

The Solent European Marine Sites (SEMS) project was set up in November 2000 with the aim of developing a strategy for managing the marine and coastal resources of the Solent. A Newsletter produced in March 2002 introduced the site and outlined how the Management Scheme would be written. The SEMS Management Scheme has now been produced and this summary gives an update of the work carried out and an overview of the final scheme which will be submitted to DEFRA in June 2004.

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WHAT IS THE MANAGEMENT SCHEME

The SEMS Management Scheme is concerned with promoting the sustainable use of a living, working coast. This is to ensure that the valuable natural resources of the area are there for the enjoyment and prosperity of both present and future generations. European marine sites have been selected with many activities already taking place and it is recognised that these are normally compatible with the conservation interest at their current levels. It is not the aim to exclude human activities from European marine sites, but rather to ensure that they are undertaken in ways that do not threaten the nature conservation interest.

The SEMS Management Scheme has been written to ensure that the Relevant Authorities comply with the requirements of the Habitats Regulations. Activities with the potential to affect the site have been reviewed, and the effectiveness of current management measures for safeguarding the site have been assessed. This has resulted in the establishment of a framework for the effective management of the SEMS so that the conservation objectives are met.



Aim of the SEMS Management Scheme

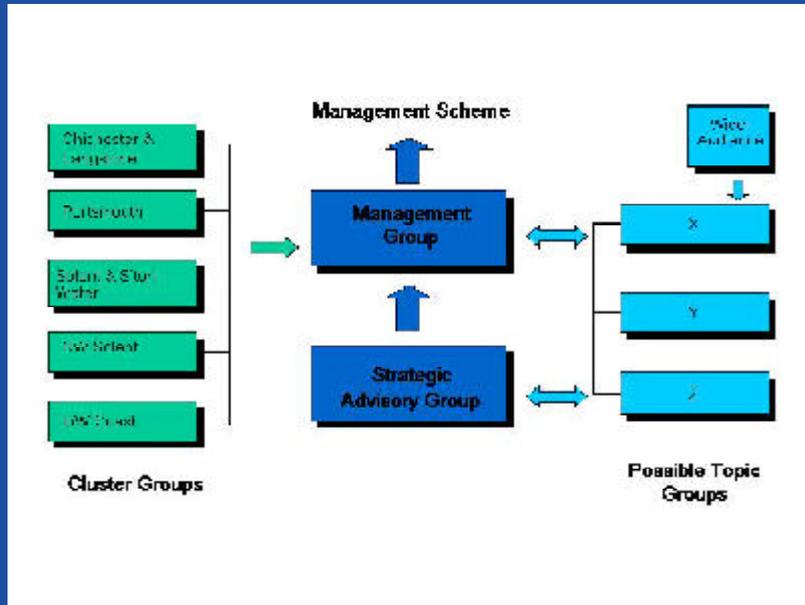
Subject to natural change, to maintain the favourable condition of the site through the sustainable management of activities.



HOW WAS THE MANA

Cluster Approach

The production of the Management Scheme was overseen by a Management Group of Relevant Authorities which was advised by a Strategic Advisory Group of stakeholders.



Due to the diverse nature and geographical spread of the SEMS a number of cluster groups were formed to drive and steer the work. Five separate groups were set up which included the appropriate Relevant Authorities from the Management Group.

One Topic Group was formed during the production of the Management Scheme to look at the issue of bait collection, and the group produced a voluntary code of conduct for bait collection. Other Topic Groups may be formed when a relevant issue arises (see page 5 for further information).

Plans/Projects, Operations and Activities

In terms of implementing the Regulations, it is important to recognise the distinctions between these definitions.

Operation is used to describe the mechanism by which an activity may have the potential to cause deterioration to the SEMS features of interest. These are listed in the Regulation 33 advice.

In general any action which requires an application to be made for specific statutory consent, authorisation, licence or other permission is considered as a plan or project. There are separate provisions for considering the impacts of new and extant Plans and Projects within the Habitats Regulations, and as such they are identified as a separate category in the Management Scheme.

