

PAGHAM FLOOD DEFENCE CIC

COMMUNITY INTEREST COMPANY

Acting for the Community and the Pagham Flood Defence Trust



Planning Application for managed breach of spit at Pagham Harbour

Discharge of Conditions

Arun District Council ref: P/87/15/PL

Chichester District Council: 15/03053/FULEIA

Marine Management Organisation Licence: MLA/2017/00330

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1. Watching brief

1.1. Planning requirements

1.1.1 Planning condition 13: Watching brief.

Within 3 months of planning permission being granted, the developer shall submit for approval by the Local Planning Authority, in consultation with Natural England, a watching brief which sets out how the site will be monitored in respect of the timed development restrictions as set out in conditions 11 and 12. No development shall then commence until written approval has been received to this plan and the brief shall thereafter be implemented and adhered to throughout the entire construction period.

1.2. Discharge of Watching brief

1.2.1. This condition was discharged on our behalf by ABPmer, and submitted to the planning authorities on 1st September 2017.

1.2.2. There has been continuous monitoring of the site in conjunction with Natural England by the Pagham Coastal Issues Advisory Group. (See: '6 Stakeholder group' below) Any work undertaken will be agreed beforehand with Natural England and RSPB, to cause minimal disruption to the environment.

2. Compliance

2.1. Planning requirements

2.1.1 Planning condition 2: Standard plans

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall be carried out in accordance with the following approved plans:;Location Plan Showing the Application Area (Red Line Boundary) Figure 1 (Version 5);Block Plan Showing the Breach and Infill Area Figure 2 (Version 4);Cross Section Plan of the Tern Island Figure 5 (Version 2); Cross Section Profiles of the Breach and Infill Barrier Figure 4 (Version 2);Block Plan showing the Proposed Compensation Area (New Tern Island) Figure 3 (Version 1); and Location and Design of Proposed Breach and Channel Infill Figure 2.2 (Version 1).

2.1.2. Planning informative 10: The changing beach.

Please note the following in respect of Condition 06: The stakeholder group will need to recognise that natural change is ongoing and that such change is to be enabled / allowed as an objective of the project. However, the group will also have to make balanced judgements about the value and implications of any managed interventions. Where changes to the management plan are required, a written consent for such changes will be sought from the Local Planning Authority. In addition, when the stakeholder group deems the management plan is no longer valid and can be stopped (or that natural processes are now the dominant influencing factor rather than the managed breach intervention) they will also seek a written agreement to this effect from the Local Planning Authority.

2.1.3. Planning Informative 12: Possible need for new application.

Please note it may be necessary to submit an application to vary condition 02 should it not be possible to implement the works in accordance with the submitted drawings. If this is necessary, then the competent authorities may be required to re-assess the proposal in respect of the Habitats Regulations.

2.1.4. MMO condition 5.1.4 Changes to this licence

Should the licence holder become aware that any of the information on which the granting of this licence was based has changed or is likely to change, they must notify the MMO at the earliest opportunity. Failure to do so may render this licence invalid and may lead to enforcement action

2.2. Discharge of Compliance

2.2.1. As noted in the planning informative 10, the site is dynamic and has, and continues to change. Notably since the granting of planning consent in June 2017, the spit has breached naturally several times. This has caused the end of the spit to move in a south-westerly direction, shortening the spit, and removing the immediate threat to homes. The shoreline behind the shortened spit has also suffered severe erosion.

2.2.2. In the last few months the spit has shown rapid growth again. The latest report (June 2019) also shows a build-up of shingle just beyond the end of the spit. Potentially allowing further growth in the spit. It is this possible growth that has caused the need to prepare for cutting the spit in 2020 before the current planning application expires.

2.2.3. The work will be undertaken strictly in accordance with the deposited plans: Location Plan Showing the Application Area (Red Line Boundary) Figure 1 (Version 5); Block Plan Showing the Breach and Infill Area Figure 2 (Version 4); Cross Section Plan of the Tern Island Figure 5 (Version 2); Cross Section Profiles of the Breach and Infill Barrier Figure 4 (Version 2); Block Plan showing the Proposed Compensation Area (New Tern Island) Figure 3 (Version 1); and Location and Design of Proposed Breach and Channel Infill Figure 2.2 (Version 1). Should any of this not be possible any changes will be fully discussed with the planning authorities, MMO, and Natural England. Copies of these figures from the planning application are shown in appendix 9.1.

2.2.4. Because of the changes, some of the access to the spit may not be available at high tide, and will only be used when available. Because of the changes, and the continued rapid changes of the site, for the first part of the work, it may become necessary to use the emergency access as in condition 9. (Section 6.3.2. below). This will only happen after full discussion with Natural England and the RSPB.

3. Timing of engineering work.

3.1. Planning requirements

3.1.1 Planning condition 1: Standard time condition.

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission [27/06/2017].

3.1.2. Planning condition 12: Timed development restriction #2.

No work is to take place within the site between the 15th March and the end of August or until the last Little Tern has fledged whichever is the later.

