Statement on the Role of the Southern Regional Habitat Creation Programme in the compliance of the North Solent SMP with the Habitats Regulations

Environment Agency

For information

Part A

Regional Habitat Creation Programme manager to complete this section

Name of the SMP	North Solent SMP
Sites of international importance within the SMP	• Solent and Southampton Water Special Protection Area • Portsmouth Harbour Special Protection Area • Chichester and Langstone Harbours Special Protection Area • New Forest Special Protection Area • Pagham Harbour Special Protection Area • Solent and Southampton Water Ramsar site • Portsmouth Harbour Ramsar site • Chichester and Langstone Harbours Ramsar site • New Forest Ramsar site • Pagham Harbour Ramsar site • Solent and Isle of Wight Lagoons Special Area of Conservation • Solent Maritime Special Area of Conservation • New Forest Special Area of Conservation • River Itchen Special Area of Conservation
Conclusion of the Habitats Regulation Assessment	The assessment concluded that there may be adverse effects on the following designated sites:- • Solent and Southampton Water Special Protection Area • Portsmouth Harbour Special Protection Area • Chichester and Langstone Harbours Special Protection Area • Solent and Southampton Water Ramsar site • Portsmouth Harbour Ramsar site • Chichester and Langstone Harbours Ramsar site • Solent Maritime Special Area of Conservation
How the compensatory habitat will be delivered (as described by the Statement of Case)	The habitat requirements arising from the North Solent SMP will be delivered by the Environment Agency's Southern Regional Habitat Creation Programme (SRHCP)
RHCP programme manager	Ruth Jolley

Part B
The Role of the RHCP in delivering the compensatory habitat

What is an RHCP	A Regional Habitat Creation Programme (RHCP) provides a strategic approach to identifying and addressing potential losses of internationally protected habitats, thus helping to ensure that our flood risk management activities are compliant with the Habitats and Birds Directives. A Regional Habitat Creation Programme has three distinct phases or elements: **PHASE A** - **Habitat Account Assessment** - involves the identification of future losses to European Sites due to flood risk management activities and where habitat has to be created to compensate for those losses. It also involves the identification of losses of BAP habitat as well as gains that offset these losses and contribute to the target of creating 200ha of new BAP habitat a year. **PHASE B** - **Finding and Securing Habitat Site** - involves the identification and investigation of suitable sites on which compensatory habitat can be created. It also involves identifying schemes where there may be opportunities for BAP habitat creation. **PHASE C - Creating the Habitat** - involves gaining control over those sites and the creation and long-term management of appropriate habitat. The programme has a cyclical nature. In each phase a series of actions need to be completed, and each phase needs to be revisited at regular intervals.
How the RHCP works	The SRHCP monitors habitat creation needs arising from Flood & Coastal Erosion Risk Management plans and projects, and coordinates searches for suitable land for habitat creation. Depending on the circumstances, land is either purchased or an agreement is drawn up with the land-owner to ensure habitats are created and secured until the point of designation. The SRHCP then commissions a design and obtains planning permission for the habitat creation work. The programme normally partners with a nature conservation NGO to deliver and manage the required habitats.

Part C
Review of the habitat losses predicted in the SMP and the compensation requirements arising

SPA	• Solent and Southampton Water Special Protection Area and Ramsar site				
Predicted Losses	*Location*	*Habitat type*	*Area of habitats likely to be lost during Epoch 1 (first 20 years) in hectares*	*Area of habitats likely to be lost during Epoch 2 (50 years time) in hectares*	*Additional area of habitats lost by the end of Epoch 3 (100 years time) in hectares*
	Throughout SPA	Mudflat	0	0	0
		Saltmarsh	34	63	91
		Saline lagoons	0	0	0
	Hook Lake	Freshwater habitats	0	4	0
		Coastal grazing marsh	0	39	0
	Throughout SPA	Vegetated and unvegetated shingle	0	0	0
	River Beaulieu	Estuary function (for Ramsar only)	No adverse effect		
	River Hamble	Estuary function (for Ramsar only)	No adverse effect		
	ROOST AND FEEDING SITES – OVERLAP WITH HABITATS ABOVE				
	Hook Lake	Coastal grazing marsh, reedbeds and saline lagoons	Adverse effect to wader and wildfowl feeding and roost site		

