

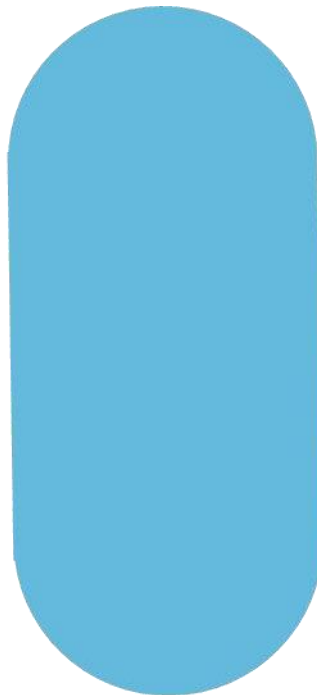
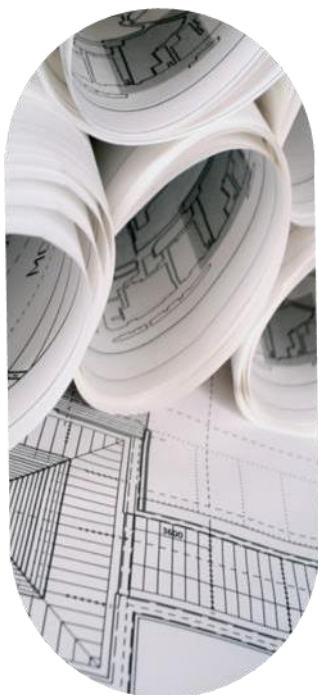


 Part of Shakespeare Martineau

# CHICHESTER LOCAL PLAN EXAMINATION MATTER 5 HEARING STATEMENT

PREPARED ON BEHALF OF GLEESON LAND

September 2024





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## APPENDICES

Appendix 5.1 – Wildlife Corridor Technical Note



## 1. INTRODUCTION

1.1 This Matter Statement has been prepared on behalf of Gleeson Land in response to 'Matter 5: Other Policies', specifically in response to the proposed Policy NE4 Strategic Wildlife Corridors.

1.2 Gleeson Land has interests in the District across 3no. sites, as set out below, and have submitted representations at earlier stages of Plan preparation through Regulation 18 and 19 consultations:

- Land west of Clay Lane, Fishbourne – SHLAA ref. HFB0018a;
- Land south of Scant Road (West), Hambrook – SHLAA ref. HCH0024; and
- Land South of Lagness Road, Runcton, not previously submitted for consideration but subject to an Outline application being submitted in October 2024.

1.3 More detail on these sites is provided in our response to Matter 3.

1.4 This Matter Statement responds to the Inspectors' questions and have been considered in the context of the tests of 'Soundness' as set out at Para 35 of the NPPF (December 2023). These require that a Plan is:

- Positively Prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- Consistent with National Policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.



## 2. MATTER 5 – POLICY NE4 STRATEGIC WILDLIFE CORRIDORS

### Q.117 Is the extent of protection proposed to be afforded to Strategic Wildlife Corridors consistent with national policy as set out in the NPPF?

2.1 The proposed Strategic Wildlife Corridors (SWC) seek to provide ecological connectivity between Chichester Harbour SPA or Pagham Harbour SPA and the South Downs National Park. This is consistent with paragraph 185 of the NPPF which supports the recognition of wildlife corridors and stepping stones that connect them.

2.2 Gleeson's Regulation 19 consultation response included a technical note prepared by Aspect Ecology "Review of Policy NE4". This is re-appended to this Hearing Statement (**Appendix 5.1**). The note identifies:

- The SWCs appear to avoid areas of intensively farmed arable land, with areas of built development and urban areas preferentially incorporated over arable land. Thereby acknowledging that residential areas often retain functional habitat for wildlife, particularly within green infrastructure, and can readily meet the requirements of the Strategic Wildlife Corridors in terms of ensuring ecological connectivity is maintained for wildlife through the landscape;
- Residential development can contribute positively to the function of the corridors particularly where key habitats are retained and green infrastructure is included; and
- Subject to a sensitive ecologically led masterplan, development can be accommodated whilst fully maintaining the functional elements of the corridor. Appropriate development could bring forward considerable benefits to biodiversity through securement of long-term favourable management.

2.3 However, as detailed in the note, Policy NE4 as submitted would not be consistent with national policy for reasons relating to the sequential test requirement (as discussed in response to Q118) and the extent of protection afforded to the SWC.

2.4 Firstly, the policy identifies there should be no harm to the "integrity" of the corridor. The integrity test' relates to paragraph 188 (previously 182) of the NPPF and the assessment of effects on SPAs/SACs/Ramsar sites in the context of an Appropriate Assessment.

2.5 In accordance with paragraph 181 of the NPPF, Plans should distinguish between the hierarchy of international, national and locally designated ecological sites. The integrity test is therefore not appropriate for SWC, which are a lower level of local designation.



