

EXECUTIVE SUMMARY – SOLENT EUROPEAN MARINE SITES








Summary of Purpose and Recommendations:

To outline the development and implications of the proposed Single Scheme of Management for the Solent European Marine Site and recommend that it be supported as presented.

Cost to Council: £150 per annum

Within existing budget? Yes

Contribution to Corporate Plan (Minor/Moderate/Major/Neutral):

	+		-		+		-
	Moderate			Priorities			
	Major			Clean Streets and Public Space	Moderate		
	Moderate			Crime and Disorder		Neutral	
	Moderate			Housing		Neutral	
	Major			Managing our Finances		Neutral	

Comments on Impacts on Corporate Objectives and Priorities:

The essence of this Management Scheme is to provide a sustainable basis for the way forward for activities on the coast. As such, effectively implemented, it will provide benefits across all the elements that produce sustainable outcomes. It particularly re-inforces partnership working and provides a means of ensuring the favourable condition of the European Designated Sites.



Organisation of excellence



Working with public and partners



Economic well being



Social well being



Environmental well being

SOLENT EUROPEAN MARINE SITES: ADOPTION OF THE SINGLE SCHEME OF MANAGEMENT

1. INTRODUCTION

- 1.1 The Solent European Marine Sites (SEMS) project was set up in November 2000 with the aim of developing a strategy for managing the marine and coastal resources of the Solent in a sustainable way. A mechanism was established to produce this strategy and to involve the wide range of bodies affected.
- 1.2 As a result, a Draft Scheme of Management has been produced and is now being presented to the key agencies involved for them to “sign up” to the proposed scheme. Once this takes place, it can be presented to DEFRA for adoption. The purpose of this report is to seek this Council’s willingness to “sign up” to the Scheme. The full Management Scheme and Summary can be viewed on solentforum.hants.org.uk/sems/homepage . There is a paper copy of the report in the Member’s Room.

2. WHAT IS THE MANAGEMENT SCHEME?

- 2.1 The SEMS Management Scheme is concerned with promoting the sustainable use of a living, working coast. This is to ensure that the valuable natural resources of the area are there for the enjoyment and prosperity of both present and future generations. European Marine Sites have been selected with many activities already taking place and it recognises that these are normally compatible with the conservation interest at their current levels. It is not the aim to exclude human activities from the European Marine Sites but rather to ensure that they are undertaken in way that does not threaten the nature conservation interest.

3. THE LOCATION OF THE SEMS AREA

- 3.1 The Solent contains 7 international nature conservation sites: there is a candidate maritime Special Area of Conservation (SAC); 3 classified (i.e. designated) Special Protection Areas (SPAs) and 3 Ramsar sites. These designations have varying levels of overlap. The areas within these designations that lie below Highest Astronomical Tide (HAT) have become known collectively as the Solent European Marine Sites (SEMS).
- 3.2 These designations extend from Hurst Spit in the west, to Chichester Harbour in the East and also includes significant parts of the north coast of the Isle of Wight. Substantial lengths of the District’s coast are therefore included. A map is attached as Appendix 1.

4. AIMS AND OBJECTIVES OF SEMS

4.1 The **aim** of SEMS is:

"Subject to natural change, maintain the favourable condition of the site through the sustainable management of activities".

4.2 The nature of the management scheme for the Solent is unconventional because the site is geographically fragmented. The Regulations and accompanying guidance are clear: only one management scheme may be established for each European marine site. The SEMS management scheme has developed an overall framework with general principles at the strategic level in parallel with more detailed management plans and together they will form a single management scheme.

4.3 The **objectives** of the SEMS management scheme are:

- Audit ongoing activities and their management.
- Identify activities which may cause deterioration or damage to the site.
- For activities which are shown to be damaging address those measures which fall within the responsibility of the relevant authorities
- For activities which are shown to be damaging address additional measures needed which are not the direct responsibility of relevant authorities.
- Ongoing research and monitoring requirements in order to assess the site's condition and status in the future.
- Integrate the sustainable management of the site wherever possible with both existing and future plans and initiatives (statutory and non-statutory) to avoid duplication of effort.