	Hythe and Fawley	Saltmarsh, unvegetated shingle (cheniers)	Adverse effect to wader and wildfowl feeding and roost site		
	Stansore Point	Saltmarsh and saline lagoons	Adverse effect to wader feeding and roost site		
	Lymington and Hurst Spit	Saltmarsh, unvegetated shingle (cheniers)	Adverse effect to wader and wildfowl feeding and roost site		
SPA	• Portsmouth Harbour Special Protection Area and Ramsar site				
Predicted Losses	*Location*	*Habitat type*	*Area of habitats likely to be lost during Epoch 1 (first 20 years) in hectares*	*Area of habitats likely to be lost during Epoch 2 (50 years time) in hectares*	*Additional area of habitats lost by the end of Epoch 3 (100 years time) in hectares*
	Throughout SPA	Mudflat	12	43	105
		Saltmarsh	16	11	7
		Saline lagoons	0	0	0
		Freshwater habitats	0	0	0
		Coastal grazing marsh	0	0	0
		Vegetated and unvegetated shingle	0	0	0
		Estuary function (for Ramsar only)	Adverse effect		
	ROOST AND FEEDING SITES – OVERLAP WITH HABITATS ABOVE				
	Throughout SPA	Saltmarsh	Adverse effect to 6 seaward wildfowl feeding and roost site		
SPA	• Chichester and Langstone Harbours Special Protection Area and Ramsar site				
Predicted Losses	*Location*	*Habitat type*	*Area of habitats likely to be lost during Epoch 1 (first 20 years) in hectares*	*Area of habitats likely to be lost during Epoch 2 (50 years time) in hectares*	*Additional area of habitats lost by the end of Epoch 3 (100 years time) in hectares*
	Throughout SPA	Mudflat	0	0	14
		Saltmarsh	74	74	50
		Saline lagoons	0	0	0
		Freshwater habitats	0	0	0
	Horse Pond	Coastal grazing marsh	0	0	6
	Throughout SPA	Vegetated and unvegetated shingle	0	0	0
		Sand dunes	0	0	0
	Chichester Harbour	Estuary function (for Ramsar only)	Adverse effect		
	Langstone Harbour	Estuary function (for Ramsar only)	Adverse effect		
	ROOST AND FEEDING SITES – OVERLAP WITH HABITATS ABOVE				
	Stanbury Point to Marker Point	Saltmarsh	Adverse effect to wader and wildfowl feeding and roost site		
	Langstone Bridge to Northney Farm	Saltmarsh	Adverse effect to wader and wildfowl feeding and roost site		
	Fishbourne to west of Cobnor Point	Coastal grazing marsh and wet grassland	Adverse effect to wader and wildfowl feeding and roost site		

	Chidham within west of Cobnor Point to Chidham Point	Arable	Adverse effect to wildfowl feeding site		
	Farlington Marshes	Saltmarsh	Adverse effect to wader and wildfowl feeding and roost site		
	Northney Farm to Mengham	Saltmarsh	Adverse effect to wader feeding and roost site		
SPA/SAC	• Solent Maritime SAC				
Predicted Losses	*Location*	*Habitat type*	*Area of habitats likely to be lost during Epoch 1 (first 20 years) in hectares*	*Area of habitats likely to be lost during Epoch 2 (50 years time) in hectares*	*Additional area of habitats lost by the end of Epoch 3 (100 years time) in hectares*
	Throughout SAC	Mudflat	0	0	0
		Saltmarsh	108	149	163
		Saline lagoons	0	0	0
		Freshwater habitat	0	0	0
		Vegetated shingle	0	0	0
		Sand dunes	0	0	0
	Chichester Harbour	Estuary function (for Ramsar only)	Adverse effect		
	Langstone Harbour	Estuary function (for Ramsar only)	Adverse effect		
	River Beaulieu	Estuary function (for Ramsar only)	No adverse effect		
	River Hamble	Estuary function (for Ramsar only)	No adverse effect		
Compensation ratios to be used	**(must be agreed with Natural England/CCW)** A ratio of 1:1 will be used				
Total Compensation habitat requirement arising from the SMP	*Habitat Type*		*Epoch 1 (first 20 years)*		*Additional requirement by end of Epoch 3 (100 years time)*
	Mudflat (SPA/Ramsar)		12		161
	Saltmarsh (SPA/Ramsar)		124		297
	Saltmarsh (additional SAC)		0		14
	Coastal grazing marsh		0		45
	Freshwater habitats		0		4
	Portsmouth Harbour (estuary function for Ramsar only)				
	Chichester Harbour (estuary function for Ramsar only)				
	Langstone Harbour (estuary function for Ramsar only)				
	Landward feeding/high tide roost sites		2 sites		1 site
	Seaward feeding/high tide roost sites		13 sites		