- 2.6 To ensure the policy is consistent with national policy, its wording needs to reflect the protection afforded to be proportionate to their designation status.
- 2.7 Similarly, as submitted the policy requires development to demonstrate no adverse impacts on the ecological value, function, integrity and connectivity of the strategic wildlife corridors.
- 2.8 Paragraph 180 of the NPPF identifies that impacts on biodiversity should be ‘minimised’ and paragraph 186 identifies that ‘significant harm’ should be avoided, or if not mitigation provided, or, if necessary, compensated for, before permission should be refused. Consequently, if significant harm does not arise as a result of proposed development then further avoidance, mitigation or enhancement measures would not be required.
- 2.9 The Framework therefore acknowledges that a degree of harm / adverse impacts is acceptable, with the correct test being whether ‘significant harm’ is experienced. To ensure consistency with national policy, Policy NE4 needs to reflect this.
- 2.10 As submitted, Policy NE4 is not sound, not being consistent with national policy. The application of the policy as submitted would not lead to an effective strategy for growth (i.e. suppressing development on potentially suitable sites). Our suggested amendment the policy is as set out in response to Q121 below.

**Q.118 Is the proposed sequential test consistent with national policy and is it justified?**

- 2.11 No, the requirement to demonstrate there are no “sequentially preferable” sites available outside a SWC is not consistent with national policy. The Framework is clear in instances where the sequential test is applicable, namely town centre uses, flood risk and where there is significant harm to biodiversity resulting from development which cannot be avoided, adequately mitigated or compensated for (which as reflected above is not the case for all development in the SWC).
- 2.12 Consequently, the requirement to demonstrate there are no “sequentially preferable” sites available outside a SWC would elevate it above the requirements (through national policy) for international and national designated sites.
- 2.13 The sequential test is therefore not consistent with national policy, and therefore results in a policy which is not sound.



**Q.121 Are the suggested MMs necessary for soundness?**

- 2.14 Yes. As set out previously Policy NE4 as proposed in the Local Plan is not sound. It is not consistent with national policy. It would frustrate the achievement of sustainable development across large parts of the District, rather than support this.
- 2.15 The removal of the 'sequential' requirement, as detailed above, is positive and supported.
- 2.16 However, we still consider the policy as modified would still not be consistent with national policy for 2no. reasons.
- 2.17 Firstly, reference remains to "integrity" of the corridor. The integrity test is not appropriate for SWCs, which are a level of local designation. The wording of the policy should reflect the protection afforded to be proportionate to their designation status.
- 2.18 Secondly, the policy requires development to demonstrate no adverse impacts on the corridor. This is inconsistent with paragraph 186 of the NPPF which identifies the appropriate threshold should be whether "significant harm" is avoided.
- 2.19 To ensure Policy NE4 is "sound", providing an approach which is consistent with national policy, the policy should be further modified as proposed below (blue added / red removed):

"Development proposals within, or in close proximity to, strategic wildlife corridors, as shown on the Policies Map, will only be permitted where they can demonstrate they would not lead to ~~an~~ a significant adverse impact upon the ecological value, function, integrity and connectivity of the strategic wildlife corridors, and protects and enhances its features and habitats.

All proposals for new development (with the exception of householder applications) within or in close proximity to wildlife corridors should take opportunities available in order to extent and enhance those corridors.



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**Appendix 5.1  
Wildlife Corridor Technical Note**

## Technical Note 03

**Project:** Clay Lane, Fishbourne, Chichester

**Date:** March 2023

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# Review of Policy NE4 and Recommendations for an Extension of West of Chichester to Fishbourne Strategic Wildlife Corridor

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## 1 Introduction

- 1.1.1 Aspect Ecology is advising Gleeson Land in respect of land at Clay Lane, Fishbourne, Chichester (see Plan 5555/R1), hereafter referred to as 'the site'. The site is located within a proposed Strategic Wildlife Corridor, namely 'West of Chichester to Fishbourne Strategic Wildlife Corridor', as shown on Plan 5555/R1.
- 1.1.2 Chichester District Council is currently in the process of producing a new Local Plan, with the Regulation 19 consultation launched in February 2023.
- 1.1.3 Aspect Ecology has been commissioned to assess the deliverability of the site in relation to Chichester District Council's (CDC) strategic policy NE4 which relates to the identification and protection of strategic wildlife corridors and inform representations to promote the site in the emerging Local Plan.

## 2 Consideration of Strategic Wildlife Corridors

- 2.1.1 As set out above, the site is located within a proposed Strategic Wildlife Corridor. Further information regarding the identification and purpose of wildlife corridors is set out below, along with a specific assessment of the deliverability of the site in relation to the objectives of the wildlife corridors.

