

**North Solent
Shoreline Management Plan
(Draft)**

Guidance Note

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Key Messages of the Draft SMP

- 1 Understanding the geography of the coast. This includes:**
 - 1a an assessment of natural coastal processes, such as waves, tides, movement of sand, shingle and mud, and sea level rise**
 - 1b an assessment of the performance and condition of existing flood and coastal defences**
 - 1c determining coastal flood and erosion risks to coastal communities, property, heritage features, and the built and natural environment**
 - 1d developing sustainable defence policies for future coastal management over the next 100 years**
- 2 SMPs don't guarantee public funding to implement the proposed policies**
- 3 Each SMP contributes to determining national funding requirement for the management of coastal flood and erosion risks**
- 4 SMPs are not legally enforceable but are taken into account in the planning process to assist in the development and management around the coast**
- 5 This is your opportunity to influence the sustainable management of the North Solent coast for future generations to live and work in and enjoy.**

1 What is a Shoreline Management Plan?

Shoreline Management Plans (SMP) are an important part of the Department for Environment, Food and Rural Affairs (Defra) strategy for flood and coastal defence. They are an aid for government to determine future national funding requirements for flood and coastal erosion risk management. The guidelines for the development of a SMP are set out by the Defra.

An SMP is a non-statutory plan that:

- evaluates, at a high strategic level, the known risks to people, property and the built and natural environment from the sea and coastal processes over the next 100 years;
- presents a policy framework to address these risks to people and the developed, historic and natural environment in a technically feasible, environmentally acceptable and economically sustainable manner; and
- develops coastal defence policies for each section of coast for the short-term (0-0 years), medium-term (20-50 years) and long-term (50-100 years).
- provide details on a wide range of coastal issues, and assists local authorities to formulate planning strategies and control future development of the shoreline.

Flood and Coastal Erosion Risk Management Strategies (produced by the Environment Agency of maritime Local Authorities) cover a shorter length of coast, and aim to identify appropriate schemes that implement the SMP policies. The economic and environmental assessments and research are to a greater level of detail to identify preferred approaches for implementing or reviewing the SMP policies.

Site-specific coastal protection and flood defence schemes are detailed programmes of work designed to reduce and manage the flood and coastal erosion risks to people and assets. Schemes must be technically and economically sound and sustainable, and environmentally acceptable and conform to government guidelines, licences and procedures.

Flood and coastal defence legislation in England and Wales is largely permissive i.e. there is no statutory duty to protect people or property. It does not award any right to protection from flooding or coastal erosion or any right to any particular standard of protection where defences are provided.

Maritime Local Authorities have certain permissive powers to undertake works to defend the coastline from erosion by the sea (coast protection).

The Environment Agency has permissive powers to undertake works to protect low-lying land from flooding (flood defence) and to manage flood risk.

2 North Solent Shoreline Management Plan

The North Solent SMP shoreline covers some 386km between Selsey Bill and Hurst Spit, and includes Chichester, Langstone and Portsmouth Harbours, Southampton Water and the tidal extent of the main rivers. Compared to other SMPs being developed around the UK, the North Solent SMP is unique in that:

- over 60% of the shoreline is privately owned and the majority of which has privately maintained defences
- 76% of the shoreline is defended with structures and/or beach management activities
- 80% of shoreline has a European or International nature conservation designation as Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and or Ramsar sites
- the majority of the existing defences have European and International nature conservation designated site(s) landward and seaward of the line of defence
- the majority of the North Solent is developed with residential, commercial, industrial and agricultural development

The North Solent SMP is being developed and formally adopted or approved by a partnership of local, regional and national authorities and agencies that have various responsibilities and powers for managing the coast, which comprise:

- New Forest District Council (Lead Authority)
- Test Valley Borough Council
- Southampton City Council;
- Eastleigh Borough Council
- Winchester City Council;
- Fareham Borough Council
- Gosport Borough Council;
- Portsmouth City Council
- Chichester District Council
- the Environment Agency
- Natural England
- Hampshire County Council
- West Sussex County Council
- New Forest National Park Authority
- Chichester Harbour Conservancy (Steering Group partner)

3 SMP Policies

When considering what is the most effective way of managing the coastline at an SMP scale there are four Defra-defined policy options that may be assigned:

