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Habitats Regulations Assessment of England Coast Path proposals between **East Head and Shoreham by Sea on Pagham Harbour Special Protection Area and Ramsar site, Medmerry Reserve and Solent and Dorset Coast Special Protection Area**

Version 2.0

Revised and updated: September 2020



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

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Summary

I) Introduction

This is a record of the Habitats Regulations Assessment ('HRA') undertaken by Natural England, on behalf of the Secretary of State, in accordance with the assessment and review provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations').

Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. This assessment considers the potential impacts of our detailed proposals for coastal access from East Head to Shoreham by Sea on the following sites of international importance for wildlife: Pagham Harbour Special Protection Area (SPA) and Ramsar site, Medmerry Reserve – Compensatory Habitat, and Solent and Dorset Coast Special Protection Area (SPA).

The coastal access proposals for East Head, West Wittering were set out within the South Hayling to East Head England Coast Path Reports and therefore an assessment of the potential impacts of coastal access proposals at East Head on the Solent Maritime Special Area of Conservation (SAC) and Chichester and Langstone Harbours SPA and Ramsar site were considered within the South Hayling to East Head England Coast Path Habitats Regulations Assessment, published on 3 October 2019.

England Coast Path proposals are within scope of a European Court judgment which was handed down in April 2018. Known colloquially as People over Wind, the judgment clarified how the impact of proposals on European protected sites is to be assessed. As a consequence, Natural England has reviewed the HRA previously undertaken and provided this updated HRA to the Secretary of State, to consider alongside the previously made proposals. This revised and updated version of HRA replaces the HRA element of the previously published Access and Sensitive Features Appraisal.

This assessment should be read alongside Natural England's related Coastal Access Report published on 27 September 2017 which fully describes and explains the access proposals for this stretch. The Overview explains common principles and background and the chapters explain how we propose to implement coastal access along each of the constituent lengths within the stretch.

www.gov.uk/government/publications/england-coast-path-from-east-head-to-shoreham-comment-on-proposals

II) Background

The main wildlife interests for this stretch of coast are summarised in Table 1 (see Table 3 for a full list of qualifying features).

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Table 1: Summary of main wildlife interest

Interest	Description
Breeding birds	Pagham Harbour SPA is recognised for its breeding birds. Medmerry Reserve provides compensatory habitat for breeding birds that are qualifying features of several European sites around the Solent where habitat has been lost due to coastal squeeze. Breeding birds require suitable nesting habitats coupled with low disturbance levels to prevent egg abandonment, chilling and predation.
Non-breeding birds	During the winter months Pagham Harbour SPA and Ramsar site supports internationally recognised populations of non-breeding waterbirds. Medmerry Reserve provides compensatory habitat for non-breeding birds that are qualifying features of several European sites around the Solent where habitat has been lost due to coastal squeeze. These birds need suitable undisturbed places to feed and roost.
Foraging terns	Solent and Dorset Coast SPA was classified in January 2020 to protect important foraging areas at sea used by three species of tern. These birds require undisturbed foraging sites to ensure that breeding is successful and chick survival rates are not impacted.
Mudflats and saltmarsh	Medmerry Reserve provides mudflat and saltmarsh habitat to compensate for losses affecting several European sites around the Solent. These habitats offer important high tide roosts and nesting opportunities for birds as well as hosting internationally important species of flora.
Coastal lagoons	Medmerry Reserve provides coastal lagoons to compensate for losses affecting several European sites around the Solent. Coastal lagoons offer habitat for breeding and non-breeding birds.

III) Our approach

Natural England's approach to ensuring the protection of sensitive nature conservation features under the Coastal Access Programme is set out in the Coastal Access Scheme [1]. Note that, following a ruling by the Court of Justice of the European Union (Case C-323/17 – usually cited as *People over Wind*), we have issued a technical memorandum concerning the application of this methodology where assessment under the Habitats Regulations is required.

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Our final published proposal for a stretch of England Coast Path is preceded by detailed local consideration of options for route alignment, the extent of the coastal margin and any requirement for restrictions, exclusions or seasonal alternative routes. The proposal is thoroughly considered before being finalised and initial ideas may be modified or rejected during the iterative design process, drawing on the range of relevant expertise available within Natural England.

Evidence is also gathered as appropriate from a range of other sources which can include information and data held locally by external partners or from the experience of local land owners, environmental consultants and occupiers. The approach includes looking at any current visitor management practices, either informal or formal. It also involves discussing our emerging conclusions as appropriate with key local interests such as land owners or occupiers, conservation organisations or the local access authority. In these ways, any nature conservation concerns are discussed early and constructive solutions identified as necessary.

The conclusions of our assessment are certified by both the member of staff responsible for developing the access proposal and the person responsible for considering any environmental impacts. This ensures appropriate separation of duties within Natural England.

As part of revising and updating this HRA, Natural England has checked whether there is any new substantive data or evidence that has become available since the proposals were submitted to Secretary of State and which might have a bearing on the assessment. Where appropriate, we have contacted relevant stakeholders and interests to ask whether they are aware of any such new information.

IV) Aim and objectives for the design of our proposals

The new national arrangements for coastal access will establish a continuous well-maintained walking route around the coast and clarify where people can access the foreshore and other parts of the coastal margin. These changes will influence how people use the coast for recreation and our aim in designing our detailed proposals has been to secure and enhance opportunities for people to enjoy their visit whilst ensuring appropriate protection for affected European sites.

A key consideration in developing coastal access proposals for this stretch has been the possible impact of disturbance from recreational activities on breeding and non-breeding birds, the trampling of sensitive habitats and the loss of habitat.

Objectives for design of our detailed local proposals have been to:

- Avoid exacerbating disturbance at sensitive locations by making use of established paths
- Develop proposals that take account of risks to sensitive nature conservation features and incorporate mitigation as necessary in our proposals
- Clarify where people may access the foreshore and other parts of the coastal margin on foot for recreation purposes

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- Work with local partners to design detailed proposals that take account of and complement efforts to manage access in sensitive locations
- Where practical, incorporate opportunities to raise awareness of the importance of this stretch of coast for wildlife and how people can help efforts to protect it.

V) Conclusion

We have considered whether our detailed proposals for coastal access between East Head and Shoreham by Sea might have an impact on Pagham Harbour SPA and Ramsar site, Medmerry Reserve and Solent and Dorset Coast SPA. In Part C of this assessment we identify some possible risks to the relevant qualifying features and conclude that proposals for coastal access, without incorporated mitigation, may have a significant effect on these sites. In Part D we consider these risks in more detail, taking account of avoidance and mitigation measures incorporated into our access proposal, and conclude that there will not be an adverse effect in the integrity of any site. These measures are summarised in Table 2 below.

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Table 2 Summary of risks and consequent mitigation built in to our proposals

Risk to conservation objectives	Relevant design features of the access proposal
Disturbance to breeding birds	<p>Medmerry Reserve</p> <p>The proposed alignment for the England Coast Path follows the existing permissive path and public footpaths around the site.</p> <p>The route will be signposted and waymarked to encourage walkers to stay on the path.</p> <p>We chose not to align the trail on the perimeter bank in two places to reduce the risk of disturbance.</p> <p>A Section 26(3)(a) access exclusion is proposed year-round on nature conservation grounds to reduce the risk of disturbance to birds using grazing fields within the coastal margin and the perimeter bank which is not being used for the trail.</p> <p>A Section 25A direction to exclude access to the mudflats and saltmarsh in the coastal margin is proposed because these areas are unsuitable for walking.</p> <p>Signs will be installed to make trail users aware of the Section 25A and Section 26(3)(a) access restrictions.</p> <p>Trail infrastructure will be installed using hand tools to minimise disturbance.</p> <p>Trail infrastructure will not be installed on mudflat or saltmarsh habitat.</p> <p>Pagham Harbour</p> <p>The proposed alignment for the England Coast Path follows existing walked routes.</p> <p>The route will be signposted and waymarked to encourage walkers to stay on the path.</p>

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Risk to conservation objectives	Relevant design features of the access proposal
	<p>A Section 25A direction to exclude access to the mudflats and saltmarsh in the coastal margin is proposed because these areas are unsuitable for walking.</p> <p>Signs will be installed to make trail users aware of Section 25A access restriction.</p> <p>Trail infrastructure will be installed using hand tools to minimise disturbance.</p> <p>Trail infrastructure will not be installed on supporting habitat for the qualifying features of the site.</p>
Disturbance to non-breeding birds	<p>Medmerry Reserve</p> <p>The proposed alignment for the England Coast Path follows the existing permissive path and public footpaths around the site.</p> <p>The route will be signposted and waymarked to encourage walkers to stay on the path.</p> <p>We chose not to align the trail on the perimeter bank in two places to reduce the risk of disturbance.</p> <p>A Section 26(3)(a) access exclusion is proposed year-round on nature conservation grounds to reduce the risk of disturbance to birds using grazing fields within the coastal margin and the perimeter bank which is not being used for the trail.</p> <p>A Section 25A direction to exclude access to the mudflats and saltmarsh in the coastal margin is proposed because these areas are unsuitable for walking.</p> <p>Signs will be installed to make trail users aware of the Section 25A and Section 26(3)(a) access restrictions.</p>

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Risk to conservation objectives	Relevant design features of the access proposal
	<p>Trail infrastructure will be installed using hand tools to minimise disturbance.</p> <p>Trail infrastructure will not be installed on mudflats or saltmarsh habitat.</p> <p>Pagham Harbour</p> <p>The proposed alignment for the England Coast Path follows existing walked routes.</p> <p>The route will be signposted and waymarked to encourage walkers to stay on the path.</p> <p>A Section 25A direction to exclude access to the mudflats and saltmarsh in the coastal margin is proposed because these areas are unsuitable for walking.</p> <p>Signs will be installed to make trail users aware of Section 25A access restriction.</p> <p>Trail infrastructure will be installed using hand tools to minimise disturbance.</p> <p>Trail infrastructure will not be installed on supporting habitat for the qualifying features of the sites.</p>
Trampling of mudflat and saltmarsh habitat	<p>Medmerry Reserve</p> <p>The route will be signposted and waymarked to encourage walkers to stay on the path.</p> <p>A Section 25A direction to exclude access to the mudflats and saltmarsh in the coastal margin is proposed because these areas are unsuitable for walking.</p> <p>Signs will be installed to make trail users aware of Section 25A access restriction.</p>

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Risk to conservation objectives	Relevant design features of the access proposal
	<p>Pagham Harbour</p> <p>The route will be signposted and waymarked to encourage walkers to stay on the path.</p> <p>A Section 25A direction to exclude access to the mudflats and saltmarsh in the coastal margin is proposed because these areas are unsuitable for walking.</p> <p>Signs will be installed to make trail users aware of Section 25A access restriction.</p>
Permanent loss of habitat	<p>Medmerry Reserve</p> <p>Trail infrastructure will not be installed on mudflat or saltmarsh habitat at Medmerry Reserve.</p> <p>Pagham Harbour</p> <p>Trail infrastructure will not be installed on the supporting habitat of the qualifying features of the site.</p>

VI) Implementation

Once a route for the trail has been confirmed by the Secretary of State, we will work with local partners to ensure any works on the ground are carried out with due regard to the conclusions of this assessment and relevant statutory requirements.

VII) Thanks

The development of our proposals has been informed by input from people with relevant expertise within Natural England and other key organisations. The proposals have been thoroughly considered before being finalised and our initial ideas were modified during an iterative design process. We are grateful to the RSPB along with other organisations and local experts whose contributions and advice have helped to inform the development of our proposals.

PART A: Introduction and information about the England Coast Path

A1. Introduction

Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. The duty is in two parts: one relating to securing a long-distance walking route around the whole coast: we call this the England Coast Path; the other relating to a margin of coastal land associated with the route where in appropriate places people will be able to spread out and explore, rest or picnic.

To secure these objectives, we must submit reports to the Secretary of State for Environment, Food and Rural Affairs recommending where the route should be and identifying the associated coastal margin. The reports must follow the approach set out in our methodology (the Coastal Access Scheme), which – as the legislation requires – has been approved by the Secretary of State for this purpose.

Where implementation of a Coastal Access Report would be likely to have a significant effect on a site designated for its international importance for wildlife, called a 'European site'¹, the report must be subject to special procedures designed to assess its likely significant effects.

The conclusions of this screening are certified by both the member of staff responsible for developing the access proposal and the person responsible for considering any environmental impacts. This ensures appropriate separation of duties within Natural England.

Natural England's approach to ensuring the protection of sensitive nature conservation features under the Coastal Access Programme is set out in the Coastal Access Scheme [1]. Note that, following a ruling by the Court of Justice of the European Union (Case C-323/17 – usually cited as *People over Wind*), we have issued a technical memorandum concerning the application of this methodology where assessment under the Habitats Regulations is required. In order to comply with this ruling the Secretary of State has asked Natural England to update the HRAs of any proposals that were not determined before April 2018.

