

ENVIRONMENT AGENCY - SOUTHERN REGION

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

SOLENT AND ISLE OF WIGHT LAGOONS 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 and Isle of Wight Lagoons 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 and Isle of Wight Lagoons 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 and Isle of Wight Lagoons 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 and Isle of Wight Lagoons 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

Stage 3 considered 179 permissions. Of these, 11 permissions have been revoked or superseded for reasons unrelated to the Review of Consents process. Of the remaining 168 permissions, we propose to modify 2 discharge consents and we will affirm all other permissions assessed in relation to the Solent and Isle of Wight Lagoons SAC.

We have found that two Water Quality discharge consents require modification to enable the Environment Agency to conclude that all significant discharge consents, acting *in-combination*, will not adversely affect the designated site.

The decisions are as follows:

- **Pennington Sewage Treatment Works discharge consent:** we propose to modify the consent, which permits the discharge of treated sewage effluent from this sewage treatment works, to impose a nutrient standard on the effluent of 10 mg/l of nitrogen. This represent the best available treatment.

This discharge consent has also been reviewed under the Habitats Regulations for the Solent Maritime SAC and Solent and Southampton Water Special Protection Area. The final decision for those sites is to modify the Consent in the same way, making this decision compatible with those for other Natura 2000 sites.

- **Home and Harbour Farm Consent to Discharge:** this consent permits the discharge of treated sewage effluent from a domestic sewage treatment unit. The discharge has been found to be contributing to the phosphate load within the Harbour Farm Lagoons, Bembridge. We propose to modify the Consent to impose a tight phosphorus standard, which represents best available treatment.

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 the Solent and Isle of Wight Lagoons SAC. We will affirm all other permissions in the RoC process for this Natura 2000 site.