

The Solent European Marine Sites (SEMS) project is currently in the process of developing a management scheme for the site. This Newsletter gives an update on the progress made over the last year and outlines the remaining work programme to produce the Management Scheme.

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## Also ...

English Nature have produced a summary of the Regulation 33 Advice. This is included as a separate leaflet with this Newsletter

## INTRODUCTION

The Solent European Marine Sites (SEMS) forms one of a number of European marine sites in the UK which are designated as internationally important sites for their habitats and species. SEMS covers the harbours, estuaries, areas of open coast and inshore water around the Solent. The SEMS stretches from Hurst Spit in the west to Chichester Harbour in the east and includes areas along the north coast of the Isle of Wight from Yarmouth to Bembridge Harbour, as well as the mainland shores.

The 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 in a more integrated and sustainable way.

This Newsletter will help you to find out more about the marine and coastal habitats, plants and animals for which the European marine site has been proposed. This Newsletter also outlines the work being done to write a management scheme for the SEMS and includes information on legislation, who's involved, what's involved, and progress that's been made.

## SEMS WEBSITE

The SEMS Website can be found at [www.solentems.org.uk](http://www.solentems.org.uk).

The website provides more detailed information about the SEMS project and the management scheme and will be regularly updated with progress on the management scheme.



# REASONS FOR THE SEMS DESIGNATIONS

The Solent contains 7 international nature conservation sites: there is a candidate maritime Special Area of Conservation (cSAC) designated under Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive); 3 classified Special Protection Areas (SPAs), designated under Council Directive 79/409/EEC (The Birds Directive) and 3 Ramsar sites designated under the Convention on Wetlands of International Importance especially as Waterfowl Habitats (Ramsar Convention, 1971). The areas within these designations that lie below Highest Astronomical Tide (HAT) have become known collectively as the Solent European Marine Sites (SEMS). The illustrative map shows the SACs, SPAs and Ramsar sites that are included in the SEMS. The habitats and species for which the sites have been designated are outlined below.



## Solent Maritime cSAC:

- estuaries
- atlantic saltmeadow
- cordgrass swards
- mudflats and sandflats not covered by seawater at low tide
- *salicornia* and other annuals colonising mud and sand
- sandbanks which are slightly covered by seawater all the time
- annual vegetation of drift lines.

The site was forwarded in two separate tranches to the EC in October 1998 and March 2001. It is now termed a 'candidate SAC' and is likely to be included in the Natura 2000 network.



## Portsmouth Harbour SPA

- regularly occurring migratory species

## Portsmouth Harbour Ramsar site

- wetland characteristic of the Atlantic biogeographical region
- wetland supporting genetically and ecologically diverse flora and fauna
- wetland supporting 1% or more of the individuals in a population of waterfowl species

## Solent and Southampton Water SPA:

- regularly occurring Annex 1 species
- regularly occurring migratory species
- internationally important assemblage of waterfowl

## Solent and Southampton Water Ramsar site:

- wetland characteristic of the Atlantic biogeographical region
- wetland hosting an assemblage of rare, vulnerable or endangered species in favourable condition
- wetland regularly supporting 20 000 waterfowl species
- wetland supporting 1% or more of the individuals in a population of waterfowl species

## Chichester and Langstone Harbours SPA:

- regularly occurring Annex 1 species
- regularly occurring migratory species
- internationally important assemblage of waterfowl.

## Chichester and Langstone Harbours Ramsar site:

- wetland characteristic of the Atlantic biogeographical region
- wetland regularly supporting 20 000 waterfowl species in favourable condition
- wetland regularly supporting 1% or more of the individuals in a population of waterfowl species.

**For further information regarding the species and habitats for which these areas have been designated please refer to the Regulation 33 Advice: "English Nature (Oct 2001- English Nature's advice given under Regulation 33 (2) of the Conservation (Natural Habitats &c) Regulations 1994"**

# SEMS MANAGEMENT SCHEME

The 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 in a more integrated and sustainable way. A Management Group was set up in March 1999. A Strategic Advisory Group (SAG) was formed in October 2000. During 2000 funding was secured from the majority of the Management Group and a project officer was employed in November 2000. The role of the project officer is to facilitate the production of the management scheme and to act as secretariat to the Management Group and Strategic Advisory Group. Work is now underway to produce the management scheme.