3.1.3. Planning condition 11: Timed development restriction #1.

Unless otherwise agreed in writing with the Local Planning Authority in consultation with Natural England, all works are to be completed before the main over wintering season which commences on the 1st of November each year and ends on the 31st March each year. Any works that are allowed to continue after the 1st of November or between the end of February and the end of March shall be in accordance with Natural England's advice regarding severe/freezing weather working restrictions. If there has been a continuous period of 7 days of severe or freezing weather as recorded by the nearest meteorological station to the site then all work shall be suspended for 14 days unless the Local Planning Authority in consultation with Natural England/the RSPB decide that temperatures have increased (or that evidence is supplied that demonstrates to the satisfaction of the Local Planning Authority that there is a low risk to waterbirds during the period of severe/freezing weather) to the extent that the suspension can be lifted.

3.1.4. Planning Informative 9: Severe weather

In respect of condition 11 above, a continuous period of 7 days of severe or freezing weather is defined as When the nearest Meteorological station records minimum daily air temperatures of 0 degrees C or less for 7 consecutive days, allowing short periods of thaw. Short periods of thaw shall be one or two days where the minimum daily air temperature is above 0 degrees C. The short periods of thaw will have no effect on the counting process of severely cold consecutive days, but periods of thaw of three or more days have the effect of resetting the severe weather day number to 0. Further details of the severe/freezing weather suspension set out within Condition 11 can be found at: <https://baso.org.uk/shooting/severe-weather-and-waterfowl-shooting/> and the JNCC page: <http://jncc.defra.gov.uk/page-2894>.

3.1.5. MMO condition 5.2.11 Excluded dates

The licensed activities must not take place between 15 March and 31 August (inclusive) in any given year.

3.1.6. MMO condition 5.2.12 Other dates

The licensed activities may only place during the overwintering bird season between 1 November and 31 March (inclusive) if they are in accordance with Natural England's guidance regarding severe/freezing weather working restrictions. This is detailed as follows: When the nearest Meteorological station records minimum daily air temperatures of 0 degrees C or less for 7 consecutive days, allowing short periods of thaw. Short periods of thaw shall be one or two days where the minimum daily air temperature is above 0 degrees C. The short periods of thaw will have no effect on the counting process of severely cold consecutive days, but periods of thaw of three or more days have the effect of resetting the severe The works must be suspended for 14 days unless written approval is provided by the MMO in consultation with Natural England. The MMO must be satisfied that temperatures have increased or that there is sufficient evidence (which may be provided by the licence holder) demonstrating a low risk to waterbirds during the period of severe/freezing weather.

3.2. Discharge of Timing of engineering work

3.2.1. The work will be done in two sections:

- a. 1st to 15th March 2020: Removal of enough material from the spit to form the Tern Island, and the completion of the island.
- b. 1st September to 31st October 2020 remove material to complete cut and infill the longshore channel, to completion of the project.

3.2.2. Reasons:

- a. to fulfil planning condition 1 Standard Time Condition, to start before 27th June 2020
- b. to minimise disruption to breeding Little Terns and other overwintering birds
- c. to enable the RSPB to have their much-wanted tern Island for the 2020 breeding season.
- d. to enable the stakeholders to continue to monitor and take the greater advantage of the rapidly changing harbour entrance.

3.2.3. No work will take place between the 15th March, and the 31st August. All work done at other times will be continuously monitored and fully approved by the RSPB and Natural England.

3.2.4. The severe weather restrictions will be noted, and fully complied with.

4. Stakeholder group

4.1. Planning requirements

4.1.1 Planning condition 6: Management plan.

Within 6 months of permission being granted, the developer shall submit for approval by the Local Planning Authority, an adaptive management plan setting out how the harbour opening will be monitored and how the approved compensation/mitigation measures will be reviewed in order to assess their effectiveness. The plan is to refer to the proposed adaptive 'Traffic Light System' approach set out in the May 2016 report. The plan must include membership details of the Stakeholder Group that will be created, the frequency of Stakeholder Group meetings; and the methods by which the stakeholder group will communicate with each other. No changes shall be made to the approved adaptive management plan other than with the written approval of the Local Planning Authority.

4.1.2. Planning condition 10: Re-opening of harbour.

Once the spit has been breached in accordance with the approved details, it shall be left to evolve naturally subject to a tidal exchange being maintained without any further intervention. However, should the Harbour close within 5 years of the date of the commencement of this planning permission as a direct result of the cutting of the artificial breach then the Local Planning Authority will seek the advice of the Stakeholder Group on a scheme that may need to be prepared in respect of reopening the harbour inlet/outlet. The Stakeholder Group shall then submit this scheme within 2 months of the particular harbour closure for consideration by the Local Planning Authority. No works shall be carried out unless and until written approval of the works has been received. Subject to agreement by the Local Planning Authority in consultation with the Stakeholders Group, any maintenance of this nature should not utilise any newly accreted shingle on the Church Norton side as this shingle will be re-establishing the geomorphological feature. Subject to agreement by the Local Planning Authority in consultation with the Stakeholders Group, there shall be no further maintenance of the harbour opening beyond 5 years from the date of the commencement of this planning permission.

