

## Habitats Directive – Appendix 20

Information to the Secretary of State/National Assembly for Wales according to Regulations 62(5) and 64(2) of the Habitats Regulations

### A: Administration details

Date: September 2010

Plan/Project Reference: North Solent SMP- 1839 (CPW Number)

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### B: Site details

Name of European sites adversely affected:

- Solent and Southampton Water Special Protection Area
- Solent and Southampton Water Ramsar site
- Portsmouth Harbour Special Protection Area
- Portsmouth Harbour Ramsar site
- Chichester and Langstone Harbours Special Protection Area
- Chichester and Langstone Harbours Ramsar site
- Solent Maritime SAC

## C: Summary of the plan or project having an effect on the sites

The Shoreline Management Plan (SMP) for the North Solent coastline stretches from Selsey Bill, in the east, to Hurst Spit, in the west, and includes Portsmouth, Langstone and Chichester Harbours, Southampton Water and the tidal extent of the main rivers, as shown in Annex 1. This plan provides the first revision to the combined Western Solent and Southampton Water SMP, adopted in 1998 and the East Solent and the Harbours SMP, adopted in 1997.

An SMP provides a large-scale assessment of the risks associated with shoreline evolution, coastal flooding and erosion and presents a policy framework to address these risks to people and the developed, historic and natural environment in a sustainable manner. In doing so, an SMP is a non-statutory, high-level strategic policy document that forms an important part of the Department for Environment, Food and Rural Affairs (Defra) strategy for flood and coastal erosion risk management. The plan considers objectives, policy setting and management requirements for 3 main epochs: from present day (taken nationally as being 2005) 0 – 20 years (short term) (Epoch 1); 20 – 50 years (medium-term) (Epoch 2); and 50 – 100 years (long-term) (Epoch 3).

The North Solent SMP has been produced by New Forest District Council, on behalf of and in partnership with the coastal local authorities and the Environment Agency, with the support of other local and regional organisations and key stakeholder groups, according to latest government guidance (Defra, 2006). The shoreline management policies considered are those defined by Defra: Hold the [defence] Line, Advance the line, Managed Realignment and No Active Intervention. The policies are further developed and appraised prior to implementation of any new flood defence and coastal erosion works through undertaking Flood and Coastal Erosion Risk Management strategies, informed by detailed technical, socio-economic and environmental studies.

Maps showing the final policies per epoch for this SMP are located in Annex 2.

Based on the precautionary principle of the Habitats Regulations, it has been concluded that the North Solent SMP alone **will have an adverse effect** on the site integrity of the European sites listed in Box B. However, it is important to note that this SMP has designated habitats both landward and seaward of coastal defences. This SMP therefore cannot avoid having an adverse effect on seaward habitats if defences are held or an adverse effect on landward habitats if defences are re-aligned.

The Environment Agency are aiming to approve this SMP before the end of 2010.

## D: Summary of the assessment of the negative effects on the sites

The North Solent SMP will have an adverse effect on the designated sites listed in Box B. Table 1 below lists those habitats which will be adversely effected in each designated site. Further detail taken from the Appropriate Assessment (Appendix J to SMP) is summarized below under each designated site heading. No priority habitats require compensation as a result of SMP policies.

SMP habitat grouping	Solent & Southampton Water SPA/Ramsar	Portsmouth SPA/Ramsar	Chichester & Langstone SPA/Ramsar	Solent Maritime SAC	Solent & IOW Lagoons SAC
Mudflat	No	Yes	Yes	No	
Saltmarsh	Yes	Yes	Yes	Yes	
Saline lagoons	No	No	No	No	No
Freshwater habitats	Yes	No	No		
Coastal grazing marsh	Yes	No	Yes		
Vegetated shingle	No	No	No	No	
Unvegetated shingle	No	No	No		
Sand dunes			No	No	
Landward feeding/high tide roost sites	Yes	No	Yes		
Seaward feeding/high tide roost sites	Yes	Yes	Yes		
Estuaries (function)*					
• Beaulieu River	No			No	
• Hamble River	No			No	
• Portsmouth		Yes			
• Langstone			Yes	Yes	
• Chichester			Yes	Yes	
• For Ramsar and SAC designations					

**Table 1:** Adverse effect for each SMP habitat groupings per designated site

### Solent and Southampton Water Special Protection Area and Ramsar site

- HTL policies will cause adverse affect to intertidal habitats through coastal squeeze resulting in a net loss of 187 ha of saltmarsh over 100 years.
- MR policy for 5C01 (Hook Lake) will result in the loss of 4 ha of reedbeds and 39 ha of coastal grazing marsh.
- HTL, NAI and MR policies will result in the adverse impact on wader and wildfowl feeding and high tide roost sites.

