

**Agenda Item 6**  
**Report PC24/25-27**

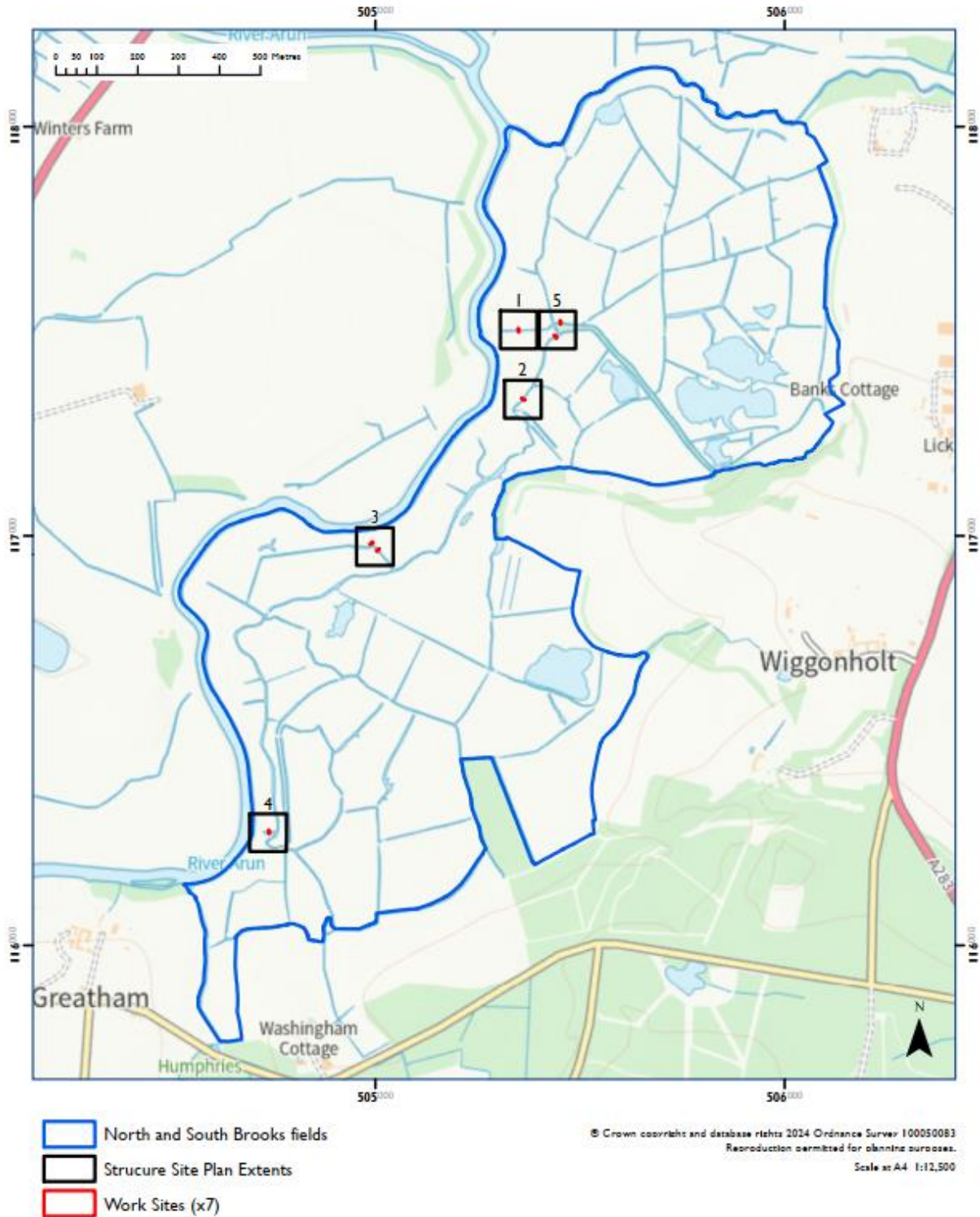
Report to	<b>Planning Committee</b>
Date	<b>13 March 2025</b>
By	<b>Director of Planning</b>
Application Number	<b>SDNP/24/02058/FUL</b>
Applicant	<b>Ms Oriole Wagstaff – Royal Society for the Protection of Birds (RSPB)</b>
Application	<b>Ecological enhancements of RSPB Pulborough Brooks through the installation of 4 hydrological control structures, replacing of complementing existing ones.</b>
Address	<b>RSPB Wiggonholt, Pulborough, West Sussex, RH20 2EL</b>

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**Recommendation:**

- 1. That planning permission be granted subject to the conditions set out in paragraph 9.2 of this report.**
  - 2. That the Committee confirm in reaching their decision that they have taken into account:**
    - the environmental information as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017;**
    - all matters referred to in the Director of Planning’s report including comments received from statutory consultees and other interested parties, and**
    - all other material considerations.**
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Site Location Map



## Executive Summary

The application relates to the Royal Society for the Protection of Birds (RSPB) managed site at Pulborough Brooks, which is subject to several national and international designations. Whilst the site area is large, the areas for the engineering operations that require planning permission are localised within the series of ditches that characterise the site. These operations comprise the removal of existing flood control measures and the installation of new equipment including pipe dams and sluices in four locations across the wider Brooks area.