Activities are those actions that are not plans or projects. They may be controlled or managed by Relevant Authorities on a continuing basis and include those that a Relevant Authority has some statutory role and those which the relevant authority has some form of management or control over due to other non statutory functions such as land ownership.

Beaulieu River

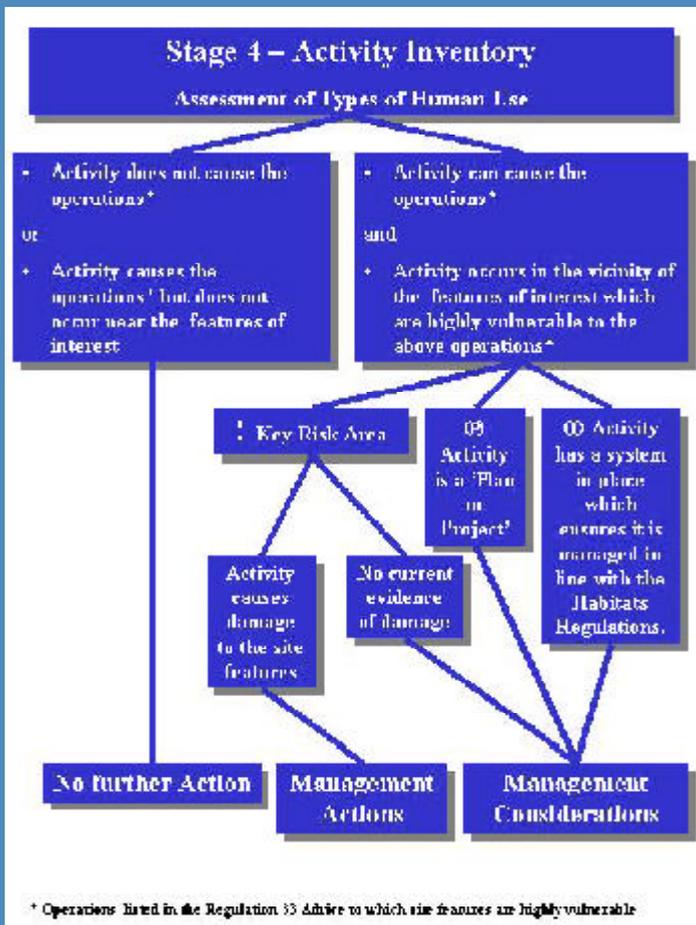
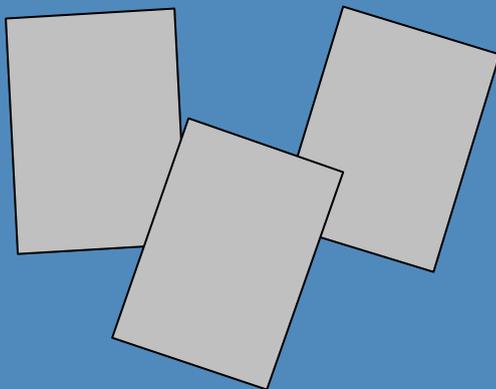
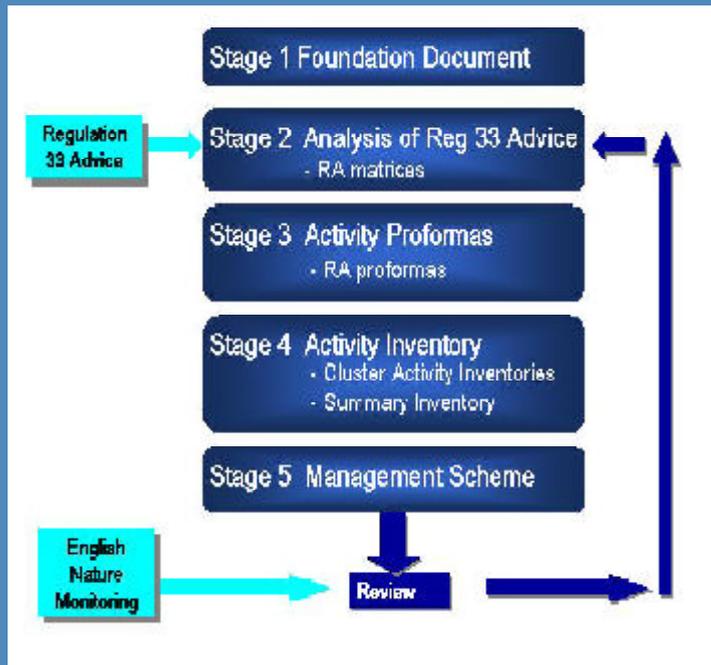