### **Portsmouth Harbour Special Protection Area and Ramsar site**

- HTL policies will cause adverse affect to intertidal habitats through coastal squeeze resulting in a net loss of 160 ha of mudflat and 34 ha of saltmarsh over 100 years.
- HTL policies will result in the adverse impact on seaward wader and wildfowl feeding and high tide roost sites.
- HTL policies will have an adverse impact on the Ramsar estuary feature restricting natural evolution of the estuary function and ability to adapt to sea level rise.

### **Chichester and Langstone Harbours Special Protection Area and Ramsar site**

- HTL policies will cause adverse affect to intertidal habitats through coastal squeeze resulting in a net loss of 14 ha of mudflat and 199 ha of saltmarsh over 100 years.
- MR policy at 5A05 (Horse Pond) will result in the loss of 6 ha of coastal grazing marsh.
- HTL and MR policies will result in the adverse impact on wader and wildfowl feeding and high tide roost sites.
- HTL policies will have an adverse impact on the Ramsar estuary feature with respect to Chichester and Langstone harbours. The harbours will continue to be constrained around the majority of their perimeter by hard defences, thereby restricting natural evolution of the estuary function.

### **Solent Maritime SAC**

- HTL policies will cause adverse affect to intertidal habitats through coastal squeeze resulting in a net loss of 419 ha of saltmarsh over 100 years.
- HTL policies will have an adverse impact on the Ramsar estuary feature with respect to Chichester and Langstone harbours. The harbours will continue to be constrained around the majority of their perimeter by hard defences, thereby restricting natural evolution of the estuary function.

Full details are presented in the Appropriate Assessment (Appendix J of the SMP).

## E: Modifications or restrictions considered

Possible modifications or restrictions were assessed to mitigate the potential adverse effect of this SMP on the site integrity of designated sites. The following mitigation measures have been considered:

- To mitigate for losses of intertidal habitats due to coastal squeeze from HTL policies, MR policies and localised MR within HTL policies have been recommended for a suite of policy units to create new intertidal habitats behind coastal defences, within designated sites. However, mitigation to reduce the adverse impact on the intertidal features of the designated site may have additional adverse impacts on the designated habitats landward of coastal defences including coastal grazing marsh, saline lagoons, reedbeds and other freshwater habitats.
- Loss of habitat function, as a consequence of the recommended SMP policies, used by Annex 1 bird species, migratory bird species and waterfowl assemblages as feeding and high tide roost sites, can potentially be mitigated through habitat management; for example, creating new shingle islands within estuaries. In addition, artificial roost and breeding sites can be substituted by use of pontoons. These recommended mitigation measures are included in the SMP Action Plan.
- Some losses of vegetated and unvegetated shingle as a result of HTL and MR policies recommended by this SMP will be mitigated by new shingle entering the sediment transport system through NAI policies, as a result of increased cliff and shoreline erosion or beach replenishment.
- The loss of a designated saline lagoon at 5C01 (Hook Lake), as a result of a MR policy (agreed with Natural England, see letter in Annex 4), can be mitigated through the creation of a new saline lagoon within the Solent and Southampton Water SPA and Ramsar site. The SMP Action Plan has identified the requirement of a further study to provide details regarding the location of the new saline lagoon.

## F: Alternative Solutions considered

During the consideration and assessment of potential coastal defence policies, this SMP assessed alternative solutions by incorporating environmental factors into the policy appraisal process; therefore, the draft and final policies have been fully assessed against other potential policy options (See main SMP, Appendix F, G and H).

It is important to note that this SMP has habitats seaward of coastal defences, designated as SAC, SPA and Ramsar, whilst adjacent landward habitats, which have suitable topography for compensatory habitat creation, are designated SPA and Ramsar. This results in a challenge when adapting to climate change and rolling back habitats as there will be an adverse effect on seaward habitats if defences are held or an adverse effect on landward habitats if defences are re-aligned. The choice over what policy to assign in this situation was fully considered in the SMP policy appraisal process and the most sustainable draft policies were proposed at public consultation.

This was also the case on privately owned land, where the SMP went to public consultation recommending MR or environmental enhancement behind privately managed defences if that was considered the most sustainable approach. Throughout the development of the SMP and during public consultation, discussions with the landowners sought their intentions regarding the future management of their defences. Where the landowners objected to a MR policy and they stated that their intention is to continue to maintain their defences, the final SMP policy reverted to a HTL policy, with a clear statement that no public funding would be available for maintenance costs, as is currently the case.

