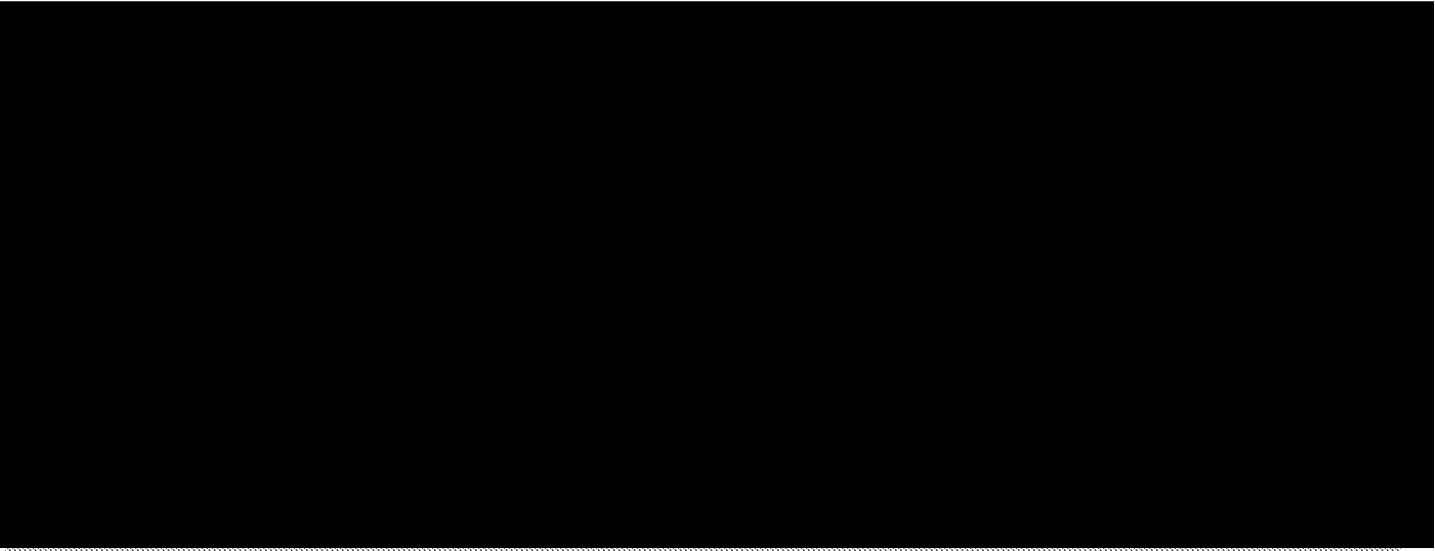




From: McKernan, Patrick (NE) [REDACTED]
Sent: 28 January 2016 12:51
To: Simon Davis; Daniel Vick; Planning.Responses
Cc: Marlow, Angela (NE)
Subject: Natural England response to Pagham Harbour managed breach application

Dear Mr Davis

Please find attached Natural England's advice for planning application P/97/15/PL for the managed breach at Pagham.

Natural England provided a letter of advice to Arun District Council in response to the above consultation on 7 January 2016. This letter was not as clear as Natural England would have wished and we have therefore taken the opportunity to clarify and reissue our formal advice in the attached letter. As well as our advice to you as the planning authority, we are providing the same advice to Chichester District Council, and to the Marine Management Organisation (MMO), which is responsible for considering an application for a marine licence for this proposal.

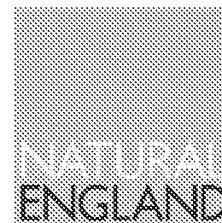
Kind regards,

Patrick

Patrick McKernan
Manager
Sussex and Kent team
Natural England
[REDACTED]

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Date: 26 January 2016
Our ref: 173639
Your ref: P/97/15/PL



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BY EMAIL ONLY

Dear Mr Davis,

Planning consultation: Managed breach of shingle spit & blocking of adjacent tidal inlet channel with shingle barrier. Formation of shingle island within Harbour following excavation of adjacent area of spit.

Location: Pagham Harbour West Sussex.

Natural England provided a letter of advice to Arun District Council in response to the above consultation on 7 January 2016 and to the MMO on 18th December 2015. These letters were not as clear as I would have wished and I have therefore taken the opportunity to clarify and reissue our formal advice in this letter. As well as our advice to you as the planning authority, we are providing the same advice to the Marine Management Organisation (MMO), which is responsible for considering an application for a marine licence for this proposal.

Natural England recognises the significant problems posed by the coastal erosion at Pagham and we understand how distressing and difficult it is for those who are affected. We are committed to helping the community in any way that we can. Our role is to provide advice to your authority and the MMO on the legally protected nature conservation interests in this area, in particular the dynamic coastline, and how to maintain and support the recovery of the associated coastal, wetland and marine habitats and species, so that you and the MMO can make the necessary decisions to achieve a long term solution. We are more than happy to continue working with all parties to help achieve this aim together.

Natural England does not object to the proposal. We have already met and agreed with your authority to discuss how Natural England can further assist and help with this proposal. Our detailed response is appended.

In summary, based on the information provided to us in the Environmental Statement:

- We welcome the work that has been done to develop the planning application to consider ways to work with the evolving spit to resolve the erosion and the Environment Statement addresses many of the points, whilst providing a sound platform to work up any further detail that may be required to address the environmental impacts we have highlighted through our advice.