Part D
Work undertaken to identify sites for compensatory losses

	Location	*Species the site is compensating for*	*Habitat Type*	*Area to be Created*	*Current Progress*
Sites being developed by the RHCP to provide compensatory habitat for the SMP	Medmerry	Saltmarsh, mudflat and lagoons for SAC function **Annex 1 species** (e.g. Common, Little, Sandwich and Roseate Terns, Mediterranean Gull); **Migratory species and waterfowl assemblages** (e.g. Black-tailed Godwit, Dark-bellied Brent Geese, Teal, Wigeon, Pintail, Shoveler, Curlew, Turnstone, Dunlin, Sanderling, Ringed Plover, Grey Plover, Redshank)	saltmarsh	158 ha	Land purchased through SRHCP, Planning permission approved. Construction planned 2011-12
			mudflat	25 ha (These totals have been provided from SRHCP following Medmerry scheme design)	
	Lower Test		grazing marsh	70 ha	Feasibility study starting 2011
	Totals		**start 2011**	**183 ha**	
			possible projects	**70 ha**	
Other points on progress	- The Solent Dynamic Coast Project was undertaken as a precursor to the SMP Appropriate Assessment, in order to quantify inter-tidal losses through coastal squeeze caused by maintenance of flood defences and identify potential for re-creation at a strategic level across the north Solent. The focus of the study was on mudflat and saltmarsh habitats as these form the largest expanse of coastal habitats across the north Solent that are immediately under threat from climate change and coastal management decisions. The consequent effect to coastal grazing marsh was also considered. GIS analysis and officer experience was used to identify all areas that were likely to be suitable for creating inter-tidal habitats within the Solent region. - Natural England advised the SMP team that whilst there is a strong presumption within the interpretation of the Habitat Regulations (now Habitat and Species Regulations 2010) to provide replacement habitat close to where it is to be lost, it is recognised that where a search confirms a lack of sites nearby, the search area can be widened. - Approximately 80% of the shoreline within the North Solent region has designated habitats both landward and seaward of coastal defences. This results in an adverse effect on seaward habitats if defences are held or an adverse effect on landward habitats if defences are re-aligned. - The North Solent region is unusual in that 60% of the coastal frontage is privately owned, the vast majority of which has privately maintained flood defences. Initially when the SRHCP was developed, it considered delivery of compensation habitat resulting in EA flood defence activities, but due to the extent of privately owned and maintained defences and following extensive discussions during development of the North Solent SMP with Officers, landowners and stakeholders, the SRHCP was expanded to include compensatory measures arising from maintenance of defences by Local Authorities and those caused by continued maintenance of privately owned defences. - A workshop was held attended by nature reserve wardens, site managers, bird watchers and counters, environmental groups, EA, NE, Wildlife Trust, RSPB, etc. to collate their observations and experience on the use of feeding and roosting sites by waders and wildfowl within the Solent region. Following concerns raised by NE and Wildlife Trust both designated and non-designated sites were included in the assessments as the non-designated sites play an important function in supporting the				