A2. Details of the plan or project

This assessment considers Natural England's proposals for coastal access along the stretch of coast between East Head and Shoreham that were published on 27 September 2017. Our proposals to the Secretary of State for this stretch of coast are presented in a report that explains how we propose to implement coastal access along each of the constituent lengths within the stretch. Within this assessment we consider each of the relevant chapters, both separately and as an overall access proposal for the stretch in question.

Our proposals for coastal access have two main components:

- alignment of the England Coast Path; and
- identification of coastal margin

¹ Ramsar sites are treated in the same way by UK government policy

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England Coast Path

A continuous walking route around the coast – the England Coast Path National Trail - will be established by joining up existing coastal paths and creating new sections of path where necessary. The route will be established and maintained to National Trail quality standards. The coastal path will be able to 'roll back' as the coast erodes.

Coastal Margin

An area of land associated with the proposed trail will become coastal margin, including all land seawards of the trail down to mean low water.

Coastal margin is typically subject to new coastal access rights, though there are some obvious exceptions to this. The nature and limitations of the new rights, and the key types of land excepted from them, are explained in more detail in Chapter 2 of our Coastal Access Scheme [1]. Where there are already public or local rights to do other things, these are normally unaffected and will continue to exist in parallel to the new coastal access rights. The exception to this principle is any pre-existing open access rights under Part 1 of the Countryside and Rights of Way Act 2000 (CROW) over land falling within the coastal margin: the new coastal access rights will apply in place of these.

Where public access on foot already takes place on land within the margin without any legal right for people to use the land in this way, the new coastal access rights will secure this existing use legally. Access secured in this way is subject to various national restrictions. It remains open to the owner of the land, should they wish, to continue tolerating other types of established public use not provided for by coastal access rights.

Of particular relevance to this assessment is that much of the saltmarsh and mudflat that falls within the coastal margin at Pagham Harbour (that forms part of the Pagham Harbour SPA and Ramsar site) and Medmerry Reserve is considered unsuitable for public access and will be excluded from the new coastal access rights at all times regardless of any other considerations.

Maintenance of the England Coast Path

The access proposals provide for the permanent establishment of a path and associated infrastructure, including additional mitigation measures referred to in this assessment and described in the access proposals. The England Coast Path will be part of the National Trails family of routes, for which there are national quality standards. Delivery is by local partnerships and there is regular reporting and scrutiny of key performance indicators, including the condition of the trail.

Responding to future change

The legal framework that underpins coastal access allows for adaptation in light of future change. In such circumstances Natural England has powers to change the route of the trail and limit access rights over the coastal margin in ways that were not originally envisaged. These new powers can be used, as necessary, alongside informal management techniques

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and other measures to ensure that the integrity of the site is maintained in light of unforeseen future change.

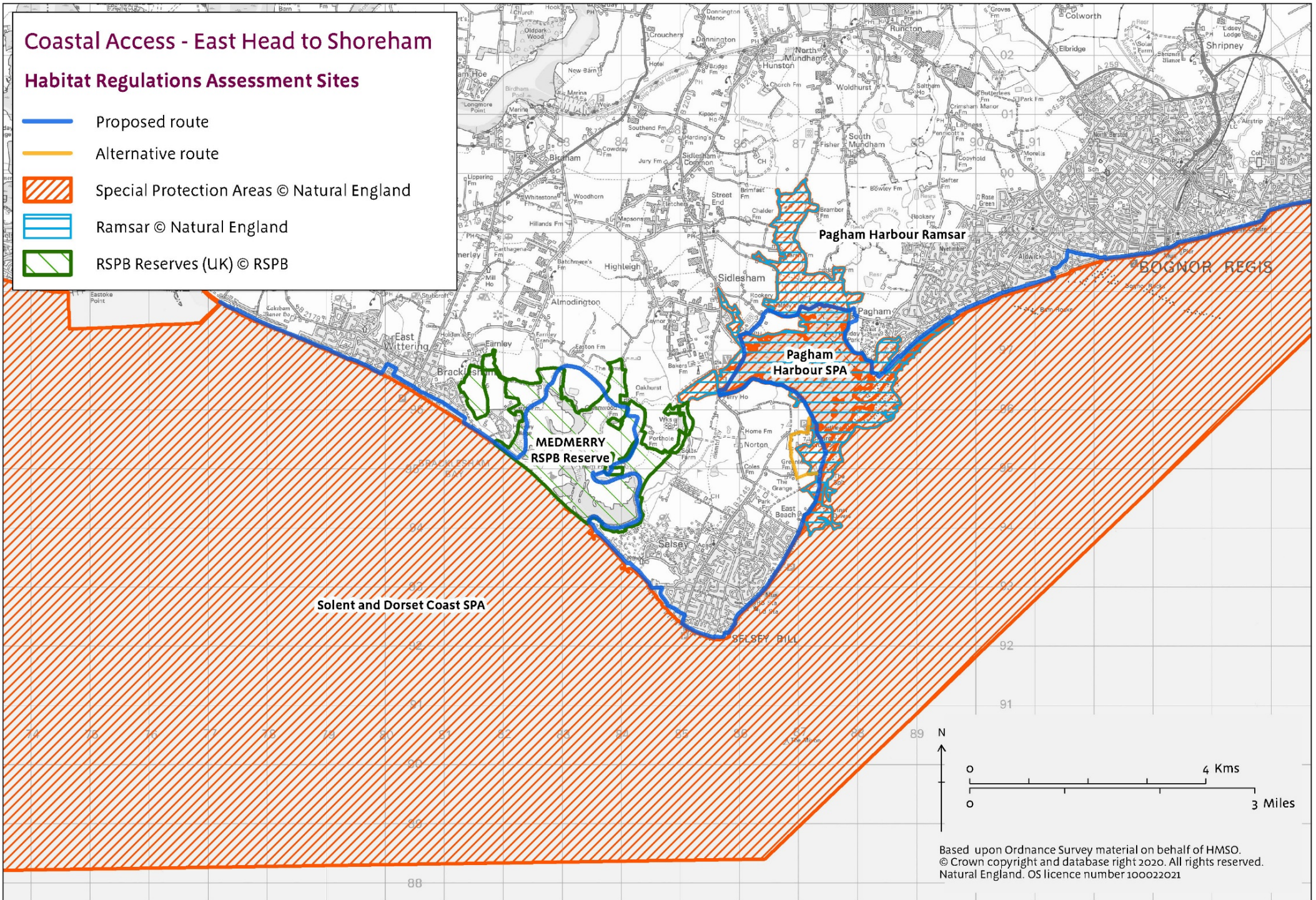
Establishment of the trail

Establishment works to make the trail fit for use and prepare for opening, including any special measures that have been identified as necessary to protect the environment, will be carried out before the new public rights come into force on this stretch. Details of the works to be carried out and the estimated cost are provided in the access proposals. The cost of establishment works will be met by Natural England. Works on the ground to implement the proposals will be carried out by the relevant access authorities, subject to any further necessary consents being obtained, including to undertake operations on a SSSI. Natural England will provide further advice to the local authority carrying out the work as necessary.

Coastal Access - East Head to Shoreham

Habitat Regulations Assessment Sites

-  Proposed route
-  Alternative route
-  Special Protection Areas © Natural England
-  Ramsar © Natural England
-  RSPB Reserves (UK) © RSPB



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PART B: Information about the European Site(s) which could be affected

B1. Brief description of the European Sites(s) and their Qualifying Features

Pagham Harbour SPA and Ramsar Site

Pagham Harbour Special Protection Area and Ramsar site lies between Bognor Regis and Chichester in West Sussex. The natural habitats, including saltmarsh, mudflats, lagoons, shingle, open water, reed swap and wet permanent grassland within and around Pagham Harbour support an abundance of wildlife. The mudflats are rich in invertebrates and algae and provide important feeding areas for many bird species. The RSPB manage the site as a Local Nature Reserve.

Solent and Dorset Coast SPA

Solent and Dorset Coast Special Protection Area was classified in January 2020 to protect important foraging areas at sea used by three species of tern (common tern, Sandwich tern and little tern) that are qualifying features of adjacent SPAs (Poole Harbour SPA, Solent and Southampton Water SPA and Chichester and Langstone Harbours SPA). The site extends from the Isle of Purbeck in the West to Bognor Regis in the East, following the coastline on either side to the Isle of Wight and into Southampton Water.

Medmerry Reserve

Medmerry Reserve is compensatory habitat, provided under the Conservation of Habitat and Species Regulations 2010 (now 2017), for predicted losses of SAC and SPA intertidal habitat elsewhere in the Solent over the next 20 years due to rising sea levels causing coastal squeeze effects [2]. Compensatory habitat is given the same protection as European Sites by paragraph 118 of the National Planning Policy Framework. Medmerry Reserve does not have any designated features yet but has been designed to create saltmarsh and mudflat habitat and coastal lagoons to replace the losses in the Solent and is being managed to support the assemblage of wintering and breeding birds for which the Solent sites are currently designated. For the purposes of this HRA, the qualifying features of the Solent European sites being compensated for (Chichester and Langstone Harbours SPA and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Solent and Southampton Water SPA and Ramsar site and Solent Maritime SAC) will be listed under Medmerry Reserve and assessed separately from the qualifying features at Pagham Harbour SPA and Solent and Dorset Coast SPA.

Note:

The coastal access proposals for East Head, West Wittering were set out within the South Hayling to East Head England Coast Path Reports and therefore an assessment of the potential impacts of coastal access proposals at East Head on the Solent Maritime SAC and Chichester and Langstone Harbours SPA and Ramsar site were considered within the South Hayling to East Head England Coast Path Habitats Regulations Assessment, published on 3 October 2019.

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Table 3. Qualifying features

Qualifying feature	Pagham Harbour SPA	Pagham Harbour Ramsar Site	Solent to Dorset Coast SPA	Medmerry – Compensatory habitat ²
A046a Dark-bellied brent goose <i>Branta bernicla bernicla</i> (Non-breeding)	X	X		X
A193 Common tern <i>Sterna hirundo</i> (Breeding)	X		X ³	X
A195 Little tern <i>Sterna albifrons</i> (Breeding)	X		X ³	X
A151 Ruff <i>Philomachus pugnax</i> (Non-breeding)	X			
A054 Pintail <i>Anas acuta</i> (Non-breeding)				X
A157 Bar-tailed godwit <i>Limosa lapponica</i> (non-breeding)				X
A616 Black-tailed godwit <i>Limosa limosa islandica</i> (non-breeding)				X
A160 Curlew <i>Numenius arquata</i> (non-breeding)				X
A672 Dunlin <i>Calidris alpina alpina</i> (non-breeding)				X
A141 Grey Plover <i>Pluvialis squatarola</i> (non-breeding)				X
A176 Mediterranean gull <i>Larus melanocephalus</i> (breeding)				X
A069 Red-breasted merganser <i>Mergus serrator</i> (non-breeding)				X
A162 Redshank <i>Tringa tetanus</i> (non-breeding)				X
A137 Ringed plover <i>Charadrius hiaticula</i> (non-breeding)				X

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Qualifying feature	Pagham Harbour SPA	Pagham Harbour Ramsar Site	Solent to Dorset Coast SPA	Medmerry – Compensatory habitat ²
A192 Roseate tern <i>Sterna dougallii</i> (breeding)				X
A144 Sanderling <i>Calidris alba</i> (non-breeding)				X
A191 Sandwich tern <i>Sterna sandvicensis</i> (breeding)			X ³	X
A048 Shelduck <i>Tadorna tadorna</i> (non-breeding)				X
A056 Shoveler <i>Anas clypeata</i> (non-breeding)				X
A704 Teal <i>Anas crecca</i> (non-breeding)				X
A169 Turnstone <i>Arenaria interpres</i> (non-breeding)				X
A050 Wigeon <i>Anas penelope</i> (non-breeding)				X
Waterbird assemblage (non-breeding)				X
H1140 Mudflats and sandflats not covered by sea water at low tide				X
H1150 Coastal lagoons				X
H1310 Salicornia and other annuals colonising mud and sand				X
H1320 Spartina swards <i>Spartinion maritimae</i>				X
H1330 Atlantic salt meadows <i>Glauco-Puccinellietalia maritimae</i>				X

² Medmerry acts as a compensatory habitat for losses of internationally important flora and fauna at Chichester & Langstone Harbours SPA and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Solent and Southampton Water SPA and Ramsar site and Solent Maritime

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SAC. For the purposes of this HRA, the qualifying features of the Solent European sites being compensated for (breeding and non-breeding birds, mudflats, saltmarsh and coastal lagoons) are listed in Table 3 and will be assessed separately from the qualifying features at Pagham Harbour SPA and Solent and Dorset Coast SPA.