4.1.3. Planning condition 14: Tide Gauge.

Within 6 months of planning permission being granted, the developer shall submit for approval by the Local Planning Authority, a scheme detailing the deployment of a tide gauge within the harbour for the purposes of monitoring tidal heights and tidal behaviour in the middle of the harbour. The approved tide gauge should be continuously deployed before during and after the construction period from, at least, 1 month before to 1 month after construction.

4.1.4. Planning Informative 6: Stakeholder membership.

The Stakeholder Management Group to be created in order to monitor the breach and the Harbour opening - and advise on whether the harbour needs to be re-opened shall in addition to the applicants, include representatives from the following bodies: Arun District Council, Natural England, RSPB, Chichester District Council and the Marine Management Organisation.

4.1.5. Planning informative 10: The changing beach and harbour.

Please note the following in respect of Condition 06: The stakeholder group will need to recognise that natural change is ongoing and that such change is to be enabled / allowed as an objective of the project. However, the group will also have to make balanced judgements about the value and implications of any managed interventions. Where changes to the management plan are required, a written consent for such changes will be sought from the Local Planning Authority. In addition, when the stakeholder group deems the management plan is no longer valid and can be stopped (or that natural processes are now the dominant influencing factor rather than the managed breach intervention) they will also seek a written agreement to this effect from the Local Planning Authority.

4.1.6. Planning informative 8: Wireless tidal gauge.

Ideally, the design of the tide gauge (referred to in condition 14 above) should include a radio link and a stilling tube with millimetre accuracy.

4.1.7 MMO condition 5.2.5. Tidal monitor

A Tidal Monitoring Plan detailing the deployment of a tide gauge within the harbour for the purposes of monitoring the tidal behaviour must be submitted to and approved by the MMO at least 1 month prior to the commencement of any licensed activities.

4.1.7. MMO condition 5.2.6. Tidal monitoring

Following approval, the Licence Holder must implement the Tidal Monitoring Plan as approved at least 1 month prior to works until 1 month after completion of works.

4.2. Discharge of Stakeholder group

4.2.1. The Pagham Coastal Issues Advisory Group (PCIAG) will be asked to act as the 'Stakeholder Group'. This group has met since the granting of the Planning Consent. It is convened by the Pagham Flood Defence Community Interest Company and will continue to meet approximately four times a year.

4.2.2. Membership: The PCIAG has representatives from: Arun District Council, Chichester District Council, Environment Agency, Marine Management Organisation, Natural England, Royal Society for the Protection of Birds, Pagham Parish Council, Pagham Beach Holdings, Bourne Leisure, Pagham Beach Residents Association and Pagham Flood Defence Community Interest Company.

4.2.3. Past Agendas: Each PCIAG agenda includes reports on the current changes to the beach and harbour, both by the Community Interest Company and the Environment Agency. This includes a comprehensive look at the changes to the entrance to the harbour. Also, the Environment Agency includes information and interpretation from the tide gauge which they maintain in the harbour. They have also taken reports from the RSPB, including the work to encourage the nesting and breeding of the Little Terns. The latest report from the Environment Agency is reproduced in appendix 9.2. The PCIAG are currently working on a Beach Action Plan looking at the long-term environmental and community needs of the area.

4.2.4. Future agendas: When acting as the Stakeholder Group the PCIAG will:

- a. Meet at least twice a year, or when stakeholders agree there is a need to meet.
- b. Continue mapping the harbour entrance, and recording the tidal heights within the harbour, noting the possibility of rapid changes, and recommending if the project becomes invalid or needs to be changed because of natural changes. Any changes must be approved in writing by the local planning authority.
- c. Until the 22nd June 2022 they will monitor the possible closure of the harbour entrance due to cutting the spit. They will use the 'Traffic Light System' approach as set out in the May 2016 report. (See appendix 9.3. below). Should the entrance so close, the planning authority will seek advice from the Stakeholders of a scheme to reopen the harbour. Such a scheme must be available within two months of the request.
- d. To receive reports from the RSPB on the effectiveness of the design and maintenance of the compensation measures. And recommend any further action. Any new work will require the written approval of the planning authority.
- e. To report the above to the planning authority, and MMO at least once a year or when a change is required to the planned work.

5. Compensation measures

5.1. Planning requirements

5.1.1. PLANNING CONDITION 5. Details of Tern Island Condition

Within 6 months of planning permission being granted, the developer shall submit for approval by the Local Planning Authority, in consultation with Natural England, final plans and details concerning the design and construction of the proposed Tern Island compensation measure. The final design shall ensure that the island is cut off from surrounding land and hydro-dynamically connected to the tidal waters either side of it with a view to isolating the island and reducing the risk of future predation by foxes and shall remove any loose debris or artificial features from around the island.