Bar-tailed Godwits and Terns



MANAGEMENT SCHEME PRODUCED

The diagram shows the various stages in the production of the Management Scheme. Firstly Relevant Authorities identified which activities they were responsible for in their cluster (stage 1). Advice contained in the Regulation 33 advice on which operations may cause deterioration or damage to the site features was used to link operations to activities that were occurring in the site (stage 2). Relevant Authorities then provided information on where the activities occurred in relation to the features of interest, the operations they caused and how they were managed (stage 3). This information was assessed to produce activity inventories (stage 4).



Those activities that could cause the operations listed in English Nature's Regulation 33 advice were each assigned to one of the following categories as illustrated in the diagram:

Ⓟ The activity is a 'plan or project', and is dealt with by other processes within the Habitats Regulations.

Ⓜ There are systems in place to manage the activity that also ensure that it is managed in line with the requirements of the Habitats Regulations

! The activity has a known mechanism to cause deterioration or disturbance to the site, however, there is insufficient current information to determine whether or not it is actually causing significant damage or deterioration i.e. it is having an unknown effect. These are known as 'key risk areas'.

Where there is no further evidence management considerations are given for each activity. Finally, all the information was brought together to produce the Management Scheme (stage 5).

MANAGEMENT OF ACTIVITIES IN SEMS

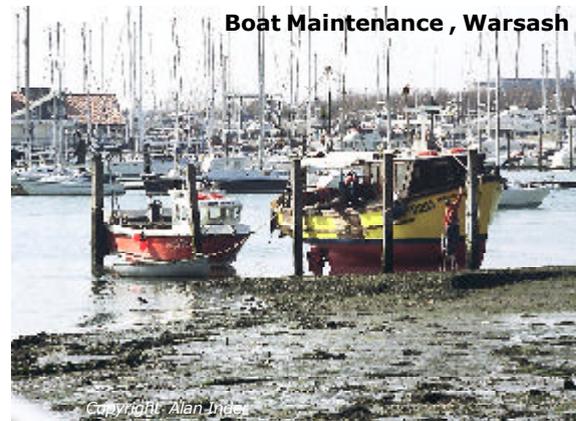


In common with most other coastal and marine areas the Solent has a long history of human use ranging from industrial ports adjacent to large urban populations to recreational pursuits on quiet unspoilt stretches of the coast.

As outlined on the previous page the SEMS Management Scheme assessed all types of human use to determine whether impacts are occurring on the site. The Management Scheme indicates that nearly all activities may cause an impact on the site i.e. they cause one or more of the operations to which the site features are highly vulnerable and they can occur in the vicinity of those interest features. However many are plans and projects or have other systems in place;

therefore, only a few of these activities have been identified as 'key risk areas'. The Management Scheme did not identify any evidence to suggest that any activities were currently causing damage or deterioration to the site, so a number of management considerations have been proposed. The activities identified as 'plans and projects', 'systems in place to ensure that the activity is managed in line with the Habitats Regulations' and 'key risk areas' are shown in the diagrams on page 6 and an example of the management considerations are given.

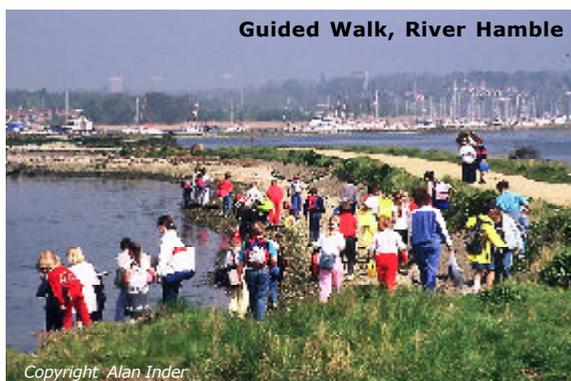
It is stressed that the potential for any of the activities in the 'key risk area' category to have an impact on a feature does not imply that it will have an impact. At present no evidence has been submitted to suggest that any of the activities are causing damage or deterioration to the site. The 'key risk areas' indicate where the greatest risks are most likely to occur. Further action beyond simply categorising an activity as a 'key risk area' will be required in order to investigate any potential link between deterioration or disturbance of a habitat or species and an activity. Therefore, until there is a clearer understanding of whether impacts are occurring these are only highlighted as potential risks.



