

SEMS Management Group Meeting
Havant Plaza

Minutes

Chair – Lindsay McCulloch, Southampton City Council

1.0 Attendees and Apologies

Attached to end of minutes

2.0 Minutes and matters arising from the last Management Group (MG) meeting

The Chair went through matters arising and actions from the last meeting.

There were two corrections which have now been made to the minutes of the last meeting under item 8.0:

- i. storm surge discharges should read sewage discharges throughout this section
- ii. para 4 second sentence should read “The groundwater level at Apuldram in Chichester Harbour is above the level of the sewers ~~sewage treatment works~~, which causes problems and results in groundwater being discharged into the harbour.”

An action for Carolyn Francis (CF) was to write up and circulate how the European Marine Site (EMS) works with the Civil Aviation Authority on the Wash and North Norfolk Coast SPA – a telecom note on this is attached with these minutes.

A list of university courses, details and contacts was also requested and this has been compiled and is attached with these minutes

Action c/f – CF to contact MMO regarding whether and how MMO may be involved where activities are not consented

Action c/f – Graham Horton (/Natural England) to give a presentation to SEMS on the condition of SEMS interest features

The MG would like to receive a paper that brings together the salient points on water quality issues that fall outside control as plans or projects, ie those that are not controlled through the consents process.

Action c/f – JM to write a short paper on water quality for SEMS

Southern Water referred to studies by the Environment Agency which had been circulated to SEMS on 18th September 2014, and stated that three slides entitled 'Measures to tackle eutrophication in SSD TraC waters' list both past and planned improvements to various wastewater treatment works to reduce the nutrient load (nitrogen) being discharged. However, then the pie charts showing calculated proportions of load from different sources were undated, so there is no way of telling whether the calculated proportions made allowance for the works improvements or not or, if they did, by how much. David Bone (DB) sought clarification on both these points. Rob Clark added that it is difficult to assess risk if this information is not available. Hilary Crane suggested waiting until the current work has been completed.

Action – JM to advise SEMS and Southern Water when the EA TraC Nutrient Studies have been completed

The following action is to be carried forward as a reminder at every SEMS meeting:

Action c/f – All to contact SIFCA if they are asked to designate shellfish harvesting area/s, as there may be problems if shellfish are collected from certain areas

3.0 New Relationship between SEMS and the Natural Environment Group (NEG)

The Chair described the review of SEMS and its relationship with NEG that had taken place in the early part of 2014. A meeting was held with the Chair Lindsay McCulloch (LM), Graham Horton (Natural England and Chair of NEG) and Karen McHugh, Solent Forum Manager, to ensure that NEG could continue to operate on a viable basis because of the knowledge held by NEG members and the value of the Group. Previously NEG was funded on a voluntary basis by ten of the thirty two Relevant Authorities (RAs). Some of those ten RAs paid large sums towards the group which, due to economic pressures, they are unable to continue. Other organisations attended NEG without making any financial contribution. The position of most RAs is that they can only consider funding statutory obligations.

Two options were proposed to the SEMS MG and Option A was accepted; now there is a single SEMS contribution to the statutory Management Scheme, which also pays for NEG. Some RAs pay a little more, others a slightly lower fee. All members of SEMS have been added to the emailing list for NEG, and they will be invited to the next NEG meeting in October.

DB asked about the Solent Forum Water Quality Group which has ceased to operate temporarily. Carolyn Francis (CF) said members of the Water Quality Group are now invited to the bi-annual NEG meetings and the Water Quality Awards are continuing nevertheless. LM pointed out that the NEG autumn meetings take place shortly after the SEMS annual meetings so that actions can be taken forward.

4.0 2013 Monitoring Report Follow up

4.1 Update on Department for Transport ruling in Langstone Harbour

An update was given on progress since 2013 with regard to a complaint from the Hovercraft Club of Great Britain (HCGB) against Langstone Harbour Board (LHB). The Department for Transport (DfT) responded to the complaint from HCGB and decided that LHB had not been unreasonable or unfair in exercising its byelaw, which states that hovercraft require permission from the Harbourmaster to operate in Langstone Harbour. DfT went on to say that requests to operate by recreational hovercraft should be considered on a case by case basis taking into account Natural England's (NE) advice. HCGB are unhappy with both the DfT decision and NE advice, and have indicated their intention to take the case to judicial review. The Deputy Director of DfT is still considering HCGB's latest communication with them, and Nigel Jardine (NJ) is liaising with him to help resolve the situation.

