

## INSPECTOR'S INTERIM FINDINGS FOLLOWING HEARING SESSIONS

Inspector's question:

### **Matter 4c - Strategic Housing Allocations – Greater Bognor Regis (SD1-SD3)**

#### **Issue 2 – Constraints – Special Protection Area (SPA)**

20. The allocation at Pagham South lies close to the Pagham Harbour SPA (just outside the 400m buffer). Technical Note PELP33a (September 2017) indicates that it would be prudent to undertake additional surveys for Brent Geese over the winter period between October and March. Correspondence from Natural England that I have seen preceded the Technical Note. At the hearings Natural England supported the conclusions of the Technical Note that further survey work should be carried out. ***Taking into account the latest position and evidence available are Natural England in a position to confirm in writing at this stage that the Pagham South allocation alone or in combination with other developments would not have significant effects on the European site?***

#### **Natural England's response:**

Natural England's view is that if an area is regularly used by a significant number of foraging dark-bellied brent geese, then it could be considered as functionally linked to the Pagham Harbour Special Protection Area (SPA). This means the impact of its loss should be assessed under the Habitats Regulations<sup>1</sup>.

The Habitats Regulations Assessment (HRA) (PELP 33) of the main modifications to the Arun Local Plan, therefore, focussed on determining whether the allocation sites were regularly used by brent geese. A data search, which incorporated surveys undertaken in support of planning applications for the allocation sites, did not indicate regular use. Nevertheless, the HRA (PELP 33) recognised that if the arable fields making up the allocation sites were planted with a suitable crop, eg winter wheat, then brent geese could make use of them, and hence there was a potential pathway for impacting the SPA. Therefore, the HRA (PELP 33) recommended (p.51-52) that wintering bird surveys were carried out to inform any planning application for the sites, and mitigation measures incorporated if necessary. These mitigation measures could include modifications to the design of the scheme and/or provision of alternative foraging habitat nearby.

Natural England agreed with this approach as it is consistent with that taken towards loss of potential brent goose foraging habitat by neighbouring planning authorities in the Solent. On this basis, Natural England supported the conclusion of the HRA (PELP 33), in February 2017, that: 'Taking account of incorporated mitigation measures, it can be concluded that there will be no adverse effect on the integrity of ... Pagham Harbour SPA/Ramsar as a result of impacts on supporting habitats, either alone or in combination with other plans and projects'.

In August 2017, Sussex Ornithological Society (SOS) and Pagham and Aldwick Greenfields Action Movement (PAGAM) submitted records and anecdotal information on the bird use of the Pagham South allocation site in their responses to planning applications for the site. Natural England's view was that this information called into question whether the Pagham South site is 'regularly' used by foraging geese or not. I therefore, informally recommended that Arun DC review the conclusions of the HRA (PELP 33) in the light of the new information, which was done in the Technical Note dated from September (PELP33a).

As I noted at the EiP Hearing on 25 September, the Technical Note (PELP33a) is very helpful in assessing the new information and making recommendations. Figure 3 of this document is particularly informative, as it plots the locations of brent goose sightings in the

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<sup>1</sup> Conservation of Species and Habitats Regulations 2010

context of the SPA and suitable, available surrounding habitat. Given the apparent extent of the local residents' observations, the Technical Note (PELP33a) recommended that for surety, a further winter's survey was carried out to enable a more informed assessment at the planning application stage, into the potential impacts of the proposals, and mitigation designed if necessary. It went on to state that the new information did not alter the previous conclusion, i.e. that taking into account incorporated mitigation measures, it can be concluded that there will be no adverse effect on the integrity of the SPA.

To clarify, Natural England does not feel additional surveys are necessary to inform allocation of the sites in the Local Plan. However, a further winter's survey may be informative in determining the applications, though only if the sites are planted with a suitable forage crop.

In conclusion, it is Natural England's view that the use of the Pagham South allocation (SD1) by foraging brent geese does not represent a constraint to allocating the site in the Local Plan. This is because mitigation measures are available, should an assessment at the planning application stage demonstrate that they are necessary, and Policy H SP2a and supporting text incorporates the requirement for that assessment. Therefore, Natural England agrees with the conclusion of the Technical Note (PELP 33a), that given the mitigation incorporated into the Local Plan, there will be no adverse effect on the integrity of the Pagham Harbour SPA as a result of potential impacts on foraging brent geese from the allocation sites.

Alison Giacomelli  
Natural England

3 November 2017