5. ROLE OF THE MANAGEMENT SCHEME

5.1 The Management Scheme will be an ongoing process that aids decision making and continually evolves to take into account changing issues and legal obligations. The Management Scheme will consider whether activities are causing adverse effects and, if so, how such activities can be regulated by Relevant Authorities to prevent damage. It is hoped that recognition of any damaging practices will lead to a change for the long term sustainability of the site which will fulfil the requirements of the Habitats Regulations but also allow the area to be a resource for future generations.

5.3 The scheme was developed through an intensive process of meetings over a protracted time period. None the less, the Draft Scheme is now prepared with support from all those involved, which is a considerable achievement in this complex area. Lists of the agencies involved is set out in Appendix 2.

6. ARE ACTIVITIES A CAUSE FOR CONCERN?

- 6.1 In practice, in order to simplify the process for the SEMS management scheme, the Management Group decided to concentrate on those activities which may be a cause for concern. The Inventory process at Stage 4 indicated that nearly all activities may cause the operations to which the site features are highly vulnerable and that these can occur in the vicinity of those interest features. This therefore indicated a 'possible risk in parts of the site'. In some instances this risk is removed because the activity is a 'plan or project' and there are special procedures in place to ensure that the activity does not impact on the site. In other instances the risk is also removed because there are other 'systems in place to ensure that the activity is managed in line with the Habitats Regulations'. If neither of these situations applies then the activity is seen as a 'key risk activity' in the Management Scheme.
- 6.2 At present there is no evidence to suggest that any of the activities are actually causing damage or deterioration to the site. The key risk areas merely indicate where risks are most likely to occur. Further evidence will be required to indicate a link between deterioration or disturbance of a habitat or species and an activity for instance if English Nature's condition monitoring shows a decline in a particular habitat. The SEMS management scheme is a document record to show the review, identifies a framework for management and the topics for further consideration within that framework. Key principles have been established by which any need for dealing with change or required action, can be tested. (Appendix 3 lists the Principles).

7. GENERAL IMPLICATIONS FOR THE SOLENT

- 7.1 The main aim of the SEMS designations is to provide a stronghold for habitats and species through appropriate management measures achieved by co-operation between the relevant regulating authorities, land owners, industries and public who use the site. Any management of the site has to take into account the economic, cultural, social and recreational needs of the local people.
- 7.2 Where new plans and projects are proposed these will be subject to the special provisions in the Regulations, which in essence is dealt with by existing procedures for permissions / licences and consents. Ongoing activities will be considered through the management scheme for the site and effected by the Relevant Authorities concerned.
- 7.3 Management of the SEMS will be concerned with promoting the sustainable use of a living, working coast. The aim is not to stop people using the Solent and for most people the designations make very little difference to day-to-day life. There is no intention to exclude traditional human activities; these will only be managed if it is shown

that they are causing damage to the habitats or species for which the site has been designated. It is likely that most activities do not do this and so will not be affected, or if they have the potential to do so are already managed in a way so as to prevent damage. Again the key principle lie at the heart of future consideration of activities under the scheme.

8. HOW IS THE COUNCIL IMPLICATED?

- 8.1 The Council is a Relevant Authority – a specific competent authority which has the powers or functions which have, or could have an impact on the marine environment, or adjacent to, a European Marine Site. Therefore our powers to manage recreation, monitor pollution, effect coastal maintenance and so forth place the Authority in a position of responsibility.
- 8.2 Once adopted, the key principles not only underpin the production of the document but are the principal test of the need for change. They set the agenda for the future.

9. THE NEXT STAGES

- 9.1 As mentioned at the start of the paper, the Draft Scheme is out for consultation to the key partners for their approval. The Scheme will then be submitted to DEFRA. Should the Scheme be approved, it will be monitored through a specific Management Group, which, it is proposed, will be serviced via the Solent Forum. Whilst technically separate (the SEMS structure is executive and deals with the adopted Scheme, whereas the Forum is a non statutory network) it none the less makes a lot of sense to integrate the administration of the two.

10. FINANCIAL IMPLICATIONS

- 10.1 There is a requirement for a small financial contribution to support the administration of the scheme. This is met within existing budgets. If there are implications for future management or project activities, these will be considered at the time these are proposed. There are none at this point.