The lead competent authority has been in discussion with Natural England and the Environment Agency regarding the draft and final policies and alternatives throughout the SMP process. Natural England have provided a letter of support for the final policies, highlighting the difficulty in deriving the most sustainable policy for sites across the north Solent where there is such a complex plethora of features and issues. A letter received from Natural England outlining the least damaging alternatives is presented in Annex 4 to this document.

## G: Imperative reasons of Overriding Public Interest

Coastal flooding and erosion in this SMP area poses risks to approximately 51,000 residential and commercial properties, two major ports, industrial assets, key infrastructure such as roads and railway lines, areas of high environmental, heritage and amenity importance and agricultural land. With sea level rise and increased storminess, the assessments indicate that without maintaining current defences and beach management, there would be an increased risk of tidal flooding and shoreline erosion resulting in increased risk to life and properties, as well as a loss of intertidal habitat due to sea level rise effects.

This SMP sets policies that coordinate the management of these tidal flood and erosion risks to ensure that the social, environmental and economic impacts of coastal flooding and erosion are sustainably managed over the long term. Without the plan, coastal engineering in the region may be uncoordinated, unsustainable, ineffective and miss opportunities to manage the coastal environment in the most balanced and positive way.

In partnership with Natural England and following public consultation, the least damaging options have been identified to manage this coastline and its designated habitats over the next 100 years.

For these reasons the lead authority considers that the SMP is necessary and has the following 'Imperative Reasons of Overriding Public Importance:'

- A need to address a serious risk to human health and public safety (un-coordinated and un-controlled flood and erosion risks to large residential populations and major infrastructure);
- Where failure to proceed would have unacceptable social and/or economic consequences (e.g. loss of economic infrastructure, commercial property, community and amenity areas) through coastal flood and erosion damage;
- Whilst this is a damaging plan, it is the least damaging option for designated sites landward of coastal defences (see Box F). The plan will always result in adverse effect given that a large percentage of the coastline is designated on the seaward and landward side of existing defence structures.
- In addition, 60% of the shoreline is privately owned. Private landowners have certain permissive development rights to protect their property and to continue to maintain existing coastal and flood defences. These rights apply and remain irrespective of the SMP policies. The landowner's future defence management intentions have been taken into consideration during public consultation.
- There were 17 potential managed re-alignment sites that were proposed for public consultation. Of these 14 received objections. 7 of these sites were objected to by private landowners and where there were no other overriding policy drivers the policies reverted to HTL with a clear statement that no public funding would be available for the maintenance of these defences, as is

currently the case, to reflect landowner's intentions to continue to maintain their flood defences.

- Moreover, following public consultation and discussions with Natural England, the Environment Agency and landowners, a further 7 of the proposed managed re-alignment sites were also objected to due to the complexities of the issues at these sites. The management of these sites however will be determined through further detailed studies that consider MR or Regulated Tidal Exchange. Therefore the policies have reverted from MR to HTL for these sites until detailed studies have been concluded.
- As a consequence of the 14 proposed managed realignment sites reverting to HTL for all 3 epochs following public consultation, there is no longer an adverse effect to the landward SPA and Ramsar sites although impacts upon the seaward SAC/SPA/Ramsar are therefore unavoidable.

#### Consequences of taking no action

It is evident that the consequences of failing to take appropriate action would be economically, socially and environmentally unacceptable. Indeed, the Environment Agency believes that not to adopt a Plan seeking to achieve the stated purposes, with least harm to integrity of the SAC and SPA, would be a failure of its statutory duties.

## H: Compensatory measures

The conclusion of adverse effect in the assessment of the North Solent SMP is precautionary. Information and data used for the assessment are based on the current best available information using lidar and tidal elevation interpretation (LTEI) from the Solent Dynamic Coast Project (SDCP) 2008 and work carried out by Hampshire Wildlife Trust, and Cox Associates (2009) on wader and waterfowl high tide roost and feeding sites. Consequently, the compensation requirements specified below will be subject to review following ongoing and detailed work by Flood and Coastal Erosion Risk Management Strategies and other studies and subsequent reviews of the SMP.

The habitat compensation requirements for the North Solent SMP are detailed in Table 2 below. Due to the overlapping area designated as both SPA/Ramsar and SAC within the North Solent SMP area, compensation requirements for saltmarsh habitat includes all designations (SPA/Ramsar/SAC) and also additional SAC compensation.

