

12 August 2020



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

SENT VIA EMAIL FAO Alexandra Davidson
cc Cllr Elizabeth Grey

Dear Wirral Council

**Natural England statement regarding beach management at
Hoylake North Wirral Foreshore Site of Special Scientific Interest
Mersey Narrows and North Wirral Foreshore Special Protection Area and Ramsar
Site Dee Estuary Special Area of Conservation**

The following is a statement from Natural England for use by Wirral Council at the Environment Overview and Scrutiny Committee on 21 August 2020. This is a Witness Statement requested by Cllr Elizabeth Grey.

I can confirm that in November 2019, officers from Wirral Council requested advice from Natural England regarding beach management. I attended a site meeting on 04 December 2020 and subsequently provided written Beach Management Advice to Wirral Council on 02 March 2020. The scope of this advice was agreed with Council officers and was written by Natural England; this formal advice is attached to the covering email for this letter.

The following points seek to provide further clarification of Natural England's position.

Wirral Council has a legal duty, under Section 28G of the Wildlife and Countryside Act 1981 (as amended) 'to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest'.

Wirral Council previously (17 March 2016) submitted an Assent notice (under Section 28H of the Wildlife and Countryside Act 1981, as amended) for limited raking of beaches at Wallasey, Hoylake and West Kirby and for limited spraying of Glyphosate at Hoylake beach. This was requested for a five year period. The Assent notice was accompanied by a Habitat Regulations Assessment. Natural England provided Assent on 31 March 2016 and is valid until 31 March 2021.

Wirral Council requested a variation to the Assent of 31 March 2016 on 17 August 2017 for a limited geographic extension to spraying at Hoylake beach. Natural England provided Assent to this notice on 04 September 2017. This also remains valid until 31 March 2021.

Please note that the activities requested were not required to maintain the conservation interests of the protected sites but Natural England considered at that time that it was able to provide Assent. The Assent

does not require Wirral Council to undertake these activities and the Council as the land owner/manager is legitimately entitled to not undertake these activities, however should the Council wish to undertake them then they are restricted to how and when this is done by the detail of the Assent.

Spraying that is assented is restricted in geographical area, method, timing and should only be targeted to Cord grass – *Spartina* and Sea Meadow grass *Puccinellia* (the latter as per assent variation of 04 September 2017). Due to vegetation development and other species establishing on the foreshore it has become extremely difficult to keep spraying targeted to the above species. Due to the presence of other species it is now difficult to undertake spraying and raking in a way that is legally compliant with the Assent; non-compliance with the Assent poses risks of enforcement by Natural England.

Spraying and raking also requires the permission of the Marine Management Organisation and spraying requires permission from the Environment Agency.

As context changes e.g. scientific understanding and legislation, then Natural England's views and advice can be refined and change over time; this is the case since the above Assents were issued. Natural England is unable to withdraw these Assents. It is unlikely that Natural England would now be able to Assent the activities as previously proposed.

Natural England's line on herbicide use in the intertidal (as outlined in our advice of 02 March 2020) has become more precautionary due to increasing concerns over risks to non-target species and the wider environment. Natural England would be unlikely to assent new spraying proposals. This was the advice we gave in our Formal Advice of 02 March 2020.

Decisions regarding beach management are complex with a range of objectives and interests. This is also the case in considering the natural environment and wildlife interests. In this case there is a balance to be drawn between open intertidal foreshore for feeding, non-breeding birds versus development of vegetation communities. With regard to the previous assents above Natural England was more focussed to the feeding habitat for non-breeding birds. Natural England has reconsidered its position and would now focus more on natural coastal dynamics and vegetation succession. This is because our conservation objectives allow for natural change, even if this would result in a reduction of available bird feeding habitat, the developing habitats are also interests of the protected sites, developing habitats also provide supporting habitats for non-breeding birds, there is significant available intertidal habitat available for feeding birds and there can be wider natural capital benefits from these habitats e.g. wider conservation interests, carbon absorption and flood defence. The development of these habitats also contributes to addressing the Climate and Biodiversity Crisis.

In addition to the natural succession on the foreshore we have also seen the development of vegetation in smaller, wetter areas associated with drainage discharges to the beach e.g. along North Parade. There is concern and uncertainty regarding where this drainage comes from and its water quality. Natural England would recommend a review of this drainage and consideration to re-routing this drainage. A change to drainage may result in a decline in this wetter plant grow near these discharge points, this could be acceptable to Natural England.

Natural England consider that the longer term management of the beach should be formulated more holistically, considering a wide range of interests and stakeholder engagement. This would enable the Council, stakeholders and Natural England to be clear on the strategic plan for the foreshore and its use and enable appropriate and agreed management to be assented.

Please send any further questions arising to Cheshire2.lancashire@naturalengland.org.uk

Yours sincerely



Stephen Ayliffe
Senior Adviser for protected sites and the coast
Cheshire to Lancashire Area Team