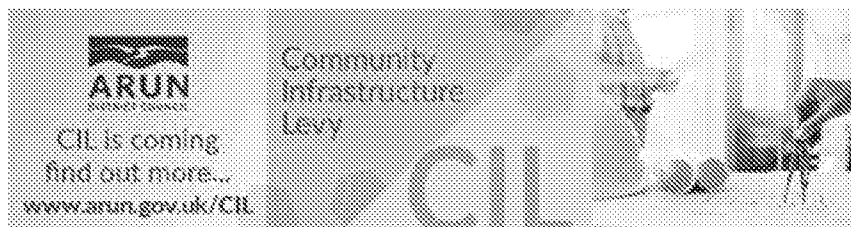


From: Simon Davis <Simon.Davis@arun.gov.uk>
Sent: 17 February 2020 15:42
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: re; Pagham breaching the Spit planning application P/12/20/DOC

Natural England comments

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
Location: Planning, First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
Internal: 37874 | External: +44 (0) 1903 737874 | E-mail: simon.davis@arun.gov.uk
Please note that I typically work from home on Thursdays when I am unreachable on my work phone



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Save the environment - think before you print.

From: Marlow, Angela [REDACTED]
Sent: 14 February 2020 20:43
To: Simon Davis <Simon.Davis@arun.gov.uk>; Naomi Langford <NLangford@chichester.gov.uk>
Cc: Seymour, James [REDACTED]
Subject: re; Pagham breaching the Spit planning application.

Dear Both,

Part 5 of The Town & Country Planning (Development Management Procedure) Order 2015.
Approval of details reserved by conditions imposed under P/97/15/PL

Please find attached Natural England's advice regarding the planning conditions for the above.

Kind regards,

Angela

Angela Marlow BSc MSc DPhil
Coastal - Senior Adviser covering the Southern and South West Coast
Sussex and Kent Team -- Sussex Coast and Marine
Natural England
Guildbourne House,
Chatsworth Road,
Worthing,
West Sussex BN11 1LD

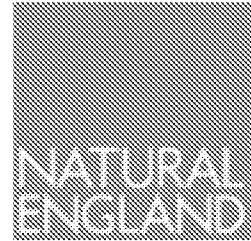
Working hours compressed full-time Mon-Thurs.
Non-working day Friday.

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

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14/02/2020

Natural England's advice on the information submitted to discharge the following conditions:

Part 5 of The Town & Country Planning (Development Management Procedure) Order 2015. Approval of details reserved by conditions imposed under P/97/15/PL relating to

Section 1.2.1 in the 'Discharge of planning condition 6 – Stakeholder group 28/01/2020 document' states:

1.2.1. The work will be done in two sections:

- a. 2020 After the overwintering birds have left, and before the Little Terns start breeding: Removal of enough material from the spit to form the Tern Island, and the completion of the island.*
- b. After the Little Tern breeding season remove material to complete cut and infill the longshore channel, to completion of the project.*

NOTE: This second section will only be done if:

- a. The houses in West Front Road are threatened, as in the granting of IROPI.*
And
- b. There is no viable alternative in the Pagham Beach Action Plan produced by the Pagham Coastal Issues Group.*

Natural England's advice: due to the significant changes that have occurred on site including the natural breach and the recession of the spit, the operation to breach the spit should only take place if the IROPI case is still valid, as stated above in Section A.

If, in autumn 2020 after the little terns have left, the spit and its associated inlet/outlet are not impacting people's home, then this second phase of the operation is not required as little or no benefit to homes at risk is secured.

Consideration of what the likely extent of change of the spit from now until autumn 2020 should also be considered at this time and whether it is necessary to deliver the compensation if this intervention is not likely to be required.

5 Final plans & details concerning design & construction of Tern Island compensation measure;

Natural England's advice:

- 1) Prior to work taking place, LIDAR information from the Channel Coast Monitoring Programme together with an on-site assessment should assess whether the spit's position at that time is such, that it is located as would be achieved through the breach operation. Confirmation from Arun District Council's coastal engineer should be obtained on the position of the spit.
- 2) Good Environmental Practices must be maintained by the operators of vehicles including, an action plan around oil spills; refuelling should occur off site for vehicles where possible.
- 3) The contractors need to establish appropriate emergency exit routes before work commences. Natural England do not advise on this. If these routes result in further impacts to the site it is understood they will only be used in an emergency.
- 4) Inspection of the breach area by Arun District Council's coastal engineer should be made before works commence to ensure winning the material will not breach the spit. Only 2,000m³ of shingle can be won from the breach area only, as requested (see section 5 of the RSPB (002).pdf). Should a breach occur as a result of winning this material this will constitute the one-time only intervention to breach the spit.
- 5) All works must be complete by 15th April 2020 and the site must be clear of machinery, personnel and construction material by this date.
- 6) The compensation habitat must be complete by the 15th April 2020, the breach operation, planned for autumn 2020, cannot go ahead until the compensation is delivered.
- 7) Two potential routes for vehicles are identified; these are comprised of either existing tracks or within the intertidal area. Care must be taken where vehicles pass or turn to ensure no damage to the vegetated shingle or geomorphology.
- 8) Both routes have areas where vegetated shingle will be crossed, at these locations matting must be used.
- 9) The area between the Church Norton spit and the rock revetment, where the little tern compensation habitat is to be constructed, contains particularly sensitive shingle heath habitat of lichens and mosses. Access on the eastern side of the revetment is less sensitive and should be the route used to access the revetment; matting also needs to be used at this location to minimise damage to this sensitive habitat.
- 10) Personnel working on the site must ensure that their routes on foot do not trample sensitive habitat; large plants are easily avoided but lichens and mosses are easily disturbed by footfall.
- 11) Natural England is satisfied with the advice from RSPB document as to whether the compensation habitat is an island or not.
- 12) Natural England requires that the existing two-wire fence currently protecting some of the area of vegetated shingle for nesting birds (ring plover) is extended in front and around this area (the compensation habitat) to encompass the shingle habitat. This extended fence is to deter people walking up to the little tern habitat repeatedly and, in so doing, damaging the shingle habitat. We can clarify this with the applicant and/or RSPB, if this advice is unclear.

- 13) Routine maintenance of the little tern habitat by RSPB will need to ensure that the vegetated shingle is not damaged and that the least damaging route will need to be identified. Matting may be required for access depending on the level of 'traffic'.
- 14) Following the lessons learnt, by RSPB, in establishing 'artificial' habitat for terns success is not guaranteed in using the compensation habitat little terns. Recent examples have shown that tern chicks have been predated by rats, foxes and gulls, where the concentration of birds/chicks attracts predators. In addition, larger busy colonies deter little terns, who last year located themselves away from the current tern island in Pagham to a naturally accreted shingle strip that RSPB then fenced. The compensation habitat is specifically for little terns, and Natural England has concerns that the habitat may not deliver for this species, due to the similar design to the existing tern island. Therefore, we would advise that the habitat is designed, as much as is possible to attract the little terns and deter other bird species and that remedial action may be required if this habitat is not successful in supporting little terns. This could include potentially shaping the island with a shingle ridge just above high water and then over profiling or shaping the top with a steeper drop away to the west to deter gulls and larger terns nesting on the top.
- 15) Overall the construction of the little tern compensation habitat if carried out as stated in the information supplied and as above, would ensure the impacts were minimised to the notified features of the site. However, there will be impacts, to the breach area, where there may be damage to the vegetated shingle and the final habitat may not be successful for little terns. All these concerns need to be considered in light of any decision whether the scheme needs to proceed.

6 Adaptive management plan setting out how harbour opening will be monitored & how approved compensation/mitigation measures will be reviewed;

Natural England's advice: The detail regarding this condition needs to be in one document -The 'Adaptive Management Plan'. This document does not need to be submitted in advance of granting permission for the little tern compensation habitat, however it should be submitted well in advance of the breach operation, should this go ahead.

The current information submitted in this discharge of condition refers to the proposed adaptive 'Traffic Light System' approach set out in the May 2016 report from the Stakeholder Group. However, it is unclear to Natural England whether this information has been submitted to the Planning Authority for their approval.

The Adaptive Management Plan should include all the detail about monitoring to date and the 'Traffic Light System' so that it is clear what the triggers and the actions are for this Plan.

This Plan is necessary to ensure the tidal flow of the harbour are maintained. This is critical to ensuring the conservation objectives of the designated sites are maintained, particularly the extent, distribution and quality of the intertidal habitats and therefore their ability to remain in good condition status and support the interest features of the site.

7 Details of proposed mitigation measures to be employed on sections of remaining Spit;

Natural England's advice:

We are satisfied that the required information is contained within RSPB's document to discharge this condition.

8 Management plan for proposed Little Tern Island compensation measure;

Natural England's advice:

We are satisfied that the required information is contained within RSPB's document, submitted to discharge this condition.

9 Construction Management Plan;

Natural England's advice:

The Construction Management Plan detailing the operation to breach the spit has not been submitted at this time. This information is still required before the commencement of work relating to the breach taking place.

14 Scheme detailing deployment of tide gauge within the harbour to monitor tidal height & tidal behaviour.

Our understanding is that the tidal gauge is in position and data from this is being used to monitor the harbour's tidal height and flow. The LPA should confirm this. In which case this condition is satisfied.

Further advice:

Discussions at the pre-app meeting on the 20/01/2020 identified the potential need for a FRAP from EA, has this been confirmed?

Do the MMO need to be updated about the changes to their conditions e.g. timing etc.?