English Nature will regularly monitor the site to establish whether the conservation objectives are being met; this will be on a rolling six-year timetable. As part of the monitoring process, where they have relevant information to report, each Relevant Authority will be expected to report to the Management Group on their implementation of the scheme.

Where there is reasonable evidence to indicate that a deterioration in the condition of a particular SEMS feature or species exists then further investigation will be required to ascertain the cause of deterioration.

Discussions may take place between the appropriate Relevant Authority (ies) and English Nature to agree cause and effect between the activity and the deterioration and agree the course of action to be taken. Alternatively, where a number of Relevant Authorities are involved it may be appropriate for them to work co-operatively to address the problem and therefore they may set up a group from within a cluster or between clusters and other relevant organisations and interested parties may be invited: this would be a Topic Group. Discussions may then take place to determine possible solutions.



Relevant Authorities are only required to act within their existing powers and within their own areas of jurisdiction with regard to the management of activities that are having an effect on the designated site. Relevant Authorities and Topic Groups can not impose management actions on other Relevant Authorities.

TOPIC GROUPS

A Topic Group should include all those with an interest in an issue which may include members of the Management Group, Strategic Advisory Group (or its successor) and any other legitimate stakeholders, the Relevant Authorities will decide which additional organisations to invite. Topic Groups may be formed in the future where there is reasonable evidence to indicate that an activity included in the 'key risk area' category is causing damage, deterioration or disturbance to a feature of interest and where it is relevant to a number of Relevant Authorities (in some instances it may be that a single Relevant Authority can deal with the issue through direct discussions with other Relevant Authorities or English Nature). The need for a Topic Group will be agreed by the appropriate Relevant Authorities and reported to the Management Group. Topic Groups will not have any power to enforce other Relevant Authorities to take action.

Additionally some Relevant Authorities may voluntarily form Topic Groups in order to consider whether evidence of impacts / decline in site condition exists or might easily be obtained. Such 'Voluntary Topic Groups' might also consider whether any existing evidence of damage to features is sufficient for them to consider changes to the current management of activities. 'Voluntary Topic Groups' will confine their investigations and recommendations to activities occurring within their own areas of jurisdiction.