### *Overview of Strategic Wildlife Corridors*

- 2.1.2 **Background.** Chichester District Council is currently in the process of producing a new Local Plan, with the Regulation 19 consultation due to close on 17<sup>th</sup> March 2023. The CDC Local Plan 2021 – 2039: Proposed Submission sets out a series of strategic policies for new development in the District. This includes Policy NE4, which relates to the identification and protection of strategic wildlife corridors to ensure connectivity and passageways are available for wildlife through the landscape.
- 2.1.3 The identification of these strategic wildlife corridors and the rationale for their locations in the district are set out in CDC's 'Strategic Wildlife Corridors Local Plan Review Background Paper' (December 2018), which was subject to review in 2021. This sets out that background mapping of ecological networks was carried across the District during 2012-14 in partnership with Forest Research UK, which utilised data from Sussex Biodiversity Records Centre. The work adopted a species-based approach to define ecological networks and six focal species/species groups were identified to represent key habitats and landscape features, namely Water Vole, Barn Owl, woodland bats, Dormouse, Lapwing and Chalk-hill Blue Butterfly. The rationale for



the wildlife corridors has not yet been examined in detail, with no amendments made following comments received during the Regulation 18 consultation.

2.1.4 The ecological networks, in addition to high concentrations of species records and the location of priority habitats and designated sites, enabled CDC to identify four strategic wildlife corridors to the west of Chichester to provide ecological connectivity between Chichester Harbour SPA and the South Downs National Park (see Plan 5555/R2), along with a further corridor to the south and east of Chichester to provide connectivity between Pagham Harbour SPA and the National Park.

2.1.5 **Features of Strategic Wildlife Corridors.** The identified Strategic Wildlife Corridors are predominately formed of semi-natural habitat and appear to have been selected where there is greatest overlap in the ecological networks of the different target species, along with any ecological designations in the local area and other semi-natural features, such as Ancient Woodland and Priority habitats, such as hedgerows and woodland. Large parts of the corridors also incorporate Biodiversity Opportunity Areas (BOA), which are understood to have been identified by the Sussex Biodiversity Partnership as areas where the greatest opportunities for habitat creation and restoration lie in the District.

2.1.6 Notably, from a review of the Strategic Wildlife Corridors, they appear to avoid areas supporting intensively farmed arable land, with areas of built development and urban areas preferentially incorporated over arable land, for example at Westbourne in the westernmost Strategic Wildlife Corridor (shown as SWC1 on Plan 5555/R2). Therefore, the selection of these developed areas clearly acknowledges that residential areas often retain functional habitat for wildlife, particularly within green infrastructure, and can readily meet the requirements of the Strategic Wildlife Corridors in terms of ensuring ecological connectivity is maintained for wildlife through the landscape.

*Review of West of Chichester to Fishbourne Strategic Wildlife Corridor (SWC4)*

2.1.7 The site is located within the eastern-most proposed wildlife corridor to the west of Chichester, namely 'West of Chichester to Fishbourne' Strategic Wildlife Corridor (herein referred to as SWC4), as shown on Plan 5555/R3.

2.1.8 SWC4 is the largest of the four corridors to the west of Chichester (comprising approximately 2.3sq.km of land) and incorporates semi-natural habitat to the east of Fishbourne, areas of Priority Habitat, namely parkland and lowland deciduous woodland, a small area of Ancient Replanted Woodland at Brandy Hole Copse Local Nature Reserve (LNR) and farmland. SWC4 also incorporates areas of built development, including two areas of residential development and a solar farm, as well as a section of the A27, as shown on Plan 5555/R3.

2.1.9 The site itself is located within the southern part of SWC4 to the east of Fishbourne and to the south and west of the A27. Within this part of the wildlife corridor, ecological features are predominately focused on the ditch/watercourse and hedgerow network (functioning primarily for bats, birds and riparian mammals along with associated other species), which are generally located at field boundaries, along with small areas of Barn Owl habitat, as shown on Plan 5555/R4.

2.1.10 The A27, which runs east-west through all of the strategic wildlife corridors, has the potential to interrupt ecological connectivity for wildlife through the landscape. This is addressed in CDC's Strategic Wildlife Corridors Local Plan Review Background Paper, which sets out that connectivity across the A27 is maintained predominately by existing culverts and underpasses. Within SWC4, a review of OS mapping identifies that connections under the A27 are limited to

two underpasses formed by Clay Lane and Fishbourne Road, along with the railway line, located to the east of the wildlife corridor with limited connectivity under the A27 to the rest of the corridor, as shown on Plan 5555/R4.

