

PROPOSED INTERTIDAL MUD-FLAT RECHARGE LYMINGTON RIVER

1. INTRODUCTION

- 1.1 This report briefly looks at a request by Wightlink Ferries Limited to carry out a trial intertidal mud flat recharge on land leased by New Forest District Council.

2. BACKGROUND

- 2.1 New Forest District Council lease extensive areas of the Boldre foreshore from the Crown Estates. The lease runs for a period 25 years from June 1993 and expires in May 2018. The land is in turn sub-let to the South Hampshire Wildfowlers Association and the Hampshire and Isle of Wight Wildlife Trust Limited for the same period less one day. New Forest District Council's interest therefore is only as an intermediary Landlord and the Council has no direct land ownership interests.
- 2.2 Earlier this year Wightlink Ferries introduced three new vessels on the Lymington to Yarmouth crossing. The introduction of the new ferries requires certain works to the ferry terminal, which require planning consent.
- 2.3 Although opinion differs as to the likelihood and extent of the ferry operation causing adverse harm to the Designated Areas, Natural England's advice, which was accepted by the District Council's Planning Committee earlier this year, is that some harm could be established.
- 2.4 As part of the consents required to obtain permission to undertake the works to the berthing facilities at Lymington Pier, Wightlink will have to provide mitigation measures to offset erosion and loss of Designated Habitat caused by the operation of the ferries along the Lymington River.

3. THE PROPOSALS

- 3.1 In order to mitigate for the loss of habitat, Wightlink propose to recharge or replenish areas of mud flat that are eroding due to natural processes, using material arising from the annual maintenance dredging within the Lymington River and marinas, undertaken by the Harbour Commissioners. The two potential areas of recharge regarded as providing the greatest environmental or habitat benefit are identified on the attached plan, coloured red.
- 3.2 The recharge areas have been chosen as the salt marsh immediately to the north of the proposed site has been identified as an area at risk of natural erosion (these are identified as the "protected areas" on the attached plan coloured black). Should the marshes be breached at this point the foreshore immediately behind would be at risk of increased rates of erosion from natural

processes. Wightlink, through discussions with Natural England anticipate that the recharge may prolong the life of the marshes and intertidal habitats in this area by a significant number of years.

- 3.3 The proposal, if approved, would involve pumping maintenance dredged materials from a barge positioned in the vicinity of the Pylewell Post in the Lymington River to the recharge site via a floating pipeline. To assist in retention of the material brushwood poldering would be installed on the seaward edges of the site.
- 3.4 It is anticipated that the work would be undertaken in January and February to coincide with the dredging season. This could be undertaken in 2010 if all the necessary consents were in place. In order to supply sufficient material or replace any material lost due to high tides or storms, the work may have to be repeated in subsequent year(s) but it would not become a regular undertaking.
- 3.5 For some years the recharge of intertidal mudflats has been considered as a means to reduce the effects of erosion through natural processes. While there is no established precedent in the locality to conclude the scheme will ultimately succeed, there are real benefits that can be taken from these proposals.
- 3.6 Being part of a trial on a meaningful scale, that was carefully monitored and reported, would provide beneficial and important lessons and possibly have implications for repeating at other sites. It would also be useful to develop a better understanding of the processes involved in seeking and obtaining consents for similar schemes in the future.

4. NECESSARY APPROVALS

- 4.1 The land ownership in this area, as outlined above, is complex. The freehold is owned by the Crown Estate, leased to New Forest District Council and sublet to The Wildfowlers Association and Wildlife Trust.
- 4.2 The area itself comes within the New Forest National Park and the works may require a separate planning consent from the National Park Authority.
- 4.3 As the works would impact upon part of the European Designated Site, Natural England's consent will also be required not only for approval as to the extent of the mitigation they offer but also to advise that the works themselves do not have an adverse impact upon the Designated Site.
- 4.4 Consultation has commenced with the Crown Estate and the District Council's tenants. Although all parties have some concerns about the method of works and effect on land ownership interests, the general consensus is that the replenishment of the mudflats, if successful, would have a beneficial effect.
- 4.5 None of the land ownership parties are able to conclude that the scheme would be successful and to a large extent they all will rely on Natural England's assessment of the proposals.
- 4.6 Natural England would not endorse the recharge if, on the weight of scientific evidence, it was anticipated that it would either be unsuccessful, would not provide adequate habitat mitigation or the works would have a detrimental impact upon the habitat. There is therefore a tacit acceptance that should