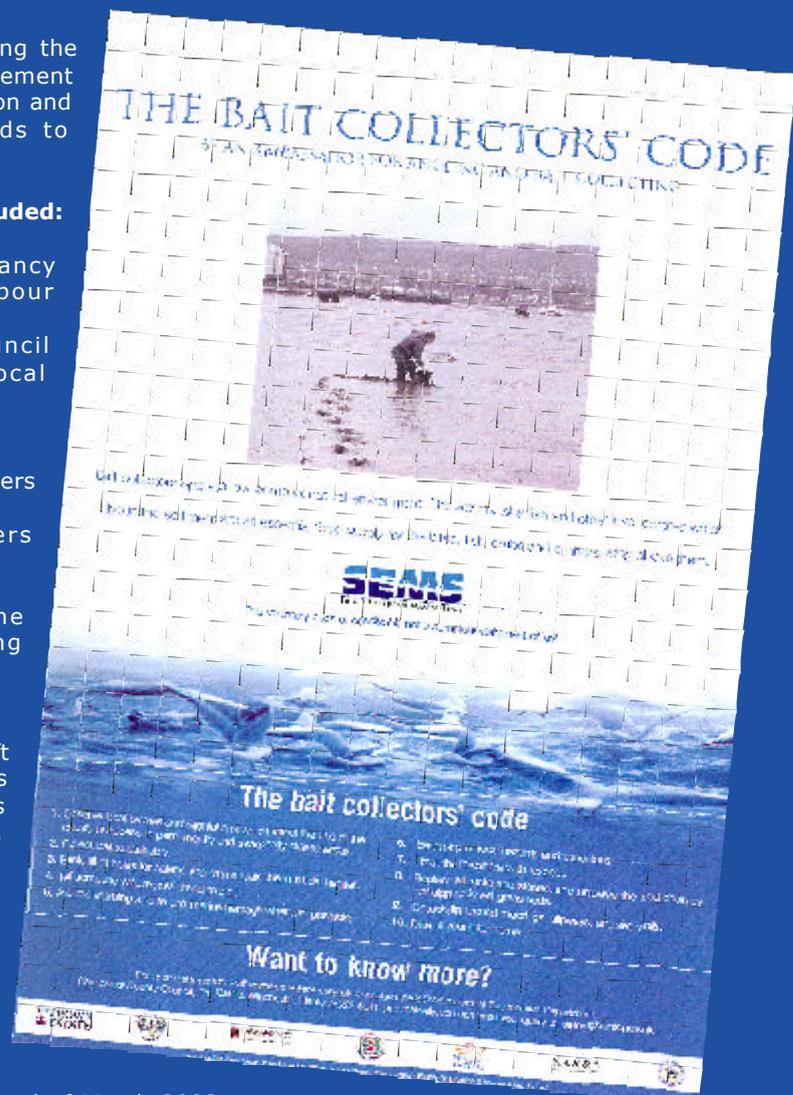
Bait Collection Topic Group

A Topic Group was set up during the production of the SEMS Management Scheme to consider bait collection and if necessary develop methods to minimise potential impacts.

The Topic Group members included:

Chichester Harbour Conservancy (representing Solent harbour authorities),
Fareham Borough Council (representing Solent local authorities)
English Nature
The Crown Estate
National Federation of Sea Anglers (NFSA)
Solent Area Bait Diggers Association (SABDA)
Hampshire Police Marine Unit
Three representatives of the angling and bait collecting community.

The Topic Group produced a draft code of conduct which was discussed at 5 public meetings with anglers and bait collectors. The public meetings provided some good feedback and comments on the code and also helped create a shared sense of responsibility for the problems being faced and allayed fears and rumours that bait collection would be banned across the Solent. A final code was produced at the end of March 2003 and a leaflet and accompanying posters were widely distributed to tackle shops, angling clubs and through local angling press.



For copies of the code contact the SEMS project (contact details on back page)

OUTCOMES OF THE MANAGEMENT SCHEME

Management considerations arising from the assessment of current management measures are given for each activity in the Management Scheme. These vary depending on the category of the activity i.e:

- Key Risk Area
- Plan and Project
- Systems in place to ensure the activity is managed in line with the Habitats Regulations

The activities within each of these categories are listed below and an example management consideration is given.



Plans and Projects

The following types of human use have been identified as Plans and Projects:

| | |
|---|------------------------|
| Aggregate dredging | Freshwater Abstraction |
| Coast protection | Holiday camps |
| Coastal development | Land reclamation |
| Construction/alteration of slipways etc | Oil & Gas exploration |
| Discharges | Pipeline construction |
| Flood defence | Sea Water Extraction |

Example Management Consideration

| Construction Slipways | Responsibility | Timescale |
|---|---|-----------|
| Ensure that any proposals for new developments are properly assessed by the appropriate competent authorities, addressing the potential impacts on the coastal environment. | All RAs are CRs with responsibility for the activity. | Ongoing |

Key Risk Area Activities

The following types of human use have been identified as activities within the 'key risk area' category.

| | |
|---------------------|--|
| Access | * access, harbours, quays, anchorage, recreational fields, sports and leisure facilities |
| Commercial Shipping | * commercial shipping |
| Dredging* | * for the purposes of dredging, disposal dredging, removal of dredged soils, for water navigation, maintenance dredging |
| Fishing | * all types of fisheries, shellfish dredging, shellfish farming, fishing, mariculture |
| Water Sports | * anchoring, boat repair/maintenance, mooring (fixed), in-water (temporary), navigation, other water sports, recreational boating (power, recreational, fishing (raft), slipway cleaning and maintenance |