*Consideration of Development Proposals, Opportunities and Recommendations*

**2.1.11 Compatibility of Proposed Development with Strategic Wildlife Corridor Objectives.** Aspect Ecology is advising Gleeson Land in terms of the development potential of the site at Clay Lane. Having undertaken the above review of the Strategic Wildlife Corridors, it is evident that the functional elements of the wildlife corridor in the location of the site centre on the ditch/watercourse and hedgerow network (functioning primarily for bats, birds and riparian mammals along with associated other species), which are generally located at the field margins. It is also evident from a review of the Strategic Wildlife Corridors as a whole that residential development can contribute positively to the function of the corridors particularly where key habitats are retained and green infrastructure is included. As such, it is considered that, subject to a sensitive ecologically led masterplan, development can be accommodated whilst fully maintaining the functional elements of the corridor. Furthermore, appropriate development could also bring forward considerable benefits to biodiversity through the securement of long-term favourable ecological management to retained habitats and other faunal enhancements (see above). These comments are based on the following recommendations being implemented:

- The grassland fields to the east of the site adjacent to the A27 are retained;
- Development at the site is limited to land north of the railway;
- Key habitats within the site, namely the ditch/watercourse and hedgerow networks are maintained within dark buffered corridors (maintained through lighting controls); and
- The development delivers ecological enhancements, including the provision of faunal enhancements, and potentially offsite enhancements.

**2.1.12** It is considered that such recommendations could be readily incorporated into a sensitively designed scheme and therefore the presence of a Strategic Wildlife Corridor does not form an overriding constraint to development at the site.

**2.1.13 Opportunities to Extend SWC4.** As set out above, the A27 represents a partial barrier to movement across the Strategic Wildlife Corridor SWC4. Connectivity is centred on culverts and underpasses with the three primary underpasses of SWC4 present in the Fishbourne area.

**2.1.14** It is considered that there is the opportunity to strengthen the ecological network in this important connective location through the incorporation of further land into the wildlife corridor to the east of the A27, as shown on Plan 5555/R4. This proposed extension incorporates the dense area of roadside planting along the eastern side of the A27, along with semi-natural habitat in the form of hedgerows and grassland fields and will bolster the linkages beneath the A27 to aid with the movement of faunal species through SWC4.

**2.1.15** This would provide a beneficial acknowledgement of the importance of the role of the habitat to the east of the A27 in this location as a corridor for wildlife movement.

**2.1.16 Consideration of Policy NE4 wording.** Under policy NE4, in order for any proposed development within or in close proximity to a Strategic Wildlife Corridor to be granted planning permission, as currently drafted, there is a requirement to demonstrate that there are no 'sequentially preferable' sites available outside the wildlife corridor and that any proposed development will not have an adverse effect on the 'integrity' and function of the corridor as

a whole. However, as set out in this note, it is evident that sensitive development can positively contribute to the objectives of the Strategic Wildlife Corridors.

2.1.17 Further to this, paragraph 180 of the National Planning Policy Framework (NPPF) states:

*'If significant harm to biodiversity resulting from a development cannot be avoided (through locating an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'*

2.1.18 Consequently, if significant harm does not arise as a result of proposed development then further avoidance, mitigation or enhancement measures would not be required.

2.1.19 Policy NE4, in its current form, references the 'integrity' of the wildlife corridor being maintained, in addition to its function and ecological value. An 'integrity test' is reserved in policy for assessing effects on SPAs/SACs/Ramsar designations within an Appropriate Assessment (Paragraph 182 of the NPPF). Paragraph 175 also states that *'Plans should: distinguish between the hierarchy of international, national and locally designated sites'*. Wildlife corridors are understood to be a lower level of local designation, such that the wording of the policy should reflect this with the protection afforded to be proportionate to their designation status.

Accordingly, to more accurately reflect the acknowledged role of sensitive development in adhering and positively contributing to the objectives of the corridors, amended policy wording is proposed:

*'Development proposals will only be permitted where it would not lead to a significant adverse effect upon the ecological value, function and connectivity of the strategic wildlife corridors.'*

*Development proposals within strategic wildlife corridors will only be granted where it can be demonstrated that:*

- 1. The development will not have a significant adverse impact on the function of the of the wildlife corridor and protects and enhances its features and habitats; and*
- 2. The proposal will not undermine the connectivity and ecological value of the corridor.*

*Development proposals outside, but in close proximity to the strategic wildlife corridor will be acceptable where it can be demonstrated that:*

- a) The development will not have a significant adverse impact on the function of the wildlife corridor; and*
- b) The proposal will not undermine the connectivity and ecological value of the corridor.*

*All proposals for new development (with the exception of householder applications) within or in close proximity to wildlife corridors should take opportunities available in order to extend or enhance those corridors.'*