	designated species and sites. This identified an important Solent-wide network of sites. - In all a total of 19 sites were identified as potentially suitable for managed realignment and were proposed for public consultation. The SMP Client Steering Group, including representatives from the SRHCP and NE Agri-Environment / High Level Stewardship teams held meetings with landowners of potential habitat creation sites to discuss habitat creation options and land use/habitat management opportunities. The majority of landowners were not interested in selling or reaching agreement with SRHCP (irrespective of the financial incentives currently available) to allow habitat creation and informed the SMP team that they intended to continue to maintain their defences. 10 of the 19 potential managed realignment sites reverted to HTL (but with no public funding available for maintenance of privately owned defences) – these were Beaulieu River (West Solent), Marker Point, The Deeps, Nutbourne, Bosham, Fishbourne, Ella Nore, Verner Common and Tournerbury (Chichester Harbour); another 6 reverted to HTL* (*further studies required to consider managed realignment) – these were Farlington Marshes, Southmoor and Stoke Common (Langstone Harbour), Warblington, Conigar and Northney Farm (Chichester Harbour). Therefore, there is an increase in predicted impact of inter-tidal coastal squeeze but a decrease in potential loss to coastal grazing marsh, freshwater habitats and roost sites that are located behind the defences that will continue to be maintained by landowners. - All the sites for habitat creation that were proposed at public consultation have been identified and included in the final plan as possible sites in the future, to enable the SRHCP to continue dialogue with landowners if landowner's defence management circumstances change, habitat creation funding incentives or funding of flood defence works change, etc. - Medmerry had previously been identified as a habitat creation opportunity following the conclusion of the Pagham to East Head Coastal Defence Strategy. Within Chichester Harbour, at West Chidham and East Chidham private landowners are already undertaking measures for inter-tidal habitat creation either privately funded or through a third party, not with the EA or SRHCP. The landowner of the Horse Pond site within Chichester Harbour is willing to consider working with the SRHCP & NE for a localised managed realignment in the longer-term. - The conclusion of the review of opportunities in the North Solent region, through the AA, identified opportunities to create about 263 ha of new wetland habitats over the next 20 years (saltmarsh 163ha; mudflat 100ha); however, two sites are being developed privately and are not available to be progressed through the SRHCP. The SRHCP is likely to be able to create 158 ha of saltmarsh and 25 ha of mudflat at Medmerry (these totals have been provided from SRHCP following further Medmerry scheme design). The total requirement as identified in the AA is for 124 ha of saltmarsh and 12 ha of mudflat in Epoch 1. Discussions between SMP team and SRHCP have concluded that it is likely to be possible to create all the Epoch 1 compensation habitats within the North Solent SMP region. - The purchase of land at Medmerry by the EA has been successful and planning permission was recently approved by the local planning authority. The scheme is currently at the detailed design stage. The project is due to start in 2011 subject to obtaining approvals and consents.

Part E
The risks to the RHCP in delivering the requirements in the required timescale

Available powers and funds to secure the necessary compensation	FCRM GiA Agri-environment scheme				
Risks/mitigation of overall delivery	*Importance (state whether the risk is high medium or low importance)*	*Risk Description (Describe what the potential risk is and how it could impact delivery of the RHCP compensatory habitat)*	*Counter measure (Describe what action will be taken to stop this risk becoming an issue)*	*Owner (who is in charge of ensuring this risk does not become an issue)*	*Comments (Add any comments relating to the progress of mitigating this risk)*
	Medium	Incorrect amount of habitat identified	In view of the uncertainties about future climate change, maintenance of privately owned defences and processes affecting shoreline evolution, and also because Government policy changes over time, SMPs are reviewed approximately every 10 years. The North Solent SMP will be reviewed prior to the end of Epoch 1.	SMP / FCERMS / Scheme Project teams	
	High	Inadequate funding	Improve incentives to landowners for change in land use and land management for creating necessary habitat.	Natural England, EA, SRHCP, with support from SMP Client Steering Group Organisations	
	High	Lack of opportunities	Proactive identification of suitable sites and engagement with landowners.		
	High	Lack of public support	Continue to build and improve relationships with local communities and landowners.		