Policy	Definition
Hold the Line	Maintain or upgrade level of protection provided by defences
Advance the Line	Construct defences seaward of existing defences / land reclamation
Managed Realignment	Managing or controlling the landward position of the shoreline to allow the coastline to find its natural alignment or to create important habitats
No Active Intervention	Not to invest in providing or maintaining defences

The North Solent shoreline has been sub-divided into 61 lengths of shoreline. Due to the coastal processes, the potential flood and/or erosion risks and the assets, development, land use and other key pertinent features, each length of shoreline is considered discrete from adjacent frontages. Each of these shoreline lengths is termed a Policy Unit. Each Policy Unit has three time periods (epochs) attached to it:

- short-term (0-20 years)
- medium-term (20-50 years)
- long-term (50-100 years)

A single SMP policy has then been determined and applied per epoch for each Policy Unit, in order to achieve a long-term vision for the North Solent coastline. Each Policy Unit is supported with a statement on the likelihood and source of Flood and Coastal Defence Grant In Aid funding (i.e. public funding), along with other necessary caveat or supporting statements to aid clarification.

Policies may change over time and over the period of the SMP, depending on the associated potential risks in the area, sea level rise, or it may be technically unfeasible, economically or environmentally unsustainable to continue to defend. For example:

Policy Unit	Policy Option per Epoch		
	0 – 20 years	20-50 years	50-100 years
5C15 Calshot Spit	Hold the Line	Hold the Line	No Active Intervention

Localised Management Approach

There are a number of locations within defined Policy Unit frontages that require a different but localised management approach. These relatively short lengths have been identified as localised policy options or caveats to the overarching policy, rather than as individual and separate Policy Units. For example:

- Within a Policy Unit that may have an overarching requirement for a Hold the Line policy, there may also be potential opportunities for localised managed realignment to increase flood storage capacity or habitat creation.
- A frontage may have policy drivers for proposing No Active Intervention, but there may be short lengths or specific infrastructure that would need to be protected or defended,

or property-level defences may be required in the future, as coastal processes or shoreline position evolves.

Managed Realignment sites

A Managed Realignment policy may be proposed for a number of reasons, such as flood storage capacity, improved coastal processes, economic viability (i.e. shorter lengths of secondary defences), or for environmental reasons to meet the legal obligation to maintain the extent of coastal wildlife habitat in the face of sea level rise, such as inter-tidal habitat creation for offsetting coastal squeeze.

Within the North Solent there are a number of sites where managed realignment could be considered but the resulting development of intertidal saltmarsh and mudflats would result in the loss of coastal grazing marsh.

Managed Realignment at these sites can only be progressed once the legally required compensatory habitats have been created. Therefore, existing defences need to be maintained until compensation habitat has been created elsewhere. Recent environmental advice indicates that coastal grazing marsh habitats take in the order of 50 years to be recreated depending on the site-specific features and their function (e.g. roost and feeding sites) that would be affected by a realignment of the defences. Further more-detailed studies will be required to confirm the future management of these sites due to the uncertainty of realignment or timing of realignment.

Funding for coastal defence works

It should be noted that, although the economic viability of the proposed policies has been assessed in this SMP, a proposed policy of Hold the Line or Managed Realignment does not guarantee public funding for defence maintenance and / or capital works. Nor does an SMP aim to provide sufficient detail with regard to the implementation of the defence or management works.

4 Third Party Defences

4.1 Private landowner's right to maintain their defences

Third party funded maintenance of defences has been a very important factor that has been taken into account in determining SMP policies. Land ownership for private, Local Authority, County Councils etc. was also considered an important factor in determining the final SMP policies. However the SMP policies proposed for public consultation are those that would result in sustainable and improved management of the shoreline, when considered at the broad system scale, and need to assess the flood risk implications to wider areas and communities if defences failed or were not maintained. **Responses from land owners during public consultation will be taken into account in determining the final SMP policy.**

The North Solent SMP recognises that there are private individuals and organisations that have rights or powers to protect their own property and to continue to maintain existing defences on a **like-for-like** basis without the need for planning permission, provided it does not constitute 'development' of any kind. The rights of private owners apply and remain regardless of the SMP policies proposed at public consultation and in the Final SMP. Private landowners are encouraged to check with the local planning authority whether any proposed sea defence works constitute 'development' or 'engineering works' in advance of any works commencing. Other consents may be also required, as is currently the case.