³ The Solent and Dorset Coast SPA protects the foraging habitat of common tern, little tern and Sandwich tern which breed within adjacent coastal SPAs (Poole Harbour SPA, Solent and Southampton Water SPA and Chichester and Langstone Harbours SPA). There are no breeding colonies within the Solent and Dorset Coast SPA itself.

B2. European Site Conservation Objectives (including supplementary advice)

Natural England provides advice about the Conservation Objectives for European Sites in England in its role as the statutory nature conservation body. These Objectives (including any Supplementary Advice which may be available) provides the necessary context for all HRAs.

The overarching Conservation Objectives for every European Site in England are to ensure that the integrity of each site is maintained or restored as appropriate, and that each site contributes to achieving the aims of the Habitats Regulations, by either maintaining or restoring (as appropriate):

- The extent and distribution of their qualifying natural habitats,
- The structure and function (including typical species) of their qualifying natural habitats,
- The supporting processes on which their qualifying natural habitats rely,
- The supporting processes on which the habitats of their qualifying features rely,
- The population of each of their qualifying features, and
- The distribution of their qualifying features within the site.

Where Conservation Objectives Supplementary Advice is available, which provides further detail about the features' structure, function and supporting processes mentioned above, the implications of the plan or project on the specific attributes and targets listed in the advice will be taken into account in this assessment.

In light of the European Sites which could be affected by the plan or project, this assessment will be informed by the following site-specific Conservation Objectives, including any available supplementary advice;

Supplementary advice on the conservation objectives can be viewed using the links below and the relevant issues have been assessed as part of this report:

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Pagham Harbour SPA:

[https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9012041&SiteName=pagham harbour&SiteNameDisplay=Pagham Harbour SPA&countyCode=&responsiblePerson=&SeaArea=&IFCAAra=&NumMarineSeasonality=4&HasCA=1](https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9012041&SiteName=pagham%20harbour&SiteNameDisplay=Pagham%20Harbour%20SPA&countyCode=&responsiblePerson=&SeaArea=&IFCAAra=&NumMarineSeasonality=4&HasCA=1)

Solent and Dorset Coast SPA:

Solent and Dorset Coast SPA was classified in January 2020. A Conservation Advice package is currently being developed and will be available within the Designated Sites System upon publication:

[https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9020330&SiteName=solent &SiteNameDisplay=Solent and Dorset Coast pSPA&countyCode=&responsiblePerson=&SeaArea=&IFCAAra=&NumMarineSeasonality=3&HasCA=0](https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9020330&SiteName=solent%20&SiteNameDisplay=Solent%20and%20Dorset%20Coast%20pSPA&countyCode=&responsiblePerson=&SeaArea=&IFCAAra=&NumMarineSeasonality=3&HasCA=0)

For Ramsar sites, a decision has been made by Defra and Natural England not to produce Conservation Advice packages, instead focussing on the production of High Level Conservation Objectives. As the provisions on the Habitats Regulations relating to Habitat Regulations Assessments extend to Ramsar sites, Natural England considers the Conservation Advice packages for the overlapping European Marine Site designations to be, in most cases, sufficient to support the management of the Ramsar interests.

PART C: Screening of the plan or project for appropriate assessment

C1. Is the plan or project either directly connected with or necessary to the (conservation) management (of the European Site's qualifying features)?

The Coastal Access Plan is not directly connected with or necessary to the management of the European or Ramsar sites for nature conservation listed in B1 above.

Conclusion:

As the plan or project is not either directly connected or necessary to the management of all of the European site's qualifying features, and/or contains non-conservation elements, further Habitats Regulations assessment is required.

C2. Is there a likelihood [or risk] of significant [adverse] effects ('LSE')?

This section details whether those constituent elements of the plan or project which are (a) not directly connected with or necessary to the management of the European Site(s) features and (b) could conceivably adversely affect a European site, would have a **likely significant effect**, either alone or in combination with other plans and projects, upon the European sites and which could undermine the achievement of the site's conservation objectives referred to in section B2.

In accordance with European case law, this HRA has considered an effect to be 'likely' if it '*cannot be excluded on the basis of objective information*' and is 'significant' if it '*undermines the conservation objectives*'. In accordance with Defra guidance on the approach to be taken to this decision, in plain English, the test asks whether the plan or project '*may*' have a significant effect (i.e. there is a risk or a possibility of such an effect).

This assessment of risk therefore takes into account the precautionary principle (where there is scientific doubt) and **excludes**, at this stage, any measures proposed in the submitted details of the plan/project that are specifically intended to avoid or reduce harmful effects on the European site(s).

Each of the project elements has been tested in view of the European Site Conservation Objectives and against each of the relevant European site qualifying features. An assessment of potential effects using best available evidence and information has been made.

C2.1 Risk of Significant Effects Alone

The first step is to consider whether any elements of the project are likely to have a significant effect upon a European site 'alone' (that is when considered in the context of the prevailing environmental conditions at the site but in isolation of the combined effects of any other 'plans and projects'). Such effects do not include those deemed to be so insignificant as to be trivial or inconsequential.

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In this section, we assess risks to qualifying features, taking account of their sensitivity to coastal walking and other recreational activities associated with coastal access proposals, and in view of each site's Conservation Objectives.

For the purposes of this assessment, the qualifying features of the European Sites listed in B1 have been grouped as follows:

Table 4. Feature groups

Feature group	Qualifying feature(s)
Breeding birds	<p>Pagham Harbour</p> <p>Common tern; little tern (see also foraging terns feature group)</p> <p>Medmerry Reserve</p> <p>Little tern; Sandwich tern; common tern; Mediterranean gull (for little, Sandwich and common tern – see also foraging terns feature group)</p>
Roseate tern (breeding)	<p>Medmerry Reserve</p> <p>Roseate tern</p>
Non-breeding birds	<p>Pagham Harbour</p> <p>Dark bellied brent goose; ruff</p> <p>Medmerry Reserve</p> <p>Dark bellied brent goose; black-tailed godwit; bar-tailed godwit; curlew; dunlin; grey plover; redshank; ringed plover; grey plover; sanderling; turnstone, pintail, shelduck; shoveler; teal; wigeon; pintail; waterbird assemblage</p>
Foraging terns	<p>Solent and Dorset Coast SPA</p> <p>Little tern; Sandwich tern; common tern (when foraging offshore)</p>
Red-breasted merganser	<p>Medmerry Reserve</p> <p>Red-breasted merganser</p>
Mudflats and saltmarsh	<p>Medmerry Reserve</p>

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Feature group	Qualifying feature(s)
	Mudflats and sandflats not covered by seawater at low tide; <i>Salicornia</i> and other annuals; spartina swards; Atlantic salt meadows
Coastal lagoons	<p>Medmerry Reserve</p> <p>Coastal lagoons</p>

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Table 5. Assessment of likely significant effects alone

Feature	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
Breeding birds	Disturbance of breeding birds at nesting sites	Breeding birds that breed in the vicinity of a coastal path may be disturbed, or nests may be trampled by recreation activities.	The level of risk is higher where the access proposals are likely to bring people close to places on which breeding birds depend on for nesting.	Yes
Breeding birds	Disturbance of breeding birds that are feeding and/or roosting	Breeding birds that rest or feed in the vicinity of a coastal path may be disturbed by recreational activities including walking and walking with a dog.	The level of risk is higher where the access proposals are likely to bring people close to places on which large numbers of birds depend including undisturbed roost sites and important feeding areas.	Yes
Breeding birds	Loss of supporting habitat through installation of access management infrastructure	Potentially sensitive if there were a permanent loss of habitat as a result of the access proposals.	The level of risk is low because: The access infrastructure will not be located in or near breeding habitats.	Yes
Breeding birds	Disturbance caused by access management infrastructure establishment works	Breeding birds feeding or roosting in the vicinity of a coastal path may be disturbed by access management infrastructure establishment works.	The level of risk is higher when establishment works involving loud machinery and movement create visual stimuli which can evoke a disturbance response in waterbirds.	Yes

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Feature	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
Roseate tern (breeding)	Disturbance of breeding birds at nesting sites	Breeding birds that breed in the vicinity of a coastal path may be disturbed, or nests may be trampled by recreation activities.	No appreciable risk. Roseate terns are absent from Medmerry Reserve (confirmed by RSPB).	No
Non-breeding birds	Disturbance of feeding or resting birds	Birds feeding on or near the foreshore or resting in the vicinity of a coastal path may be disturbed by recreational activities including walking and walking with a dog.	The level of risk is higher where the access proposals are likely to bring people close to places on which large numbers of birds depend including undisturbed high tide roost sites and important feeding areas.	Yes
Non-breeding birds	Disturbance of breeding birds	Non-breeding birds (that are wholly or largely resident) that breed in the vicinity of a coastal path may be disturbed, or nests may be trampled by recreation activities.	The level of risk is higher at places where a breeding population of a species significantly contributes to the non-breeding population and where the access proposals are likely to place breeding birds at risk from recreational activities. Redshank and ringed plover are known to nest at Medmerry Reserve.	Yes
Non-breeding birds	Loss of supporting habitat through installation of access management infrastructure	Potentially sensitive if there were a permanent loss of habitat as a result of the access proposals.	The level of risk is low because: The infrastructure will not be installed on supporting habitat for non-breeding birds at Paghham Harbour or Medmerry Reserve.	Yes

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Feature	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
Non-breeding birds	Disturbance caused by access management infrastructure establishment works	Birds feeding or roosting in the vicinity of a coastal path may be disturbed by access management infrastructure establishment works.	The level of risk is higher when establishment works involving loud machinery and movement create visual stimuli which can evoke a disturbance response in waterbirds.	Yes
Foraging terns	Disturbance to foraging terns	Foraging behaviour may be interrupted if birds are feeding close to places where recreational activities take place, including walking and walking with a dog.	No appreciable risk Terns forage mainly off shore giving enough spatial separation between path users and the birds. The presence of people on the shore may discourage birds from feeding close to the shore at times when people are present but it is unlikely to compromise foraging activity.	No
Red-breasted merganser	Disturbance of feeding or resting birds	This species tends to roost and feed in deeper waters. Depending on the proximity of roost sites to the route proposal there is potential for people using the coast path either walking or dog walking to cause disturbance to birds.	No appreciable risk Red-breasted merganser favour deeper water areas. We consider there to be no appreciable risk to this feature due to it being found in deeper waters were it is less likely to interact with walkers.	No

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Feature	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
Mudflats and saltmarsh	Trampling of sensitive habitat	Saltmarsh vegetation is at greater risk because it can be damaged or destroyed by people walking over it repeatedly. Bare areas may be created which make the surrounding habitat more vulnerable to erosion.	The level of risk is low because: Saltmarsh and mudflats form part of the coastal margin at Medmerry Reserve and Pagham Harbour and may be subject to new coastal access rights. The level of risk is low because the mudflats and saltmarsh at Medmerry Reserve and Pagham Harbour are considered unsuitable for public access and therefore public access will be excluded by a Section 25A direction.	Yes
Mudflats and saltmarsh	Permanent loss of supporting and designated habitat through installation of access management infrastructure	Potentially sensitive if there were a permanent loss of habitat as a result of the access proposals.	The level of risk is low because: The access infrastructure will not be located on mudflat or saltmarsh habitat at Pagham Harbour or Medmerry Reserve.	Yes
Coastal lagoons	None identified	Not considered sensitive due to lack of interaction between coast path users and this feature.	No appreciable risk The coastal lagoons at Medmerry are away from public access routes and separated from the trail by stock-proof fencing. There will be no interaction between users of the Coast Path and this feature.	No

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Conclusion:

The plan or project alone is likely to have a significant effect on the following qualifying features:

- **Breeding birds** (little tern; Sandwich tern; common tern; Mediterranean gull) – as a result of disturbance or loss of supporting habitat
- **Non-breeding birds** (dark bellied brent goose; ruff; black-tailed godwit; bar-tailed godwit; curlew; dunlin; grey plover; redshank; ringed plover; grey plover; sanderling; turnstone; pintail; shelduck; shoveler; teal; wigeon; pintail; waterbird assemblage) – as a result of disturbance or loss of supporting habitat
- **Mudflats and saltmarsh** (mudflats and sandflats not covered by seawater at low tide; *Salicornia* and other annuals; spartina swards; Atlantic salt meadows) – as a result of trampling or permanent loss of habitat

The plan or project alone is unlikely to have a significant effect on the following qualifying features groups:

- **Foraging terns** (little tern; Sandwich tern; common tern) – as a result of disturbance to foraging sites
- **Red-breasted merganser** – as a result of disturbance
- **Roseate tern (breeding)** – as a result of disturbance
- **Coastal lagoons**

C2.2 Risk of Significant Effects in-combination with the effects from other plans and projects

The need for further assessment of the risk of in-combination effects is considered here.

