

Date: 9th January 2009
Our ref: SW548



Mr Ian Gibson
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Dear Mr Gibson,

ASSENT WITH CONDITIONS UNDER SECTION 28H OF THE WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

Natural England assents to the proposals contained in your notice of 9th January 2009 (which is an amendment to your initial notice of 4th November 2008, following consultation), specifically Water Agitation Dredging (WAD) of 6000m³ of sediment from Batson Creek within Salcombe to Kingsbridge Site of Special Scientific Interest (SSSI), but subject to adherence with the following conditions:

- Dredging methodology is agreed by Natural England prior to the work being carried out.
- Impacts of dredging works on features of the SSSI, specifically SM1 *Zostera* beds and inshore sublittoral sediment communities, are monitored.
- Plume dispersal modelling will be carried out prior to any works being carried out.
- Plume dispersal model will be used to predict any impacts and should unacceptable impacts on features of the SSSI be predicted dredging operations will not take place using the proposed methodology (WAD).
- Plume dispersal model will be used to guide the level of monitoring of impacts of the dredging works on SSSI features.
- Plume dispersal model will be used to anticipate length of time sediment plume remains in estuary and that this will dictate dredging period per tide so as to allow majority of sediment to dissipate before next period of dredging begins.
- Monitoring methodology will be agreed by Natural England prior to the monitoring work being carried out.
- Sediment plume (and any fluid mud density layer) will be subject to continuous monitoring during the 3 day trial of dredge operations.
- A 3 day trial of dredging operations will be carried out and turbidity monitored during this period. If acute impacts are thought to be occurring as a result of dredging operations, no more dredging will take place.
- Limits for turbidity will be set, in consultation with experts from Plymouth University and agreed to by Natural England.
- Should turbidity limits be exceeded then dredging operations will cease.
- Dredging operations will take place over the winter, finishing no later than mid March 2009.
- Efforts be made to help facilitate further, long-term research of the impacts of dredging operations that may be carried out by research institutions such as Plymouth University e.g. aid in gathering grab samples for infaunal analysis.
- All outputs (model (if applicable, reports etc) will be made publicly available and be used to guide future dredging operations in the Salcombe to Kingsbridge Estuary SSSI.

Natural England advises that provided that the above conditions are met, the operation should not cause significant damage to the special interest of the SSSI.

If you intend to carry out this operation without complying with these conditions you must:

- Give notice to Natural England of when the proposed operation will start. The start date must not be sooner than 28 days from the date of this second notice.
- Give notice to Natural England of how, if at all, you have taken account of the advice of Natural England contained in this letter.
- Carry out the operation in such a way as to give rise to as little damage to the SSSI as is reasonably practicable, taking account in particular of the advice contained in this letter
- Restore the site to its former condition, so far as is reasonably practicable, if any damage does occur.

In addition, you are under a duty under S28G of the 1981 Act to take reasonable steps, consistent with the proper exercise of your functions, to further the conservation and enhancement of the of the SSSI.

If you wish to change the proposed operation, or carry out additional operations for which assent has not yet been given, or if a time period given in your letter of date has expired, you are required to give further written notice to Natural England.

Yours sincerely,

Gavin Black

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