting bats	
<b>Breeding birds</b>	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>8</sup> , were seen in the hedgerow boundaries during the survey in July.  Site offers limited opportunities for birds due to its small size and location within the landscape.	<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 its small size, boundary features (enclosed by hedgerows and treelines on all sides), 'irregular' shape, the site is considered unlikely to be used by these species.	<b>None</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. Treelines have very little to no understorey. 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 opportunities.	<b>Minor</b>
<b>Invertebrates</b>	Common assemblage only expected given nature of habitats and species diversity.	<b>Minor</b>

<sup>8</sup> <https://www.bto.org/our-science/publications/psob>

Species / Group	Potential Onsite	Scale of Constraint
Reptiles	Grassland, scrub and boundary habitats (hedgerow and treeline) offer potential to support common and widespread reptile species.	Moderate

## 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 ( <u>underlined&gt;</u> )	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>9</sup> limits 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>10</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>	N/A
<b>Chichester and Langstone Harbours SPA and Ramsar and Solent Maritime SAC</b>		<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 -</p>	N/A

<sup>9</sup> <https://www.chichester.gov.uk/media/30918/Habitat-Regulations-Assessment-Chichester-Local-Plan->

<sup>10</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)

Feature	Potential impacts	Constraints and development design ( <u>underlined</u> )	Opportunity for net gain in biodiversity
		<p>The Chichester District Council Water Quality Assessment<sup>11</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> <p>No water quality impacts are perceived upon Chichester and Langstone Harbours SPA and Ramsar and Solent Maritime SAC.</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 (2.9Ha), is an irregular shape and is enclosed by hedgerows and treelines 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>12</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>	
<p><b><u>Bracklesham Bay SSSI</u></b></p>	<p>Potential impacts from increased footfall, pollution, air pollution</p>	<p>The site falls within SSSI Risk Zone for as it meets the below criteria:</p> <p><i>Any residential developments with a total net gain in residential units.</i></p>	<p>N/A</p>

<sup>11</sup> <http://www.chichester.gov.uk/CHttpHandler.ashx?id=30900>

<sup>12</sup> <https://solentwbgs.files.wordpress.com/2017/02/solent-waders-and-brent-geese-strategy.pdf>



Feature	Potential impacts	Constraints and development design ( <u>underlined</u> )	Opportunity for net gain in biodiversity
		Mitigation maybe required as to not impact the proposed site. Consultation with Natural England should be undertaken to determine if any impacts are perceived.	
<b>Habitats:</b>			
<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	Sections of hedgerows lost to facilitate the development.  Loss of boundary features should be avoided where possible.  Loss of hedgerows should be compensated for by enhancement of retained boundary features and creation of additional habitat.	Yes
<b>Scrub</b>	Loss of scrub	No specific constraint, however, retain scrub habitats where possible and compensate for losses through new native species planting.	Yes
<b>Tall Ruderal</b>	Loss of tall ruderal	No specific constraint and no specific mitigation required.  Replacement planting of native species is recommended	Yes
<b>Treeline</b>	Removal of treeline	Avoid removal of treelines where possible.  Where loss is unavoidable compensation in the form of replacement planting and enhancement of retained trees should be undertaken.	Yes

Feature	Potential impacts	Constraints and development design ( <u>underlined</u> )	Opportunity for net gain in biodiversity
Dry Ditch	Impact on aquatic life from surface run-off should the ditch become wet	A Construction Environment Management Plan (CEMP) should be written for any proposed development detailing best practise environmental protection measures to prevent impacting waterways from any proposed development at any stage. In order to prevent any impacts do should the dry ditch hold water.	Yes
<b>Protected and Priority Species:</b>			
Bats	Potential loss of habitat, increased lighting causing disturbance to bat activity (feeding/commuting), loss of tree with low potential to support roosts	<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 draw up. Furthermore, sensitive lighting designed to prevent light spill should be included with the scheme design, as per best practise guidance<sup>13</sup>.</p> <p>Soft felling of two trees with low potential for roosting bats as per best practise guidance<sup>14,15</sup>.</p> <p>Bat boxes (integrated or hung on buildings/trees) would offer compensation for the loss of potential roosts if removed and also as an enhancement for the site.</p>	N/A
Reptiles	Potential loss of habitat; grassland, scrub and boundary hedgerows/tree lines.	<p>Surveys will 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>	N/A

<sup>13</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>14</sup> Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd Edition. The Bat Conservation Trust, London.