## Aim of the SEMS Management Scheme

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

## Objectives of the SEMS Management Scheme

- Audit ongoing activities and their management.
- Identify activities which may cause deterioration or damage to the site.
- For activities which are shown to be damaging address those measures which fall within the responsibility of the relevant authorities.
- For activities which are shown to be damaging address additional measures needed which are not the direct responsibility of relevant authorities.
- Ongoing research and monitoring requirements in order to assess the site's condition and status in the future.
- Integrate the sustainable management of the site wherever possible with both existing and future plans and initiatives (statutory and non-statutory) to avoid duplication of effort.

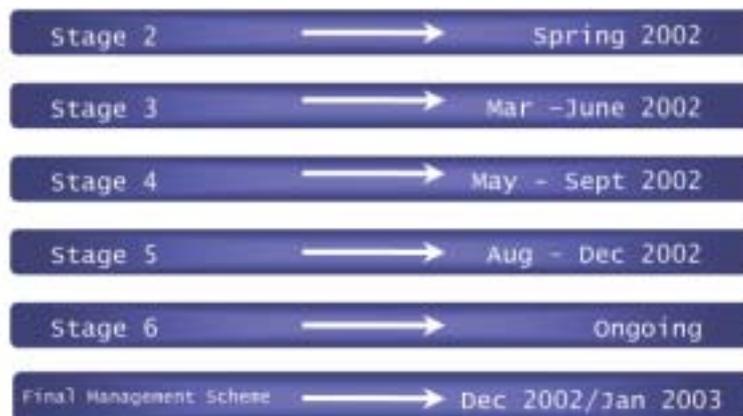
Watersports at Calshot



## Work Completed

Regulation 33 Advice (English Nature)	- Oct 2001
Public Website launched	- Nov 2001
Foundation Document	- Feb 2002
Newsletter (summary of the Foundation Document)	- Mar 2002

## Future Work



# SEMS MANAGEMENT SCHEME

In order to comply with the Habitats Regulations the relevant authorities in the Solent have agreed to prepare a management scheme for the SEMS. A project officer has been employed to facilitate the production of the management scheme through close working with the management group, cluster groups and advisory group (see page 8 for further details on the management structure).

The management scheme will:

- be an ongoing process that aids decision making
- continually evolve to take into account changing issues and legal obligations
- consider whether activities are causing adverse effects and, if so, how such activities can be regulated by relevant authorities to prevent damage
- prioritise what is to be undertaken and provide a timetable for delivery.

It is hoped that recognition of any damaging practices will lead to a change for the long term sustainability of the site which will fulfil the requirements of the Habitats Regulations but also allow the area to be a resource for future generations.



## Process

The nature of the management scheme for the Solent is unconventional because the site is geographically fragmented. The Regulations and accompanying guidance are clear: only one management scheme may be established for each European marine site. The SEMS management scheme will develop an overall framework with general principles at the strategic level in parallel with more detailed management plans at cluster level; this will be synthesised into a single management scheme towards the end of the process.

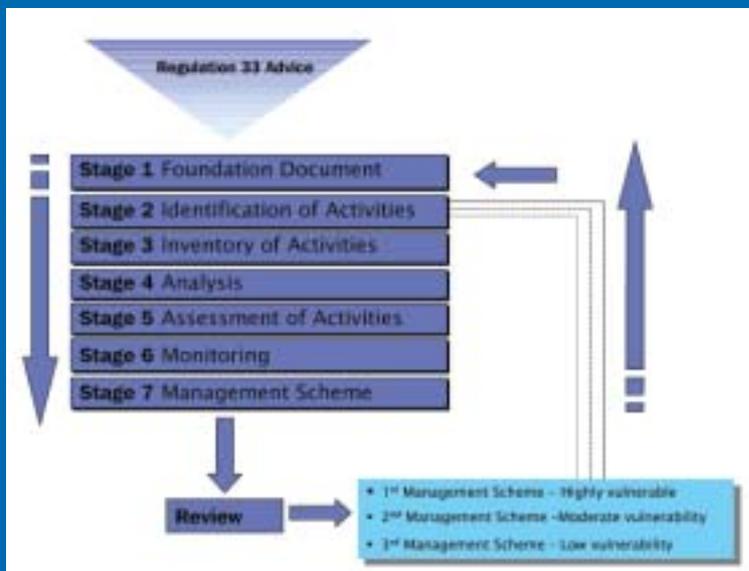
Building on English Nature's Regulation 33 Advice a seven stage process has been agreed with the management group for the production of the management scheme. This is outlined on the following page.

