

## Non-technical summary of the Review of Consents Site Action Plan for Medway Estuary and Marshes Special Protection Area

This is a summary of the Stage four 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 Medway Estuary and Marshes 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 one 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 two, all relevant permissions identified in Stage one were subject to further assessment to identify 'likely significant effect'. Stage two was completed in Spring 2002. All those that were likely to have a significant effect on the designated site were looked at in Stage three. Permission types put through to Stage 3 were:- abstraction licences, discharge consents, waste management licences, IPC permits and RSR authorisations.

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

The Stage three assessment was based on the conservation objectives for the Medway Estuary and Marshes 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 three for this site was completed in February 2007.

## Stage four Site Action Plan

In Stage four of the Review of Consents, we considered options for action on permissions assessed in Stage three. 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 four and all of the preferred options, that is, decisions on whether to affirm, modify or revoke, must 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 four 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 close to the Medway Estuary and Marshes 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 the Medway Estuary and Marshes SPA.

The record of our decisions, for all those permissions in the 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 four conclusions

We assessed 405 permissions at Stage three for this site. Of these, five permissions could not be shown to have no adverse effect and were appraised further at Stage four. The conclusions reached are as follows.

### Discharge consents

One discharge consent could not be shown to have no adverse effect alone due to toxic contamination. This consent is held by Southern Water Services Ltd. and permits the discharge of treated sewage effluent from Motney Hill Sewage Treatment Works (STW). A

further three consents permitting the discharge of trade effluent from industrial/trade premises could not be shown to have no adverse effect in combination with each other and Motney Hill STW.

The risk of impact from all four discharges was that of toxic contamination within the site, particularly from copper.

The RoC proposes to modify the discharge consent for Motney Hill STW, to set the following consent limits:

- total copper in the effluent of 230 micrograms per litre (maximum annual concentration) and 82.5 micrograms per litre (annual average);
- total ammonia of 120 micrograms per litre (maximum annual concentration) and 60 micrograms per litre (for 95% of the time).

In taking this action, it can be concluded that the three consents acting in combination only, can now be considered to have no adverse effect. They will therefore be affirmed.

### **Abstraction licences**

Two abstraction licences could not be shown to have no adverse effect when assessed in combination with the discharge consents. This is because of the area of the site at risk of being impacted by both discharges and abstractions, when totalled, posed a risk to site integrity.

It was concluded that the modification of the discharge consent for Motney Hill STW would remove the risk of adverse effect from this discharge acting alone and thus remove the majority of the risk posed to the site, making the remaining in-combination risks negligible. As a result a conclusion of no adverse effect can be reached for these two abstraction licences and they will be affirmed.

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**The proposed modification enables us to conclude that no Environment Agency permissions assessed in the Review of Consents are having an adverse effect on the integrity of the Medway Estuary and Marshes SPA. We will affirm all other permissions in the RoC process for this Natura 2000 site.**

Please contact Jo Simmons ([jo.simmons@environment-agency.gov.uk](mailto:jo.simmons@environment-agency.gov.uk)) for further details on this work.

Other information can be found at:

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