11. ENVIRONMENTAL IMPLICATIONS

- 11.1 Ensuring the favourable condition of European Designated sites lies at the heart of this Scheme. Its adoption is essential if a co-ordinated view of the future is to be achieved.

12. CRIME AND DISORDER IMPLICATIONS

- 12.1 There are no particular implications.

13. CONSULTATION

- 13.1 This scheme has been the subject of extensive consultation and agreement has been reached, as is presented in the Draft Scheme of Management.

14. PORTFOLIO HOLDERS COMMENTS

- 14.1 The Portfolio Holders for Economy & Planning, Environment and Leisure welcome the report; the creation of the Management Scheme and support the recommendation.

15. RECOMMENDATION

- 15.1 It is recommended that the Council agree to support the submission of the Solent European Marine Sites Draft Scheme of Management as presented.

For further Information contact:

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Background Papers:

Published reports and background proformas.

[j:l:m:cabinet:2004:06:sems]

MAP OF THE SEMS AREA



The Solent European Marine Sites (SEMS, shaded black). This map is indicative and for reference only.

European Marine Sites

In the Regulations implementing the habitats Directive a European marine site is described as a European site so far as it consists of marine areas. Figure 3 shows the Solent European marine sites (SEMS).

A European site is any one of the following, as defined in the Conservation (Natural Habitats, & c.) Regulations 1994, and as amended.

- A Special Area of Conservation;
- A site of community importance which has been placed on the list referred to in the third sub-paragraph of Article 4(2) of the Habitats Directive;
- A site hosting a priority natural habitat type or priority species in respect of which consultation has been initiated under Article 5(1) of the Habitats Directive, during the consultation period or pending a decision of the Council under Article 5(3);
- An area classified pursuant to Article 4(1) or (2) of the Wild Birds Directive, or;
- A site in England included in the list of sites which has been proposed by the Secretary of State and transmitted to the commission.

Management Group

Relevant authorities are those competent authorities which have powers or functions which have, or could have, an impact on the marine area within or adjacent to a European marine site. Whilst carrying out their duties relevant authorities are required to have due regard to the requirements of the Habitats Directive and as such may review their management of the activities under their control that pose the greatest potential threat to the favourable condition of interest features in the SEMS. The relevant authorities for the SEMS have formed a Management Group in order to oversee the production of the management scheme for the SEMS. Membership of the group is as follows:-

Harbour Authorities	Local Authorities
Associated British Ports Beaulieu River Management Bembridge Harbour Improvements Co. Chichester Harbour Conservancy Cowes Harbour Commissioners River Hamble Harbour Authority (HCC) Langstone Harbour Board Lymington Harbour Commissioners QHM Portsmouth Yarmouth Harbour Commissioners Newport Harbour Authority	Chichester District Council Eastleigh Borough Council Fareham Borough Council Gosport Borough Council Hampshire County Council Havant Borough Council Isle of Wight Council New Forest District Council Portsmouth City Council Southampton City Council Test Valley Borough Council West Sussex County Council Winchester City Council
Other Authorities	
English Nature Environment Agency Sea Fisheries Committee	Southern Water Trinity House

Strategic Advisory Group

The Strategic Advisory Group is a body of representatives from local interests, user groups and conservation groups, formed to advise the management group. Membership of the group is as follows

Recreational User Groups	Harbour/Area Groups
National Federation of Sea Anglers Royal Yachting Society (RYA) Southern Committee Solent Area Bait diggers Association Solent Cruising and Racing Association Solent Wildfowlers Forum	Isle of Wight Estuaries Officer Langstone Harbour Advisory Committee Lymington Harbour Panel Wootton Creek Fairways Association Solent Forum SCOPAC Officers Group
Industry	Conservation
British International Freight Association (BIFA) British Marine Aggregate Producers Association (BMAPA) British Marine Industries Federation (BMIF) BP Oil UK Ltd	Hampshire & IOW Wildlife Trust Hants & Wight Trust for Maritime Archaeology Marine Conservation Society National Trust Royal Society for the Protection of Birds (RSPB)