Natural England considers that it is the appreciable risks of effects (from a proposed plan or project) that are not themselves considered to be significant alone which must be further assessed to determine whether they could have a combined effect significant enough to require an appropriate assessment.

Further to the risks identified as being significant alone (in C2.1), it is considered that there are no other residual and appreciable risks likely to arise from this project which have the potential to act in-combination with similar risks from other proposed plans or projects to also become significant. It has therefore been excluded, on the basis of objective information, that the project is likely to have a significant effect in-combination with other proposed plans or projects.

C3. Overall Screening Decision for the Plan/Project

On the basis of the details submitted, Natural England has considered the plan or project under Regulation 63(1)(a) of the Habitats Regulations and made an assessment of whether it will have a likely significant effect on a European site, either alone or in combination with other plans and projects.

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In light of sections C1 and C2 of this assessment above, Natural England has concluded:

As the plan or project is likely to have significant effects (or *may* have significant effects) on some or all of the Qualifying Features of the European Site(s) 'alone', further appropriate assessment of the project 'alone' is required.

PART D: Appropriate Assessment and Conclusions on Site Integrity

D1. Scope of Appropriate Assessment

In light of the screening decision above in section C3, this section contains the Appropriate Assessment of the implications of the plan or project in view of the Conservation Objectives for the European Site(s) at risk.

The Sites and the Qualifying Feature for which significant effects (whether 'alone' or 'in combination') are likely or cannot be ruled out and which are initially relevant to this appropriate assessment are:

Table 6. Scope of Appropriate Assessment

Environmental pressure	Qualifying Feature(s) affected	Risk to Conservation Objectives
Disturbance of breeding birds from recreational activities	<p>Pagham Harbour</p> <p>Common tern; little tern</p> <p>Medmerry Reserve</p> <p>Little tern; Sandwich tern; common tern; Mediterranean gull</p>	Disturbance to breeding birds at their nesting, feeding or roosting sites, following changes in recreational activities as a result of the access proposal, leads to reduction in the abundance and distribution of the qualifying features within the site.
Disturbance of breeding birds from establishment works	<p>Pagham Harbour</p> <p>Common tern; little tern</p> <p>Medmerry Reserve</p> <p>Little tern; Sandwich tern; common tern; Mediterranean gull</p>	Undertaking works to install access management infrastructure disturbs qualifying features causing temporary or enduring effects on their population and/or distribution within the site.
Disturbance of non-breeding birds from recreational activities	<p>Pagham Harbour</p> <p>Dark bellied brent goose; ruff</p> <p>Medmerry Reserve</p> <p>Dark bellied brent goose; black-tailed godwit; bar-tailed godwit; curlew; dunlin; grey plover; redshank; ringed plover; grey</p>	Repeated disturbance to non-breeding birds following changes in recreational activities as a result of the access proposal, may result in changes to roosting and feeding behaviour, leading to reduced fitness and reduction in population and/or contraction in the distribution of qualifying features within the site.

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Environmental pressure	Qualifying Feature(s) affected	Risk to Conservation Objectives
	plover; sanderling; turnstone, pintail, shelduck; shoveler; teal; wigeon; pintail; waterbird assemblage	
Disturbance of non-breeding birds from establishment works	<p>Pagham Harbour</p> <p>Dark bellied brent goose; ruff</p> <p>Medmerry Reserve</p> <p>Dark bellied brent goose; black-tailed godwit; bar-tailed godwit; curlew; dunlin; grey plover; redshank; ringed plover; grey plover; sanderling; turnstone, pintail, shelduck; shoveler; teal; wigeon; pintail; waterbird assemblage</p>	Undertaking works to install access management infrastructure disturbs qualifying features causing temporary or enduring effects on their population and/or distribution within the site.
Trampling of qualifying and supporting habitat following changes in access	<p>Pagham Harbour</p> <p>Little tern; common tern; dark-bellied brent goose; ruff</p> <p>Medmerry Reserve</p> <p>Dark bellied brent goose; black-tailed godwit; bar-tailed godwit; curlew; dunlin; grey plover; redshank; ringed plover; grey plover; sanderling; turnstone, pintail, shelduck; shoveler; teal; wigeon; pintail; waterbird assemblage; mudflats and sandflats not covered by seawater at low tide; Salicornia and other annuals; spartina swards; Atlantic salt meadows</p>	The trampling of compensatory habitat at Medmerry and supporting habitat of the qualifying features at Pagham Harbour, following changes in recreational activities as a result of the access proposal, leads to the reduction in the extent and distribution of natural habitats and habitats of qualifying species.

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Environmental pressure	Qualifying Feature(s) affected	Risk to Conservation Objectives
Loss of qualifying or supporting habitat through installation of access management infrastructure	<p>Pagham Harbour</p> <p>Little tern; common tern; dark-bellied brent goose; ruff</p> <p>Medmerry Reserve</p> <p>Dark bellied brent goose; black-tailed godwit; bar-tailed godwit; curlew; dunlin; grey plover; redshank; ringed plover; grey plover; sanderling; turnstone, pintail, shelduck; shoveler; teal; wigeon; pintail; waterbird assemblage; mudflats and sandflats not covered by seawater at low tide; Salicornia and other annuals; spartina swards; Atlantic salt meadows</p>	The installation of access management infrastructure may lead to a reduction in the extent and distribution of compensatory habitats and/or habitats of the qualifying species of the SPA.

D2. Contextual statement on the current status, influences, management and condition of the European Site and those qualifying features affected by the plan or project

The East Head to Shoreham England Coast Path is aligned through the Pagham Harbour SPA and Ramsar Site and Medmerry Reserve and is adjacent to the Solent and Dorset Coast SPA. The proposals are not likely to have a significant effect on the foraging terns for which the Solent and Dorset Coast are designated features, therefore, the following contextual statement will focus primarily on Medmerry Reserve and Pagham Harbour and Ramsar site.

Since the publication of our proposals on 27 September 2017, the following information has become available and has informed the drafting of this assessment:

- Medmerry Managed Realignment - 5 year review [2]
- Pagham Harbour Little Tern Condition Assessment
- Most recent WeBs data up to 2018-2019 [3]

We have also made a further site visit with the RSPB to confirm details of the current situation at Pagham Harbour and Medmerry Reserve.

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Disturbance of breeding birds

The changes in coastal access arrangements may increase interaction between coast path users and breeding birds that are nesting, feeding or roosting. Along the East Head to Shoreham England Coast Path the key sites for breeding birds are Pagham Harbour and Medmerry Reserve. Breeding birds require suitable nesting habitats coupled with low disturbance levels to prevent egg abandonment, chilling and predation.

Little tern

Breeding little tern are a qualifying feature of the Pagham Harbour SPA. They roost and nest in the bare shingle habitats of the harbour, which includes Tern Island, New Island and the shingle spits forming the entrance to the harbour. The colony breeding at Pagham Harbour has a long history of occupation and forms part of the core range of little terns on the south coast of England. It has suffered recent declines owing to disturbance, high spring tides and possible predation. A target to 'maintain' the size of the breeding population at 14 breeding pairs has been set within the Supplementary Advice for the SPA, as has a target to 'restrict' the frequency, duration and/or intensity of disturbance caused by human activities [4]. Data from the EU LIFE+ Little Tern Project shows that the 5 year mean (2014 to 2018) number of breeding pairs was 17. The average productivity is above 0.8 chicks per breeding pair, which is sufficient to sustain the population.

At Medmerry Reserve, little tern are regularly observed during the breeding season, feeding in the main channels and during the spring/autumn roosting on the spits and islands and the foreshore and shingle ridges. The five year average count (2014/2015 to 2018/2019) for little tern at Medmerry was 2 individuals [3].

Sandwich tern

Sandwich tern are present at Medmerry Reserve. The five year average count for Sandwich tern between 2014/2015 and 2018/2019 was 7 individuals [3].

Common tern

Pagham Harbour SPA supports breeding common tern. These birds nest on available habitats, such as Tern Island and the shingle spits forming the entrance to the harbour. A target to 'maintain' the size of the breeding population at 15 breeding pairs has been set within the Supplementary Advice for the SPA, as has a target to 'restrict' the frequency, duration and/or intensity disturbance cause by human activities [4]. The 5 year average count for little tern at Pagham Harbour from 2014/2015 to 2018/2019 was 130 individuals [3].

Common tern are present at Medmerry Reserve. The five year average count for common tern from 2014/2015 to 2018/2019 was 8 individuals [3].

Mediterranean gull

Mediterranean gull are present at Medmerry Reserve. Currently numbers exceed the British National Importance threshold (237 individuals, 2014/2015 to 2018/2019 5 year average) [3].

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Disturbance of non-breeding birds

The Pagham Harbour SPA and Ramsar Site is recognised as being internationally important for non-breeding dark bellied brent goose and ruff. Medmerry Reserve does not yet have any designated features but has been designed to create saltmarsh and mudflat habitat to replace the losses in the Solent and is being managed to support the assemblage of non-breeding birds for which the Solent sites are currently designated (dark-bellied brent goose; black-tailed godwit; bar-tailed godwit; curlew; dunlin; grey plover; pintail; red-breasted merganser; redshank; ringed plover; sanderling; shelduck; shoveler; teal; turnstone; wigeon; waterbird assemblage). Along the East Head to Shoreham England Coast Path disturbance could be potentially problematic for non-breeding birds if it occurs repeatedly. Disturbance as a result of recreational activities during the wintering period can affect energy expenditure, impacting roosting and feeding. As part of the Supplementary Advice on Conservation Objectives for Pagham Harbour SPA, Natural England has recently set targets for all of the qualifying features, in order to meet the conservation objectives for the site.

Dark-bellied brent goose

Non-breeding dark-bellied brent geese are a qualifying feature of Pagham Harbour SPA and Ramsar Site. At Pagham Harbour, brent geese graze on the seagrass and algae in the intertidal areas and use grazing fields at Church Norton, the field west of the RSPB Visitor Centre, and fields at Halsey's Farm and north of the Local Nature Reserve. Since classification, the numbers of dark-bellied brent goose using the SPA has declined slightly from 3,045 individuals (five year peak mean 1980/1981 to 1985/1986) to 2,804 individuals (5 year peak mean 2014/2015 to 2018/2019) [3] [4]. A target to 'maintain' the size of the non-breeding population has been set within the Supplementary Advice for the SPA, as has a target to 'reduce' the frequency, duration and/or intensity of disturbance caused by human activity [4].

Dark bellied brent goose are present at Medmerry Reserve. The five year average count from 2014/2015 to 2018/2019 was 773 individuals [3]. Dark bellied brent goose were previously present at Medmerry Reserve in numbers exceeding the British National Importance Threshold (988 individuals, 5 year average 2013/2014 to 2017/2018) [5].

Ruff

Non-breeding ruff are a qualifying feature of Pagham Harbour SPA. They use the estuarine environment seaward of the trail and overwinter in the wet grasslands to the north of the Local Nature Reserve. Since classification, the numbers of ruff using the SPA has declined from 160 individuals (five year peak mean 1980/1981 to 1985/1986) to 10 individuals (five year peak mean 1995/1999) and then to only one individual on average 2010-2014. This increased to an average of 2 individuals between 2014/2015 to 2018/2019 [3]. The trends on the site appear to be tracking that of the region although not the overall British trend. There is evidence from survey or monitoring that shows this feature to be in declining condition and/or currently impacted by anthropogenic activities. A target to 'restore' the size of the non-breeding population has been set within the Supplementary Advice for the SPA, as has a target to 'reduce' the frequency, duration and/or intensity of disturbance caused by human activity [4].

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Black-tailed godwit

Black-tailed godwit are present at Medmerry Reserve. The five year average count from 2014/2015 to 2018/2019 was 33 individuals [3].

Bar-tailed godwit

Bar-tailed godwit are present at Medmerry Reserve. The five year average count from 2014/2015 to 2018/2019 was 3 individuals [3].

Curlew

Curlew are present at Medmerry Reserve. The five year average count from 2014/2015 to 2018/2019 was 26 individuals [3].

Dunlin

Dunlin are present at Medmerry Reserve. The five year average count from 2014/2015 to 2018/2019 was 113 individuals [3].

Grey plover

Grey plover are present at Medmerry Reserve. The five year average count from 2014/2015 to 2018/2019 was 67 individuals [3].

Pintail

Pintail are present at Medmerry Reserve. The five year average count from 2014/2015 to 2018/2019 was 82 individuals [3].

Redshank

Redshank are present at Medmerry Reserve. The five year average count from 2014/2015 to 2018/2019 was 35 individuals [3].

Ringed plover

Ringed plover are present at Medmerry Reserve. The five year average count from 2014/2015 to 2018/2019 was 73 individuals [3].