The Tern Island shall then be implemented in accordance with the approved details and completed prior to the breeding season following the breaching of the Spit in order to ensure that it is available for use by Little Terns before the overwintering season.

5.1.2. PLANNING CONDITION 8. Compensation Measures Management Plan Condition Tern Island

Within 6 months of planning permission being granted, the developer shall submit for approval by the Local Planning Authority, in consultation with Natural England, a management plan for the proposed Little Tern Island compensation measure. The Management Plan shall include the following

1. Tape lures and bird decoys to encourage colonisation by Little Terns;
2. The placement (and continuous replacement) of seasonal reactive predator-exclusion fencing around nests;
3. Regular visits by wardens;
4. The monitoring of nesting activities and breeding success with results then fed back to the overseeing stakeholder group in order that they can review the effectiveness of the management measures;
5. The regular raking of the surface of the Island to keep it from being colonised by ground level vegetation.
6. The approved management plan will be implemented in accordance with the approved details and the approved management measures retained thereafter unless written notification is received from the Local Planning Authority that this is no longer required

5.1.3 PLANNING CONDITION 7. Mitigation Measures Management Plan Condition - remaining spit

Within 6 months of planning permission being granted, the developer shall submit for approval by the Local Planning Authority, in consultation with Natural England, details of the proposed mitigation measures (and management thereof) to be employed on the sections of the remaining Spit in order to protect the existing Little Tern habitat. These shall include:

1. Summertime reactive fencing around the nesting areas on the spit;
2. Signage to keep people off the Spit;
3. Wardening to enforce these restrictions.
4. Seasonal visitor exclusion of the connected section between Pagham Beach and the infill area;
5. The installation of seasonal signage to explain to residents and visitors (and especially dog walkers) why this access exclusion fencing is in place and explain the need to be alert to the situation during the summer breeding season (1st April until mid-to late August - the timing in August depending on confirmation from the RSPB that all chicks have fledged);
6. These mitigation measures shall be implemented prior to works commencing on the spit and shall be permanently retained thereafter unless written notification is received from the Local Planning Authority that this is no longer required

5.2. Discharge of Compensation Measures

The design, building and management of the Little Tern Island to enable the birds who previously nested on the spit to have new ground to continue to breed safely.

5.2.1. The RSPB who manage the bird sanctuary in the harbour have had considerable success with the provision of a breeding habitat suitable for Little Terns. These prefer to build their nests on fresh shingle. The RSPB have already built one such island and are keen to expand their work. The details below follow full discussions with the RSPB.

5.2.2. The separation of the breeding ground from the land by a stretch of water, and the use of reactive predator-exclusion fencing, have both proved unsuccessful in keeping the predators away from the nests. The Little Tern Island will use the same 'Tornado' Otter fence as the existing island See appendix 9.4. Though this is more expensive it has been tried for one and a half seasons on the existing breeding areas and proved successful. It will also no longer be necessary to dig up a length of the concrete wall on which the island is to be built, avoiding the risk of environmental and archaeological damage.

5.2.3. The island will consist of 1900 m³ of shingle taken from the cut through the spit (see section 6.3.6.). The shingle will be placed and levelled as in figures 3 & 5 of the planning application. These are reproduced below in 9.1.3 and 9.1.5. below. Approximately 370 m of fencing as specified by RSPB will be fixed round the perimeter of the new island.

5.2.4. Under planning condition 8, the RSPB would like to work with local volunteers to take control of the management of the Little Tern Island. The natural changes to the spit have reduced the need for compensation, the fencing mentioned in condition 7 & 8 have proved ineffective. The RSPB would like to make the fence at the entrance to the island removable. This will allow the public as well as predators onto the island out of the breeding season. This will discourage other bird from colonising the island. After consultation with RSPB we are asking the planning authority to use their powers under section 6 of planning condition 8 to give notice that these management measures are no longer necessary, allowing the applicant to work with the RSPB as necessary.

5.2.5. Condition 7 concerns the management of the remaining section of the spit. The RSPB is concerned that these measures will encourage Little Terns to nest away from the secure sections of the two Little Tern Islands in the harbour. It is in an area where the more expensive 'Tornado' fencing is more vulnerable, and may require wardens going from the Tern Islands right round the harbour to get to the spit breeding areas. They also find it difficult to exclude the public, especially dog-walkers, from areas where they cannot be at hand to explain the reason. Should there be an unusual expanse of fresh shingle that attracts nesting Little Terns. The RSPB will work with the community to use temporary exclusion fencing. Again, we are asking the planning authorities to use their powers under section 6 of Condition 7, to give notice that these management measures on the remaining spit are no longer necessary. This will allow the RSPB to work with the community as they see fit.

