

Non-technical summary of the Review of Consents Site Action Plan for Thames 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 Thames 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 Thames 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 January 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 Thames 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 Thames 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 298 permissions at Stage three for this site. Of these, 12 discharge consents could not be shown to have no adverse effect and were appraised further at Stage four. The conclusions reached are as follows.

Discharge consents

11 discharge consents posed a risk of adverse effect on site integrity due to their potential contribution of copper, which may have contributed to an exceedance to the environmental standard for copper within the estuary. These discharge consents permit the discharge of

treated sewage effluent from the following sewage treatment works: Motney Hill, Beckton, Mogden, Crossness, Long Reach, Gravesend, Aylesford, Reading, Maple Lodge, Hogsmill and Slough.

Further consideration of the water quality data for the Thames Estuary revealed that the concentration of copper in the estuary has fallen and that the environmental standard for copper has not been exceeded since 2003. In addition, further water quality modelling was undertaken to produce a copper budget that demonstrates only a fraction of copper present in the site is attributable to the consented discharges, and consideration was given to how future planned improvements to a number of the STWs will significantly reduce copper loads in the treated effluent through to 2020.

From this work, a conclusion of no adverse effect on site integrity was reached for these 11 consents acting alone and in combination. As a result they will be affirmed.

One further discharge consent permits the discharge of aggregate washwater into a freshwater sub-feature of the SPA, posing a risk of habitat loss from siltation. Depth measurements of the feature, Timber Lake, were taken to assess the rate of siltation across the lake. Natural England advised that the discharge is potentially beneficial to the site because it contributes to the maintenance of the total open mud necessary to maintain the SPA bird features, and the rate of siltation was not considered to be detrimental. The areas of open mud are, however, lost through the natural process of succession as reed beds grow and it is the control of reed growth which is most critical to the objectives of the SPA.

It was agreed that the discharge consent should be affirmed under regulation 51(3) of the Habitats Regulations and that a management agreement be drawn up between Natural England and the discharger, Brett Marine Aggregates, to manage the lakeside vegetation resulting from the open mud.

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 Thames 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) for further details on this work.

Other information can be found at:

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