Since the DfT decision, further requests for permission to undertake recreational hovercraft activity have been received by LHB. Meanwhile the EA undertook an intertidal survey in 2014 using a hovercraft in Langstone Harbour for which permission was granted. With assistance from Chichester Harbour Conservancy (CHC), LHB monitored the response of wildlife to the EA hovercraft during this rare survey to help inform future management decisions. The results of this were presented in the next item on the agenda.

4.2 Report on Effects of Hovercraft and Paramotors

Aniko Gaal (AG), an MSc student at University of Southampton, gave a presentation on the results of her dissertation entitled 'A "three-dimensional" Review of the Impacts of Hovercrafts and Paramotors on Water Birds'.

Louise MacCallum (LMac) outlined the results of work done by LHB on monitoring the effects of a hovercraft survey, the report of which had been widely circulated in spring 2014. AG had also taken part in the LHB survey and incorporated the results in her dissertation.

The results showed that larger waterfowl often remained in situ whereas smaller waders took flight when the hovercraft approached within 200m; ducks took flight at a distance of about 500m. The hovercraft produced a lot of noise and it was uncertain whether disturbance was caused by the effect of movement or noise (audible 1m from the hovercraft) or both. In light of the extent of the disturbance caused, LHB concluded and recommended that recreational hovercraft should not be permitted within Langstone Harbour.

AG's literature review included a paper from Australia which she commended. She consulted widely around the UK and internationally and described her methods and results. On 6 out of 104 sites questioned hovercraft did not present an issue, but on 21 sites there were issues reported.

AG noted there has been a major, unexpected fall in the numbers of waders recently for reasons which remain unexplained. She described the current methods being used to reduce disturbance, particularly in Europe. Recommendations for future management include education, brochures, registering paramotors and legislative changes.

The presentation can be found on the SEMS web site at http://www.solentsems.org.uk/sems/SEMS_Meetings/.

Asked by James Parkin (JP) who the paramotorists are, AG said they are usually owned personally by individuals. No licence is required to fly a paramotor, whereas hovercraft do require a licence and insurance and users must have completed a course. Hovercraft are more expensive to buy and run and their upkeep also costs more than is the case for paramotors.

Sue Simmonite (SS) asked whether paramotors are an issue in the Solent or elsewhere in the UK; AG replied there are issues in the North Solent National Nature Reserve and also, sporadically, on the mudflats at Weston. There are about 20 paramotor clubs in the UK, but fewer clubs for hovercraft. The Chair said these activities probably fluctuate with the economy.

Asked whether use of hovercraft or paramotors by one person encouraged their use by others, AG said she had found no evidence for this.

The Chair said it was apparent the paramotors have a greater potential to cause harm than hovercraft and they are also more challenging to control. Referring to the recommendations made in the dissertation, the Chair asked AG whether those recommendations would work equally well for both activities. AG replied the activities are so different from each other that they require different types of control, and management of paramotors has not proved possible. She suggested that information points including maps of sensitive areas could help for hovercraft, but this would be unlikely to help with management of paramotors. Clubs could be approached with regard to a Code of Conduct.

NJ clarified that paramotors could only be subject to voluntary solutions as there are neither byelaws nor legislation, contrary to the situation for hovercraft where there may be byelaws in harbours. Harbour authorities do not have any powers to control flying or airborne activities, but can only influence it via the Civil Aviation Authority (CAA).

With regard to management elsewhere, AG said a distance of 500m had been recommended for the Humber, we would need to ask them why they had used this distance.

Action – Recreation Sub-Group, when reconvened (see below), to ask Humber Group why 500m distance for activities from birds was recommended

Robert Clark (RC) asked whether these activities were, or could be, included in the 'Operations Likely to Damage' (OLDs) for SSSIs. Hilary Crane (HC) said they are included under the existing OLDs (26 Use of vehicles or craft likely to damage or disturb vegetation or fauna and 27 Recreational or other activities likely to damage vegetation or fauna) but that taking enforcement action against third parties carrying out OLDs without consent is very challenging due to the need to prove damage to the designated interest features. Therefore there would be a need to provide evidence that the third party activity was damaging waterfowl in order to prosecute.