If private land owners propose to make **improvements** to their existing defences, such improvements would be considered engineering works and require planning permission and other consents, as is currently the case.

If the proposed coastal defence works are within an European nature conservation designated site (e.g. SPA, SAC or Ramsar), an Appropriate Assessment on the impact of the works on the designated site will be required in order to comply with the Habitats and Birds Directive. Land owners may be able to avoid any adverse effect through the design of their proposed works, either by avoiding an increased footprint into the intertidal area or by a modest realignment of their defences within their own landholding, away from the intertidal area. Each proposal would be assessed and considered on a case-by-case basis.

4.2 The Regional Habitat Creation Programme and privately maintained defences

The Solent is an environmentally important region with a wide variety of vulnerable habitat types and species. Approximately 80% of the shoreline is covered by one, or more International and European level nature conservation designations. This results in a complex and unique combination of factors that need to be considered and taken into account when determining sustainable policies on a dynamic shoreline. Managed Realignment may be proposed for some shorelines to meet the legal obligation to maintain the extent of coastal wildlife habitat in the face of sea level rise. Sites important for wildlife habitat often also have important amenity and landscape value too.

The Regional Habitat Creation Programme, which is co-ordinated by the Environment Agency, aims to provide strategic delivery of compensatory and replacement habitats as identified through Appropriate Assessments undertaken for all Flood & Coastal Erosion Risk Management plans, including SMPs and projects that will/may potentially affect European designated nature conservation sites. The Habitat Creation Programme will also deliver the necessary compensatory habitats required to offset the losses due to coastal squeeze caused by the continued maintenance of existing third party defences as identified in the Appropriate Assessment for the SMP.

Third parties will not be required to provide compensation habitat for 'maintenance or like-for-like' coastal squeeze losses already being delivered by the Habitat Creation Programme, and these are unlikely to increase if only the height of the defence is increased. Third parties will be responsible for providing suitable habitat compensation for any increased coastal squeeze losses due to lateral extension of defences and any direct impacts of their proposed works (e.g. increased footprint of the structure) on a designated site.

4.3 Public funding for maintaining private defences to protect transitional habitats (such as coastal grazing marsh)

Where a private defence protects a European-designated habitat (such as coastal grazing marsh) and that defence deteriorates to the extent of damaging the habitat behind, then a competent authority under the Habitat and Birds Regulations and Directive, would have a duty to take action to prevent further deterioration of the site.

A competent authority could be the Environment Agency, the Local Authority or Natural England. The action could include exercising permissive powers to maintain or improve the defence which is protecting the habitat. Works in these circumstances would normally be eligible for public flood and coastal erosion risk management (FCERM) funding as a legal obligation rather than be required to satisfy benefit/cost criteria, but the works must still be cost effective.

All works are subject to adequate funding availability. Where European-designated habitat exists both in front and behind defences, and one or other is likely to be damaged, Natural England's advice would be sought in determining the most appropriate course of action.

We would wish to avoid investing public funds in maintaining defences and habitats in unsustainable locations. The Habitat Creation Programme will therefore use the outputs of the SMP to identify where transitional habitats (such as coastal grazing marsh) are at risk and seek to establish replacement habitats in more sustainable locations. This will allow a transition to a more sustainable coastline whilst meeting the obligations set out in the Habitats and Birds Directive.

4.4 What options are available to the landowner if they wish to consider a proposed policy of Managed Realignment for habitat creation or enhancement on their land?

Higher Level Stewardship

Incentive schemes exist to support landowners who may wish to create new coastal habitat on their land through Managed Realignment, such as Higher Level Stewardship (HLS).

Natural England states: 'Coastal squeeze is the prevention of the migration of intertidal habitats inland by the presence of hard defences in response to sea level rise. Sea level rise and the consequential risk of a net loss of internationally and nationally designated site intertidal habitats and the species which they support is a key issue. Coastal squeeze may arise from maintenance, improvement or retention to existing sea defences to protect existing development as well as possible additional requirements arising from new developments.

Options exist within the Higher Level Stewardship (HLS) scheme to create new inter-tidal and saline habitat through the breach of coastal defences such as sea walls.

In an HLS scheme, the landowner receives payment from the government in return for committing to create, improve or maintain valuable habitats. Various options and payments

are available following site visits and discussions, depending on the importance of the habitat, and the habitat type. In the case of breaching a sea wall, significant payments of up to £500 ha / yr (HP8) may be available where detailed site specific management plans are drawn up and implemented.

