

Date: 12 September 2013
Our ref: 97196
Your ref: P/64/13/



Mr C Cronin
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BY EMAIL ONLY

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Dear Mr Cronin

Planning consultation: Construction of rock revetment as a coastal scour mitigation measure.
Location: Foreshore West Front Road Pagham PO21 4TB

Thank you for your consultation on the above dated 06 September 2013 which was received by Natural England on 06 September 2013.

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.

The application site lies within habitat which forms part of Pagham Harbour Special Site of Scientific Interest (SSSI). This SSSI is part of the Pagham Harbour Special Protection Area (SPA) and Pagham Harbour Wetland of International Importance under the Ramsar Convention (Ramsar). The application site is also adjacent to the proposed Pagham Harbour Marine Conservation Zone.

Natura 2000 site – No objection

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Pagham Harbour SPA and Ramsar site has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

As stated in the Environmental Report (ER) (sections 6.8 and 12) the proposed works avoids any significant impact on the SPA and Ramsar qualifying bird species due to the timing of the work taking place during September and October for a period of 6 weeks (section 2.1).

In the ER consideration is given to the breeding population of little terns (section 6.8) and the over wintering bird populations. The breeding season is now over for this year however, there remains the potential for significant impacts on the over wintering bird populations if the works over run the suggested work period (section 12.3).

Therefore if the proposed works are likely to occur beyond the proposed September / October period, in this particular case, Natural England is comfortable with the work continuing through November as it is unlikely to cause a significant impact, however work should not extend beyond 1st December, as the risk of impacting wintering SPA / Ramsar birds would increase. This is because the majority of the SPA and Ramsar over wintering bird species will be arriving on site at this time and these works may cause a significant impact through disturbance if continued. Further consultation with Natural England will be required if works are required that deviate from these timing restrictions.

SSSI - No objection, with conditions

This application is in close proximity to Pagham Harbour (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted in the Environmental Report and providing the conditions below are met. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Conditions

1. Over-wintering birds - As stated in the Environment Report (ER) (section 12), the timing of the work should take place during September and October for a period of 6 weeks, Natural England advises that should it be necessary the work can continue through November but should not extend beyond 1st December when the majority of the overwintering birds will be arriving / present.

2. Geomorphology impacts on Church Norton spit – As recognised in the ER report (section 6.5.1 and 7.2.1) the formation of the Church Norton Spit is part of the geomorphology interest for the SSSI. No works / machinery / storage / removal of shingle is to take place for the Church Norton Spit or its ebb tidal delta this is to ensure no adverse impact occurs on the spit's geomorphology.

3. Shingle source for possible back fill requirement – Natural England is confident that the sourcing of the proposed small amount of shingle (1,000 m³) for possibly backfilling the revetment, from the area within the inner channel see the ER (Figure 2.4, listed as Figure 2.3 in the text) is unlikely to adversely impact the geomorphology of the site and will not impact significantly on birds feeding during the dates specified. An assent provided by Natural England earlier in the year allowed shingle to be taken from this location and shingle has since accreted. The Environmental Report confirms that sourcing further shingle from this location will not significantly affect the geomorphology of the spit and that shingle will continue to accrete in this area.

4. Vehicle routes - Any tracking of machinery or storage of vehicles or materials should minimise their impact on the intertidal areas and vegetative shingle both when transferring rock and shingle. The routes to be used are described in the ER and a map of the access routes is provided. Vehicles must remain on these designated routes to avoid sensitive areas and extensive tracking. Natural England would welcome the opportunity to advise on the detail of the access routes before work commenced. As stated in the ER (section 9.5) contractors should be aware of the sensitivity of the site, good working practices should be maintained to avoid any pollution incidents (section 8.7) on site and after the works are completed the 'haul-route' area should be restored (section 2.2.4).

5. Reparation of the vegetative shingle – As outlined in the ER (section 9.6) the area of vegetative shingle that is located behind the proposed revetment is in poor condition due to disturbance / trampling and invasive species. As part of this proposed works, measures are to be taken in consultation with Natural England to restore this area of vegetative shingle by the removal of invasive plant species, possible reseeded, education and information provision about the sensitivity of the habitat etc. The exact details are to be confirmed in consultation with the required stakeholders.

6. Removal of the rock revetment – Due to the sensitivity of the designated site and the desire to maintain natural coastal process within Pagham Harbour, consideration has been given to the removal of the rock revetment in the ER (section 2.3). The exact details of when and how have not been specified however, this issue should be part of a periodic review process between all parties involved and details of how this will be reviewed should be confirmed.

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Pagham Harbour (SSSI) is notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28I (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Advice under the Marine and Coastal Access Act 2009 Part 4, s.69 (1)

The application area is adjacent to the Pagham Harbour proposed Marine Conservation Zone, which, subject to the public consultation, could be designated later in the year. Natural England advises that this site, and the features for which it is proposed to be designated for (including the European Eel which Defra may consider designating at some stage) are a statutory material consideration in any decision making process. The ER does acknowledge the proposed MCZ (section 6.6) but it has provided limited assessment on the impacts on the proposed MCZ features (section 9).

It is Natural England's advice based on our understanding of this proposal that it is **not** likely to have a significant effect on the features proposed for protection in the MCZ but we would require consideration and confirmation from the applicant on this.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or priority species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice¹ on priority and protected species and their consideration in the planning system.

[Natural England Standing Advice for Protected Species](#) is available on our website to help local planning authorities better understand the impact of development on protected or priority species should they be identified as an issue at particular developments. This also sets out when, following receipt of survey information, the authority should undertake further consultation with Natural England.

¹ Paragraph 98 and 99 of ODPM Circular 06/2005

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Angela Marlow on 0300 060 3893. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Angela Marlow
Ashford Operation Team