Owing to the highly sensitive nature of the site there is the potential for the proposed development to have significant effects on the environment and so officers were advised by Natural England the proposal should be considered under Environmental Impact Assessment (EIA) Regulations.

The proposed development, which is recommended for approval, is considered to have demonstrated it will deliver considerable benefits to wildlife and the wider landscape; reversing the decline of features for which the Arun Valley has been designated. It will improve biodiversity and protect the water environment of the site and beyond and actively further the purposes of the South Downs National Park (SDNP) in line with strengthened duty of the National Parks and Access to Countryside Act 1949, and approval is therefore recommended.

The application is placed before the Planning Committee due to the sensitive nature of the site.

### 1. Site Description

- 1.1 Pulborough Brooks is a 159-hectare wetland site that predominantly consists of grazing marsh and a series of ditches, serving as part of the River Arun's floodplain. Other habitat types, including scrub and woodland, are situated on the periphery. The site is designated a Site of Special Scientific Interest (SSSI) for the flood meadows, a Special Area of Conservation (SAC) for the Little Whirlpool Ramshorn Snail, a Special Protection Area (SPA) for the Bewick's Swan and significant waterfowl numbers and Ramsar Site for both the habitat and wildlife populations. For the purposes of the application, the site is broken into the North Brooks and South Brooks areas, although these are not physically separate.
- 1.2 The site is located within the Wealden River Floodplains, as defined by the South Downs Integrated Landscape Character Assessment (SDILCA), specifically the Arun (Wealden) Floodplain. The site typifies many of the key characteristics of this character area, including flood meadows with rich flora which attract nationally and internationally important populations of wildfowl and overwintering birds. The river Arun meanders along the western boundary and there are some deeply tranquil parts of the character areas, including parts of the application site.
- 1.3 An RSPB visitor centre is located to the east of the application site, with a number of dedicated walking routes from this centre to hides on the edge of the application site (which is also managed by the RSPB). There is a public right of way running through the RSPB reserve, crossing the application site (broadly across the narrowing between North and South Brooks) to run along the eastern bank of the River Arun. Another PRow runs along the eastern boundary of the North Brooks.
- 1.4 The site is wholly within Flood Zones 3a and 3b.

### 2. Relevant Planning History

- 2.1 SDNP/24/011/22/SCREEN – Screening opinion relating to Wet and Wadery project at Pulborough Brooks. Decision: EIA Required 30 April 2024.
- 2.2 SDNP/24/01115/FUL – Improvement to accessibility to wetlands, including repairs to dipping platforms, replacement benches, resurfacing, new footpath, fencing and viewing area. Decision: Approved 07 May 2024.

### 3. Proposal

- 3.1 This application is seeking planning permission for the installation of four new hydrological

structures to increase water retention and control across the Brooks, which are indicated on the site location plan at the top of this report. These new locations are 'Green Sheet Meadow (no.1), West Clapham (no.2), Flat Brook (no.3) and Long Shank (no.4). Three existing ineffective and degraded water control structures will be removed as part of the proposals at Flat Brook (no.3), South Elbow and North Clapham (no.5).

- 3.2 Three of these new structures will comprise a pre-cast concrete barrier with headwall and stoplog sluice and associated pipework (no's 1, 2 and 4). A dedicated drawdown pipe will also be installed as part of these structures that can be manually opened for increased drawdown effect. At the fourth location (no.3) a pipe and dam structure will be installed. At all locations, these will be keyed into the surrounding ditch banks with site-sourced clay. These structures will all sit below field level, to reflect the flood plain character.

#### 4. Consultations

- 4.1 **Environment Agency** – No objection.
- 4.2 **Natural England** – awaiting further comments.
- 4.3 **WSCC Lead Local Flood Authority** – No objection.
- 4.4 **Horsham District Council** – No comment.
- 4.5 **Ecology Officer** – Comment:

- Updated survey results requested for Water Voles and Little Whirlpool Ramshorn Snail.