<sup>15</sup> Mitchell-Jones, A.J. and McLeish, A.P. (2004). *Bat Workers' Manual*. 3rd Edition. JNCC, Peterborough.

Feature	Potential impacts	Constraints and development design ( <u>underlined</u> )	Opportunity for net gain in biodiversity
		<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> <p>Enhancement of retained areas with hibernacula (log piles) would present an enhancement for the site.</p>	
<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 reviewed 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>Wintering Birds</b>	Potential loss of functionally linked habitat (foraging habitat)	As the site is small in size (2.9Ha), is an irregular shape and is enclosed by hedgerows and treelines making the site of limited suitability for brent geese <sup>3</sup> . Research shows that the median distance where disturbance from people to brent goose occurred was 51.5m <sup>16</sup> . As such it is considered that it	N/A

<sup>16</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 ( <u>underlined</u> )	Opportunity for net gain in biodiversity
		is highly unlikely that brent geese are using the site and no further surveys are required.	
<b>West European Hedgehog</b>	Potential loss of habitat	<p>Potential loss of habitat that could be in use by hedgehog, habitats within the site can be enhanced post development.</p> <p>Recommendations for habitats above would also constitute enhancement for hedgehog. See measures for grassland, hedgerows and scrub above.</p>	N/A
<b>Invertebrates</b>	Potential loss of habitat	<p>Potential loss of habitat that could be in use by invertebrates, habitats within the site can be enhanced post development.</p> <p>Recommendations for habitats above would also constitute enhancement for invertebrates. See measures for grassland, hedgerows and scrub above.</p>	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 in 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
Bats	Activity surveys: <ul style="list-style-type: none"><li>Transect and static detectors, monthly visits.</li></ul>	April to October
Reptiles	Presence / absence surveys: <ul style="list-style-type: none"><li>Artificial refugia set up in suitable habitat, seven visits.</li></ul>	April to mid-June or September

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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>17</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:*

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<sup>17</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)

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*
- 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.*

***Draft Chichester Local plan Review 2035<sup>18</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:*

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<sup>18</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)

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:*

- 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>19</sup>;
  - Chichester Council Website<sup>20</sup>;
  - Joint Nature Conservation Committee (JNCC) website<sup>21</sup>;
  - Natural England (NE) designated sites website<sup>22</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>27</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>19</sup> <https://magic.defra.gov.uk/>

<sup>20</sup> <https://www.chichester.gov.uk/>

<sup>21</sup> <http://jncc.defra.gov.uk/ProtectedSites/>

<sup>22</sup> <https://designatedsites.naturalengland.org.uk/>

<sup>27</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>28</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>28</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: Statutory Designated Sites within 10km of the Site



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## Appendix 4: Site Photographs



