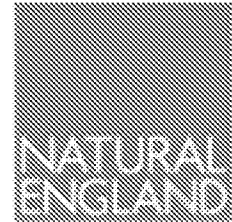


Date: 12 August 2021
Our ref: 359197
Your ref: P/93/21/PL



planning.responses@arun.gov.uk

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

Dear Mr Davis,

Planning consultation: Creating a temporary alternative outflow channel to reduce/avoid flood and erosion risk to properties and businesses at Pagham Beach and Haven Church Farm over the autumn 2021. This application is the subject of an Environmental Statement & is in CIL Zone 5 (Zero Rated) as other development.

Location: Church Norton Spit Pagham Beach Pagham PO21 4TD

Thank you for your consultation on the above dated 02 July 2021 which was received by Natural England on the same date.

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.

Our role is to provide advice to your authority on the legally protected nature conservation interests in this area. More specifically, advice on the dynamic coastline, and how to maintain and support the recovery of the associated coastal, wetland and marine habitats and species, so that you can make the necessary decisions to achieve a solution that works with nature.

Natural England welcomes the approach and work that the Pagham Flood Defence Community Interest Group has done in the creation of this planning application. This application will provide the community with an alternative option to resolve the flood and erosion issues at Pagham Harbour, instead of relying on the Environment Agency's emergency flood prevention plan for Pagham Lagoon. Resolving the flood and erosion risk via the planning system ensures a more secure outcome for the community and for the natural environment.

The Pagham Coastal Issues Advisory Group (PCIAG) was formed as a condition from the previous approved planning application (P/97/15/PL). Natural England has worked closely with the PCIAG on this current updated planning application, particularly in relation to assisting with the development of enhanced compensation and mitigation measures.

We welcome this proposal for its minimalist intervention and its design to work with natural processes to achieve the desired outcome. Natural England also acknowledges that the proposed works in this application are of a smaller scale than the previously approved application.

Natural England advises that the proposal is acceptable on provision that all mitigation and compensation measures, as set out in the original Habitat Regulations Assessment (HRA) and updated/detailed in the recent submitted planning application, are implemented. In addition, the HRA needs to be refreshed by the competent authority to take into account any changes since the original assessment was undertaken. Natural England will advise the competent authority directly once the updated HRA is completed, so please contact us directly to assist in this step.

Natural England notes that breaching the Church Norton spit is not a long-term solution to the problem of coastal flooding and erosion at Pagham. Whilst the cutting of the spit may address the flood risk in the short term, there is no guarantee that a similar situation won't occur in the future. A 2015 Defra policy statement¹ into coastal management practices at Pagham stated that a level of risk from coastal change will always remain for the properties located on the evolving spit system. With these risks increasing with sea level rises in the future, The long-term flood risk to Pagham lagoon and properties will consequently increase over time. For these reasons, Natural England would support your Authority if it was to consider establishing a Coastal Change Management Area as part of a longer term solution.

Our detailed advice on designated sites and advice on other natural environment issues to aid in finalising the decision is set out within the Annexes below.

If you have any queries relating to the advice in this letter, please contact Thomas Scott-Heagerty at

[REDACTED]

Should the proposal change, please consult us again.

Yours sincerely

Thomas Scott-Heagerty
Lead Advisor - Sussex & Kent Area Team

¹ [Report on the coastal management practices at Pagham \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/434441/Report_on_the_coastal_management_practices_at_Pagham.pdf)

Annex A Pagham Harbour Special Protection Area (SPA) and Ramsar site

The application site is within the Pagham Harbour SPA, a European designated site, and is also listed as Pagham Harbour Ramsar site². The Conservation objectives for each European site explains how the site should be restored and/or maintained.

We advise that the proposal is likely to have a significant effect on both the Pagham Harbour Special Protection Area and Ramsar site. We therefore advise that an Appropriate Assessment should be undertaken in accordance with the Habitats Regulations and in line with the Coastal Concordat (A Coastal Concordat for England) by a single lead competent authority. It is our understanding that Chichester District Council shall be undertaking the Habitats Regulation Assessment and Appropriate Assessment, building on the previous one done.