Example Management Consideration

| Fishing | Responsibility | Timescale |
|--|---|-----------|
| Keep a watching brief on the impacts of fishing on key risk areas. | All RAs and CRs with responsibility for the activity. | Ongoing |
| Be available to enforce current management measures including enforcement of byelaws and implementation of voluntary measures. | All RAs and CRs with responsibility for the activity. | Ongoing |

* Key Risk Areas (KRAs) include the following: (1) Areas where there is a potential for disturbance to the habitats of special scientific interest; (2) Areas where there is a potential for disturbance to the habitats of special scientific interest; (3) Areas where there is a potential for disturbance to the habitats of special scientific interest.

Systems in Place to Manage in line with Habitats Regulations

The following types of human use have been identified as having systems in place to manage the activity in line with the Habitat Regulations:

| | |
|--------------------------|----------------------------------|
| Agricultural runoff | Houseboats |
| Barrage/sludge operation | MOT aircraft |
| Beach cleaning | Oil spill & oil spill clean up |
| Egg harvesting | Outfall maintenance/ replacement |
| Crabbing | Wildfowling |

Example Management Consideration

| Wildfowling | Responsibility | Timescale |
|--|---|-----------|
| Ensure that any future licence for wildfowling are properly assessed by the appropriate competent authorities, addressing the potential impacts on the resource of interest. | All RAs are CRs with responsibility for the activity. | Ongoing |



KEY PRINCIPLES

To help ensure that all Relevant Authorities are working to the same goal, a number of key principles were established which underlie the production of the Management Scheme for the SEMS.

Principle 1 – Favourable Condition

The SEMS has qualified for designation against the background of current use and there is a working assumption that the features for which the site is designated are in favourable condition from the time of designation. The Management Scheme and the monitoring to be carried out by 2006 will test this assumption.

Principle 2 – Sustainable Development

The aim of the Management Scheme is not to exclude human activities from SEMS, but rather to ensure that they are undertaken in ways which do not threaten the nature conservation interest, and wherever possible, in ways that support it. The Management Scheme should ensure a balance of social, economic and environmental objectives when considering the management of activities within the Solent.

Principle 3 – Regulatory Use of Bye-laws

New bye-laws may be used as a regulatory mechanism for the SEMS. These should only be introduced into the Management Scheme when all other options have been considered and it is the only effective solution.

Principle 5 – Onus of Proof

The wording for principle 5 is based on the following three-stage process:

- Stage 1 – Evidence must be established that a site feature is in deterioration. This evidence must be scientific, credible and unambiguous but it need not originate from English Nature itself. It is acknowledged that other Relevant Authorities will be undertaking monitoring regimes and if their programmes flag up something of interest, it would be expected that they would present it to English Nature for further comment and verification
- Stage 2 – English Nature, as the Government's body with responsibility for nature conservation, must believe that a site feature is in deterioration. If the evidence to support this view has come from their own monitoring – or if it has come from an external, authoritative source – EN should act as a conduit to demonstrate this fact to the Relevant Authority with responsibility for the management of the activity suspected of having detrimental effect.
- Stage 3 – English Nature and the Relevant Authority (ies) involved should work together to establish any cause and effect relationship. From this, changes to management actions may be made.

Consideration of this process had led to the following definition of onus of proof:

If through their own site condition monitoring programme or that of another Relevant Authority, English Nature can demonstrate that they have reasonable evidence to indicate that a deterioration in the condition of a SEMS feature or species exists, then English Nature and the Relevant Authorities concerned will work together to identify any cause and effect relationship.

Principle 6 – Management Actions

Where reasonable evidence is found to clearly demonstrate the cause and effect relationship the Relevant Authorities involved will instigate changes to the management of the activity, which will be within a RAs statutory obligations and will provide a solution that is in accordance with the Regulations and be fair, balanced, proportionate and appropriate to the site and the activity.

Where the cause and effect relationship is uncertain but deterioration in the condition is still significant the Relevant Authorities should consider any potential changes in management practices in light of the precautionary principle* and the cost effectiveness of proposed measures in preventing damage. However, the precautionary principle should not be used to prevent existing management actions continuing where there is no evidence of real risk of deterioration or significant disturbance to site features.