***Photograph 1: Species-poor semi-improved grassland***



***Photograph 2: Dense and scattered scrub within treeline and grassland***



***Photograph 3: Defunct hedgerow and tall ruderal strip along the west site boundary***



***Photograph 4: Intact species-poor hedgerow along the north site boundary***



***Photograph 5: Recently dug dry ditch and calvert***



***Photograph 6: Treeline along the east site boundary***



***Photograph 7: Damaged tree TN2 along the south site boundary***

## Appendix 5: 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

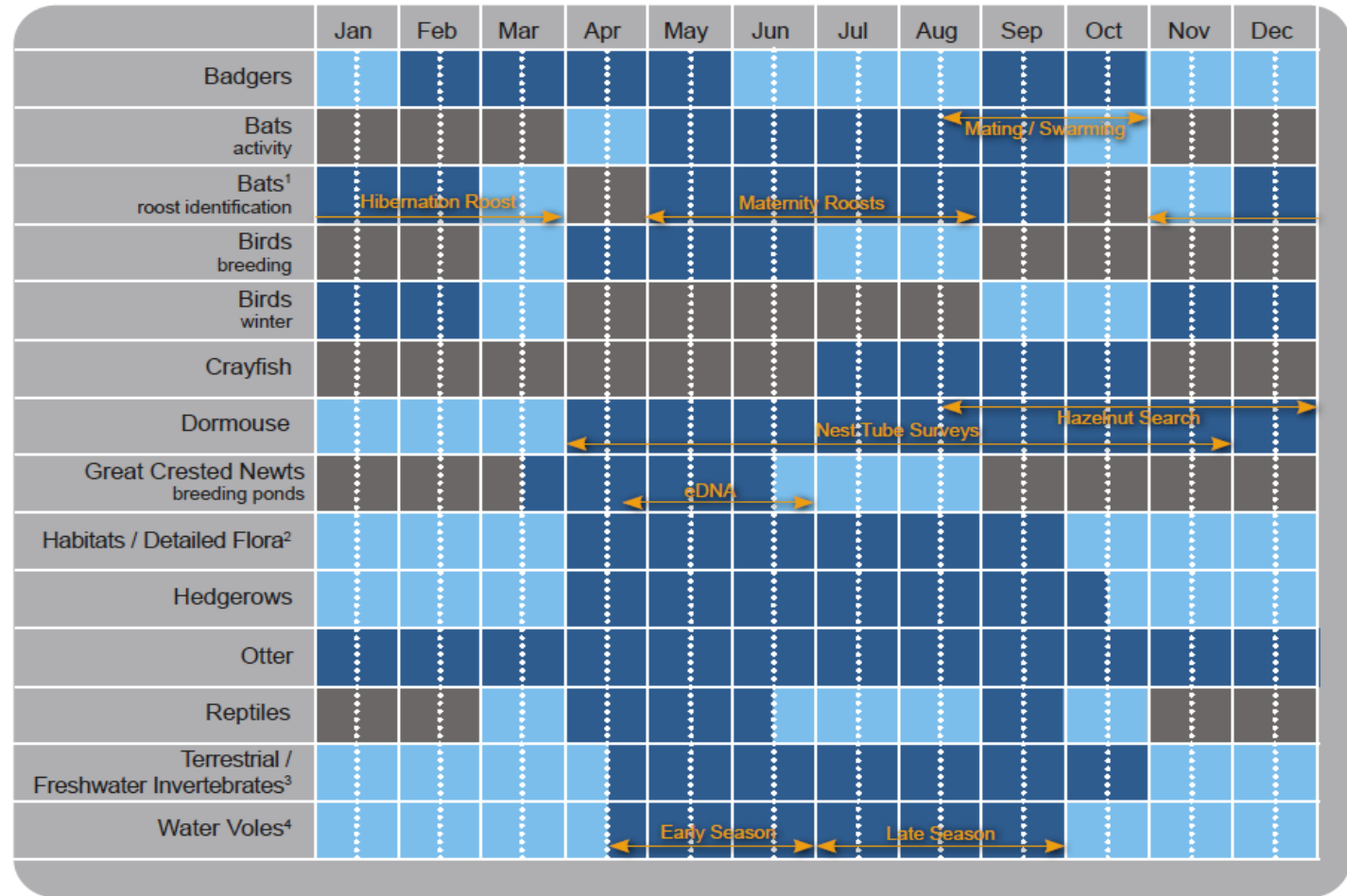
e. [info@tylergrange.co.uk](mailto:info@tylergrange.co.uk)  
w. [tylergrange.co.uk](http://tylergrange.co.uk)

<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.