#### 5. Representations

- 5.1 No third-party representations have been received in regard to this application.

#### 6. Planning Policy

##### 6.1 Most relevant sections of the National Planning Policy Framework:

- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment

##### 6.2 Most relevant policies of the adopted South Downs Local Plan (2014-2033) (A full list of relevant policies can be found in Appendix 1):

- SD4: Landscape Character
- SD9: Biodiversity and Geodiversity
- SD10: International Sites
- SD17: Protection of the Water Environment
- SD45: Green Infrastructure

##### 6.3 Other relevant policy documents (including Supplementary Planning Documents and Technical Advice Notes):

- Biodiversity Net Gain TAN
- Ecosystem Services TAN

##### 6.4 Relevant Policies of the South Downs Management Plan (2020 – 2025)

- Partnership Management Plan Policy 1 (Landscape)
- Partnership Management Plan Policy 4 (Habitats)
- Partnership Management Plan Policy 23 (Water Resources)

## 7. Planning Assessment

7.1 The main issues for consideration with regard to this application are:

- The principle of development and assessment of the submitted Environmental Statement;
- Ecology and Biodiversity;
- Flood Risk and the Water Environment; and
- Construction Methods.

### Principle of Development / Environmental Statement

7.2 The aim of the proposed development is to improve the wetland habitats at Pulborough Brooks SSSI by improving control of the site's hydrology. The current lack of control has led to reduced water levels and compaction of ground in key locations, which makes nesting habitat for wading birds unsuitable and prevents the formation of muddy edges, which are essential for feeding purposes. The lack of water flow also causes the silting up of ditches and reduces water quality, furthering the negative impact on the birdlife, important aquatic plant life and invertebrate community. The latter are also a reason for designation as a Special Area of Conservation.

7.3 The applicant has considered a number of alternatives, including a 'do nothing' approach. This has been discounted as intervention is required in order to reverse the decline of the condition of the designated site's qualifying features. Alternative structure designs have also been considered, including the introduction of a 'weir with gabions' or pumping equipment; both of which would require more mechanical intervention and more prominently sited infrastructure above ground. The applicant has concluded that of the options considered, the installation of the four hydrological control structures would deliver the most environmental benefits with the minimal amount of intervention.

7.4 The options have been considered as part of the applicant's Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The ES describes the 'Environmental Impact Assessment', which considers the alternative options and assesses the potential environmental effects of the chosen option during the construction and that of the completed scheme (beneficial or adverse). It takes into consideration the degree of impact and mitigation measures to avoid, reduce or offset negative impacts. The issues covered, as per the EIA Screening/Scoping Opinion are 'Biodiversity and Nature Conservation' and 'Water Quality, Hydrology and Flood Risk'. The Statement concludes that the scheme is environmentally acceptable and will result in significant environmental benefits to the wider Arun Valley Floodplain.

7.5 The principle of the scheme is designed to conserve and enhance the National Park purposes and is firmly embedded in SDNP special qualities. The proposed development will further the purposes through its delivery and in turn complies with local plan policies SD1, SD2 and SD4.

### Ecology and Biodiversity

7.6 The statutory designations on the application site are for the flood meadows of the Brooks (SSSI), Little Whirlpool Ramshorn Snail (SAC), Bewick's Swan and significant numbers of waterfowl (SPA); the Ramsar designation covers all these as well as the significant flora and invertebrate population. In addition to these species, other protected species have been surveyed and/or are known to be present within the application site including bats and water vole.

7.7 The primary objective for the proposed development is to conserve and enhance the

features for which the Brooks and Arun Valley have been designated. The above species have been surveyed within the ES with the construction and operational impacts assessed. There is potential for some minor adverse impacts on the habitat and breeding birds during the construction period. Precautionary mitigation measures are proposed, including the timing of construction and a detailed construction and environmental management plan, will ensure that any adverse impacts on the natural environment and the qualifying features for the site and wider landscape are avoided. Up-to-date surveys of the Little Whirlpool Ramshorn Snail demonstrate that numbers have increased in one of the ditches where works are proposed. During construction, refuges of uncleared areas and caps to limit movement into the areas of construction work will be provided to ensure appropriate mitigation and avoid impacting the population.

- 7.8 Once operational, the proposed development would have a significant positive impact, notably reversing the decline in the qualifying features of the site, protected species and notable habitats.
- 7.9 The proposed development is required to delivery statutory Biodiversity Net Gain. Whilst the driving force of the project's objectives is to improve biodiversity across the application site and beyond, it has not been possible to quantify this using the Statutory Metric. The applicant has therefore chosen to secure compliance with the Metric through the purchase of offsite credits for habitat and watercourses. This strategy will be secured by condition.
- 7.10 The proposed development therefore demonstrates significant benefits and further the purposes of the National Park, whilst complying with local plan policies SD2, SD4, SD9 and SD10.