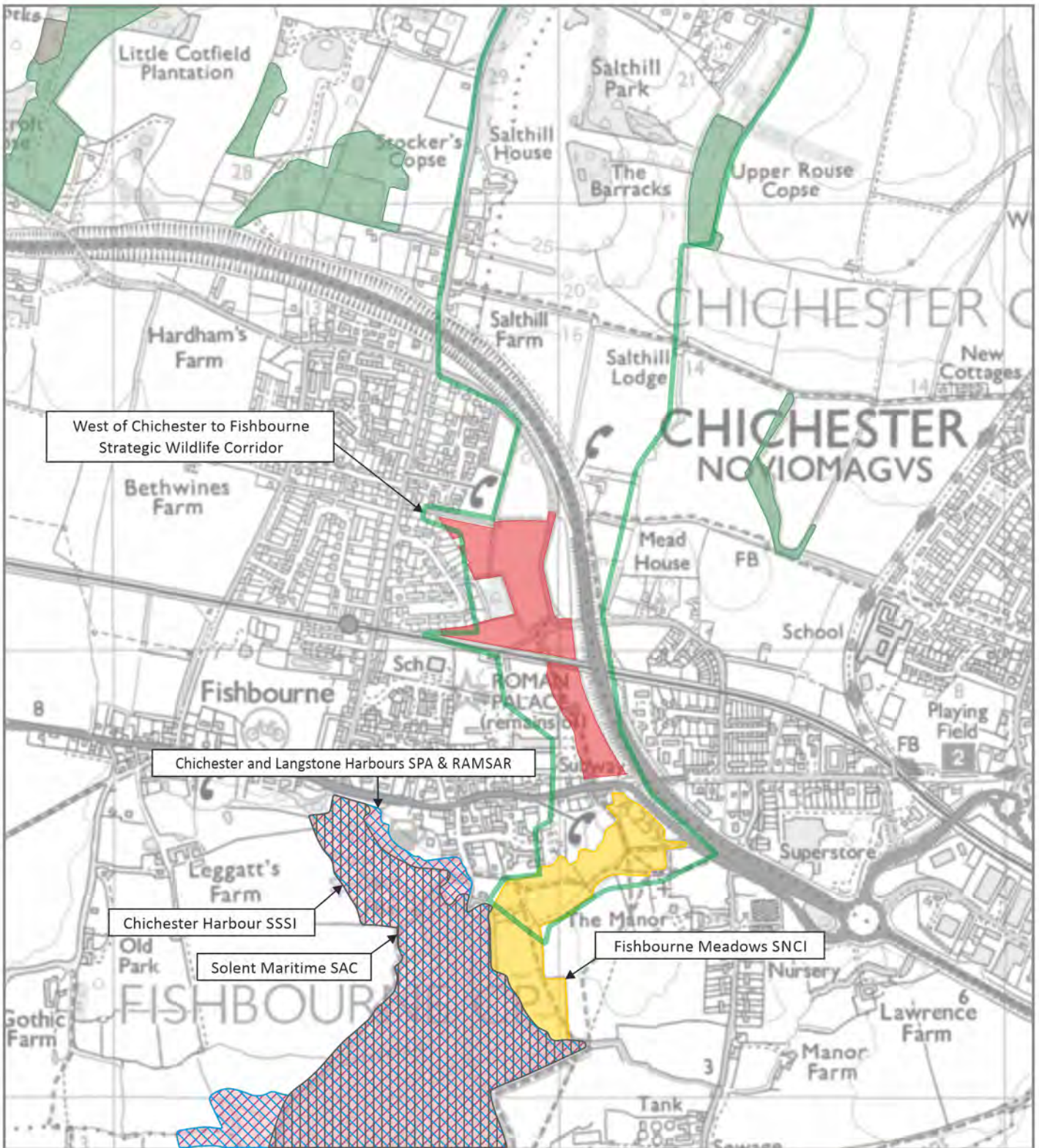
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### 3 Conclusion










- 3.1.1 In conclusion, a review of the functional elements of SWC4 in the location of the site, finds that these are centred on species utilising the hedgerow and ditch network at the site. These features do not appear to currently be under positive ecological management and hence over time will decline in value to biodiversity, in the absence of a proposal to arrest and reverse this decline. An opportunity is available at the site to bring forward a sensitively designed site layout that is ecologically driven, so as to ensure that the key functional habitats of the Strategic Wildlife Corridor are maintained, buffered and remain in dark corridors. Moreover, any proposals would considerably benefit biodiversity through the inclusion of green infrastructure and the securement of long-term favourable ecological management for the retained habitats such that their value to biodiversity will be assured into the future. As such, any use of the site by protected species could be fully accommodated. Indeed, a range of enhancements for habitats and fauna would be incorporated into the proposals such that the proposal would maintain and enhance the function of the wildlife corridor.
- 3.1.2 A further wider opportunity is identified to extend the Strategic Wildlife Corridor to the east of the A27 at Fishbourne so as to acknowledge the presence of key connective underpasses in this location and the role of the habitats in the east as important links.
- 3.1.3 Lastly, amended wording to policy NE4 is proposed so as to acknowledge the role that sensitive development can play in furthering the objective of the Strategic Wildlife Corridors.