Site level risks and mitigation	*Site*	*Likelihood of site delivery within required timescale*	*Importance (state whether the risk is high medium or low importance)*	*Risk Description (Describe what the potential risk is and how it could impact deliver of the RHCP compensatory habitat)*	*Counter measure (Describe what action will be taken to stop this risk becoming an issue)*	*Owner (who is in charge of ensuring this risk does not become an issue)*
	Medmerry	High	Low	Failure to agree purchase and obtain planning permission	Majority of site already purchased and planning permission obtained from local planning authority in Nov 2010. Negotiations continue with other landowners. Remaining works could be done under Notice.	Ruth Jolley
			Medium	Failure to develop appropriate habitat and function	Site development will be monitored to ensure any necessary modifications are incorporated to create required habitat and function for target species	Ruth Jolley
	Lower Test	Medium	Low	Site not suitable for habitat creation	Feasibility study will confirm suitability for habitat creation. Other sites will be investigated if this site proves unsuitable.	Ruth Jolley
			High	Failure to agree land purchase	Landowner is willing in principle to sell but negotiations will only commence when funding to proceed likely to be available.	
			High	Failure to complete on-site works	Ensure Natural England and Planning Authority support before commencing works.	
			Medium	Failure to develop appropriate habitat and function	Site development will be monitored to ensure any necessary modifications are incorporated to create required habitat and function for target species	

Part F
Procedures in place to review the RHCP and monitor losses

In view of the uncertainties about future climate change, maintenance activities of privately owned flood defences and processes affecting shoreline evolution, and also because Government policy changes over time, SMPs are reviewed approximately every 10 years. Hence it is envisaged that the North Solent SMP will be reviewed prior to the end of Epoch 1.

Habitat compensation requirements will be reviewed to take account of the changes to the SMP in future. The longer term habitat requirements (i.e. beyond Epoch 1) are sufficiently uncertain at this stage that assessment of risks in achieving them has necessarily to be at a high level. More detailed assessment of risks will need to be undertaken through Flood and Coastal Erosion Risk Management Strategy studies and other site-specific studies

The RHCP is reviewed annually and reports on the progress of the RHCP in delivering the habitat creation requirements of the SMP. This annual report will confirm:

1. how much compensation habitat was required,
2. how much we expected to create in that year,
3. how much was actually created,
4. whether there is a short-fall/exceedance
5. how we plan to deal with any shortfall (if required).

Part G
Statement of agreed understanding/conclusions

- The North Solent SMP AA identified a need to compensate for the loss of 124 ha of saltmarsh and 12 ha of mudflat in the first 20 years. The SRHCP is on course to secure and deliver compensation habitat through the Medmerry site works for the creation of 158 ha of saltmarsh habitat and 25 ha of mudflat within the next 20 years (these totals have been provided from SRHCP following further Medmerry scheme design). Continued maintenance of defences will continue to cause coastal squeeze but no additional loss of habitat has occurred to date, and the SRHCP is therefore likely to deliver the compensation habitats in advance of their loss.
- We are currently working on a compensation ratio of 1:1. This will be kept under review, in consultation with Natural England. Subject to any future changes in the rate of loss of habitats, the ratio may need to be increased, and this will be identified through the annual review process.
- The SRHCP undertakes an annual review of habitat creation requirements. The outcome of SMP reviews will be taken into account in the relevant annual review. The outcomes of other relevant documents such as Flood and Coastal Erosion Risk Management Strategies will also be incorporated into these annual reviews. Any changes to the estimated timing and quantity of habitat losses will be incorporated into the SRHCP programme through its annual review procedure.
- The timing of losses in Epochs 2 and 3 is uncertain, but given the progress of the SRHCP through the development of the Medmerry site and the identification of other potential managed realignment sites subject to further studies, there is reason to believe that the SRHCP will be able to deliver the required habitat over a 100 year period.

For Shoreline Management Plans (SMP), it is not necessary for all of the anticipated compensatory habitats to be in place at the time that the SMP is approved. However, it is essential that the RHCP provides all the required compensation habitat before any damage is likely to occur, through implementation of the SMP, otherwise schemes and projects will be unable to proceed and the SMP cannot be implemented.

Part F
Sign-off

RHCP Manager	
SMP Review Group	
Regional Director	