Required compensation habitats	Area (ha)			Total (ha)
	0-20 years	20-50 years	50-100 years	
Saltmarsh (SPA/Ramsar/SAC)	124	148	148	421
Saltmarsh (additional SAC)	0	0	14	14
Mudflat (SPA/Ramsar)	12	43	118	173
Freshwater habitats	0	4	0	4
Coastal grazing marsh	0	39	6	45
Additional compensation				
Wader roost and wildfowl feeding sites	Sites supporting Annex 1 bird species, migratory bird species and waterfowl assemblages for Solent and Southampton Water SPA/Ramsar, Portsmouth SPA/Ramsar and Chichester and Langstone SPA/Ramsar.			
Estuaries	Estuary function provided by Portsmouth, Langstone and Chichester estuaries designated as part of Portsmouth Harbour Ramsar, Chichester and Langstone Harbours Ramsar and Solent Maritime SAC are maintained			

**Table 2:** Compensation requirements for the North Solent SMP

The habitat compensation requirements detailed in Table 2 will be secured through the Regional Habitat Creation Programme (RHCP). Habitat Creation programmes are Government's (Defra) recommended vehicle for delivering strategic habitat compensation in advance of engineering works that cause damage. The RHCP is a dedicated, resourced plan for achieving a constant process of delivering compensatory habitat. Natural England has agreed nationally that RHCP schemes are an appropriate mechanism for delivering compensation habitat (see NE support letter for habitat compensation and RHCP presented Annex 4).

Following extensive discussions with NE and EA policy teams, it has also been confirmed that the RHCP 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, or works to existing defences that do not result in additional habitat loss, as identified in the Appropriate Assessment for the SMP, Scheme or planning application. Third parties will, however, be responsible for providing suitable habitat compensation for any increased habitat 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.

In order to comply with the condition of implementation, damaging activities cannot progress until compensatory measures have been provided and be fully functioning by the end of the epoch to which they relate.

Within the North Solent SMP there are 3 managed realignment sites which offer opportunities for intertidal compensation as listed in Table 3 below.

Epoch	Site Name	Habitat (ha)	
		Saltmarsh	Mudflat
1	Chidham	37	0
	East Chidham	3	1
	Medmerry	122	99
	<b>Total</b>	<b>163</b>	<b>100</b>

**Table 3:** Intertidal compensation sites within North Solent SMP

As part of the Southern RHCP, the Environment Agency has already started the process of delivering compensation at Medmerry, the largest compensation site within the North Solent SMP. Medmerry will provide the majority of saltmarsh compensation required to offset losses in epoch 1 of the SMP (124ha) and mudflat losses for epochs 1 and 2 (55 ha). This provides a high degree of confidence that compensation requirements for the first epochs of the SMP will be delivered through the RHCP. In addition to Medmerry, managed realignments in epoch 1 at East Chidham and Chidham (see Table 3) will provide further saltmarsh compensation habitat to offset some of the losses in epoch 2 and 3 of the SMP.

In addition to compensation for intertidal habitats, Natural England is satisfied that through the habitat creation at Medmerry a new and sustainable estuary function will be created in the region. The SMP will have an adverse impact on Portsmouth, Langstone and Chichester estuaries as features of Solent Maritime SAC, Portsmouth Ramsar and Chichester and Langstone Ramsar sites. As each estuary is different with its own ecological and physiological characteristics it would be unrealistic to attempt to replicate each estuary on a like for like basis to compensate for loss of estuary function. The new estuary at Medmerry will provide its own new ecological and physiological characteristics to support Ramsar and SPA bird interests and contribute to ensuring a sustainably functioning coast.

#### Cumulative assessment with Isle of Wight SMP

The North Solent SMP and the Isle of Wight SMP both have the potential to effect the Solent Maritime SAC, and Solent and Southampton SPA and Ramsar sites. Therefore, the Appropriate Assessments of these plans, included a cumulative assessment of risks to these sites. This assessment concludes that the cumulative

losses and gains from the two SMPs still results in an adverse impact on the 3 designated sites. In particular, there is an increased requirement for coastal grazing marsh and freshwater compensation habitats for Solent and Southampton Water SPA and Ramsar site. The amount of saltmarsh compensation required for Solent and Southampton Water SPA and Ramsar sites is slightly reduced as a result of a small gain (9 ha) in saltmarsh from the IOW SMP. However, the amount of mudflat compensation required for Solent Maritime SAC will be very slightly increased (2 ha) by loss from the IOW SMP. Full details of the assessment are presented in the Appropriate Assessment (Appendix J of the SMP).

## I: Supporting Documentation

List of attached technical supporting documents:

Annex 1 - Map of SMP area and tidal extent

Annex 2 - Maps of final SMP plan per epoch

Annex 3 - North Solent SMP Appendix J – Appropriate Assessment

Annex 4 - Natural England letters

Annex 5 - Maps showing mitigation and compensation sites within the North Solent SMP