## **Plan 5555/R1:**

Site Location & Ecological Designations



Key:

-  Site Location
-  RAMSAR
-  Special Protection Area (SPA)
-  Special Area of Conservation (SAC)
-  Site of Special Scientific Interest (SSSI)
-  Site of Nature Conservation Interest (SNCI)
-  Ancient & Semi-natural Woodland (ASW)
-  Ancient Replanted Woodland (ARW)
-  Strategic Wildlife Corridor

**aspect ecology**

Aspect Ecology Limited - West Court - Hardwick Business Park  
 Noral Way - Banbury - Oxfordshire - OX16 2AF  
 01295 276066 - info@aspect-ecology.com - www.aspect-ecology.com

Clay Lane, Fishbourne PROJECT

Site Location & Ecological Designations TITLE

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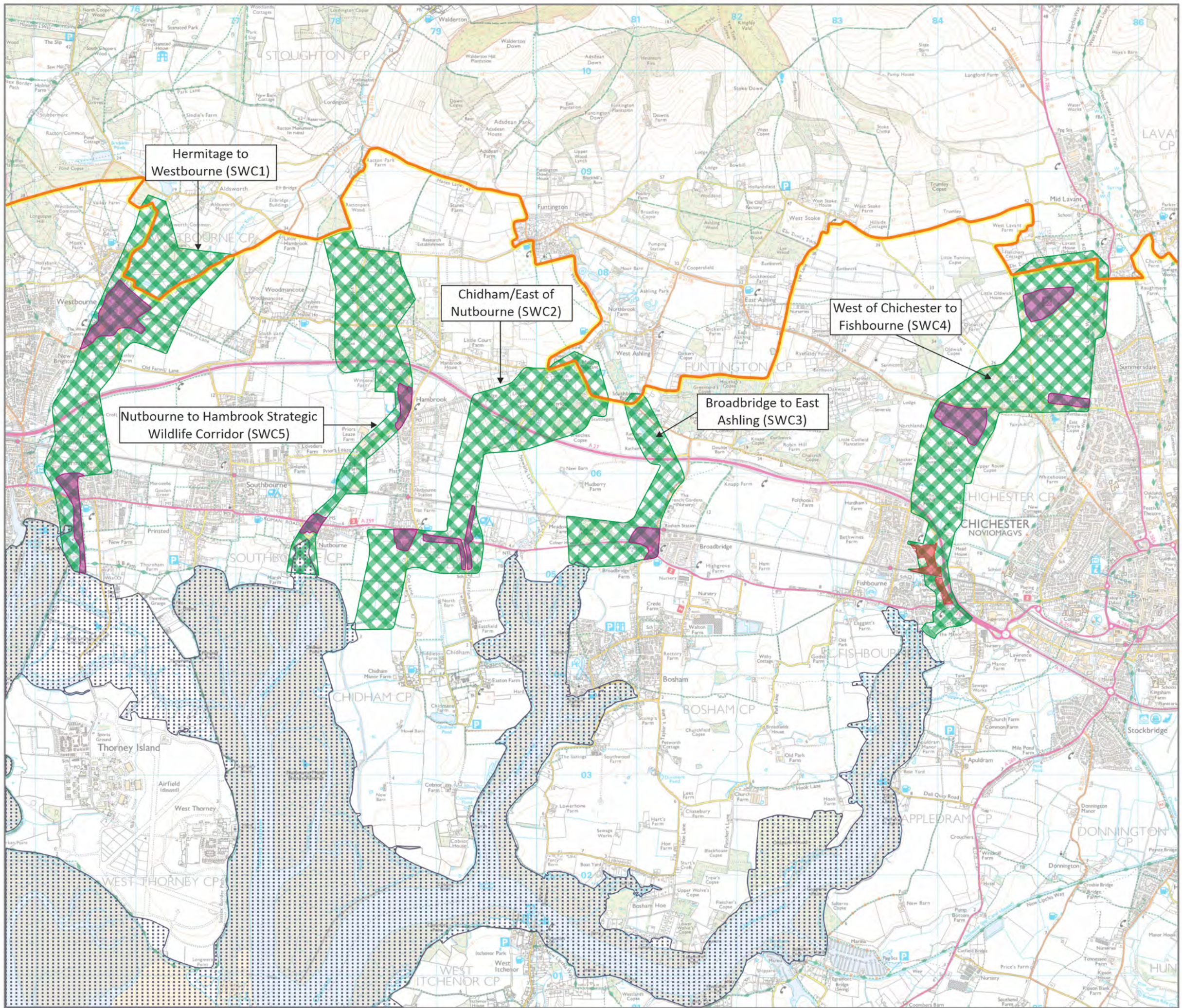
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## **Plan 5555/R2:**

Strategic Wildlife Corridors and Existing Built Development



- Key:**
- Site Boundary
  - Boundary of South Downs National Park
  - Special Protection Area (SPA)
  - Strategic Wildlife Corridors
  - Existing Built Development within Corridors