Sanderling

Sanderling are present at Medmerry Reserve. The five year average count from 2014/2015 to 2018/2019 was 4 individuals [3].

Shelduck

Shelduck are present at Medmerry Reserve. The five year average count from 2014/2015 to 2018/2019 was 88 individuals [3].

Shoveler

Shoveler are present at Medmerry Reserve. The five year average count from 2014/2015 to 2018/2019 was 41 individuals [3].

Teal

Teal are present at Medmerry Reserve. The five year average count from 2014/2015 to 2018/2019 was 840 individuals [3].

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Turnstone

Turnstone are present at Medmerry Reserve. The five year average count from 2014/2015 to 2018/2019 was 3 individuals [3]

Wigeon

Wigeon are present at Medmerry Reserve. The five year average count from 2014/2015 to 2018/2019 was 428 individuals [3].

Waterbird assemblage

Medmerry Reserve acts as a compensatory habitat for losses of internationally important flora and fauna at European sites in the Solent. Chichester & Langstone Harbours SPA and Solent and Southampton Water SPA and Ramsar site support an assemblage of non-breeding waters birds that is of European and international importance. The key components of these assemblages include *bar-tailed godwit*, *curlew*, *dark-bellied brent goose*, *dunlin*, *grey plover*, *pintail*, *red-breasted merganser*, *redshank*, *ringed plover*, *sanderling*, *shelduck*, *shoveler*, *teal*, *turnstone* and *wigeon*.

Disturbance of non-breeding birds (breeding redshank, ringed plover)

When a breeding population of a species significantly contributes to the non-breeding population on the same site by being wholly or largely resident (or this cannot be ruled out), there is potential for impacts of that breeding population to have consequences for the non-breeding population. Redshank and ringed plover are non-breeding qualifying features of SPAs for which the Medmerry scheme is providing compensatory habitat, that are known to breed at Medmerry Reserve. Changes in recreational activities as a result of access proposals, has the potential to increase disturbance and lead to trampling of the eggs and nests of breeding birds.

Trampling of mudflats and saltmarsh

Medmerry Reserve provides mudflat and saltmarsh habitat to compensate for losses affecting several European sites around the Solent. These habitats offer important high tide roosts and nesting opportunities for birds as well as hosting internationally important species of flora. Mudflats and saltmarsh also provide supporting habitat for qualifying species at Pagham Harbour. The trampling of this habitat, following changes in recreational activities as a result of the access proposal, can lead to a reduction in the extent and distribution of natural habitats and habitats of qualifying species.

Permanent loss of habitat

The non-breeding birds, breeding birds, saltmarsh and mudflats have been identified as being at risk to permanent loss of habitat due to the installation of access management infrastructure. Inappropriate management and direct or indirect impacts may affect the extent and distribution of habitats, which may adversely affect the population and alter the distribution of birds.

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D3. Assessment of potential adverse effects considering the plan or project 'alone'

This section considers the risks identified at the screening stage in section C and assesses whether adverse effects arising from these risks can be ruled out, having regard to the detailed design of proposals for coastal access.

In reviewing the ability of any incorporated measures to avoid harmful effects, Natural England has considered their likely effectiveness, reliability, timeliness, certainty and duration over the full lifetime of the plan or project. A precautionary view has been taken where there is doubt or uncertainty regarding these measures.

D3.1 Design of the access proposal to address possible risks – at a stretch level

In this section of the assessment we describe our overall approach to address the potential impacts and risks from our proposal. The key nature conservation issues for the East Head to Shoreham England Coast Path are the protection of breeding and non-breeding birds, the trampling of intertidal habitat and the permanent loss of compensatory habitat or habitat that supports the qualifying features of the SPA.

Pagham Harbour and Medmerry Reserve are the key nature conservation sites on the East head to Shoreham England Coast Path. In recreational terms, Pagham Harbour is very popular for walking and bird watching, particularly in the summer months with tourism in the area. It is also busy with specialist interest groups for spring and autumn bird migration [6]. The Medmerry scheme has opened up an area of undeveloped landscape inland of the Sussex coast that has previously been difficult to access. The off-road access on foot and by bike and horse is a major extension to the rights of way network in the area, for local people and those who visit the area [7].

Chichester District Council and Arun District Council's Local Plans [8] [9] increase housing in the area, and the HRA of those plans identified the need to mitigate recreational disturbance. This is because new development will lead to an increase in visitor numbers and hence an increase in land based recreational activities, so planning permission can only be granted where appropriate avoidance or mitigation measures are put in place in perpetuity that will ensure that development does not adversely affect the integrity of Pagham Harbour Special Protection Area. There is a zone of influence within which contributions are required from new developments. Based on visitor survey evidence these are set at 3.5km from the SPA boundary for Pagham Harbour. Developments pay a fixed contribution per net new dwelling which is used to fund a package of wardening, education, green infrastructure improvements and monitoring. Wardening at Pagham Harbour will be delivered by the RSPB as site managers, with education and monitoring activities bought in from the Solent Recreation Mitigation Partnership (SRMP), a Solent-wide project which also covers the Chichester and Langstone Harbour SPA. Medmerry Reserve was screened out of the HRA for the local plans, because it has been designed with access in mind which avoids sensitive areas.

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Our objective in designing proposals for coastal access has been to ensure they do not increase the pressures affecting the sites, such as trampling and disturbance to breeding and non-breeding birds, and that where possible they contribute to efforts to manage existing and future demand for places for coastal recreation in ways that help to reduce impact. To achieve this between East Head and Shoreham, our proposals for coastal access:

- Make use of popular established paths where increase in the level of use is unlikely to increase the disturbance pressure affecting the SPA. The proposed alignment for the England Coast Path between East Head and Shoreham predominantly follows existing walked paths including already promoted routes.
- Exclude coastal access rights over areas of mudflat and saltmarsh that are unsuitable for public access (see EHS Directions Map E and F)
- Exclude access year-round to the seaward areas of the coastal margin at Medmerry Reserve on nature conservation grounds to prevent disturbance to wildlife (see EHS Directions Map D)
- Contribute to raising awareness and encouraging appropriate visitor behaviour by installing appropriate signage at key points along the stretch. Signage will be installed at Medmerry Reserve and Pagham Harbour that displays information on the route and access restrictions.

Loss of compensatory habitat and supporting habitat for non-breeding and breeding birds

Permanent loss of habitat as a consequence of establishment work has also been considered. Our proposals will see the installation of the following new infrastructure items within designated sites across the trail: 9 multi finger posts (0.09 sq.m), 7 waymarker posts (0.07sq.m), 1 single finger post (0.01 sq.m) and two information panels (0.02 sq.m). Our proposals will also see the replacement of a stile with a kissing gate and the replacement of 1 multi finger post and 1 waymarker post. There will also be some resurfacing works and the replacement of a boardwalk at Pagham Harbour.

Of this infrastructure, 3 multi finger posts, 1 single finger post, 3 waymarker posts and two information panels will be installed at Medmerry Reserve. One multi finger post will be replaced with a new post. These items will be installed on shingle, gravel, bare soil, and grass or tarmac surfaces within the site which are not considered features of the site or supporting habitat for the features of the site.

The remaining new infrastructure (6 multi finger posts and 4 waymarker posts) and replacement infrastructure (1 waymarker post and 1 kissing gate) will be installed within the Pagham Harbour SPA and Ramsar Site. The new infrastructure will be installed on shingle, gravel, bare soil or grass surfaces within the site which are not considered supporting habitat for the qualifying features of the SPA. Sections of the path at Pagham Harbour will be resurfaced with a suitable natural hardwearing surface material between Church Norton and Ferry House (sections EHS-2-S137 to EHS-2-S150) and between Halsey's Farm and the North Wall (sections EHS-2-S159 to EHS-2-S161) to widen the path and improve the trail. The existing boardwalk on the beach at Church Norton will also be replaced. The

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improvements to the path surfaces and replacement of the existing boardwalk are within the existing path corridors and will not affect supporting habitat for the qualifying features of the site. Improvements to the trail at these locations will also help prevent migration from the path by walkers.

Trampling of saltmarsh and mudflats

Trampling of sensitive features is another risk identified as a consequence of promoting the coast path. Our proposed trail is aligned primarily on existing coastal routes and a year-round exclusion will apply over the majority of mudflats and saltmarsh along the stretch such that no new coastal access rights will be created over these areas.

D3.2 Design of the access proposal to address possible risks – at a local level

In this part of the assessment we consider key locations along the coast between East Head and Shoreham where establishing the England Coast Path and associated coastal access rights might impact qualifying features of a European Site. We explain how the detailed design of our proposals at these locations takes account of possible risks.

To inform our assessment of risk, we have reviewed how relevant sections of coast are currently used for recreation, how this might change as a result of know factors (such as planned housing), and how the established patterns and levels of access might be affected by our proposed improvement to access. The predictions we have made from this work are informed by available information, including: reports commissioned to support development of the local plan, on-line mapping and aerial photography, travel and visitor information, site visits and input from local access managers. The findings of this work are incorporated into the assessments below.

A number of locations have been identified as being potentially at risk to an increase in disturbance as a result of the access proposals. Wetland Bird Survey (WeBs) count data, data from Pagham Harbour and Medmerry Reserve and supplementary advice on conservation objectives were used to identify locations that accommodate significant numbers of breeding and non-breeding birds and intertidal habitat.

The features occurring at each of these key locations are shown in the table below. To make it easier to cross-reference between this assessment and the corresponding Coastal Access Reports in which access proposals are made, the relationship between the geographical units in this assessment and the way the stretch is sub divided in the Coastal Access Reports is shown.

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Table 7. Summary of key locations

Location	Cross reference to a Coastal Access Chapter	Breeding birds	Non-breeding birds	Mudflats and saltmarsh
Medmerry Reserve	Chapter 2: Bracklesham Bay to Pagham Harbour Estate	X	X	X
Pagham Harbour	Chapter 2: Bracklesham Bay to Pagham Harbour Estate	X	X	X

D3.2A Medmerry Reserve

Current situation

The Medmerry Managed Realignment project is a large-scale flood protection and wetland restoration initiative that was implemented by the Environment Agency. The creation of expansive wetland habitat provides compensation under the Habitat Regulations for predicted losses of intertidal habitat elsewhere in the Solent due to rising sea levels causing coastal squeeze effects. Its construction was completed at the end of 2013 and it has since been managed by the RSPB on behalf of the Environment Agency. The site encompasses tenant farmed arable fields and grazing land, saltmarsh, mudflats, saline lagoons, channels and creeks. The foreshore includes a mixture of clay exposures, depositing sands and mobile shingle [2]. Public access was established at the outset as part of the scheme and includes public rights of way, permissive paths and raised viewing areas upon and adjacent to the perimeter bank. Cyclists can cycle around Medmerry on the permissive cycle paths.

There is no public access along the beach adjacent to Medmerry due to the breach nor is there public access on the perimeter bank between Greenwood Farm and Great Ham Farm viewpoint. The latter restriction is for landowner privacy and to reduce disturbance to wildlife.

Two car parks are provided for visitors and there is an information panel in the main car park. Before the creation of Medmerry Reserve the area was considered remote but is now increasingly popular with visitors. A site map of Medmerry is available from the nearby Pagham Harbour RSPB Visitor Centre and guided walks are available. The area is popular with bird watchers particularly at bird migration times in spring and autumn. The coastline to the east of Medmerry is also popular particularly at the large West Sands Caravan Park complex.

There is a wide variety of both farmland and wetland bird species at Medmerry. The farmland areas both within Medmerry and landward of the trail are managed by the RSPB to attract a wide variety of birds using a varied combination of habitats. These areas are enclosed with post and wire fencing with signs to show that access is not permitted.

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A five-year review of the Medmerry Scheme, published by the Environment Agency in 2019 [2], reported that mudflat expansion is occurring in low-lying areas and saltmarsh is developing quickly. Plant surveys show colonisation by pioneer marsh plants such as *Salicornia* spp. and *Suaeda maritima*. The site has been colonised by 9 nationally scarce saltmarsh plants. The target for the Medmerry scheme was to create 183 ha of intertidal habitat and this has been achieved.

Data from monthly Wetland Bird Survey counts indicate since 2010/11 wintering and passage bird numbers are increasing and birds are arriving earlier and staying longer than before the breach of the seawall in 2013.