Acceptance of an HLS application is dependent on various factors, including whether a SSSI is present on the land, if the land is within an area being targeted for HLS, and if the application scores highly on other criteria'.

Please contact the Natural England Coastal Team for further information. Contact details:

- Claire Lambert, Coastal Advisor: Claire.Lambert@naturalengland.org.uk

For further details with regard to HLS please contact or visit the Natural England website <http://www.naturalengland.org.uk>

Regional Habitat Creation Programme

The Regional Habitat Creation Programme will be looking for opportunities to create habitat within the Solent through Managed Realignment. This offers interested landowners the potential for joint schemes with the Environment Agency, where the Environment Agency fund the engineering works necessary to create the habitat, which may include an improved flood defence, and the landowner becomes eligible for Higher Level Stewardship payments through Natural England. The landowner would need to enter into a legal agreement to ensure that the land is not reclaimed at a later date so that the habitat is secured in perpetuity.

Alternatively, the Environment Agency may be prepared to buy the affected land outright. Prices would normally be based on the market value for the particular type of land.

As the Regional Habitat Creation Programme aims to ensure that the habitat needs in the Solent are balanced over the 100 years of the SMP, the Programme team would be interested in discussing potential opportunities with landowners, even if they are only likely to be implemented in the medium or long term.

Please contact the Regional Habitat Creation Programme for further information. Contact details:

- Ruth Jolley, Regional Habitat Creation Programme Manager: ruth.jolley@environment-agency.gov.uk or
- Rebecca Reynolds, Technical Specialist, Regional Habitat Creation Programme: rebecca.reynolds@environment-agency.gov.uk

4.5 What options are available to the landowner if they do not wish to consider a proposed policy of Managed Realignment for habitat creation or environmental enhancement on their land?

Where the objective-led approach indicates potential Managed Realignment or environmental enhancement behind privately managed defences, the owner's willingness or otherwise to consider the proposed policy will need to be recorded through the public consultation and landowner's wishes will be reflected in the final policy in the final SMP.

Where the private landowner does not wish to consider a Managed Realignment or environmental enhancement and indicates their intention to continue to maintain their defences, the SMP policy will revert to Hold the Line (HTL), with a clear statement that no public funding would be available for maintenance costs, as is currently the case.

If the private landowner does not respond during the public consultation the proposed policy would remain.

However a policy of Managed Realignment on a private frontage will only be achievable and implemented with land owner's consent. **No managed realignment, or environmental enhancement opportunities will be imposed or implemented in these circumstances without the landowner's full consent.**

4.6 What options are available to the landowner if they wish to continue to maintain their defences but are within a proposed No Active Intervention policy frontage?

Due to the significantly high proportion of privately owned shorelines and maintained defences, there was considerable concern from private landowners, planners and stakeholders with regard to the perception and implications of the proposed policies. For example, would an No Active Intervention (NAI) policy applied to private frontages result in future planning applications for either improvement to existing defences, or for additional defences or development, being automatically rejected based solely on the SMP policy.

Private owner's right to maintain their existing defences continues despite a No Active Intervention (NAI) policy being proposed. The SMP is one material consideration that planners refer to when forming planning decisions. Therefore future planning applications will be considered on a site by site basis, and not determined solely on the SMP coastal defence policy.

Where the objective-led approach proposes a NAI policy that applies to a frontage that may contain privately owned and maintained defences, and the owner intends to maintain those defences, the owner's willingness or otherwise to consider the proposed policy will need to be recorded through the public consultation. The SMP will consider all responses through public consultation.

5 Public Consultation

The North Solent SMP is required to follow due process and the operating authorities and agencies have agreed the proposed objective-led policies on which to consult publicly based on technical, economic and social economic factors. It is intended that these policies will be the most sustainable and thus would avoid tying future generations into inflexible or expensive options for defence.

However, within the North Solent, landownership and private maintenance of defences are key considerations. It is therefore likely that some of the proposed policies will be revised following responses received during public consultation. Therefore, the preferred policies in the Final SMP policies may differ from the proposed policies at public consultation on some privately defended frontages.

In order to provide a clear and auditable decision making process the SMP needs to clearly record the decision making process that supported the proposed objective-led policies, the responses received through the public consultation process, and the factors that influenced decisions when considering or revising the final policies following public consultation.