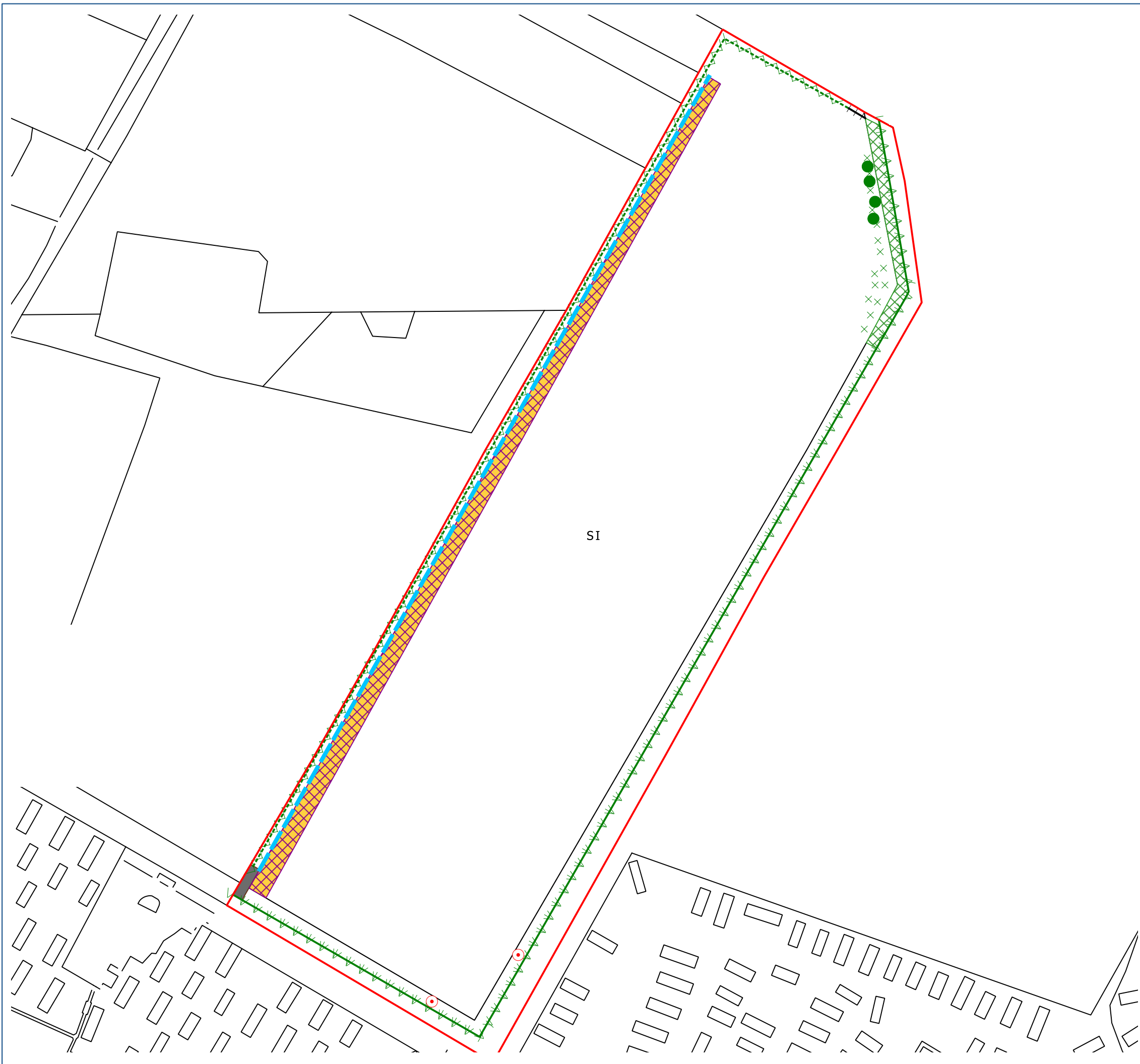
<sup>4</sup> Surveys are required in both the early and late seasons.



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## Plans

13348/P03: Habitat Features and Preliminary Bat Roost Assessment Plan



### Legend

Site Boundary

Target Note

### Habitat Features

Bareground

Dense Scrub

Dry Ditch

Fence

Hedge with Trees

Scattered Scrub

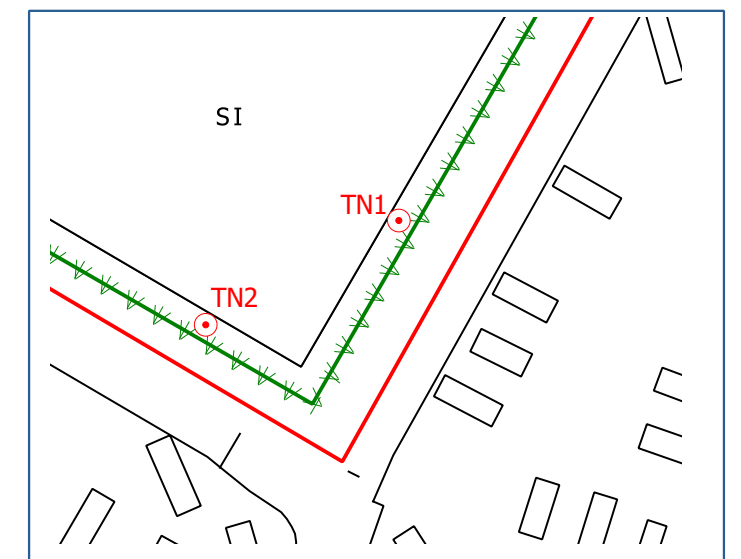
Scattered Trees

Species-Poor Defunct Hedgerow

Treeline

Species-Poor Semi-Improved Grassland

Tall Ruderal



Target Notes:  
 TN1 - Damaged poplar tree, low potential to support roosting bats  
 TN2 - Damaged oak tree, low potential to support roosting bats



Project	Land South of Golf Links Lane
Drawing Title	<b>Habitat Features and Preliminary Bat Roost Assessment</b>
Scale	As Shown (Approximate)
Drawing No.	13348/P03
Date	July 2020
Checked	cc



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