

ENVIRONMENT AGENCY - SOUTHERN REGION

THE CONSERVATION (NATURAL HABITATS, &c) REGULATIONS REGULATION 50 REVIEW OF CONSENTS

SOLENT MARITIME SPECIAL AREA OF CONSERVATION

NON-TECHNICAL SUMMARY

This is a summary of the Stage 4 Site Action Plan (SAP), which is the final stage of a process called the Review of Consents (RoC). It sets out the action we propose to take on the permissions that we regulate, to make sure that they do not have an impact on the Solent Maritime Special Area of Conservation (SAC).

OVERVIEW OF THE PROCESS

The Review of Consents was started because the Environment Agency has an obligation to do so under Regulation 50 of The Conservation (Natural Habitats, &c.) Regulations 1994. The work complies with our Habitats Directive Handbook for Agency Permissions and Activities.

We carried out the Review of Consents in four stages, in order to comply with Regulation 50.

Stage 1 began in 1999 and involved the identification of all 'relevant' permissions: Abstraction licences, Discharge consents, Integrated Pollution Control (IPC) permits, Radioactive Substances (RSR) authorisations and Waste Management licences.

In Stage 2, all relevant permissions identified in Stage 1 were subject to further assessment to identify 'likely significant effect'. Stage 2 was completed in Spring 2002. All those that were likely to have a significant effect on the designated site were looked at in Stage 3. Permission types put through to Stage 3 were:- Abstraction licences, Discharge consents, Waste Management licences, Integrated Pollution Control (IPC) permits and Radioactive Substances (RSR) authorisations.

Stage 3 consisted of an assessment to see whether the Environment Agency permissions are having an adverse effect upon the integrity of the site. Each permission was assessed both *alone* and *in-combination* with one another and with other plans, projects and background conditions.

There were two possible conclusions to this assessment, as follows:-

- The permission **can** be shown to have no adverse effect on the integrity of the site;
OR
- The permission **cannot** be shown to have no adverse effect on the integrity of the site.

The Stage 3 assessment was based on the Conservation Objectives for the Solent Maritime SAC (drawn up by English Nature, now part of Natural England). It is a scientific assessment, using the best available information to reach decisions and taking into account risk. The official name for this is the “Appropriate Assessment”.

The Appropriate Assessment is an Environment Agency document and the decisions it contains are the Environment Agency’s alone, having had regard to English Nature’s (now Natural England) advice. Stage 3 for this site was completed in May 2005.

STAGE 4 SITE ACTION PLAN

In Stage 4 of the Review of Consents, we considered options for action on permissions assessed in Stage 3. In accordance with the Habitats Regulations, we have determined whether to affirm, modify or revoke each permission.

We developed a set of principles to use in Stage 4 and all of the preferred options (i.e. decisions on whether to affirm, modify or revoke) fully comply with these. The principles are that the final decision must be fair and reasonable, consistent with other similar decisions being taken within the Environment Agency, it must be compliant with the Habitats Regulations, and it must ensure that the permissions will not have an adverse effect on site integrity.

The preferred options all meet the environmental outcomes established in collaboration with Natural England. Those outcomes represent the environmental requirements of the site that will protect the site against specific impact types. They also consider the need to restore the SAC to favourable condition where necessary.

The options appraisal and the resulting final preferred option for each permission is reported in the Stage 4 Site Action Plan. This comprises sections outlining the Environmental Outcomes, the appraisal of each permission type alone and in-combination with each other, a consideration of whether our decisions might result in an impact on the site in combination with each other, and whether they are appropriate to other Natura 2000 sites that are nearby to the Solent Maritime SAC.

Through the Review of Consents process, we have determined that carrying out certain actions enables us to conclude that Environment Agency permissions will not have an impact on the integrity of the Solent Maritime SAC.

Apart from our permissions, other actions are necessary if this Natura 2000 site is to achieve favourable condition. Therefore in addition to the changes to permissions that we propose, we are also recommending other actions that can be taken by the Environment Agency and other Authorities, to help restore the site. These are set out in the Site Action Plan.

The Record of our decisions, for all those permissions in the RoC process for this Natura 2000 site, are presented in a document known as ‘Appendix 19’, which is included as an appendix to the Site Action Plan. The changes that result from these decisions are outlined below.

STAGE 4 CONCLUSIONS

We assessed 717 permissions at Stage 3 for this site. We propose to modify 27 of these, and revoke 3 as a result of this process. The conclusions are described below.