Natural England approve the scheme all the other parties will likewise consent.

- 4.7 As with any scheme of this nature there are significant technical aspects that need to be resolved and officers will continue to work with both Wightlink and other parties with a land ownership interests over the coming months.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising from this report.
- 5.2 Wightlink have agreed to underwrite the District Council's costs in this matter. The District Council obtain no rent from our tenants and pays only a nominal rent to the Crown Estate; it is therefore not appropriate for rental compensation to be paid.
- 5.3 Although Wightlink would benefit from the proposals as it would enable them to carry out the desired works to the Lymington Pier, there may be alternative sites that Wightlink could use; however, these may be less beneficial in terms of prolonging the life of the mud flats.
- 5.4 The Crown Estate consider that the proposals will add extra value to their land holding by adding extra years to their interest and will not be seeking additional considerations to allow the proposals to proceed.
- 5.5 It is recommended that the District Council take a similar view as the greatest benefit is deemed to be derived from establishing whether the scheme works and monitoring the processes involved. It is therefore not proposed to seek financial consideration for consenting to Wightlink's request.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 A concern has been raised by the Wildfowlers that dredged material from the river may contain high levels of toxins from boat's anti-fouling, which may contaminate the trial site. Officers would look to Natural England to provide assurances that the scheme would not be permitted if it were deemed to be environmentally damaging. There are clear environmental benefits accruing from the proposals if they successfully slow down or reverse mud flat erosion and it can be established that this is a satisfactory method for future protection schemes elsewhere.

7. PORTFOLIO HOLDER'S COMMENTS

- 7.1 Councillor Treleaven; Planning and Transportation Portfolio Holder,

Cllr Treleaven has been consulted on this report he concurs with the conclusions as far as the landownership issue are concerned. Whether this is a viable ecological scheme particularly as a "compensation" measure, he agrees that the Council should look to Natural England for advice.

7.2 Councillor Wise, the Finance and Efficiency Portfolio Holder comments:

"It is part of my responsibility to ensure that our assets are protected. The advice we have received would indicate that recharging the marsh with dredgings may well help to mitigate the serious marsh erosion which continues to take place. Given that this is effective it will, in turn, help to protect the shore line which it is our statutory responsibility to protect.

As the portfolio holder responsible for the Council's assets I support the recommendation."

8. CONCLUSIONS

8.1 Whilst the science behind the proposals is yet unproven there are real tangible benefits that could be taken from being part of the trial scheme as proposed by Wightlink. Should the recharge ultimately prove successful the scheme may establish a sustainable mechanism to protect or enhance areas of mud flat at risk from coastal erosion through natural processes.

8.2 It is recognised that the ultimate endorsement of the science behind the proposals will be established if Natural England gives their consent to the works being adequate mitigation.

9. RECOMMENDATION

9.1 It is recommended that Members authorise officers to continue negotiations with Wightlink to allow the proposed trial inter tidal habitat recharge to take place;

9.2 This consent relates only to the District Council's position as landowner and that Wightlink be advised that all other necessary consents and permissions will still need to be obtained.

For Further Information Please Contact:

Land ownership issues

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Background Papers:

Draft Assessment of proposal by ABP Mer.




New Forest
DISTRICT COUNCIL
www.newforest.gov.uk

Date 27/07/09

Title
Recharge site(s)
Pylewell Marsh
Boldre Foreshore

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