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| Date: 10 September 2021Our ref: 360162 Your ref: N/A |  |
| Chichester District Council East Pallant House ChichesterWest Sussex PO19 1TY**BY EMAIL ONLY** | Customer Services Hornbeam House Crewe Business Park Electra WayCrewe Cheshire CW1 6GJT 0300 060 3900 |

Dear Valerie Dobson

**Planning consultation:** Hunston Neighbourhood Development Plan 2019-2037

**Location:** Hunston

Thank you for your consultation on the above dated 15 July 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.

## Hunston Neighbourhood Development Plan 2019 - 2037

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 or residencies and their proximity to the designated sites.

We welcome 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 the standard can demonstrate the necessary amenities to make them attractive to residents.

The financial contributions to the Bird Aware Strategy are noted. Due to the number of houses proposed, we suggest as above the consideration of measures above and beyond financial contributions should link with multifunctional Green Infrastructure provision..

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. Itis advised that appropriate evidence is 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.

Best and Most Versatile (BMV) Agricultural Land

From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha ‘best and most versatile’ agricultural land (paragraph 170 and 171 of the National Planning Policy Framework).

For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils, although more general guidance is available in Defra [*Construction Code of*](http://www.defra.gov.uk/publications/files/pb13298-code-of-practice-090910.pdf)[*Practice for the Sustainable Use of Soils on Construction Sites*](http://www.defra.gov.uk/publications/files/pb13298-code-of-practice-090910.pdf)*,* and we recommend that this is followed*.* If, however, 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.

Policy EH1: Protection of trees and hedgerows

This policy is welcomed by Natural England, for safeguarding existing features and for supporting enhancement of ecological networks. We note that compensation of native tree planting and habitat creation should only be considered after avoidance and mitigation measures have been fully considered. This is a requirement of the mitigation hierarchy and Plans must show that they can demonstrate accordance with this.

Policy EH3: Flooding, drainage and new development

Natural England support this policy, particularly that no planning permission is to be granted until; details of proposed drainage schemes for surface and foul water have been approved by the planning Authority, and that no building shall be occupied until the sewage network reinforcement scheme has implemented.

We further advise Plans present a key opportunity to ensure water efficiency measures for developments (for example Southern Waters Target 100). Chichester is located in an area of water stress and we advise that new developments should minimise water consumption.

Natural England suggest that more consideration is given to the implementation of Sustainable Drainage Systems (SuDS), as these can considerably improve the water quality. This consideration should also be included within Policy EH10: Green Infrastructure and Ecosystem Services.

Policy EH5: Development on Agricultural Land

Natural England support this policy that development should safeguard the best and most fertile agricultural land from development. We suggest that any development proposals should also include measures to avoid/minimise impacts to areas of BMV soils.

Policy EH7: Dark Skies

Natural England support this policy and measures in place to prevent impacts to local wildlife and protected species that are sensitive to light pollution.

Policy EH10: Green Infrastructure and Ecosystem Services

Natural England welcome 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 welcome the proposed enhancements to biodiversity corridors.

Sustainable Drainage Systems (SuDS) are capable of contributing to local quality of life and green infrastructure, and therefore should also be considered within this policy.

Policy EE2: Sustainable Recreational and tourism activities

We support this policy and have no suggestions.

## SEA Environmental Report

Designated Sites

As well as supporting the integrity of European sites, we advise that it is ensured there is a measure 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.

Section 5.9 states that ‘Chichester District Council have outlined that the Hunston Neighbourhood Plan does not require a Habitats Regulations Assessment.’ Natural England note that an HRA is required for this plan, due to the potential for impacts from increases in recreational disturbance to Chichester and Langstone Harbours SPA and Pagham Harbour SPA. Natural England provided comments to the HRA’s Appropriate Assessment on the 12th August 2021.

Protected Species

We advise that the baseline data included in the SEA considers the presence of Protected Species and Priority Species (including Annex 1 birds and regularly occurring migratory birds1) 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 SEA as appropriate. Please note that only species notified as features of the designated site are covered by the HRA process and this does not include all European Protected Species.

Priority Habitats

The impact of the plan on priority habitats has been considered, to further this consideration we advise an evidence base compiled from the inventories, maps and Government policies (for instance the Natural Environment White Paper) could be incorporated.

Natural England note that the environmental baseline has been considered in the assessment.

## Further Comments

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me at thomas.scott- heagerty@naturalengland.org.uk

Yours sincerely

Thomas Scott-Heagerty Sussex & Kent Area Team

# Annex A – 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](https://www.landscapeinstitute.org/technical/glvia3-panel/) 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](https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land) Agricultural Land Classification information is available on the [Magic](http://magic.defra.gov.uk/) website on the [Data.Gov.uk](https://data.gov.uk/data/search?q=Agricultural%2BLand%2BClassification) 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*](http://www.defra.gov.uk/publications/files/pb13298-code-of-practice-090910.pdf)[*Use of Soils on Construction Sites*](http://www.defra.gov.uk/publications/files/pb13298-code-of-practice-090910.pdf)*, 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](https://www.gov.uk/guidance/protected-species-and-sites-how-to-review-planning-proposals)1 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 and174 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](http://jncc.defra.gov.uk/page-5705)2.

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](https://www.buglife.org.uk/brownfield-hub).

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

2http://webarchive.nationalarchives.gov.uk/20140711133551/http[:/www.](http://www.naturalengland.org.uk/ourwork/conservation/biodiver)n[atu](http://www.naturalengland.org.uk/ourwork/conservation/biodiver)r[alengland.org.uk/ourwork/conservation/biodiver](http://www.naturalengland.org.uk/ourwork/conservation/biodiver)

sity/protectandmanage/habsandspeciesimportance.aspx

## 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](http://publications.naturalengland.org.uk/map?category=552039) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing](https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences) [advice](https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences) 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.

## Biodiversity duty

Your authority has a [duty](http://www.legislation.gov.uk/ukpga/2006/16/section/40) 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](https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity).

# 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.