#### Water Environment

- 7.11 The application site is considered to be in a 'water compatible' use category, according to Environment Agency guidance. It is designed to flood and serves an important part of the natural flood management and flood alleviation on the River Arun. The wetlands are capable of retaining floodwaters, holding them temporarily before slowly releasing them back into the River Arun or groundwater systems. The flood risk assessment and hydrological reports that accompany this application demonstrate that by improving water control at the Brooks, significant improvements in flood risk reduction, biodiversity, water quality and erosion control will be seen in areas downstream.
- 7.12 During construction, risk preventative measures will be taken in the event of a flood warning, however there is no requirement for additional mitigation measures to protect the water environment during construction or whilst in operation.
- 7.13 The proposed development is therefore in accordance with local plan policies SD17 and SD39.

#### Construction Methods

- 7.14 The construction period is anticipated to take no longer than 3 weeks (15 working days). This will involve localised excavation at each of the hydrological control sites, where pre-cast concrete structures will be installed using a digger excavator. There will be no lighting required during this period. Noise and vibration will be kept to a minimum and can be controlled through a Construction and Environmental Management Plan (CEMP). As demonstrated above, the proposed construction methods are considered acceptable.

### **8. Conclusion**

- 8.1 It is considered that the proposed development would have beneficial effects on the Pulborough Brooks SSSI as well as the wider Arun Valley European and International designations. It has the potential to provide wider cumulative benefits alongside other conservation projects, particularly those under the 'Downs to the Sea' umbrella. The biodiversity, flood risk and water quality improvements demonstrate conservation,

enhancement and furtherance of National Park Purposes.

- 8.2 The scheme fulfils the requirements of the policies of the South Downs National Park Local Plan and the objectives of the Partnership Management Plan and would deliver significant planning benefits.

## **9. Recommendation and Conditions**

- 9.1 It is recommended to grant planning permission subject to the conditions set out in paragraph 9.2.

### **9.2 Planning Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 (as amended) and Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the plans and documents listed below under the heading 'Plans and Documents referred to in consideration of this application', unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of the development hereby permitted, detailed plans shall be provided showing the final appearance and installation methods for the hydrological control structures hereby approved. The development shall be carried out in accordance with the approved details.

Reason: To ensure a development of a high quality that avoids adverse impacts on the designated area.

4. Prior to the commencement of the development hereby permitted, including any site clearance and groundworks, a Construction and Environmental Management Plan (CEMP) that includes the precautionary mitigation measures contained in the Environmental Statement dated August 2024 (updated January 2025) and the Little Whirlpool Ramshorn Snail Mitigation Statement (February 2025) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved CEMP.

Reason: In order that the Local Planning Authority can properly control the impact of works on the site and surrounding area.

5. Prior to the commencement of the development hereby permitted, including any site clearance and groundworks, surveys for notable flora near the ditches subject to the engineering works approved shall be carried out and the results and any mitigation recommendations submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved survey.

Reason: To ensure that no features within the Site of Special Scientific Interest are adversely affected by the development permitted.

6. Prior to the commencement of the development hereby permitted, including any site clearance or ground works, water vole surveys covering 50m of ditch in both directions of the areas where structures are to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the recommendations of the approved surveys.

Reason: To ensure that protected species are not harmed during the construction of the permitted development.

7. The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Strategy received 03 February 2025 (produced by RSPB England).

Reason: To ensure the development delivers a Biodiversity Net Gain (BNG) in accordance with Schedule 7A of the Town and Country Planning Act, SD9 of the South Downs Local Plan (2014-33) and the SDNPA Biodiversity Technical Advice Note.

8. No development shall commence until evidence that the off-site Biodiversity Net Gain (BNG) credits have been purchased from a registered Habitat Bank has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development delivers a Biodiversity Net Gain in accordance with Schedule 7A of the Town and Country Planning Act and SD9 of the South Downs Local Plan (2014-33).

**Tim Slaney**

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**South Downs National Park Authority**

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Appendices: Appendix 1 - Information concerning consideration of applications before committee.  
Background Documents: [All application plans, supporting documents, consultation and third party responses for SDNP/24/02058/FUL](#)  
[South Downs Local Plan 2019](#)  
[Supplementary Planning Documents and Technical Advice Notes](#)