Discharge Consents:

Stage 3 considered 449 discharge consents and 437 will be affirmed as a result of the Stage 4 options appraisal.

The following discharge consents will be modified or revoked. All are held by Southern Water Services Ltd. They are consents to discharge treated sewage effluent from Sewage Treatment Works (STWs).

In order to conclude no adverse effect on site integrity for discharge consents (*alone* and/or *in-combination*) for the Solent Maritime SAC, the following conclusions have been reached:-

1. Fairlee STW discharge must be relocated to Sandown STW.
2. Bursledon and Woolston STWs discharges must be relocated to Peel Common STW *or* Bursledon can be treated (i.e. nutrient stripped) to meet a fixed emission standard of 10 mg/l Nitrogen as an alternative to relocation.
3. Millbrook, Slowhill Copse, Pennington, Peel Common, Budds Farm, Chichester, Bosham and Thornham STWs must be treated to meet a fixed emission standard of 10 mg/l nitrogen.
4. Pennington STW must have tighter limits on toxic contaminants to reduce the amount of copper that can be present in the discharge.
5. The discharge consent for North Fairlee STW will be revoked as it is no longer required.

IPC Authorisations (aqueous and aerial discharges):

Stage 3 considered 26 IPC permits, which can permit both emissions to air and emissions to water (known as IPC aqueous discharges). Six of the permits assessed at stage 3 were appraised in Stage 4 with regard to their aqueous discharges, which had the potential to impact upon the Solent Maritime SAC in-combination which each other and with consented discharges.

In order to conclude no adverse effect on site integrity for IPC aqueous discharges (*alone* and/or *in-combination*) for the Solent Maritime SAC, the following conclusions have been reached:-

- The Esso aqueous discharges must be treated to reduce existing nitrogen inputs by 50%. In addition tighter limits on toxic contaminants will be required as well as stricter limits on the temperature of its discharges (a new permit will be issued under the IPPC Directive).
- The Cognis IPPC permit is to be modified to include tighter limits on toxic contaminants.
- The new IPPC permits for RWE NPower and Onyx UK include new limits and controls on toxic contaminants.

IPC permits are currently being re-issued by the Environment Agency so that they are compliant with the Pollution Prevention and Control (England and Wales) Regulations 2000. As this happens, necessary changes identified through the RoC under the Habitats Regulations will be written in to the new Integrated Pollution Prevention Control (IPPC) permit.

RSR Authorisations:

Stage 3 considered 21 Radioactive Substances Authorisations. We will affirm all of these, as they were assessed and determined in Stage 3 to be having no adverse effect on the integrity of Solent Maritime SAC.

Water Resources abstraction licences:

In Stage 3, we assessed 189 abstraction licences. Whilst we were undertaking this work, 18 abstraction licences were revoked for reasons unrelated to the Review of Consents. Therefore in Stage 4 we considered 171 licences and, of these, 25 were fully appraised as there was a risk that they were having an adverse effect on the designated site. As a result, we propose to modify 12 abstraction licences and revoke 2. The remainder will be affirmed.

In order to conclude no adverse effect on site integrity for Water Resources abstraction licences (*alone* and/or *in-combination*) for the Solent Maritime SAC, the following conclusions have been reached:-

- Pylewell Farm, Lises Court - privately owned abstraction licence
This licence will be revoked for non-use.
- Norley Farm, Sowley Marsh - privately owned abstraction licence
This licence will be revoked for non-use.

The following licences will be modified to constrain the volumes of water that can be abstracted:

- Sowley Estate - Privately owned licence
- Woodmancote }
• Funtington } These are Portsmouth Water
• Fishbourne } public water supply
• Lavant & Brick Kiln } abstraction licences

- Walderton }
- Bedhampton & Havant Springs }
- Blackwater transfer, River Medina - Southern Water Services Ltd.
 - public water supply abstraction licence

The following licences will be modified to give them an ‘end date’ (this is known as time limiting the licence). When the end date is reached, the licence holder has to apply to the Environment Agency in order to keep the licence for another time limited period.

- Northbrook, River Hamble -
 - Portsmouth Water Company public water supply abstraction licence
- Shalcombe } These are Southern Water Services Ltd. public water
- Caul Bourne } supply abstraction licences

The proposed modifications and actions enable us to conclude that no Environment Agency permissions assessed in the Review of Consents are having an adverse effect on the integrity of the Solent Maritime SAC. We will affirm all other permissions in the RoC process for this Natura 2000 site.