Detailed design and assessment of risk

The proposed route of the England Coast Path at Medmerry Reserve follows public footpaths and an existing permissive path which is generally upon the raised perimeter bank apart from in two places where it goes inland to avoid disturbance to existing wildlife refuge areas. We considered whether the England Coast Path could be located all the way around Medmerry upon the perimeter bank but following discussions with the RSPB and Environment Agency this option was discounted due to potential bird disturbance by walkers upon the skyline if they stayed on the bank. These locations are on the eastern side of Medmerry, where the existing path comes off the bank towards Greenwood Farm and is inland through farmland tracks and public footpaths around the properties at Ham (see route sections EHS-2-S005 to EHS-2-S010 EHS Maps 2a and 2b); and along a track parallel to and below the perimeter bank adjacent to West Sands Caravan Park (see route sections EHS-2-S018 to EHS-2-S024 EHS Maps 2c and 2d). These two locations which do not have public access have post and wire fencing and signs that clearly state that no access is permitted. The route inland from the bank is clearly signposted. Land seaward of the trail will become coastal margin, by default.

Access to the mudflats and saltmarsh within the coastal margin will be excluded by a Section 25A as these areas are unsuitable for public access (see EHS Directions Map E). A Section 26(3)(a) exclusion for wildlife is proposed year-round on nature conservation grounds to reduce disturbance to breeding and non-breeding birds using grazing fields within the coastal margin and the perimeter bank which is not being used for the trail (see EHS Directions Map D). Signs will be used to explain the access exclusions. Arable fields within the coastal margin are considered to be excepted land and therefore will have no new coastal access rights. All land seaward of the trail is already separated from the trail by stock-proof fencing. The route around Medmerry Reserve is not currently heavily accessed; although it is popular with nature enthusiasts and promoted by the RSPB. Therefore we can expect a medium increase in the level of use of the trail once it is adopted and promoted as the England Coast Path. Access to the coastal margin will be either excluded by direction or because it is excepted land, as described above. This means that there will be no coastal margin which is accessible at Medmerry Reserve.

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Considering each of the possible risks to qualifying features

- i) Disturbance to breeding birds that are nesting, roosting or feeding at Medmerry Reserve

Data provided by the RSPB shows that little tern are regularly observed at Medmerry Reserve during the breeding season, feeding in the main channels, and during the autumn/winter roosting on the spits and islands close to Area 7 (see Map of Medmerry Reserve – key locations used by qualifying features). Since 2014 little tern have attempted to nest close to the southerly section of Area 7 and on the islands north of the foreshore and shingle ridges. It is assumed that the majority of these birds come from the Pagham Harbour colony.

At Medmerry Reserve, the England Coast Path will follow public footpaths and the existing permissive path around the site, which are separated from key nesting, roosting and feeding sites by stock proof fencing. The paths are already well used by visitors. Land seaward of the trail, which is used by breeding birds, will become coastal margin, by default. A Section 26(3)(a) access exclusion is proposed year-round to various grazing fields and part of the perimeter bank not being used for the trail, to reduce the risk of disturbance to birds using these areas (see EHS Directions Map E). This access exclusion covers areas used by little tern. Breeding birds using the mudflats and saltmarsh within the coastal margin are unlikely to be disturbed since the terrain is unsuitable for walking and a Section 25A access exclusion is proposed (see EHS Directions Map E). Signs will be installed to make trail users aware of the Section 25A and Section 26(3)(a) access exclusions. Fixtures and posts for signage will be installed with hand tools to reduce the risk of disturbance to birds.

- ii) Disturbance to non-breeding birds that are nesting, roosting or feeding at Medmerry Reserve

Data provided by the RSPB shows that dark-bellied brent geese, wigeon, black-tailed godwit, curlew, dunlin, redshank, and ringed plover are observed at Medmerry Reserve using grazing fields and part of the perimeter bank (see Map of Medmerry Reserve – key locations used by qualifying features, areas 1,2,3,5,6,7). Breeding redshank and ringed plover have been recorded using areas close to the perimeter bank near Greenwood Farm.

At Medmerry Reserve, the England Coast Path will follow the existing permissive path around the site that is already used by visitors. The path is separated from the key sites for non-breeding birds by stock proof fencing. We chose not to align the Coast Path along the perimeter bank between route sections EHS-2-S005 to EHS-2-S010 EHS (see EHS Maps 2a and 2b) to avoid disturbance to dark bellied brent geese, wigeon, redshank and ringed plover using these areas. Signage is already in place to explain why walkers cannot use the bank. This alignment follows the existing access at Medmerry Reserve.

Land seaward of the trail, which is used by non-breeding birds, will become coastal margin, by default. A Section 26(3)(a) access exclusion is proposed year-round to various grazing fields and part of the perimeter bank not being used for the trail, to reduce the risk of disturbance to birds using these areas (see EHS Directions Map E). This access exclusion covers areas used by dark-bellied brent geese, wigeon, black-tailed godwit, curlew, dunlin, redshank, and ringed plover. Breeding birds using the mudflats and saltmarsh within the coastal margin are unlikely to be disturbed since the terrain is unsuitable for walking and a

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Section 25A access exclusion is proposed. Signs will be installed to make trail users aware of the Section 25A and Section 26(3)(a) access restrictions. Fixtures and posts for signage will be installed with hand tools to reduce the risk of disturbance to birds.

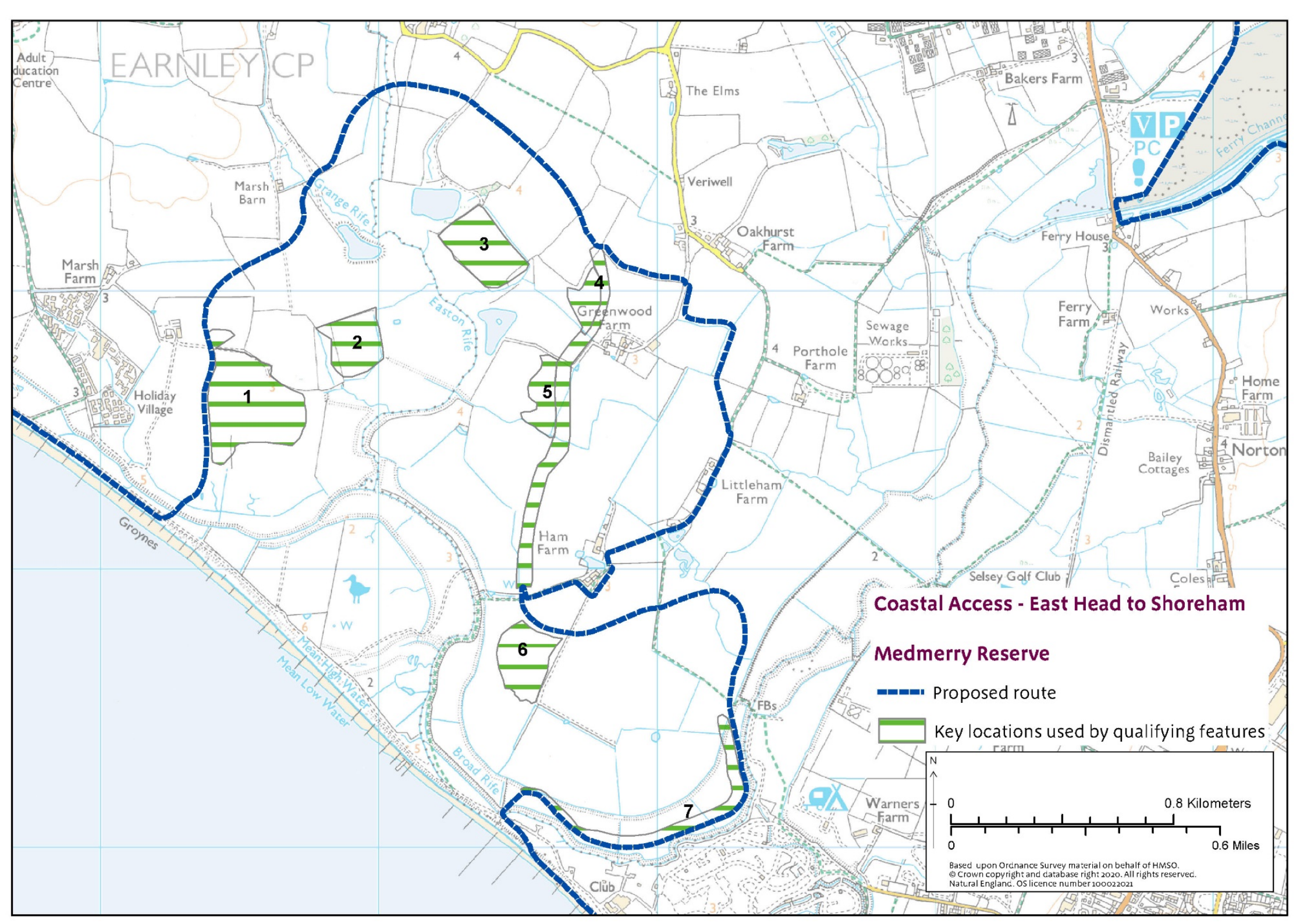
iii) Trampling of saltmarsh and mudflats

A Section 25A access exclusion will apply to areas of saltmarsh and mudflat at Medmerry Reserve as these areas are unsuitable for public access. Existing site management consisting of gates and fences is also in place to prevent access. The proposed route at Medmerry Reserve will be clearly waymarked to encourage users to stay on the path and signs will be installed to make trail users aware of the access exclusion. Once the trail is in place access arrangements should remain as there are currently. It is therefore unlikely that the Coast Path proposals will lead to an increase in trampling of the mudflat and saltmarsh habitat at Medmerry Reserve.

It is important to note that whilst the Section 25A exclusion is applied where the coastal margin is not suitable for access, rather than on nature conservation grounds, this exclusion is important to reducing the potential for adverse impacts on sensitive features. If in the future there is a proposal to remove or relax the Section 25A exclusion, then an assessment of the effects of those changes would be essential.

Conclusion



Natural England has considered the possible risks to qualifying features at this location, and given the design of our proposals and mitigation measures detailed above, consider that no new significant disturbance will be caused. The proposals will therefore not adversely affect the achievement of the conservation objectives in this location. Establishing a well maintained and easy to follow Coast Path along the alignment proposed will also help to reinforce current access management for the site.



EARNLEY CP

Coastal Access - East Head to Shoreham

Medmerry Reserve

-  Proposed route
-  Key locations used by qualifying features

N

0 0.8 Kilometers

0 0.6 Miles

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Adult ducation Centre

Marsh Farm

Marsh Barn

Holiday Village

Groynes

Grange Rife

Easton Rife

Greenwood farm

Ham Farm

Littleham Farm

Club

The Elms

Veriwell

Oakhurst Farm

Porthole Farm

Sewage Works

Warners farm

Bakers Farm

Ferry House

Ferry Farm

Works

Home Farm

Norton

Bailey Cottages

Selsey Golf Club

Coles

VP PC

Ferry Channel

Dismantled Railway

Mean High Water

Mean Low Water

Broad Rife

FBs

D3.2B Pagham Harbour

Current situation

At Pagham Harbour there is currently very good access on the existing PROW and other existing walked routes. These are either located upon the foreshore in places, or upon the raised perimeter bank around the estuarine environment. The area is managed as an RSPB Nature Reserve. The RSPB Visitor Centre and Bourne Leisure holiday village complex at Church Farm, Pagham Village are both visitor attractions. The holiday village promotes access to the area. Pagham Harbour is very popular with day visitors and bird watchers. RSPB leaflets for the area show access routes and guided walks and there are various interpretation panels at the reserve. Pagham Beach Holdings is a private estate with parking, a café, tourist shops, sailing clubs and private roads, which provides good access to the popular beach and the eastern side of Pagham Harbour.

The RSPB website, posters and leaflets promote events by the RSPB for walking and bird watching. Church Farm promotes accommodation and events for this area at the village complex for people on holiday. There are car parks at Church Norton, RSPB Visitors Centre, and Pagham Village and roadside parking at Sidlesham Quay. Walking, walking with a dog, bird watching, and cycling are the main recreation pursuits. The beach is used for informal recreation, including sun bathing, paddling and swimming.

The Pagham Harbour Visitor Survey by Footprint Ecology in 2012 [6], states that 'Visitors undertook a relatively limited range of activities with dog walking, wildlife watching and walking as the three most popular. Wildlife watching was more popular in the winter surveys with 30% stating this as their main activity compared to 14% in the summer. Furthermore, dog walking was the main activity of 40% of interviewed visitors in the winter compared to 30% in the summer.' The area is therefore very popular for walking and bird watching, particularly in summer months with tourism in the area. It is also busy with specialised interest groups for spring and autumn bird migration.

Pagham Harbour SPA and Ramsar Site has been designated due to its importance for breeding little tern and common tern. It is also designated for non-breeding dark bellied brent goose and ruff. Little terns are very susceptible to disturbance because their nesting season largely coincides with the summer holiday period and their nesting habitat is very popular for seaside recreation. This is particularly true at Pagham Harbour, where the shingle spits are often heavily used by the public. There is an existing West Sussex County Council Local Nature Reserve byelaw in place which has seasonal restrictions for public access onto an area of the Church Norton shingle spit to ensure that breeding areas for little tern are not disturbed. This is described in the RSPB Pagham Harbour Management Plan as: 'The LNR byelaws forbid access to Tern Island (and New Island in proposed revised byelaws) at all times of the year and to the inner half of Church Norton Spit during the nesting season, April - August inclusive'.