Natural England has reviewed the proposal and advises on the following potential impacts on designated features which need addressing in the Appropriate assessment:

Direct loss of breeding habitat for little terns, and the potential increase in disturbance and predation.

The existing shingle spit at Pagham Harbour provides the main nesting area for little terns, and currently supports 19 breeding pairs. The cutting of the spit would result in a direct loss to little tern breeding habitat, therefore the application has proposed the creation of compensatory little tern breeding habitat within the site.

Since the previous planning application (P/97/15/PL), an alternative location for little tern compensatory habitat has been proposed. This involves the creation of an artificial, 0.3ha island opposite the harbour mouth, created from approximately 3000m³ of shingle excavated from the spit. Natural England has worked closely with the applicant via the Pagham Coastal Issues Advisory Group (PCIAG) to design the alternative compensatory habitat and ensure that it is suitable to accommodate the little tern breeding colony.

Long term physical and ecological monitoring of both little tern nesting habitat areas (compensatory tern island and re-emergence of the spit) will be crucial for the future adaptive management of the site, and to ensure the success of the little tern breeding colony. Therefore, we advise that monitoring of both little tern habitats should be secured as a condition. The monitoring outlined within the application will continue through the Southeast Strategic Regional Coastal Monitoring programme, community smartphone surveys, satellite observations, the RSPB and will be reviewed by the PCIAG. Natural England advise that the proposed compensatory tern island may be vulnerable to degradation due to coastal processes. The loss of the island to coastal process could be acceptable if the site has the same functional area for nesting little terns i.e. the spit has sufficient regrowth.

If the island erodes and the spit has not regrown, the island must be recharged prior to the nesting season. However, shingle to recharge the island must not come from within the SPA.

Natural England has previously agreed (P/12/20/DOC) to the proposed methods for management of the original proposed little tern island, on the 'concrete revetment spit'. Although this current application proposes an alternative compensatory island in a different location, Natural England agrees that the management measures outlined in the RSPB report (Dec 2019, Tim Callaway) are still acceptable. The management plan will ensure that there is sufficient mitigation for predator control/exclusion, disturbance and vegetation management. The management plan is to be implemented for the remaining section of the spit, as well as the proposed little tern island.

² Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

Potential for the harbour opening to close as a result of the breach

The nature of the dynamic coastal processes means there is uncertainty whether this proposal increases this risk or not of harbour closure. Should this occur, it presents a significant risk of negative impacts on the supporting habitat of the inner harbour for SPA/Ramsar bird populations (and in addition impacts on SSSI features including birds and habitats, and also on MCZ features).

We recognise that the risk of harbour closure is low, nonetheless, continued monitoring of the harbour mouth after the spit has breached is required, as outlined in the proposal. This monitoring is to be conducted by the Southeast Strategic Regional Coastal Monitoring programme, community smartphone surveys, satellite observations and the RSPB. The PCIAG will review the monitoring, and decisions on intervention will be made by using the thresholds for management action as proposed in the 'Traffic Light System' (May 2016, ABP_mer R2614). These monitoring and management measures shall further reduce the risk of closure to the harbour mouth, and if required, re-open the mouth should it close.

Construction Management Plan to mitigate against Construction Impacts

Natural England note that the proposal outlines that construction work will completely avoid the nesting period from April to August, and will not commence until the final little tern has fledged. The current proposal states that the construction phase will last approximately 4 weeks. Therefore, it is likely that construction works will be complete before the start of the over-wintering bird season (November). If construction works do extend into November, cold/freezing weather working restrictions should apply.

Natural England note that the Construction Management Plan detailing the operations to breach the spit, and to create the compensatory little tern island has not been submitted at this time. This information is required before the commencement of work relating to the breach taking place.