Aspect Ecology Limited - West Court - Hardwick Business Park  
 Noral Way - Banbury - Oxfordshire - OX16 2AF  
 01295 276066 - info@aspect-ecology.com - www.aspect-ecology.com

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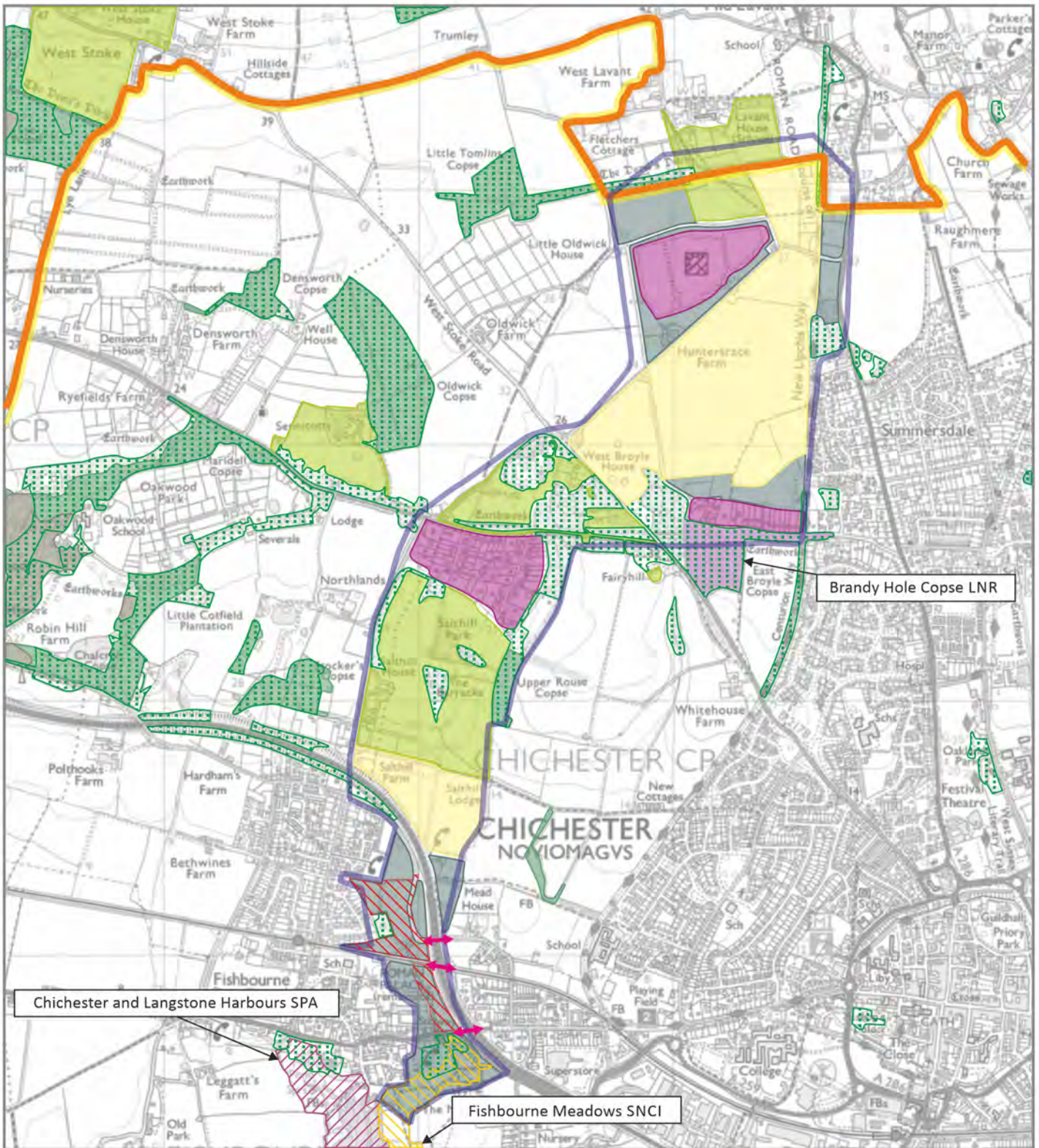
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## **Plan 5555/R3:**

West of Chichester to Fishbourne Strategic Wildlife Corridor



**Key:**

	Site Location		Arable
	West of Chichester to Fishbourne Strategic Wildlife Corridor (SWC4)		Wood Pasture & parkland
	Boundary of South Downs National Park		Deciduous Woodland
	Special Protection Area (SPA)		Other Semi Natural Habitats
	Local Nature Reserve (LNR)		Existing Built Development within Corridors
	Site of Nature Conservation Interest (SNCI)		Underpass Providing Connectivity under A27
	Ancient & Semi-natural Woodland (ASW)		
	Ancient Replanted Woodland (ARW)		

**aspect ecology**

Aspect Ecology Limited - West Court - Hardwick Business Park  
 Noral Way - Banbury - Oxfordshire - OX16 2AF  
 01295 276066 - info@aspect-ecology.com - www.aspect-ecology.com


