

12 October 2012

Our ref: RFI#1688

Your ref:



Via email

3rd Floor
Bridgewater House
60 Whitworth Street
Manchester
M1 6LT

Dear Mr Jex

Access to information request – Provision of all requested information – Request no 1688

Thank you for your request for information:

1. *What evidence do you have that the birds actually successfully hatch their eggs on this particular saltmarsh, given that it is so frequently inundated?*
2. *Why have you chosen to endorse closure of this particular very small section of saltmarsh when there are thousands of acres of saltmarsh in Morecambe Bay which are not intensively grazed by sheep and are much less prone to inundation?*
3. *Why are the signs still there outside the breeding season, given that they can be easily removed?*

which we received on 16 September 2012. Your request has been considered under the Environmental Information Regulations 2004, and our answers are below.

1. As you are aware, Natural England has a close working relationship with RSPB and Arnsdale Silverdale AONB colleagues, who have a thorough working knowledge and understanding of the saltmarsh in question, as do we. We have evidence that breeding waders are successfully producing broods, hatching and rearing young on this saltmarsh, every year (apart from 2012) through our access to the records of the local bird club watchers who visit the marsh in question 3-4 times a week.
 - Oystercatcher *Haematopus ostralegus* **Amber List**¹
 - Annual successful breeder in moderate numbers (Max. Of 12 pairs) broods seen in 2010 and 2011
 - Common Redshank *Tringa totanus*
 - Annual successful breeder in small numbers (Max. of five pairs) broods seen in 2010 and 2011
 - Shellduck *Tadorna tadorna* **Amber List**¹
 - Annual successful breeder in small numbers (Max of 2 pairs) broods seen in 2010, 2011 **and 2012**
 - Lapwing *Vanellus vanellus* **Red List**¹
 - Has bred successfully since 2009 but not in 2012
 - Ringed Plover *Charadrius hiaticula* **Amber List**¹
 - Has bred successfully and broods seen since 2007 but not in 2012
 - This saltmarsh is equally important to Skylark and Meadow Pipit, but their nests are difficult to find, they hold territory in most years.

It is important to note that nesting birds are protected by law regardless of whether they will be successful or not. In some years the tidal pattern will allow them to rear chicks, other years it may not. In addition to this, the marsh is not just used for breeding, it provides important habitat for feeding and roosting too.

2. This particular marsh, like most others around Morecambe Bay, is privately owned. If other landowners, tenants, or rights holders asked for our support for something that NE agreed with, we would provide it. In this case, we have just endorsed the landowners rights. Most of the other marshes do not have a problem with disturbance by the general public, away from rights of way, therefore, it is has not been necessary to erect such notices elsewhere. Most of the Morecambe Bay saltmarshes are closely sheep grazed as this provides & maintains the habitat in suitable condition for waders and waterfowl, as elsewhere around the Bay. It's our function to safeguard the natural environment and that includes the birds that may choose to breed on the marsh and which are part of the site interest. This management is something we support through Environmental Stewardship agreements in many places. A small number of the marshes are cattle grazed.
3. The signs belong to the wildfowling club so they have taken responsibility for putting them up, maintaining them, and taking them down. Natural England have advised the WWF that the signs should be removed now that the breeding season is over, and have reminded them to do so. However, their removal does not mean that the public have any right of access to the marsh.

If you have any queries about this letter, please contact me. As you may be aware, under the legislation should you have any concerns with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, please contact

Rob.Menzies@NaturalEngland.org.uk

Under Regulation 11(2) this needs to be done no later than 40 working days after the date of this letter.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Natural England. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Telephone: 01625 545 700, www.ico.gov.uk.

Yours sincerely

Samantha Marsden
Team Leader - Morecambe Bay & Bowland Team
Land Management, Local delivery
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