

Date: 17 June 2021  
Our ref: 350192 / 351059  
Your ref: NA



Chichester District Council  
East Pallant House  
Chichester  
West Sussex  
PO19 1TY

Customer Services  
Hombeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

**BY EMAIL ONLY**

Dear Valerie Dobson,

**Planning consultation: Southbourne Neighbourhood Plan Review 2019-2037 - Regulation 16  
Location: NA**

Thank you for your consultation on the above dated 01 April 2021 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**Southbourne Neighbourhood Plan 2017-2031**

Policy SB1: Development within and outside the settlement boundaries

We support that this policy advises proposals to avoid impacts to Chichester Area of Outstanding Natural Beauty (AONB) and expects the delivery of green infrastructure, specifically the green ring.

In point 5.16, paragraph 172 of the NPPF could be referenced and directly quoted to ensure the level of protection afforded to the AONB is clearly communicated and cannot be misinterpreted.

Policy SB2: Land East of Southbourne Village

We support that the proposal is to be green infrastructure led and zero carbon.

Recreational Pressure

It is acknowledged in the Habitats Regulations Assessment that this proposal has potential to increase recreational disturbance to sites which are sensitive to such an impact pathway. Natural England acknowledge the measures in place to mitigate recreational disturbance to designated sites. We advise that caution is taken due to the proposed number of residencies and their proximity to the designated sites.

We support the inclusion of Policy SB19 which requires residential developments to include mitigation measures for their impacts to designated sites using the existing evidence base. We advise that this is explicitly referenced in Policy SB2, and it should be explained how it is effectively incorporated.

Furthermore, we back the inclusion of alternative onsite recreational greenspaces which provide alternative options for residents. We advise that it is ensured these greenspaces are of high quality and provide the necessary amenities to make them attractive to residents.

The financial contributions to the Bird Aware Strategy will avoid an adverse effect on the integrity of the designated sites. We suggest the consideration of measures above and beyond financial contributions if deemed necessary, for example, providing attractive alternative recreational spaces and educational measures.

### Water Quality

As acknowledged in the HRA, the designated sites rely on their water quality to support their designated features. Without appropriate mitigation the proposal could reduce water quality and thus impact the designated sites.

Natural England supports the explicit reference to Policy SB19 which requires developments to demonstrate nutrient neutrality to ensure no adverse effect on designated sites as part of this policy.

It is explained and demonstrated that the change of land will result in a negative nutrient budget. We concur with the nutrient neutrality calculations and advise the proposed measures would be suitable.

### Water Level and Sustainable Drainage Systems

Designated features of Solent Maritime Special Area of Conservation (SAC) rely on stable water levels and changes to these could negatively impact these features. It is noted that the development could influence water levels as it increases water demand and water abstraction. However, Natural England acknowledge that the increase in deployable output at the relevant sources remains within the existing licensed abstraction volumes at the springs.

We support the suggested amendment to Policy SB2, as explained in section 6.42 of the HRA, to include an explicit reference to Sustainable Drainage Systems (SuDS). We note that the policy has incorporated a reference to SuDS, we advise this is further specified from the current wording:

*'A comprehensive drainage masterplan and sustainable drainage (SuDS) strategy is submitted to reduce the potential for surface water run-off impacts on the maritime environment'*

to this amended wording:

*'A comprehensive drainage masterplan and sustainable drainage (SuDS) strategy is submitted to reduce the potential for surface water run-off impacts and to avoid adverse effects on the integrity of the designated sites'*

We advise that the SuDS strategy is reviewed to confirm its effectiveness and suitability for the proposal. The CIRIA SuDS guidance may be a useful resource in reviewing the strategy. We suggest that it is confirmed all surface water from the development passes through SuDS and that the stages provide sufficient levels treatment prior to discharge to mitigate impacts to designated sites.

### Loss of Functionally Linked Habitat

We note it has not yet been determined whether the proposed location of the development or the surrounding fields likely to be impacted by the development are considered to be Functionally Linked Land. However, it is noted that appropriate evidence will be obtained in order to determine its status. Natural England support the approach of re-surveying areas of high risk to determine whether they are of value to the bird species of the designated site. Understandably, if the land is considered to be functionally linked, we advise that the mitigation hierarchy as explained in the National Planning Policy Framework is adhered to.

Without evidence to determine the status of the land, we are unable to determine the possible impacts to the designated sites. However we note that wording is included to in SB19 which requires the gathering of evidence to determine whether there will be an impact. The wording continues to require sufficient mitigation and an application specific HRA, we support this approach and deem it appropriate.

We have provided further information regarding Functionally Linked Land in Annexe B.

### Atmospheric Pollution

Natural England understand that impacts arising from atmospheric pollution have been scoped out and concur with the justification of this decision.

### Policies SB3 – SB5, SB8, SB9, SB11 & SB12, SB18

These are outside of Natural England's remit and therefore we have provided no comments.

### Policy SB6: Using Scarce Employment Land Efficiently

We support that this policy encourages the efficient use of land, prioritising redevelopment of brownfield locations.

### Policy SB7 & SB10: Managing Design in Southbourne Parish

We support the policy wording which provides consideration for the possible impacts to character resulting from development in the setting of the AONB and South Downs National Park.

### Policy SB13: Green and Blue Infrastructure Network

Natural England support this policy, but suggest more consideration could be included of how blue and green infrastructure will benefit local biodiversity.