6. Construction Plan

6.1. Planning requirements

6.1.1 Planning condition 9: Construction Management Plan

Within 6 months of planning permission being granted, the developer shall submit for approval by the Local Planning Authority, in consultation with Natural England, a Construction Management Plan concerning the construction activities involved with both the breaching of the spit and the creation of the new Little Tern Island. The Plan shall provide details on the following matters:

The timing of construction works;

The anticipated timescales and likely start dates of the different parts of the project (noting in particular the need to complete the Tern Island prior to the breeding season following the breaching of the Spit);

Methods of access and routing of vehicles and people during construction - including the use and management of Rectory Lane and the use of designated paths/tracks or if necessary, within the active intertidal zone to ensure minimum impact on shingle ridges where little terns nest;

Security hoarding or other suitable barriers to exclude the public from the development site;

The anticipated number, frequency and types of vehicles used during construction;

The protection of the surface geomorphology of shingle ridges and recurves;

Cold weather working restrictions;

A 5-10m buffer zone around the Little Lagoon with all plant to remain at least 15m from the edge of the lagoon; The parking of vehicles by site operatives and visitors;

The loading and unloading of plant, materials and waste;

The storage of plant and materials used in construction of the development;

The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);

Safety provision in respect of working on the Spit particularly during storm conditions;

The details of public engagement both prior to and during construction works (to include information boards and appropriate signage near the site to explain the project and provide contact details for queries/emergencies); and The arrangement of an on-site meeting to confirm the construction methodology prior to works commencing.

There shall be no vehicle access from the Church Norton side of the spit and all works shall be from the eastern side of the spit accessed from the Pagham frontage except with the express agreement of Natural England for the purposes of emergency access, safety or where the site changes to such an extent as safe access is not possible from the Pagham side.

No development shall then commence until written approval has been received to this plan and the plan shall thereafter be implemented and adhered to throughout the entire construction period.

6.1.2. MMO condition 5.2.1. Method statement.

The licence holder must submit a method statement to the MMO at least **4 weeks** prior to the proposed commencement of the licensed activities. The licensed activities must not commence until written approval is provided by the MMO.

6.2. Other requirements

6.2.1. The Contractor and others working on this project must note and strictly observe the following planning conditions and informatives:

a. Planning condition 3: Bathing Water Condition

The development must be carried out in full accordance with the approved Water Framework Directive as dated February 2017 (or more recent versions) and which forms part of the submitted Environmental Statement (Volume 2, Appendix H).

b. Planning informative 2: Best practice.

All works should be undertaken following current best practice and with minimum impact on water quality. The applicant/developer should adhere to the Environment Agency's Pollution Prevention Guidance (PPG) 5 for works in or near watercourses. In the event of a pollution incident, all works should cease immediately and the Environment Agency should be contacted via the incident hotline 0800 807060.

c. Planning Informative 3: Destroying birds' nests.

The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September

d. Planning informative 4: Protected species.

Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District

Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.

e. **Planning Informative 9: Severe weather**

In respect of condition 11 above, a continuous period of 7 days of severe or freezing weather is defined as When the nearest Meteorological station records minimum daily air temperatures of 0 degrees C or less for 7 consecutive days, allowing short periods of thaw. Short periods of thaw shall be one or two days where the minimum daily air temperature is above 0 degrees C. The short periods of thaw will have no effect on the counting process of severely cold consecutive days, but periods of thaw of three or more days have the effect of resetting the severe weather day number to 0. Further details of the severe/freezing weather suspension set out within Condition 11 can be found at:
<https://basc.org.uk/shooting/severe-weather-and-waterfowl-shooting/> and the JNCC page:
<http://jncc.defra.gov.uk/page-2894>.

6.2.2. The Contractor and others working on this project must note and strictly observe the following MMO conditions

a. **MMO condition Binding other parties.**

Where provisions under section 71(5) of the 2009 Act apply, all conditions attached to this licence apply to any person who for the time being owns, occupies or enjoys any use of the licensed activities for which this licence has been granted.

b. **MMO condition 5.2.7. Little Lagoon.**

Plant must remain at least 15m away from the Little Lagoon at all times.

c. **MMO condition 5.2.8. Fuel storage.**

Bunding and/or storage facilities must be installed to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment. Secondary containment must be used with a capacity of no less than 110% of the container's storage capacity.

d. **MMO condition 5.2.9. Fuel Spillage.**

Any oil, fuel or chemical spill within the marine environment must be reported to the MMO Marine Pollution Response Team within 12 hours. Within office hours: 0300 200 2024. Outside office hours: 07770 977 825. At all times if other numbers are unavailable: 0845 051 8486.
dispersants@marinemanagement.org.uk

e. **MMO condition 5.2.10. Soft Start.**

Soft-start procedures must be used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration must be a period of not less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.

f. **MMO condition 5.2.17. Clearance of site.**

All equipment, temporary structures, waste and/or debris associated with the licensed activities must be removed within 5 working days upon completion of licensed activities.