- Our advice is that the proposal, as submitted, is likely to have a significant effect on both the Pagham Harbour Special Protection Area and Ramsar site. Because of this we advise 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. This means that, if your authority agrees with our advice, the lead authority will carry out an assessment to understand and address the possible environmental effects of the proposed works on the Pagham Harbour Special Protection Area and Ramsar site.
- Our advice is that that the Marine Management Organisation 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).

Natural England will support the refinement of the proposal to ensure the required confidence needed in the measures designed to avoid and/or mitigate impacts on features of the Pagham Harbour Site of Special Scientific Interest is in place.

For any queries relating to the specific advice in this letter please contact Angela Marlow on

[REDACTED]

[REDACTED]

James Seymour
Area Manager Sussex & Kent
Natural England

[REDACTED]



Annex 1: Detailed advice on impacts

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 site.¹ The [Conservation objectives \(weblink\)](#) 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.

Natural England has reviewed the proposal and advises on the following potential impacts on designated features:

1: The direct loss of breeding habitat for little terns, and the potential increase in disturbance and predation.

The shingle spit at Pagham Harbour provides the main area where the little terns nest. During 2015 the site experienced its highest number of fledged chicks (16) since 1979.

We suggest that the proposal for creating new little tern breeding habitat within the site, to replace the current breeding sites on the spit could be developed further. This will help to increase confidence that the potential impacts can be successfully addressed. Our view is that wardening procedures during nesting periods would also need to be robust to reduce the impact of potential increased disturbance. This project should work with the EU-funded LIFE+ project being implemented by the RSPB with an aim at Pagham Harbour to have a breeding colony of more than 20 pairs to increase confidence in the proposed mitigation measures.

2: The potential for the harbour to close as a result of the breach, thus removing the harbour from tidal influence, impacting on habitats that occur within the harbour, including saline lagoons, seagrass beds and saltmarsh which in turn support both terrestrial and marine species (also relevant to SSSI features).

The nature of the dynamic coastal processes means there is uncertainty whether this proposal increases this risk or not. 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).

The current proposal for mitigating any closure is that the breach will be re-opened, but only once, and there is no proposal put forward to address any subsequent closure. We think that if the harbour remains closed for a substantial period there may be a significant adverse impact on the SPA/Ramsar site (and SSSI / MCZ) and either further measures would need to be put in place to remedy subsequent closures or additional evidence on the likelihood of this.

3: Construction impacts that may reduce foraging habitat for, and disturb, overwintering birds.

The application proposes a 50m disturbance zone around the construction area on the spit used in

¹ 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.

the assessment, but this only considers plant movements and not disturbance from people working on site (which can result in disturbance impacts at greater distances). However, we recognise that this impact will be temporary and there will be other areas of habitat for the birds to use within the harbour.

The application predicts a loss of 4.5 ha of intertidal foraging habitat (representing 4.5% of this supporting habitat within Pagham Harbour SPA/Ramsar site) due to changes in water levels during the construction of the proposed project. Natural England recognises that this impact will be temporary (over a 9-11 week period and only occur during one winter) and there will be other areas of habitat for the birds to use within the harbour.

Natural England suggests that cold weather restrictions (such as those used for wildfowling) should be considered to ensure that bird fitness is not compromised during this period. We also suggest that a watching brief could be kept on the little tern breeding period, after terns have fledged and before the peak of overwintering birds arrives, to ensure no impact and provide the widest opportunity for construction.

Pagham Harbour Site of Special Scientific Interest

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

- **Vegetated Shingle**

The Environmental Statement identifies the direct loss of 1.2 ha of perennial vegetated shingle habitat within the breach area, and additional vegetated shingle will also be lost on the distal end of the spit. We recognise that the proposals in the Environmental Statement aim to offset this loss through the creation of a new area of habitat where the excavated material is placed across the existing tidal channel and through the reworking of the spit. We think that the detail on the construction method would help to increase confidence in the success of the proposal.

- **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.

- **Geomorphology feature**

The shingle spit system (including the ebb tidal delta) at Pagham is currently experiencing a set of processes which are thought to be unique to this location. The recent abundant supply of marine gravel and the consequential rapid extension and drift alignment of the spit in the past decade are anomalous within the context of similar systems elsewhere in Great Britain. These sediment supplies are episodic and it is not known for how long the current 'pulse' of sediment will continue.

Natural England welcomes that the proposal seeks to work with this dynamic coastline and enable it to evolve after this intervention. The geomorphological interest would nevertheless be altered by the proposal. These systems are complex and 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.



Pagham Harbour Marine Conservation Zone

The proposed works, as set out in the information provided, are sited within a Marine Conservation Zone (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, and mitigation or evidence to ensure that the harbour is under a tidal influence needs to be confirmed.

The project proposes increased activity during construction, in close proximity to existing colonies of Defolin's lagoon snail adjacent to the little lagoon and the proposed little tern habitat.

Natural England can assist in the development of mitigation and avoidance measures by providing information on the current best understanding of the location of the Defolin's lagoon snail, derived from the surveys conducted in 2007 and 2013 and specialist knowledge of this species' preferred habitat.

We 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).

