

Date: 11 October 2013
Our ref:
Your ref: Shoebury Common flood defences



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BY EMAIL ONLY

Dear Mr Atkins

Consultation: proposed alternative option for Shoebury Common flood defences

Thank you for your consultation on the above dated 10 October 2013 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Conservation of Habitats and Species Regulations 2010 (The Conservation Regulations) and Wildlife and Countryside Act 1981 (as amended).

The council's preferred option

As you are aware, Natural England has previously confirmed that the preferred option for improving the flood defences at Shoebury Common would not be likely to result in any significant effects on the Benfleet and Southend SSSI, SPA and Ramsar site and, consequently, that Natural England has no objection to this proposed scheme.

The new alternative option

From the sketch map and brief description which you have provided, Natural England advises that the proposed alternative scheme would be likely to result in a significant effect upon the Benfleet and Southend SSSI, SPA and Ramsar site. Therefore, if you wish to proceed with this alternative scheme, you will need to gather additional information in order to quantify the impacts on the European site and enable an appropriate assessment to be carried out.

This information should include:

- An assessment of any predicted changes to coastal processes arising from the introduction of the breakwater and groynes, including any changes to existing patterns of sediment transport and/or of erosion, and any likely changes to the extent of the habitats which support those bird species which form the designated interest features of the Benfleet and Southend SPA and Ramsar site.
- An assessment of existing usage of the area by those bird species which form the designated interest features of the Benfleet and Southend SPA and Ramsar site, including predictions of how this usage may be affected by the scheme.

In addition, you may wish to consider whether there are any known or likely contaminants present within this section of the foreshore which could potentially be mobilised by the construction of the scheme.

The results of these studies would then inform the appropriate assessment. If the result of the assessment was favourable and it was decided to adopt this alternative option, then the works would also require consent from the Environment Agency and a Marine Licence from the Marine Management Organisation. We would therefore recommend that you should consult these organisations when designing the environmental studies, in order to ensure that the studies meet these organisations' requirements; thus enabling the same information to be used to support these applications.

However, if the appropriate assessment was unable to conclude that there would not be an adverse effect on the integrity of the European site, then it would only be possible to proceed with this 'alternative scheme' if there are no alternatives and it can be shown that there are imperative reasons of over-riding public interest (IROPI) for proceeding. As the intended purpose of the scheme is to provide increased flood protection to the public and their property, Natural England would not be likely to challenge the IROPI case. However, the fact that an alternative is available (in the form of the preferred option) would appear to preclude the adoption of this scheme.

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

For any queries relating to the specific advice in this letter only please contact Gordon Wyatt on 01480 810356. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

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

Yours sincerely

Gordon Wyatt
Lead Adviser, Land Use Operations Team