6.3. Discharge of Construction Management Plan.

The Contractor will be responsible for the method statement and risk assessment. This is a sample of the expected plan This method statement is based on work by Mackley/Ovenden who visited the site and made these recommendations. Mackley/Ovenden have a wealth of experience, including work on breaching the shingle barrier at Medmerry

6.3.1. The proposed breach will have the following characteristics (see appendix 9.1.4.

- A central 40 m channel at a depth of -1.80 mODN which is equivalent to the Mean Low Water (MLW) level;
- Side slopes on each side of the breach that will be set at approximately a 1:4 gradient;
- A width of 80 m at tidal elevation of +3.0 mODN level which is approximately at the Highest Astronomical Tide (HAT) level; and

The location of the proposed breach is shown on Appendix 9.1.2.

The material excavated from this breach will be used to create the new Tern Island and infill the existing channel to the northeast of the breach. Once the spit has been cut it will be left to develop naturally. The only exception being if the harbour closes as a result of this work.

Then there may be one further intervention as agreed by the planning authorities and Natural England to open the harbour entrance.

6.3.2. The main access route to the site will be from the east on the Pagham side of the harbour. Some daily pedestrian access may need to be via the west from Church Norton or via East Beach, Selsey. (See Appendix 9.1.1. Site Plan and Access Routes) Alternative emergency access will be via East Beach, Selsey. Because of the changes in the site since planning consent, it may be preferable to use this emergency access for building Tern Island. It will minimise the disruption to the environment and reduce the time machinery is on the beach. This section of the work will be undertaken on the Church Norton side of the entrance, and will be in line with the previous Tern Island built by RSPB. This access can only be used if approved by Natural England.

6.3.3. A Heras fenced site compound will be created in the currently closed Pagham Car Park, which will also be used for turning lorries around. To initially get the plant onto the spit, a temporary transient crossing may be created at the shallowest part of the channel near the north eastern end by using some of the existing shingle ridges on the landward side of the channel. This mobilisation route will not be fixed in place but allowed to then erode into the environment. Access from the site compound at Pagham Car Park to the proposed crossing point will be agreed in advance with Natural England to minimise damage to vegetated shingle. Once across the channel the plant will travel directly up and over the spit and then travel along the seaward side on the foreshore to gain access to the breach site. This route should only be used once.

6.3.4. A temporary access 'causeway will be created. This will involve driving sheet piles using a vibratory hammer across the channel at the north eastern extent of the proposed infilled channel or 'dam' to 0 mODN (AOD) to give a low water access point to the spit. The installation of the sheet piles will involve working at all stages of the tide when below 0 mODN. Initial access will need to be from the landward and spit side at the same time. At the same time, a more permanent fenced temporary access will be created via an agreed route which minimises damage to vegetation from the site compound at Pagham Car Park to the harbour side of the proposed channel dam. Again some of the existing shingle ridges on the landward side of the channel will be used to provide access across the channel to install the sheet piles.

Once the sheet piles are in, and as the excavation commences, infill material from the breach will be placed in front of the piles and this will become the main site access.

6.3.5. Plant will generally be stored overnight on the highest levels of the spit which are above high tide. In the event of storm warnings, plant will be tracked across to the site compound. Beach material will be used to provide safe working platforms for the plant, maximising their working periods and the efficiency of the operation.

6.3.6. Each of the breaches at Pagham will be excavated from landward to seaward initially and then seaward to landward. The remaining highest elevation central section will be excavated as rapidly as possible. The material for the Tern Island will be taken from the south-western side of the cut, and the material to block the existing channel will come from the remaining north eastern side of the cut. This proposed excavation sequence will maintain flood defence for as long as possible over the construction programme.

6.3.7. The channel infill will commence with the existing channel being filled with excavated breach material up to the pile top level, and back towards the harbour to the agreed position of the new bund. The remaining material from the excavation will then be temporarily stockpiled in an agreed area to the north of the breach and just seaward of the infilling areas. The final push down of these stockpiles into the channel will be coordinated with the excavation of the breach to create the dam.

Once the managed breach has been created, the excavation teams will move on to the stockpiled material and load and haul the material in to the existing channel and continue infilling from a higher level, until such times as the existing channel is filled right across to the

land side sufficiently securing the area from the sea pushing through. This operation will continue until the existing channel has been filled to the required design.

6.3.8. The sheet steel pile that formed the basis of the initial access causeway will be removed on completion of the work, the site demobilised and the compound area left in an acceptable condition.

6.3.9. The estimated construction time is 9 to 11 weeks. The actual programme will need to take into account when the operation is to take place to allow for potential weather risk and downtime, as well as any logistical issues with accessing the spit initially. Details of the construction will be discussed with Natural England when the Contractor has been appointed.

6.3.10. It is anticipated that a single team will be used for the construction of Tern Island, and in Week 1 of the later cut. An additional team will be brought in for Week 2. The teams will take approximately 4 weeks excavating the new channel for the Tern Island and the remaining breach and infilling of the existing channel, with another week or so completing the infilling to finished level of the original channel. Each team would operate with 1 excavator, 1 dozer and 2 dump trucks. Support will be provided from a 4-wheel drive (or tracked) tractor & Op with a towable fuel bowser. This will involve up to ten people working on the site.