*All forms of environmental risk should be tested against the precautionary principle which means that where there are real risks to the site, lack of full scientific certainty should not be used as a reason for postponing measures that are likely to be cost effective in preventing such damage. It does not however imply that the suggested cause of such damage must be eradicated unless proved to be harmless and it cannot be used as a licence to invent hypothetical consequences. Moreover, it is important, when considering whether information available is sufficient, to take account of the associated balance of likely costs, including environmental costs, and benefits." (DETR & the Welsh Office, 1998)



Principle 4 – Links to Existing Management and Other Plans/Initiatives

Where appropriate the SEMS Management Scheme will directly utilise management actions from other existing management plans. The actions identified in the Management Scheme will therefore serve to inform and support existing management effects rather than duplicate them. The management measures identified in other plans will remain the mechanism through which these are to be implemented.

FUTURE IMPLEMENTATION

Now the Management Scheme is complete the existing SEMS management structure is unnecessary in its current form. The implementation of the scheme represents a new phase in the process which needs a structure to suit its particular requirements. The Management Group have agreed that a secretariat will be contracted to ensure the co-ordination of future meetings and to act as a contact point for SEMS issues. It is hoped that the secretariat will be contracted to the Solent Forum, however, at time of printing this had yet to be formally agreed by the Solent Forum Steering Group. Although the Solent Forum will host the secretariat, the Solent Forum can not inform Relevant Authorities how to implement the Management Scheme and it will be up to each Relevant Authority to ensure that they continue to comply with the requirements of the Habitats Regulations. This option has the advantage of maintaining the network and momentum at minimum cost and also helps prevent duplication of effort. SEMS will retain independence, recognising its statutory function but also benefit from the existence of the Solent Forum, its relationships with other related initiatives and the experience and knowledge of its members.



SEMS Management Group

The Management Group is made up of the following organisations:

Associated British Ports, Beaulieu River Management, Bembridge Harbour Improvements Co. Ltd, Chair SEMS Strategic Advisory Group (observer status), Chichester District Council, Chichester Harbour Conservancy, Cowes Harbour Commissioners, Dockyard Port of Portsmouth, Eastleigh Borough Council, English Nature, Environment Agency, Fareham Borough Council, Gosport Borough Council, Hampshire County Council, Havant Borough Council, Isle of Wight Council, Langstone Harbour Board, Newport Harbour Authority, New Forest District Council, Portsmouth City Council, Portsmouth Commercial Port, River Hamble Harbour Authority, Solent Forum (observer status), Southampton City Council, Southern Sea Fisheries Committee, Southern Water Services Ltd, Sussex Sea Fisheries committee, Test Valley Borough Council, Trinity House Lighthouse Service, West Sussex County Council, Wightlink, Winchester City Council, Yarmouth Harbour Commissioners

SEMS Strategic Advisory Group

The SAG is made up of the following organisations:

British Marine Aggregate Producers Association, British Marine Federation, BP Oil UK Ltd, Isle of Wight Estuaries, Isle of Wight Oystermans Association, Marchwood & Hythe MOD Sites, Department for the Environment, Food and Rural Affairs, English Nature, Esso Petroleum Co. Ltd, Hampshire & IOW Wildlife Trust, Hants & Wight Trust for Maritime Archaeology, Langstone Harbour Advisory Board, Lymington Harbour Panel, Marine Conservation Society, Maritime and Coastguard Agency, MOD (Low Flying Section), National Trust, National Federation of Sea Anglers, Royal Society for the Protection of Birds, Royal Yachting Society (Southern Committee), SCOPAC, Southern Marine Industries Association, Solent Area Bait diggers Association, Solent Cruising and Racing Association, Solent Forum, Solent Protection Society, Solent Wildfowlers Forum, Southampton Institute, Southampton Oceanography Centre, Sport England (South East Region), The Crown Estate, The Manor of Cadland, University of Portsmouth, West Solent Oystermans Action Group, Wootton Creek Recreational Users Association

**For further information about SEMS contact the Project Officer:
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