

ENVIRONMENT AGENCY - SOUTHERN REGION

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

PORTSMOUTH HARBOUR 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 Portsmouth Harbour 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 Portsmouth Harbour 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 Portsmouth Harbour 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 Portsmouth Harbour 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 133 permissions at Stage 3 for this site. We propose to modify 2 permissions and revoke 1 to protect the integrity of Portsmouth Harbour SPA with regard to Environment Agency permissions.

Discharge Consents:

Two discharge consents will be modified, both are held by Southern Water Services Ltd. They are consents to discharge treated sewage effluent from Budds Farm and Peel Common Sewage Treatment Works (STWs).

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.

We consider that these discharge consent modifications identified as necessary at Stage 4, will remove the risk of adverse effect on site integrity from all of the 17 discharge consents which could *not* be shown, at Stage 3, as not having an adverse effect on the designated site. Hence we propose to affirm the remaining discharge consents 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.

Abstraction Licences:

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.

The following abstraction licences will be time limited for a period of 12 years and linked to the East Hampshire Catchment Abstraction Management Strategy (CAMS) cycle. These public water supply licenses are owned by Portsmouth Water Company:

- Worlds End
- Maindell
- Lovedean

We will affirm the other 16 abstraction licences assessed at Stage 3 for Portsmouth Harbour SPA.

Waste Management Licences:

We propose to affirm the 2 Waste Management Licences appraised in Stage 4. Both licences regulate Paulsgrove Landfill site.

However, we have done so only having firstly secured agreement from Portsmouth City Council to carry out agreed actions under Habitats Regulation 51(3).

Under Regulation 51(3) of the Habitats Regulations, we are allowed to secure another type of action to be taken instead of modifying a permission, where that other action would afford the same or greater protection to the designated site.

In this case, Portsmouth City Council, in collaboration with Hampshire County Council and Veolia Environmental Services Plc (the holder of the Waste Management Licences) have formally agreed to initiate and manage a project to ensure, by 2012, that historic and currently licensed landfill in the Paulsgrove area does not adversely effect the integrity of Portsmouth Harbour SPA. Natural England have endorsed this action.

IPC Authorisations (aqueous and aerial discharges):

Stage 3 considered 1 IPC permit, which regulates the ExxonMobil oil refinery at Fawley. It allows the installation to make a discharge to water. This discharge has a potential impact upon Portsmouth Harbour SPA in-combination with consented discharges.

ExxonMobil IPC permit is being repermited under The Pollution Prevention and Control (England and Wales) Regulations 2000 and, as a result, a new Integrated Pollution Prevention and Control (IPPC) permit will be issued. This new permit shall take account of the findings of the water quality element of the Stage 3 Appropriate Assessment for Portsmouth Harbour SPA.

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 Portsmouth Harbour SPA.

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 Portsmouth Harbour SPA. We will affirm all other permissions in the RoC process for this Natura 2000 site.