The Church Norton shingle Spit is a particularly dynamic section of coast and is accreting from the west, towards the beach at Pagham Beach Holdings. In recent years there has been a pulse of sediment that has led to an extension of the spit north-eastwards which is also causing changes to the location and size of the harbour mouth and has led to risk of

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coastal erosion at Pagham Beach Holdings. Ongoing changes to the shingle spit have recently created a new natural breach into the spit adjacent to the original Pagham Harbour entrance and thereby the natural closure of the channel at low tide, which has created a new lagoon within the wide shingle spit. These ongoing changes may affect the wetland areas behind the spits, which could affect the breeding, roosting and feeding habitats of many of the bird species currently using the intertidal areas. It is not clear if, to what extent, or how quickly this would happen and is the subject of ongoing discussion with the Environment Agency and others in terms of flood risk and coastal erosion issues. The coastal access arrangement we propose may be adjusted where necessary in the light of future changes.

Detailed design and assessment of risk

The proposed route of the England Coast Path at Pagham follows existing public footpaths or permissive paths around the Harbour, from East Beach at Selsey in the south west, to Harbour Road within the Pagham Beach Holdings private estate in the north east. Land seaward of the trail will become coastal margin, by default. Access to the mudflats and saltmarsh within the coastal margin will be excluded by a Section 25A as these areas are unsuitable for public access (see EHS Directions Map F). Signs will be installed to make coast path users aware of the access restriction. The accessible coastal margin is therefore limited to areas of beach foreshore and the mobile shingle spits on each side of the entrance to Pagham Harbour. These are Church Norton Spit on the south-west side and Pagham Spit to the north-east side. An existing West Sussex County Council byelaw is in place which prevents access to Tern Island (and New island in proposed revised byelaws) at all times of the year and to a section of the Church Norton spit, to prevent disturbance to ground nesting little tern during the breeding season. Local byelaws take precedence over coastal access rights. The RSPB uses information signs and perimeter fencing to prevent access. On the Pagham Harbour spit, the perimeter path around the entrance to the harbour is already carefully managed by the RSPB, with perimeter fencing and signage in place, preventing access from the path onto the interest features. Note that, since preparing the previous version of this HRA, NE has met with RSPB on site and is satisfied that the measures already in place are working to prevent visitors causing disturbance to nesting tern.

An alternative route has been proposed at Church Norton along an existing footpath, for use when the trail route on the beach is inaccessible at particularly high tides. There is no coastal margin for the alternative route.

An area where the existing public footpath adjacent to the estuary is regarded as not being suitable for the England Coast Path is at Sidlesham Quay eastwards along Mudland Road (track). This public footpath is upon the beach and is within the high tide zone. It is consequently particularly boggy in places all year round and is flooded at high tides. An existing public footpath at Halsey's Farm which is inland and parallel to the coast here has been chosen as the preferred route. Brent geese use grazing fields landward of the proposed route and on rare occasions, the grazing field that is seaward of the trail. The field that is seaward of the trail is separated from it by fencing, trees and scrub. The RSPB, managers of the Pagham Harbour Local Nature Reserve, plan to construct a livestock fence along the landward side of the public footpath. Installing the fence will ensure that visitors and their dogs are separated from livestock and Brent geese feeding in these fields. It would

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be beneficial if these works could be completed before the Coast Path is officially opened and NE will liaise with RSPB about this during establishment stage.

Infrastructure works will include waymarking the trail, resurfacing the path in places with a suitable natural hardwearing surface material such as hogging, cutting back of scrub vegetation to widen the path where necessary and the replacement of an existing boardwalk on the beach at Church Norton, to raise the coast path above high tides. This will help prevent migration from the path by walkers. Sections of the path will be resurfaced and vegetation cut back that has encroached onto the path between Church Norton and Ferry House (sections EHS-2-S137 to EHS-2-S150). Secondly, sections of the path between Halsey's Farm and the North Wall are to be resurfaced (sections EHS-2-S159 to EHS-2-S161). The existing boardwalk on the beach at Church Norton will also be replaced. The resurfacing and replacement of the boardwalk will not affect supporting habitat for the qualifying features of the site.

Considering each of the possible risks to qualifying features

- i. Disturbance to breeding birds that are nesting, roosting or feeding at Pagham Harbour

We expect a small increase in use of the trail at Pagham Harbour, as the England Coast Path will become part of a long distance promoted route but will be adopting paths that are already popular with walkers.

Breeding little tern and common tern both use the shingle spits at Pagham Harbour and fish in the harbour. The shingle spits will be within coastal margin, however these areas already have good access. Existing management arrangements for public access will remain as they do now. An existing West Sussex County Council byelaw prevents access to a section of the Church Norton Spit, to prevent disturbance to ground nesting little tern during the breeding season. Local byelaws take precedence over coastal access rights. The RSPB has information signs and perimeter fencing in place to prevent access. On the Pagham Harbour Spit, the perimeter path around the entrance to the Harbour is already carefully managed by the RSPB, with perimeter fencing and signage in place, preventing access from the path onto the interest features. This means that the Little Lagoon at Pagham Harbour Spit is already excluded from public access. The shingle spits are a particularity dynamic section of coast and the Church Norton spit is currently accreting from the west, towards the coastline at Pagham Beach Holdings. The coastal access arrangement we propose may be adjusted where necessary in the light of future changes.

Breeding birds using the mudflats and saltmarsh at Pagham Harbour are unlikely to be disturbed since the terrain is unsuitable for walking and a Section 25A access exclusion is proposed (see EHS Directions Map F). Signs will be installed to make trail users aware of the access restriction. Fixtures and posts for signage will be installed with hand tools to reduce the risk of disturbance to birds.

- ii) Disturbance to non-breeding birds that are roosting or feeding at Pagham Harbour

We expect a small increase in access to the trail at Pagham Harbour, as the England Coast Path will become part of a long distance promoted route but will be adopting paths that are

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already popular with walkers. Land seaward of the trail will become coastal margin, by default.

Brent geese use grazing fields landward of the proposed route and on rare occasions, the grazing field that is seaward of the trail. The field that is seaward of the trail is separated from it by fencing, trees and scrub. The RSPB, managers of the Pagham Harbour Local Nature Reserve, have independently proposed to construct a livestock fence along the landward side of the footpath, in order to separate visitors and their dogs from livestock and feeding areas for Brent Geese. These works will be carried out by the RSPB during the practical establishment of the England Coast Path and are due to be completed before the trail is officially opened.

Ruff and brent geese using the mudflats and saltmarsh at Pagham Harbour are unlikely to be disturbed since the terrain is unsuitable for walking and a Section 25A access exclusion is proposed (see EHS Directions Map F). As these areas are away from the trail, there is unlikely to be disturbance caused by any increase in visitor numbers.

The trail will be waymarked to encourage users to stay on the path. Signs will be installed to make users aware of the Section 25A access restriction. Fixtures and posts for signage will be installed with hand tools to reduce the risk of disturbance to birds.

iii) Trampling of supporting habitat of the qualifying features

Mudflats and saltmarsh offer important feeding areas for the qualifying features of Pagham Harbour SPA. The proposed route at Pagham Harbour follows an existing path that will be clearly waymarked to encourage walkers to stay on the trail. Access to the mudflats and saltmarsh within the coastal margin will be excluded by a Section 25A as these areas are unsuitable for public access (see EHS Directions Map F). Signs will be installed to make trail users aware of the access exclusion. Therefore, it is unlikely that the Coast Path proposals will lead to an increase in trampling of the supporting habitat for the qualifying features of the SPA.

It is important to note that whilst the Section 25A exclusion is applied where the coastal margin is not suitable for access, rather than on nature conservation grounds, this exclusion is important to reducing the potential for adverse impacts on sensitive features. If in the future there is a proposal to remove or relax the Section 25A exclusion, then an assessment of the effects of those changes would be essential.

Conclusion

Natural England has considered the possible risks to the qualifying features at this location, and given the design of our proposals detailed above, consider that no new significant disturbance will be caused. The proposals will therefore not adversely affect the achievement of the conservation objectives in this location. The proposed alignment for the Coast Path along existing routes is consistent with long term management of the site.

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D3.3 Assessment of potentially adverse effects (taking account of any additional mitigation measures incorporated into the design of the access proposal) alone

Table 8. Assessment of adverse effect on site integrity alone

Risk to conservation objectives	Relevant design features of the access proposal	Can 'no adverse effect' on site integrity be ascertained? (Yes/No) Give reasons.	Residual effects?
<p>Repeated disturbance to breeding birds that are nesting, feeding or roosting, following changes in recreational activities as a result of the access proposal, leads to reduction in the abundance and distribution of the qualifying features within the site.</p>	<p>The route is aligned along existing walked paths</p> <p>The route will be signposted and waymarked to encourage walkers to stay on the path</p> <p>There will be no new coastal access rights over areas of mudflats and saltmarsh that are unsuitable for public access</p> <p>A Section 26(3)(a) access exclusion is proposed year-round under nature conservation grounds to</p>	<p>Medmerry Reserve</p> <p>Yes</p> <p>At Medmerry Reserve the England Coast Path will follow public footpaths and the existing permissive path around the site which was designed at the outset of the Environment Agency managed realignment scheme to minimise impacts on wildlife. Land seaward of the trail that is used by breeding birds will become coastal margin however a Section 26(3)(a) year-round exclusion will apply to areas used by breeding birds which includes various grazing fields and part of the perimeter bank which is not being used for the trail. Arable fields within the coastal margin are considered excepted land and will therefore have no coastal access rights. The mudflats and saltmarsh at Medmerry Reserve will be covered by a Section 25A exclusion, restricting access, as these areas are unsuitable for walking. This means that there will be no accessible coastal margin at Medmerry Reserve. Therefore, no possible adverse impacts to the breeding bird features of the site are envisaged. If in the future there is a proposal to remove or relax the Section 25A exclusions, then an assessment of changes on the features at Medmerry Reserve would be essential.</p>	<p>Yes</p>

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Risk to conservation objectives	Relevant design features of the access proposal	Can 'no adverse effect' on site integrity be ascertained? (Yes/No) Give reasons.	Residual effects?
	<p>reduce the risk of disturbance to birds at Medmerry Reserve using various grazing fields within the coastal margin and part of the perimeter bank not being used for the trail</p>	<p>Pagham Harbour</p> <p>Yes</p> <p>At Pagham Harbour the England Coast Path will follow existing walked routes that are already popular. Land seaward of the trail used by breeding common tern and little tern will become coastal margin, however the majority of the coastal margin is mudflats and saltmarsh which is covered by a Section 25A access exclusion as these areas are unsuitable for walking. The only accessible parts of the coastal margin are the shingle spits, which already have good public access. The existing management arrangements at the shingle spits will remain as they do now. This includes the use of seasonal fencing and signage and an existing West Sussex County Council Local Nature Reserve byelaw which prevents access to parts of Church Norton spit during the nesting season to prevent disturbance to nesting little tern. Local byelaws take precedence over coastal access rights. At Pagham Harbour spit there is also existing management with signage and fencing to reduce the risk of disturbance to breeding birds. Therefore, no possible adverse impacts to the breeding bird features of the site are envisaged as a result of our proposals. If in the future there is a proposal to remove or relax the Section 25A exclusions, then an assessment of changes on the features at Pagham Harbour would be essential. In addition, the shingle spits are a particularly dynamic section of coastline and the coastal access arrangement we propose may be adjusted where necessary in the light of future changes.</p>	

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Risk to conservation objectives	Relevant design features of the access proposal	Can 'no adverse effect' on site integrity be ascertained? (Yes/No) Give reasons.	Residual effects?
<p>Repeated disturbance to non-breeding birds, following changes in recreational activities as a result of the access proposal, leads to reduction in the abundance and distribution of the qualifying features within the site.</p>		<p>Medmerry Reserve</p> <p>Yes</p> <p>At Medmerry Reserve the England Coast Path will follow public footpaths the existing permissive path around the site which was designed at the outset of the managed realignment scheme to minimise impacts on wildlife. Land seaward of the trail that is used by non-breeding birds will become coastal margin, however a Section 26(3)(a) year-round exclusion is proposed to areas used by non-breeding birds which includes various grazing fields and part of the perimeter bank which is not being used for the trail. Arable fields within the coastal margin are considered excepted land and will therefore have no coastal access rights. The mudflats and saltmarsh at Medmerry Reserve will be covered by a Section 25A exclusion, restricting access, as these areas are unsuitable for walking. This means that there will be no accessible coastal margin at Medmerry Reserve. Therefore, no possible adverse impacts to the non-breeding bird features of the site are envisaged. If in the future there is a proposal to remove or relax the Section 25A exclusions, then an assessment of changes on the features at Medmerry Reserve would be essential.</p> <p>Pagham Harbour</p> <p>Yes</p>	<p>Yes</p>