Esso Petroleum Co. Ltd Isle of Wight Oystermans Association Portsmouth Commercial Port Southern Marine Industries Association (SMIA) Southampton Shipowners Association West Solent Oystermens Action Group	Solent Protection Society
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Academic	Others
Southampton Institute Southampton Oceanography Centre University of Portsmouth	Department for the Environment, Food and Rural Affairs (DEFRA) English Nature Maritime and Coastguard Agency MOD (Low Flying Section) Marchwood & Hythe MOD Sites Sport England South East Region The Crown Estate

Cluster Groups

Due to the diverse nature and geographical spread of the SEMS the Management Group has put in place a number of cluster groups, to drive and steer the work and to concentrate on local issues. Five groups have been set up which include the appropriate relevant authorities. These are as follows:

- ? Chichester and Langstone Harbours
- ? Portsmouth Harbour
- ? Solent and Southampton Water
- ? North West Solent
- ? Isle of Wight Coast

KEY PRINCIPLES

Principle 1 – Favourable Condition

The SEMS has qualified for designation against the background of current use and there is a working assumption that the features for which the site is designated are in favourable condition from the time of designation. The management scheme and the monitoring to be carried out by 2006 will test this assumption.

Principle 2 – Sustainable Development

The aim of the management scheme is not to exclude human activities from SEMS, but rather to ensure that they are undertaken in ways which do not threaten the nature conservation interest, and wherever possible, in ways that support it. The management scheme should ensure a balance of social, economic and environmental objectives when considering the management of activities within the Solent.

Principle 3 – Regulatory Use of Bye-laws

New bye-laws may be used as a regulatory mechanism for the SEMS. These should only be introduced into the management scheme when all other options have been considered and it is the only effective solution.

Principle 4 – Links to Existing Management and Other Plans/Initiatives

Where appropriate the SEMS management scheme will directly utilise management actions from other existing management plans. The actions identified in the management scheme will therefore serve to inform and support existing management effects rather than duplicate them. The management measures identified in other plans will remain the mechanism through which these are to be implemented.

Principle 5 – Onus of Proof

The wording for Principle 5 is based on the following three-stage process:

Stage 1: Evidence must be established that a site feature is in deterioration. This evidence must be scientific, credible and unambiguous but it need not originate from English Nature itself. It is acknowledged that other Relevant authorities will be undertaking monitoring regimes and if their programmes flag up something of interest, it would be expected that they would present it to English Nature for further comment and verification.

Stage 2: English Nature, as the Government's body with responsibility for nature conservation, must believe that a site feature is in deterioration. If the evidence to support this view has come from their own monitoring – or if it has come from an external authoritative source – EN should act as a conduit to demonstrate this fact to the Relevant Authority with responsibility for the management of the activity suspected of having a detrimental effect.

Stage 3: English Nature and the Relevant Authority (ies) involved should work together to establish any cause and effect relationship. From this, changes to management actions may be made.

Consideration of this process has led to the following definition of onus of proof:

If, through their own site condition monitoring programme or that of another Relevant Authority, English Nature can demonstrate that they have reasonable evidence to indicate that a deterioration in the condition of a SEMS feature or species exists, then English Nature and the Relevant Authorities concerned will work together to identify any cause and effect relationship.

Principle 6 – Management Actions

Where reasonable evidence is found to clearly demonstrate the cause/effect relationship the Relevant Authorities involved will instigate changes to the management of the activity, which will be within a RAs statutory obligations and will provide a solution that is in accordance with the Regulations and be fair, balanced, proportionate and appropriate to the site and the activity.

Where the cause effect relationship is uncertain but deterioration in the condition is still significant the Relevant Authorities should consider any potential changes in management practises in light of the precautionary principle* and the cost effectiveness of proposed measures in preventing damage. However, the precautionary principle should not be used to prevent existing management actions continuing where there is no evidence of real risk of deterioration or significant disturbance to site features.

*All forms of environmental risk should be tested against the precautionary principle which means that where there are real risks to the site, lack of full scientific certainty should not be used as a reason for postponing measures that are likely to be cost effective in preventing such damage. It does not however imply that the suggested cause of such damage must be eradicated unless proved to be harmless and it cannot be used as a licence to invent hypothetical consequences. Moreover, it is important, when considering whether information available is sufficient, to take account of the associated balance of likely costs, including environmental costs, and benefits." (DETR & the Welsh Office, 1998)