### Policy SB14: Biodiversity

Natural England support this policy but suggest the 10% biodiversity net gain is proposed as a minimum and developments should be strongly encouraged to exceed this where possible. We suggest there could also be more to increase connectivity between ecologically important sites.

### Policy SB15: Trees, Woodland and Hedgerows

This policy is supported by Natural England, but as well as safeguarding existing features, we suggest that proposals are required to consider long term gains and plant features that will become valuable over time such as trees, hedgerows and woodland.

### Policy SB16 & SB20

We support these policies and have no suggestions.

### Policy SB17: Achieving Dark Skies

We support this policy and the measures in place to prevent visual impacts via light pollution to the AONB.

### Policy SB19: Mitigating Effects on European Designated Sites

We support this policy and the inclusion of wording as suggested in the HRA.

### Policy SB21: Mitigating Climate Change – Carbon Sinking

Support the requirement for developments to include woodland planting, we suggest that proposals are encouraged to use tree species which will be locally beneficial and connect to the wider ecological infrastructure.

### Policy SB22: Adapting to Climate Change – Water Infrastructure and Flood Risk

We support the inclusion of wording to safeguard development of low lying areas for climate adaptation land.

## **Habitat Regulations Assessment**

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

## **Sustainability Appraisal**

### Designated Sites

As well as supporting the integrity of European sites, we advise that it is ensured there is a criterion to test the plan's policies and proposals for negative impacts on European sites and SSSIs.

We recommend that the cumulative impacts from policies and proposals to designated sites are adequately considered and addressed.

We note that the Sustainability Appraisal (SA) recommends changes to policies or proposals that do not adequately protect designated sites or fully consider the impacts of development on them. Natural England support the inclusion of the suggested modifications.

Natural England note that alternatives have been assessed, we suggest that where impacts on European sites/SSSIs cannot be ruled out in line with the mitigation hierarchy, this is considered in the framework.

### Protected Species

We advise that the baseline data included in the SA considers the presence of Protected Species and Priority Species (including Annex 1 birds and regularly occurring migratory birds<sup>1</sup>) in the plan area. Additionally, we suggest that the main implications of the plan for Protected Species and Priority Species are identified, considered and addressed as necessary.

Regarding European Protected Species, we recommend there is cross-reference to any necessary Habitats Regulations Assessment work within the SA as appropriate. Please note that only species

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<sup>1</sup> As set out in the Birds Directive.



## Annexe A Additional Advice`

Natural England offers the following additional advice:

### **Landscape**

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute Guidelines for Landscape and Visual Impact Assessment](#) for further guidance.

### **Best and most versatile agricultural land and soils**

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. *Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.*

### **Protected Species**

Natural England has produced [standing advice](#)<sup>2</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### **Local sites and priority habitats and species**

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)<sup>3</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

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<sup>2</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>3</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

## Annexe A Additional Advice`

### **Ancient woodland, ancient and veteran trees**

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

### **Environmental enhancement**

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

### **Access and Recreation**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

### **Rights of Way, Access land, Coastal access and National Trails**

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer.

## Annexe A Additional Advice`

### **Biodiversity duty**

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).



## Annex B – Further Guidance on Determining Functionally Linked Land

As stated Natural England requires further assessment to determine if the proposed site serves as Functionally Linked Land (FLL). The minimum assessment required is a habitat suitability assessment which should clearly demonstrate whether the application site is suitable for the interest feature birds of the designated sites. this assessment should, as a minimum, include consideration of:

- distance from the designated site(s)
- application site characteristics, such as:
  - o habitat types
  - o cropping regime
  - o field boundaries
  - o permanent or seasonal waterbodies
  - o size of the application site
- other existing factors affecting suitability, such as:
  - o heavy use by people
  - o proximity to urban areas
  - o employed farming practices
  - o noise and visual disturbance
  - o large and multiple overhead power lines

If the habitat suitability assessment does not clearly demonstrate application site is unsuitable for interest feature birds a desk based assessment should be undertaken. This should collect existing bird data/information from various sources. If there is an absence of records, the assessment should explain whether this is thought to be due to an absence of birds, or an absence of recording.

If the desk based assessments determine that the site is suitable to be used as FLL or there is insufficient existing bird data available, it is likely that bespoke site specific surveys will be required. As these surveys are bespoke they will have to take into account specific survey considerations resulting from the relevant bird species, the impacted designated site(s) and the application site for example:

- time of year
- time of day
- state of tide
- cropping regime

Regarding a suitable methodology we advise:

Vantage point surveys are conducted during winter and as a minimum we advise that at least two surveys per month (Oct – Mar) are completed to gain a valid and reliable data set.

Depending on the site/species the survey may need to cover different tidal states. For example, brent geese are more likely to make use of foraging habitat outside the designated site at high tide when they are unable to feed on seagrass beds. If high tide roosts may potentially be affected, observations should be conducted from two hours before high tide to two hours afterwards. We advise that the chosen methodology is justified by the ecology of species likely to be impacted.

Surveys may need to take account of dusk and dawn, or include nocturnal counts. For example, dawn and dusk movements of swans and geese; and nocturnal surveys of golden plovers.

Where the FLL is in arable cultivation, the cropping regime must be considered. For example, in the Solent, where a brent goose site is potentially affected, the Solent Wader and Brent Goose Strategy specifies that the surveys must be undertaken when the site is under a suitable cropping regime. Where a site is potentially used by geese and waders, several years surveys may be needed to establish use by different species across the cropping rotation.