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Risk to conservation objectives	Relevant design features of the access proposal	Can 'no adverse effect' on site integrity be ascertained? (Yes/No) Give reasons.	Residual effects?
		<p>At Pagham Harbour the England Coast Path will follow existing walked routes that are already popular. Land seaward of the trail, used by non-breeding birds, will become coastal margin, however the majority of the coastal margin is mudflats and saltmarsh which will be covered by a Section 25A access exclusion as these areas are unsuitable for walking.</p> <p>The RSPB, managers of Pagham Harbour Local Nature Reserve, plan to construct a livestock fence along the landward side of the footpath, in order to separate visitors and their dogs from livestock and feeding areas for Brent Geese. It would be beneficial if these works could be completed before the Coast Path is officially opened and NE will liaise with RSPB about this during establishment stage.</p> <p>As coast path users will not be able to enter areas of the coastal margin used by non-breeding birds, no possible adverse impacts to the non-breeding bird features of the site are envisaged. If in the future there is a proposal to remove or relax the Section 25A exclusions, then an assessment of changes on the features at Pagham Harbour would be essential.</p>	
Undertaking works to install access management infrastructure disturbs qualifying features	Fixtures and posts for signage will be set in place with minimum disturbance using hand tools.	<p>Yes</p> <p>At Medmerry Reserve and Pagham Harbour fixtures and posts for signage will be set in place with minimum disturbance using hand tools.</p>	No

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Risk to conservation objectives	Relevant design features of the access proposal	Can 'no adverse effect' on site integrity be ascertained? (Yes/No) Give reasons.	Residual effects?
causing temporary or enduring effects on their population and/or distribution within the site.			
The trampling of compensatory habitat at Medmerry and supporting habitat of the qualifying features at Pagham Harbour, following changes in recreational activities as a result of the access proposal, leads to the reduction in the extent and distribution of natural habitats and habitats of qualifying species.	<p>The route will be signposted and waymarked to encourage walkers to stay on the path</p> <p>There will be no new coastal access rights over areas of mudflats and saltmarsh that are unsuitable for public access</p> <p>A section 26(3)(a) access exclusion is proposed year-round under nature conservation grounds to reduce the risk of disturbance to birds at</p>	<p>Medmerry Reserve</p> <p>Yes</p> <p>At Medmerry Reserve there is existing management in place which includes signage, gates and fences which prevents access to the saltmarsh and mudflats. These areas will also be covered by a Section 25A access exclusion as they are unsuitable for walking. The proposed route at Medmerry Reserve will be clearly waymarked and signs will be installed to make trail users aware of the access exclusion. Once the trail is in place access arrangements should remain as there are currently. It is therefore unlikely that the Coast Path proposals will lead to an increase in trampling of the mudflat and saltmarsh habitat at Medmerry Reserve.</p> <p>Pagham Harbour</p> <p>Yes</p> <p>The proposed route at Pagham Harbour follows an existing path that will be clearly waymarked to encourage walkers to stay on the trail. Access to the mudflats and saltmarsh within the coastal margin will be excluded by a Section</p>	No

Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

Risk to conservation objectives	Relevant design features of the access proposal	Can 'no adverse effect' on site integrity be ascertained? (Yes/No) Give reasons.	Residual effects?
	Medmerry Reserve using grazing fields and part of the perimeter bank within the coastal margin	25A as these areas are unsuitable for public access. Signs will be installed to make trail users aware of the access exclusion. Therefore, it is unlikely that the Coast Path proposals will lead to an increase in trampling of the supporting habitat for the qualifying features of the SPA.	
The installation of access management infrastructure may lead to a reduction in the extent and distribution of compensatory habitats and/or habitats of the qualifying species of the SPA.	The proposals will not result in the loss of any designated habitat or supporting habitat of the qualifying features.	<p>Medmerry Reserve</p> <p>Yes</p> <p>Three multi finger posts, 1 single finger post, 3 waymarker posts and two information panels will be installed at Medmerry Reserve. In addition, one multi finger will be replaced with a new multi finger post. These items will be installed on shingle, gravel, bare soil and grass or tarmac surfaces which are not considered features or supporting habitat for the features of the site. Therefore, no adverse effect on site integrity is envisaged.</p> <p>Pagham Harbour</p> <p>Yes</p> <p>Six multi finger posts and 4 waymarker posts will be installed within Pagham Harbour SPA and Ramsar site. In addition, 1 waymarker post will be replaced with a new waymarker post, and one stile will be replaced with a kissing gate. These items will be installed on shingle, gravel, bare soil or grass surfaces within the site which are not considered supporting habitat for the qualifying features. In addition to the new infrastructure, sections of the path will be</p>	No

Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

Risk to conservation objectives	Relevant design features of the access proposal	Can 'no adverse effect' on site integrity be ascertained? (Yes/No) Give reasons.	Residual effects?
		resurfaced between Church Norton and Ferry House and between Halsey's Farm and the North Wall to widen the path and improve the trail. The existing boardwalk on the beach at Church Norton will also be replaced. The resurfacing and the replacement of the boardwalk will not affect supporting habitat for the qualifying features of the site, therefore, no adverse effect on site integrity is envisaged.	

Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

Natural England has concluded that:

The following risks to achieving the conservation objectives identified in D1 are effectively addressed by the proposals and no adverse effect on site integrity (taking into account any incorporated mitigation measures) can be concluded:

- Undertaking works to install access management infrastructure disturbs qualifying features causing temporary or enduring effects on their population and/or distribution within the site.
- The trampling of compensatory habitat at Medmerry and supporting habitat of the qualifying features at Pagham Harbour, following changes in recreational activities as a result of the access proposal, leads to the reduction in the extent and distribution of natural habitats and habitats of qualifying species.
- The installation of access management may lead to a reduction in the extent or distribution of qualifying natural habitats and the habitats of the qualifying species

The following risks to achieving the conservation objectives identified in D1 are effectively addressed by the proposals and no adverse effect on site integrity (taking into account any incorporated mitigation measures) can be concluded, although there is some residual risk of insignificant impacts:

- Disturbance to breeding birds at their nesting, feeding or roosting sites, following changes in recreational activities as a result of the access proposal, leads to reduction in the abundance and distribution of the qualifying features within the site.

Repeated disturbance to non-breeding birds following changes in recreational activities as a result of the access proposal, may result in changes to roosting and feeding behaviour, leading to reduced fitness and reduction in population and/or contraction in the distribution of qualifying features within the site.

D4. Assessment of potentially adverse effects considering the project 'in-combination' with other plans and projects

The need for further assessment of the risk of in-combination effects is considered here.

Natural England considers that it is the appreciable effects (from a proposed plan or project) that are not themselves considered to be adverse alone which must be further assessed to determine whether they could have a combined effect significant enough to result in an adverse effect on site integrity.

Step 1 – Are there any appreciable risks from the access proposals that have been identified in D3.3 as not themselves considered to be adverse alone?

Natural England considers that in this case the potential for adverse effects from the plan or project has not been wholly avoided by the incorporated or additional mitigation measures outlined in section D3. It is therefore considered that there are residual and appreciable effects likely to arise from this project which have the potential to act in-combination with those from other proposed plans or projects.

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Step 2 – Have any combinable risks been identified for other live plans or projects?

We have reviewed other plans or projects that we are aware of at the time of making this assessment and might also give rise to insignificant and combinable effects. In the Table below we identify those for which appreciable effects that are not considered by the relevant competent authority to be significant alone, but which could combine with effects of our access proposal that we would otherwise consider to be insignificant (it is not the purpose of in-combination assessment to consider the effects of other plans or projects that are thought to be significant in their own right).

Table 9. Review of other live plans and projects

Competent Authority	Plan or project	Have any insignificant and combinable effects been identified?
Chichester District Council	Local Plan adopted and emerging	No. The adopted Chichester Local Plan: Key Policies 2014-2029 includes development management policies and guides the Neighbourhood Plans and Site Allocation Plans. It considers development and disturbance of birds at Pagham Harbour Special Protection Area. Planning permission for residential developments within 3.5km of Pagham Harbour SPA will not be granted unless they incorporate appropriate avoidance/mitigation measures comprised of a) a contribution towards the appropriate management of the Pagham Harbour Local Nature Reserve in accordance with the LNR Management Plan; or b) a developer provided package of measures associated with the proposed development designed to avoid any significant effect on the SPA; or 3) a combination of measures in (a) and (b).
Arun District Council	Arun Local Plan adopted and emerging	No. The adopted Arun Local Plan 2011 – 2031 guides development policies. It considers development and the disturbance of Birds at Pagham Harbour Special Protection Area. Planning permission for development within 400m of Pagham Harbour SPA will only be permitted where the developer is able to demonstrate there will not be detrimental effects on the SPA. Within 5km of the SPA all new residential development and development which is likely to have an impact on Pagham Harbour will be required to i) make a contribution towards the agreed strategic approach to access management a Pagham Harbour ii) create easily accessible new green spaces for recreation within or adjacent to the development site.

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Competent Authority	Plan or project	Have any insignificant and combinable effects been identified?
Natural England	Implementation of coastal access from South Hayling to East Head	No. The HRA for this project concluded that there would not be a significant effect on the foraging tern features of the Solent and Dorset Coast SPA.
Chichester District Council and Arun District Council	Managed breach of Church Norton shingle spit at Pagham Harbour	No. An application has been approved for a managed breach of a shingle spit at Pagham Harbour. Residual impacts from disturbance to ruff, common tern and little tern from construction works are considered insignificant as any potential reduction or displacement of birds following the application of mitigation measures will be temporary/minimal. Disturbance to dark-bellied brent geese resulting in reduction or displacement will be temporary/minimal and will not result in a significant change in favourable condition.
Chichester District Council	Medmerry Park Improvement Project	No. Medmerry Park Ltd. have submitted proposals to expand and upgrade Medmerry Park Holiday Village. Their Environmental Statement has concluded that the potential effect on dark-bellied brent geese will be a moderate adverse due to loss of grassland. The assessment also concluded a minor adverse impact on birds due to noise caused by construction works and disturbance from increased recreational pressure in the wider area of Medmerry Park. Mitigation measures are proposed which include financial contributions to Bird Aware Solent to mitigate impacts to birds from recreational pressure and disturbance, and monitoring of and habitat enhancements to fields not being developed, to improve the potential value of these areas for brent geese. The assessment considered cumulative and in-combination effects from the impacts and concluded that the impacts on brent geese from habitat loss and impacts on birds from disturbance are isolated and unlikely to interact in-combination with other plans or projects.

In light of this review, we have not identified any insignificant and combinable effects that are likely to arise from other plans or projects.

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D5. Conclusions on Site Integrity

Because the plan/project is not wholly directly connected with or necessary to the management of the European site and is likely to have a significant effect on that site (either alone or in combination with other plans or projects), Natural England carried out an Appropriate Assessment as required under Regulation 63 of the Habitats Regulations to ascertain whether or not it is possible to conclude that there would be no adverse effect on the integrity of a European Site(s).

Natural England has concluded that:

It can be ascertained, in view of site conservation objectives, that the access proposal (taking into account any incorporated avoidance and mitigation measures) will not have an adverse effect on the integrity of Pagham Harbour SPA and Ramsar Site, Solent and Dorset Coast SPA, and Medmerry Reserve either alone or in combination with other plans and projects.

PART E: Permission decision with respect to European Sites

Natural England has a statutory duty under section 296 of the Marine and Coastal Access Act 2009 to improve access to the English coast. To fulfil this duty, Natural England is required to make proposals to the Secretary of State under section 51 of the National Parks and Access to the Countryside Act 1949. In making proposals, Natural England, as the relevant competent authority, is required to carry out a HRA under Regulation 63 of the Habitats Regulations.

We, Natural England, are satisfied that our proposals to improve access to the English coast between East Head and Shoreham are fully compatible with the relevant European site conservation objectives.

It is open to the Secretary of State to consider these proposals and make a decision about whether to approve them, with or without modifications. If the Secretary of State is minded to modify our proposals, further assessment under the Habitats Regulations may be needed before approval is given.

Certification

Assessment prepared and completed by: Laura Whitfield

On behalf of the Coastal Access Programme Team

Date: 9 September 2020

HRA approved: Kristoffer Hewitt

Senior officer with responsibility for protected sites

Date: 9 September 2020

References to evidence

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<https://www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast>

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