The Chair suggested there could be a common approach to both types of activity that included leaflets to clubs and at launching sites, combined with a tailored approach for each activity. For hovercraft this would involve using and enforcing byelaws, whereas for

paramotors this would not be possible. Paramotors are also difficult to identify or target as they do not have a system of registration.

Tom Day (TD) said there is nothing under the legislation for fly zones and paramotors cannot be traced. LMac said the CAA do have a code for all flight which is above 200m.

The following suggestions were made:

LMac – We should ask Defra to require licencing of paramotors

Malcolm Hudson (MH) - AG and MH should consider publishing AG's dissertation in a journal
HC – We should open conversations with the CAA

JP – WeBS counters could be asked to monitor instances of disturbance by incorporating observations as part of their monthly online monitoring, by tweeking the input form to include the type and amount of activity to obtain consistent results, whereas at present observations are not carried out consistently – JP has suggested this to the British Trust for Ornithology (BTO). This approach could also be suggested to the wardens appointed as a result of the Solent Disturbance and Mitigation Project (SDMP) although they do not report to the BTO.

Action – CF to check with the CAA whether they could be considered as a relevant authority in respect of the management of paramotors

Action – JP to inform SEMS when he receives a reply from BTO about WeBS counters recording hovercraft and paramotor activity

The Chair said that WeBS counters already record a lot of variables, and she asked the MG whether we could undertake monitoring of disturbance caused by paramotors at a Solent level. LMac said we should wait for the BTO's response to JP's suggestion. The Chair said that we need to find a network of people who will monitor disturbance by paramotors / hovercraft, for example the SDMP rangers and she asked the MG for further suggestions. AG said they use phone apps and online data entry at Thanet and North Norfolk.

SS noted that single events do have an effect but questioned whether this activity is of such magnitude that we should be concerned. She asked what the threshold is, and whether the frequency and magnitude are actually having an effect. SS considers that SEMS and NEG need to know about whether hovercraft and / or paramotor activity is having an adverse effect on the conservation objectives before making any further decisions.

MH pointed out that ten years ago there were no dots on the map AG had drawn up showing Ramsar sites where paramotor and/or hovercraft activity is considered disturbing, whereas now 21 sites reported this.

SS said she would ask ABP's pilot whether he observes these activities, and to provide further anecdotal evidence which may help.

AG suggested another approach could be to actively encourage hovercraft and paramotor use in locations where they would not have an adverse effect. She suspects the activities mainly take place in summer, so they may occur close to ground nesting sites.

Summing up, the Chair recommended the following four actions:

Action – Education and information should be taken forward and materials developed by NEG or by reconvening the Solent Forum Recreation Sub-Group (REC)

Action (deferred awaiting evidence) – Write to Defra requesting licencing of paramotors

Action – NEG or REC to develop monitoring tools to look at
a] disturbance levels and occurrence
b] scale of activity and frequency of craft
c] identify whether there are hotspots or are these activities Solent-wide

Action – MH and AG to publish AG’s dissertation in a journal

5.0 Draft SEMS Monitoring Report 2014 (Comment and Approve)

RC made a point of correction stating that the Monitoring Report is part of the statutory Management Scheme by which RAs must use their powers. He expressed concern that comments from the Strategic Stakeholder Group (SSG) had been included in the draft report without evidence for the basis of those comments. DB was also concerned at this and stated that the SSG comments contained factual errors.

LMac asked whether Southern Water report their monitoring to SEMS as well as to the Environment Agency (EA); DB said they are only required to submit their monitoring to the EA who are the regulator, however others can request the data from the EA.

NJ said the SSG comments are subjective and should be separated from the Monitoring Report. SS said the MMO have carried out monitoring with regard to turbulence following the Southampton Water dredge.

The Chair also expressed concern regarding the lack of evidence in the SSG comments on bait digging. She suggested that the SSG comments be removed from the draft SEMS Monitoring Report. The MG agreed to send a formal response to SSG members who commented and inform them that SEMS have noted and considered their comments. The MG asked CF to draft a response to the SSG to which they will add comments as appropriate.

Action – CF to circulate SSG comments to MG and remove them from SEMS Monitoring Report 2014

Action – CF to draft a response to SSG and circulate to MG for further comment, saying the MG appreciate their response and ability to formally provide pointers, and have discussed and taken account of the comments raised

Action – CF to recirculate the SEMS Monitoring Report 2014 to the MG

RC said that the RAs actions must reflect the SEMS conservation objectives.