# PROCESS FOR PRODUCING THE SEMS MANAGEMENT SCHEME

In order to simplify the process for producing the SEMS management scheme the Management Group decided to concentrate on those activities which may cause the operations to which the site features are 'highly vulnerable' (see Regulation 33 advice) . This means that the management scheme will have to be revisited to consider operations under other categories i.e 'moderate vulnerability' and 'low vulnerability'.

## Stage 1 – Foundation Document

The purpose of the Foundation Document is to provide a stepping stone to the production of the management scheme. It describes the basic information and principles on which the management scheme is to be founded such as legislative background, reasons for designation, responsibilities of the relevant authorities and the agreed process for producing the plan.



## Stage 2 – Key Activities

This attempts to relate the 'operations' information in the Regulation 33 Advice to activities. The aim is to produce a matrix which provides a site specific summary of how activities could interact with the interest features of the SEMS. This allows for certain activities to be discounted and identifies others to be considered further in stage 3. A matrix for each activity will be produced for each relevant authority to consider in relation to their particular area of jurisdiction.

## Stage 3 – Inventory of Activities

Each relevant authority will provide further information on the key activities identified in stage 2. The information will be collated to produce an inventory of activities which may cause deterioration or damage to the site.

## Stage 4 –

### Analysis of Inventory

Analysis will categorise the activities from the inventory to determine whether they require further, more detailed consideration

## Stage 5 –

### Assessment

The assessment of categories of activities from stage 4 will lead to the production of an Action Plan detailing:

- actions
- responsibility
- timetable for action

## Stage 6 –

### Monitoring

This will provide a framework for monitoring and periodic assessment and review.

## Stage 7 –

### Management Scheme

The various stages will be combined to produce the management scheme



***A first draft of the Management Scheme will be produced by December 2002***

# MANAGEMENT OF EUROPEAN MARINE SITES

The aim of European designations is to provide a stronghold for habitats and species through appropriate management measures. This will be achieved by co-operation between the relevant regulating authorities, land owners, industries and public who use the site and will take into account the economic, cultural, social and recreational needs of the local people. The Regulations require all relevant & competent authorities to exercise their functions so as to avoid damage or deterioration to the nature conservation features for which the site is designated.

New plans and projects are subject to special provisions in the Habitats Regulations. However, these do not deal with ongoing activities that may be occurring in the site. On land, ongoing activities within European sites are already managed through the SSSI framework; however, this does not extend into the marine environment and further management measures are required. The Habitats Regulations provide for this management through the production of a management scheme for each site.

## Regulation 34, to establish a management scheme:

*"The relevant authorities, or any of them, may establish for a European marine site a management scheme under which their functions (including any power to make byelaws) shall be exercised so as to secure in relation to that site compliance with the requirements of the Habitats Directive."*



## Management Scheme

The aim of the management scheme is to encourage the wise use of an area without detriment to the environment, based on the principle of sustainability. 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. Only those activities that would cause deterioration or disturbance to the features for which a site has been designated need to be subject to restrictions under a management scheme.

A management scheme is prepared by a group of authorities having statutory powers over the marine area i.e. the relevant authorities. Each site can have only one management scheme. Once established, all the relevant authorities have an equal responsibility to exercise their functions in accordance with the scheme.

## English Nature's Duties

Within the Regulations, the nature conservation bodies have a special duty to advise the other relevant authorities as to the conservation objectives for a site and the operations that may cause deterioration or disturbance to the habitats or species for which it has been designated. This advice forms the basis for developing the management scheme and is commonly known as the Regulation 33 advice (see leaflet enclosed with this Newsletter for further details of the Regulation 33 advice). In every other way English Nature are equal to the other relevant authorities for the site.

### Competent & Relevant Authorities

The term 'competent authorities' includes any statutory body or public office exercising legislative powers, whether on land or sea.

'Relevant authorities' are those competent authorities who are already involved in some form of relevant marine regulatory function and would therefore be directly involved in the management of a marine site.