7. Archaeological investigation

7.1. Planning requirements

7.1.1 Planning condition 4: Archaeological investigation.

No development shall take place until the developer has secured the implementation of a programme of archaeological investigation and mitigation (to include terrestrial archaeological, geo-archaeological, and marine field archaeological work), undertaken in accordance with a Written Scheme of Investigation, which is to be submitted to and approved in writing by the Local Planning Authority as advised by Historic England and the Chichester District Council Archaeology Officer.

7.1.2. MMO condition 5.2.4. Archaeological survey

No development shall take place until the developer has secured the implementation of a programme of archaeological investigation and mitigation (to include terrestrial archaeological, geo-archaeological, and marine field archaeological work), undertaken in accordance with a Written Scheme of Investigation, which is to be submitted to and approved in writing by the Local Planning Authority as advised by Historic England and the Chichester District Council Archaeology Officer.

7.2. Discharge of Archaeological Investigation

7.2.1. Development Archaeological Services in West Wittering have been asked to prepare a written scheme of investigation. Much of the work they were to do concerns the cut out to make the 'Tern Island' peninsula into an island. This is no longer needed and we are therefore negotiating a new plan which we will forward as soon as possible.

8. MMO Licence

8.1. MMO conditions.

8.1.1. MMO condition 5.1.1. Start of work.

The licence holder must notify the MMO prior to the commencement of the first instance of any licensed activity. This notice must be received by the MMO no less than five working days before the commencement of that licensed activity.

8.1.2. MMO condition Binding other parties.

Where provisions under section 71(5) of the 2009 Act apply, all conditions attached to this licence apply to any person who for the time being owns, occupies or enjoys any use of the licensed activities for which this licence has been granted.

8.1.3. MMO condition 5.1.3. Names of contractors.

The licence holder must notify the MMO in writing of any agents, contractors or sub-contractors that will carry on any licensed activity listed in section 4 of this licence on behalf of the licence holder. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity. The licence holder must ensure that a copy of this licence and any subsequent revisions or amendments has been provided to, read and understood by any agents, contractors or sub-contractors that will carry on any licensed activity listed in section 4 of this licence on behalf of the licence holder.

8.1.4. MMO condition 5.1.4. Changes to this licence

Should the licence holder become aware that any of the information on which the granting of this licence was based has changed or is likely to change, they must notify the MMO at the earliest opportunity. Failure to do so may render this licence invalid and may lead to enforcement action

8.1.5. MMO condition 5.1.5. Licence quantities.

Where a licensed activity comprises dredging or the disposal of dredged material, the total quantity of material authorised to be dredged or disposed of in any given time period shall be as set out for that licensed activity in section 4 of this licence. For each time period, the actual quantity dredged or disposed of shall be calculated by adding the quantity of material dredged or disposed of during that time period under this version of this licence to that dredged or disposed of under any previous version of this licence that was valid during that time period.

8.1.6. MMO condition 5.2.1. Method statement.

The licence holder must submit a method statement to the MMO at least 4 weeks prior to the proposed commencement of the licensed activities. The licensed activities must not commence until written approval is provided by the MMO.

8.1.7. MMO condition 5.2.2. Local mariners.

Local mariners and fishermen's organisations must be made fully aware of the activity through a local Notice to Mariners. This must be issued at least 5 days before the commencement of the works. The MMO must be sent a copy of the notification within 24 hours of issue.

8.1.8. MMO condition 5.2.3. HM Coastguard.

HM Coastguard (nmoccontroller@hmcg.gov.uk) must be notified at least 5 days prior to commencement of activities. The MMO must be sent a copy within 24 hours of the issue of this notification.

8.1.9. MMO condition 5.2.4. Archaeological survey.

An archaeological Written Scheme of Investigation (WSI) must be submitted to the MMO at least 4 weeks before any activity commences. The licensed activities or specific activity must not commence until written approval is provided by the MMO. All activities must adhere to the terms of the WSI and PAD.

8.1.10. MMO condition 5.2.5. Tidal monitor

A Tidal Monitoring Plan detailing the deployment of a tide gauge within the harbour for the purposes of monitoring the tidal behaviour must be submitted to and approved by the MMO at least 1 month prior to the commencement of any licensed activities.

8.1.11. MMO condition 5.2.6. Tidal Monitor 2

Following approval, the Licence Holder must implement the Tidal Monitoring Plan as approved at least 1 month prior to works until 1 month after completion of works.

8.1.12. MMO condition 5.2.7. Little Lagoon.

Plant must remain at least 15m away from the Little Lagoon at all times.

8.1.13. MMO condition 5.2.8. Fuel storage.

Bunding and/or storage facilities must be installed to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment. Secondary containment must be used with a capacity of no less than 110% of the container's storage capacity.