Local Planning Authorities (LPAs) have representatives on both SEMS and the SDMP Implementation Group (IG). For many LPAs the planning officers are not on either group. Many LPAs do not attend the SEMS MG meetings and there is a need for them to re-engage. Julie Boschi (JB) and LMac are both members of both groups and they suggested a means be found whereby actions of the two Groups do not overlap. Various RAs mentioned Richard Mould-Ryan, who is a member of both SEMS and the SDMP Implementation Group, and suggested he should be asked to liaise and feed back to SEMS regarding overlap.

Action – CF to ask Richard Mould-Ryan to liaise between SEMS and the SDMP Implementation Group to ensure actions are complementary and do not overlap or duplicate

It was also suggested that, when Stuart Roberts' post initiating SDMP implementation comes to an end, his successor could be invited to the SEMS group. It was pointed out that he does not represent any authority and his presence could be inferred as replacing an authority and could possibly set a dangerous precedent. JB offered to raise this issue at the next SDMP IG meeting and ask for feedback to SEMS.

Action – JB to mention possible overlap between the work of the SDMP Implementation Group and SEMS at next SDMP IG meeting and feed back to SEMS

The Chair said that SEMS needs feedback from SDMP rangers and dog wardens and projects with regard to the issues they are focusing on. SEMS will later need to establish synergies and joint monitoring with the SDMP IG.

In response to a question from JP, JB said the SDMP IG will be monitoring the effectiveness of measures they have introduced with respect to the effect of recreation on water bird disturbance. TD is a member of the SDMP Monitoring Group and said they will have gathered little data until 2017. The definition of success will be that disturbance stays below the baseline of the Footprint Ecology SDMP Reports, as disturbance prior to that time is not being addressed. It will be challenging to separate the beneficial results of rangers from other effects such as that of variable weather.

HC said NE's Improvement Programme for England's Natura 2000 Sites (IPENS) has a Theme Plan on Recreation and Disturbance which is collecting evidence. Site Improvement Plans (SIPs) have also been devised that include actions to tackle recreational disturbance.

Action – NEG (Spring 2015 meeting) to scrutinise the results of NE's IPENS Recreation Theme Plan, find a baseline for bird numbers prior to the Footprint Ecology SDMP Report and devise monitoring criteria

There is an opportunity to discuss this over the next few months.

6.0 Draft SEMS Delivery Plan (Discuss and Agree Actions)

The Chair went through the draft Delivery Plan (DP) which had been circulated before the meeting. Key issues from the 2014 Monitoring Report had been distilled and added to the draft DP to simplify the process of considering actions. The key had also been changed so that items that have been completed are shaded in pink and in italics; new items for possible

action in 2014, subject to discussion and agreement, are shaded green and ongoing actions are shaded blue. The DPs for each year from 2012 to the present have been combined into one excel document with a tab for each year. For 2014 and subsequent years there is an additional tab for an interim draft version for discussion at the MG meeting; this is the version which was discussed today.

The MG considered whether the actions in the draft DP are adequate, appropriate and complete and the DP will be re-drafted and circulated for sign off.

High Risk Activities

Access/Land Recreation

Actions updated following discussion.

Fishing (commercial including shellfisheries)

Actions in the DP have been updated and reflect implementation of Defra's revised approach. Regarding the suggestion to reduce the risk category of fishing, although high risk activities had been addressed in 2013 by Defra's revised approach NJ believes the risk is still high as levels of fishing have not returned to a level that is unlikely to cause damage to the SEMS, and we are on a journey to compliance by 2016.

It was noted that Defra has an Impacts Evidence Group with £200K per annum available for filling evidence gaps around the impacts of activities on MPAs that are common to all sites. It may be possible to input SEMS' needs to this group.

Bait digging

Actions updated.

Water sports

Action b/f from 2103 – Agreed Chair to write to David Evans requesting reconvene a sub-group of the SF Recreation Group to take forward relevant SEMS actions (see above)

Actions from discussions earlier in the meeting have also been added to the DP.

Medium Risk Activities

Agricultural run-off

The EA's Seaview 2027 project will investigate and deliver management under the Water Framework Directive.