# SEMS KEY PRINCIPLES

To help ensure that all relevant authorities are working to the same goal, a number of key principles

The Management Group have agreed three of these principles; however, further guidance is awaited from DEFRA before the final 2 principles can be agreed, as neither statement is currently supported by all the management group members.

## 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.



## Onus of Proof

The SEMS management group will recommend one of the following statements, however further guidance is required from DEFRA.

### Option 1

In the event that English Nature can show a deterioration in the condition of the SEMS, and if they suspect that such deterioration is linked to a particular activity, it will be up to English Nature to demonstrate the deterioration and to show that there is a link between such deterioration and a particular activity.

### Option 2

Where English Nature or a relevant authority suspect that deterioration in the condition of the SEMS is linked to a particular activity, it will be up to English Nature and the relevant authority to agree the factors which may be affected by the activity and work together to identify cause/effect relationships.

## 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.

## Regulatory use of Bye-laws

New bye-laws may be used as a regulatory mechanism for the SEMS; however, in practice it is likely that any use of bye laws in the management scheme would be seen as a last resort and other means would be considered first.

## Sustainable Development

The aim of the management scheme is not to exclude human activities from the 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.

## Management Actions

The SEMS management group will recommend one of the following statements, however further guidance is required from DEFRA.

### Option 1

Changes to management of the activity may form part of the management scheme where a probable cause and effect relationship between the activity and the effect it's having on the feature of interest can be demonstrated.

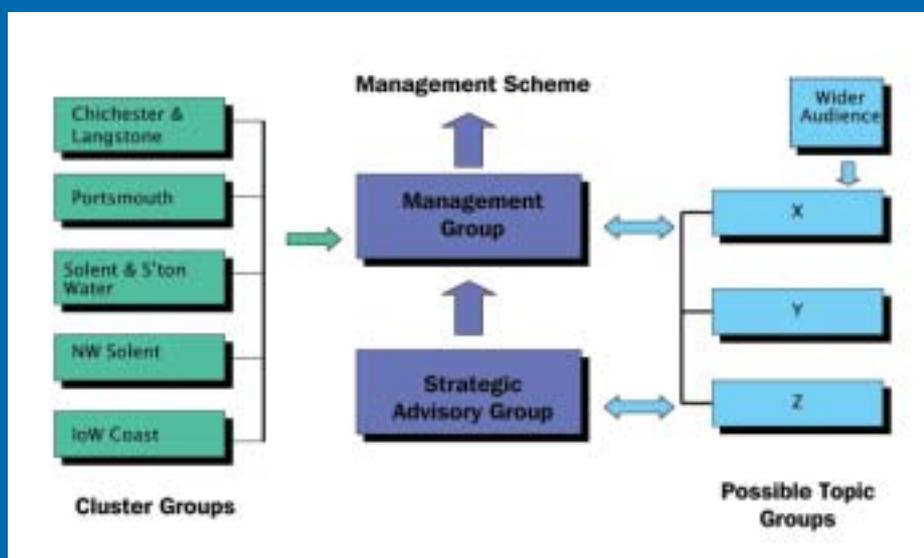
### Option 2

Changes to management of the activity will only form part of the management scheme where sufficient information on the activity and the effect it's having on the feature of interest (i.e. cause/effect relationships) can clearly be demonstrated by English Nature.



# MANAGEMENT STRUCTURE

Management of the site is the responsibility of all those statutory bodies with relevant functions and no one single body has overall responsibility or control. In addition the support of wider stakeholders in the decision on the use of sites is needed if management is to be sustained in the long term. The diagram shows the relationship between the different groups which have been formed to oversee the production of the management scheme. These groups are administered by the SEMS project officer who is based at Hampshire County Council.



## SEMS Management Group

The relevant authorities for the SEMS have formed a Management Group in order to oversee the production of the management scheme.

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 Strategic Advisory Group (SAG) is a body of representatives from local interests, user groups and conservation groups, formed to advise the management group.

The SAG is made up of the following organisations: British International Freight Association, 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 Officers Group, 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, Southampton Shipowners Association, 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

## Cluster Groups and Topic Groups

Cluster groups of relevant authorities provide working groups for discussion of more local issues. Topic Groups may be formed as and when required to consider specific issues.



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