Annex B Pagham Harbour Site of Special Scientific Interest (SSSI)

Natural England provides the following advice regarding the impact of the proposal on SSSI features:

Geomorphological feature

The proposed cut would significantly damage the Geomorphological feature interest for which Pagham Harbour SSSI has been notified. To cut the spit artificially does not conserve and enhance the Geomorphological feature of the SSSI, instead it will set back the natural evolution of the site, which is driven by coastal processes, and thus reducing its potential for spit evolution. However the geomorphological interest feature would not be fully destroyed by the artificial breach, as the system may continue to evolve (subject to no maintenance dredging, and dependent on the supply of sediment).

Natural England notes that the proposal seeks to work with this dynamic coastline and enable it to evolve after its physical intervention. The proposal expects that the regrowth of the spit will move out into deeper water, which will result in a reduction in the rate of growth. We note that the processes that shape this dynamic coastline are complex. Therefore, there will inevitably be uncertainty about the evolution of the spit after the breach, as this will depend on future sediment supplies and wave action.

Please note that if your authority is minded to grant planning permission, you are required under Section 28I(6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Breeding and over-wintering birds

The SSSI breeding species that use the spit include little tern (also an SPA feature) and two species from the SSSI breeding bird assemblage (oystercatcher and ringed plover). These two wader species currently nest on the spit directly within the proposed breach area. A number of SSSI over wintering birds also use the spit for roosting during high tide and/or feeding at low tide. The harbour itself supports the SSSI's over-wintering and breeding birds. We advise that the impact of the proposal on these populations needs to be fully considered and mitigated to meet the legal requirements for these species on the site.

Natural England note that the proposal outlines that construction work will completely avoid the nesting period from April to August, and will not commence until the final little tern has fledged. The current proposal states that the construction phase will last approximately 4 weeks. Therefore, it is likely that construction works will be complete before the start of the over-wintering bird season (November). If construction works do extend into November, cold/freezing weather working restrictions should apply. Natural England note that these mitigation measures should be included within a Construction Management Plan.

Vegetated Shingle

The construction phase of the proposal, without suitable mitigation is likely to cause damage to vegetated shingle, which is a feature of the SSSI. Natural England note that mitigation measures for vegetative shingle outlined in the previous application should be applied to this application. Where possible, heavy machinery and construction personnel should avoid trampling/travelling over vegetative shingle vegetation. This can be achieved/minimised by methods of access and routing, including the use of designated pathways/tracks, or within the intertidal zone to ensure minimum impact on shingle ridges and vegetated shingle. Matting should be used if crossing over vegetative shingle cannot be avoided.

The mitigation measures submitted in the previous planning application are still valid for this

application. Therefore relevant measures should be included within a Construction Management Plan.

Annex C - Pagham Harbour Marine Conservation Zone (MCZ)

The proposed works, as set out in the information provided, are sited within an MCZ. The Pagham Harbour MCZ has been designated due to the presence of: intertidal seagrass habitat, Defolin's lagoon snail, and lagoon sand shrimp.

The current conditions of all the marine features are dependent on tidal influences, and the MCZ features are vulnerable to alterations to the current environmental regime. The general impacts of tidal change are recognised by the proposal and we agree the predicted small decrease in water levels would have insignificant impacts on the site features.

We advise that the main risk to the MCZ features would be the `risk_ of closure of the harbour as a result of this proposal. We recognise that the risk of harbour closure is low, nonetheless, continued monitoring of the harbour mouth after the spit has breached is required, as outlined in the proposal. This monitoring is to be conducted by the Southeast Strategic Regional Coastal Monitoring programme, community smartphone surveys, satellite observations and the RSPB. The PCIAG will review the monitoring and decisions on intervention will be made by using the thresholds for management action as proposed in the :Traffic Light System`. These monitoring and management measures shall further reduce the risk of closure to the harbour mouth, and if required, re-open the mouth should it close.

We will advise that the MMO undertake a Stage 1 Marine Conservation Zone Assessment test of the potential impacts on the Pagham Harbour MCZ in accordance with their duties under the Marine and Coastal Access Act (MCAA) (2009).