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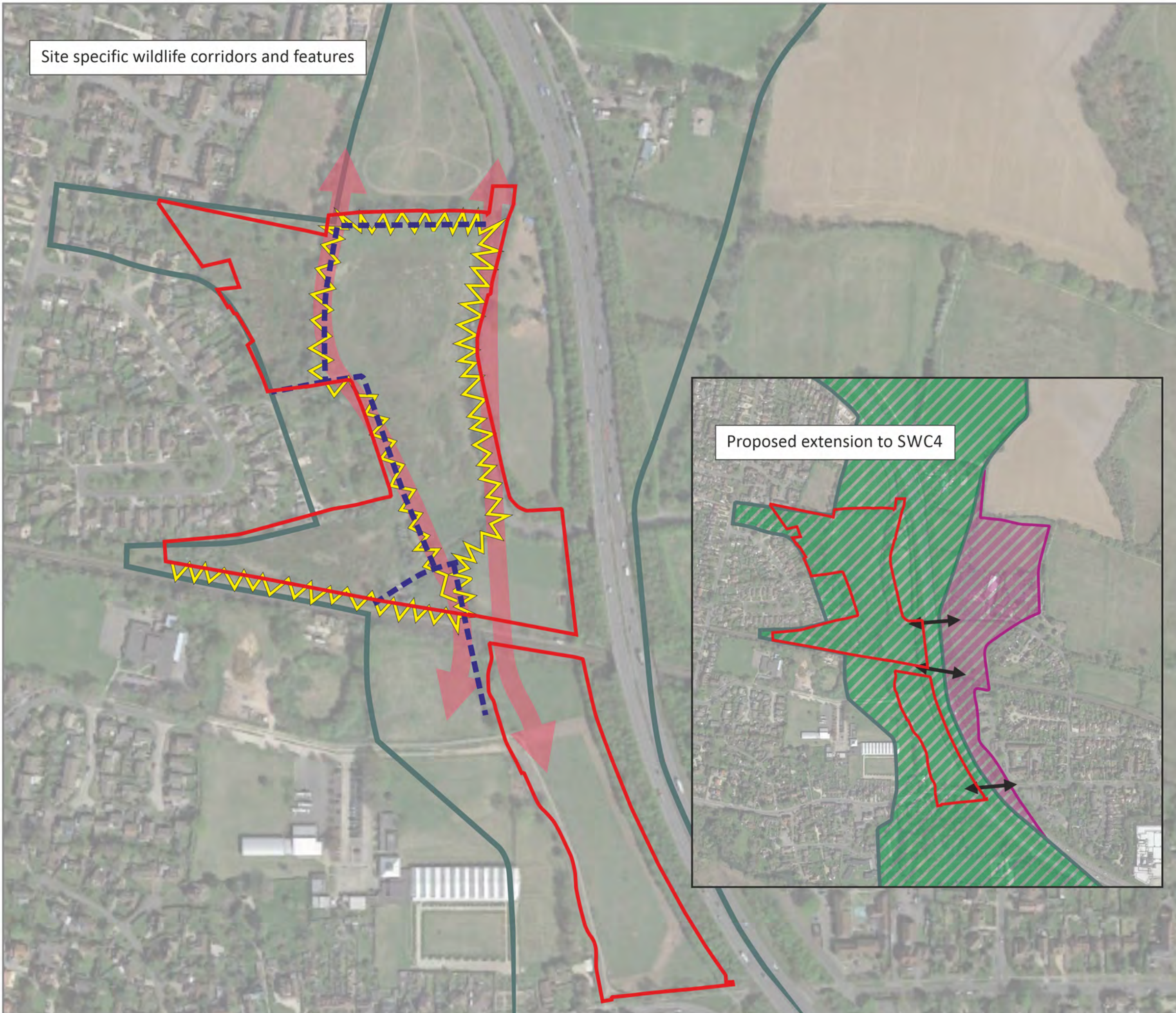


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## **Plan 5555/R4:**

Opportunities & Recommendations

Site specific wildlife corridors and features



Key:

-  Site Boundary
- Main Image:**
-  Existing Strategic Wildlife Corridor SWC4
-  Watercourse / Drain Network
-  Hedgerows (Bat Commuting Corridors)
-  Green Corridors through Site
- Inset:**
-  Existing Strategic Wildlife Corridor SWC4
-  Proposed Extension to SWC4
-  Wildlife Movement through Underpasses

Proposed extension to SWC4



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Aspect Ecology Ltd  
West Court  
Hardwick Business Park  
Noral Way  
Banbury  
Oxfordshire OX16 2AF

T: 01295 279721  
E: [info@aspect-ecology.com](mailto:info@aspect-ecology.com)  
W: [www.aspect-ecology.com](http://www.aspect-ecology.com)