Action – CF to ask EA to clarify the inter-relationship of Seaview 2027 with SEMS and to feed back on this and on their future actions to SEMS

Action – CF to ask Jackie Mellan EA for feedback on the EA’s monitoring responses in the SEMS region, eg from Seaview 2027 and other work

Airborne Sports

One RA believes the risk category for Airborne Sports may need to be changed to high risk.

Action – HC to find out whether anyone has tried to change the risk category of a type of activity and, if so, what evidence is needed to do this

Recreational boating (power and sail)

No issues were raised so this activity was removed from the DP

Low Risk Activities

Littering

RC said we should consider and focus on which conservation objective would identify whether there is a risk and would therefore drive any action on littering. The Chair said much more local evidence is required concerning what harm is caused by littering, for example does it get ingested or cause smothering. LMac said scientific evidence exists that plastic litter breaks down and enters the food chain. RC re-iterated that we should ask the nature conservation advisors whether there is evidence of harm. HC said there is some evidence from the Marine Conservation Society (MCS), and littering could also fall under the Marine Strategy Framework Directive and there may be threshold levels. LMac added the MCS website includes a large amount of information on litter and plastic pollution. JP noted that between 2008-2012 Chichester Harbour Conservancy volunteers had collected 1,294 bags of litter.

AG thought a literature review on the effects of plastic pollution in the marine environment may have been carried out, for example for environmental impact studies.

Action – CF and Chair to ask Universities for any literature reviews on the effects of plastic pollutants on wading birds and marine fauna and flora, and for information that could help monitoring, and to take their responses to NEG Spring 2015 meeting

Other activities and Concerns

Source Pollution from Combined Sewer Overflows (CSOs)

This action was removed from the DP as it is controlled under Habitats Regulation 61.

An issue had been raised by the SSG concerning diggers damaging the foreshore at Ryde Sands. HC said this is an SSSI enforcement matter and should be taken up with Natural England’s Enforcement Team.

7.0 Natural England Update on Key Issues

HC gave an update on several key issues being addressed by Natural England. These had been discussed at the NE workshop for European Marine Sites Officers on 2-3 September 2014 which HC and CF had attended, and included details of

- IPENS and SIPs
- Marine Protected Areas Management Project–Structure +Funding
- MCZs
- Conservation Advice Packages
- New Solent-Dorset Tern SPA Factsheet

Presentation on SEMS website

http://www.solentems.org.uk/sems/SEMS_Meetings/

8.0 AOB

Carolyn Francis mentioned the following four items:

8.1 Kevin East British Canoeing (previously called Canoe England) has been added to the Strategic Stakeholder Group

8.2 Caroline Price had asked for the SEMS Monitoring Report to be corrected as the Green Blue is a joint environmental initiative of the RYA and the BMF

8.3 An e-mail received from Melissa Moore at MCS concerning turbidity and the Southampton Dredge was passed to Sue Simmonite for information

8.4 The MG were asked to send items for the SEMS Newsletter in November

Action – All to send items for SEMS Newsletter by end of November to info@solentems.org.uk

9.0 Date of next meeting: Wednesday 30th September 2014, 10 – 12.30 in Portsmouth

Attendees SEMS Meeting 24th September 2014

Sue Simmonite	Associated British Ports, Southampton
Tom Day	Chichester District Council
James Parkin	Chichester Harbour Conservancy
Sarah Warriss-Simmons	Fareham Borough Council
Julie Boschi	Havant Borough Council (part of meeting)
Garry King	Hampshire County Council
Grace Booth	Isle of Wight Council
Louise MacCallum	Langstone Harbour Board
Nigel Jardine	Langstone Harbour Board
Hilary Crane	Natural England
Rupert Taylor	Portsmouth International Port
David Barter	QHM Portsmouth
Alison Fowler	River Hamble Harbour Authority
Carolyn Francis	Solent Forum
Lindsay McCulloch	Southampton City Council
Robert Clark	Southern Inshore Fisheries and Conservation Authority
David Bone	Southern Water
Malcolm Hudson	University of Southampton
Aniko Gaal	University of Southampton

Apologies

Jackie Mellan	Environment Agency
Claire Burnett	Fareham Borough Council
Alan Williams	Hampshire County Council
Ian Barker	New Forest National Park Authority
David Hayward	Portsmouth City Council
Paul Linwood	Southern Water
Erin Pettifer	Sussex Inshore Fisheries and Conservation Authority
Karen Eastley	Test Valley Borough Council
John Burrows	Wightlink
Zoe James	Winchester City Council