

ENVIRONMENT AGENCY - SOUTHERN REGION

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

CHICHESTER & LANGSTONE HARBOURS **SPECIAL PROTECTION AREA**

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 designated European site of Chichester and Langstone Harbours Special Protection Area (SPA).

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, 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 Chichester and Langstone Harbours SPA (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 SPA 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 Chichester and Langstone Harbours SPA.

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 Chichester and Langstone Harbours SPA.

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 210 permissions at Stage 3 for this site. We will affirm 198 of these as a result of Stage 4. The remaining 12 will be modified as described below.

We do not propose to revoke any permissions as a result of this process for Chichester and Langstone Harbours SPA, as this is not necessary.

We consider that the 12 modifications to permissions identified as necessary at Stage 4, will remove the risk of adverse effect on site integrity from all of the 29 permissions which could *not* be shown, at Stage 3, as not having an adverse effect on the designated site. Hence we propose to affirm 198 permissions as a result of this process for this site, even though Stage 3 concluded that some could not be shown to have no adverse effect on site integrity.

Discharge Consents:

5 discharge consents will be modified. All are held by Southern Water Services Ltd. They are consents to discharge treated sewage effluent from Chichester, Thornham, Bosham, Budds Farm and Peelcommon Sewage Treatment Works (STWs).

With regards to enabling a conclusion of can show no adverse effect on site integrity for discharge consents (*alone* and/or *in-combination*) for Chichester and Langstone Harbours SPA, the following conclusions have been reached:

1. Nutrient stripping to a fixed emission standard of 10 mg/l Nitrogen for Peel Common and Budds Farm STWs is required. This requires no action over and above the planned nutrient stripping under the Urban Waste Water Treatment Directive (UWWTD) but requires modification of the existing consent;
2. Nutrient stripping to a fixed emission standard of 10 mg/l Nitrogen for Chichester, Thornham and Bosham STWs
or
Relocation of any of these discharges outside the boundary of Chichester and Langstone Harbours.

The most appropriate course of action for point 2 above can best be determined once discussions with Southern Water Services has been initiated, so that the actions can be more accurately costed and the least onerous option selected. It should be noted that the proposed new consent limits for Thornham, Chichester and Bosham STWs are over and above those currently programmed to deliver the requirements of the UWWTD. Under the UWWTD, Chichester and Thornham STWs require nutrient stripping to 15 mg/l Nitrogen and Bosham STW does not require any nutrient stripping.

Abstraction Licences:

7 abstraction licences will be modified. All are Public Water Supply licences, owned by Portsmouth Water Company. They are for ground and surface water abstractions at Havant & Bedhampton Springs, Fishbourne, Woodmancote, Funtington, Lavant & Brick Kiln, and Walderton (which has 2 licences).

With regards to enabling a conclusion of can show no adverse effect on site integrity for abstraction licences (*alone* and/or *in-combination*) for Chichester and Langstone Harbours SPA, the following conclusions have been reached:

- Havant & Bedhampton Springs licence (relevant to Langstone Harbour)

This licence will be modified to have a minimum flow condition on the licence of 70 l/s. This means that there must always be 70 litres per second of water flowing in the channel from where the abstraction is taking place. In addition, we will include a flow condition on the licence of 20 l/s on flows in the Lavant Stream, which shall maintain this volume of flow in the stream at all times.

This year-round condition is required to be met at the point where the flow enters the designated SPA boundary in Chichester Harbour and it is linked to the low tide cycle; that is, it will only apply between the times :- three hours before to three hours after low tide. This modification will be implemented, through the Environment Agency's Restoring Sustainable Abstractions Project.

- Fishbourne, Woodmancote, Funtington, Lavant & Brick Kiln and Walderton licences (relevant to Chichester Harbour)

All six licences will be amalgamated into one licence, and the individual daily and yearly licenced quantities for each source will remain the same. The aggregate yearly total for all licences will be reduced by 15%.

The proposed modifications enable us to conclude that no Environment Agency permissions assessed in the Review of Consents are having an adverse effect on the integrity of Chichester & Langstone Harbours SPA. We will affirm all other permissions in the RoC process for this Natura 2000 site.