8.1.14. MMO condition 5.2.9. Fuel Spillage.

Any oil, fuel or chemical spill within the marine environment must be reported to the MMO Marine Pollution Response Team within 12 hours. Within office hours: 0300 200 2024. Outside office hours: 07770 977 825. At all times if other numbers are unavailable: 0845 051 8486. dispersants@marinemangement.org.uk

8.1.15. MMO condition 5.2.10. Soft Start.

Soft-start procedures must be used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration must be a period of not less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.

8.1.16. MMO condition 5.2.11. Excluded Dates.

The licensed activities must not take place between 15 March and 31 August (inclusive) in any given year.

8.1.17. MMO condition 5.2.12. Other dates.

The licensed activities may only place during the overwintering bird season between 1 November and 31 March (inclusive) if they are in accordance with Natural England's guidance regarding severe/freezing weather working restrictions. This is detailed as follows: When the nearest Meteorological station records minimum daily air temperatures of 0 degrees C or less for 7 consecutive days, allowing short periods of thaw. Short periods of thaw shall be one or two days where the minimum daily air temperature is above 0 degrees C. The short periods of thaw will have no effect on the counting process of severely cold consecutive days, but periods of thaw of three or more days have the effect of resetting the severe working restrictions. The works must be suspended for 14 days unless written approval is provided by the MMO in consultation with Natural England. The MMO must be satisfied that temperatures have increased or that there is sufficient evidence (which may be provided by the licence holder) demonstrating a low risk to water birds during the period of severe/freezing weather.

8.1.18. MMO condition 5.2.13. Completion date.

The licence holder must notify the local MMO office as detailed in section 2.2 of the completion of the licensed activities by the licence holder, no later than 10 working days after their completion.

8.1.19. MMO condition 5.2.14. Monitoring.

The licence holder must ensure that the breach of the shingle spit continues to be managed and monitored according to the proposed adaptive 'Traffic Light System' approach set out in the May 2016 report (ref R.2614) (and with oversight from the stakeholder group) to ensure that it does not close up after the works. This must be managed for five years after the works commence.

8.1.20. MMO condition 5.2.15. Monitoring report

Evidence of the breach monitoring (referred to in condition 5.2.14) and details of decisions reached must be submitted to the MMO annually, by 31 December each year, from the start of works for five years. The breach must be monitored based on the "Traffic Light" warning system as described in schedule 2 of this licence.

8.1.21. MMO condition 5.2.16. Hydrographic Office.

The licence holder must notify The Source Data Receipt team, UK Hydrographic Office, Taunton, Somerset, TA1 2DN (Email: hdcfiles@ukho.gov.uk; Tel: 01823 337900) of completion of the licensed activities, no later than 5 working days after their completion.

8.1.22. MMO condition 5.2.17. Clearance of site.

All equipment, temporary structures, waste and/or debris associated with the licensed activities must be removed within 5 working days upon completion of licensed activities.

8.2. Discharge of MMO conditions.

8.2.1. The following are noted, and will be acted upon. Where necessary the contractors and other will be informed. If required, work will be stopped for full consultation.

- a. (see 8.1.2.) Binding other parties
- b. (see 8.1.4.) Changes to this licence
- c. (see 8.1.5.) Licence quantities
- d. (see 8.1.6.) Method statement. See section 6.
- e. (see 8.1.9.) Archaeological Survey. See section 7.
- f. (see 8.1.10. & 8.1.11.) Tidal Monitor. See section 4. We have access to the existing gauge monitored by the Environment Agency and will continue to monitor the tides at least one month before and one month after the work.
- g. (see 8.1.12.) Little Lagoon. See section 6.
- h. (see 8.1.13.) Fuel storage. See section 6.
- i. (see 8.1.14.) Fuel Spillage. See section 6.
- j. (see 8.1.15.) Soft start. See section 6.
- k. (see 8.1.16.) Excluded dates. See section 3.
- l. (see 8.1.17.) Other dates. See section 3.
- m. (see 8.1.19.) Monitoring. See sections 1 & 3
- n. (see 8.1.20.) Monitoring reports. See section 3.
- o. (see 8.1.21.) Clearance of site.

8.2.2. The following notifications will be given

- a. (See 8.1.1.) To MMO, start of work, with minimum 5 days notice.
- b. (see 8.1.3.) To MMO, names of contractors, with minimum 24 hours notice.
- c. (see 8.1.7.) Notice to Mariners to be given 5 days before commencement, given to
Pagham Yacht Club,
Pagham Parish Notice Board,
Selsey Parish Council Board.
With a copy to MMO, within 24 hours of issue.
- e. (See 8.1.8.) To HM coastguard, to be given a minimum of 5 days before commencement of work.
With a copy to MMO, within 24 hours of issue.
- f. (see 8.1.18.) To MMO completion date, within 10 days of completion.
- g. (see 8.1.21.) To Hydrographic Office, within 5 days of completing.