



Isle of Wight Shoreline Management Plan 2: Appendix L - Habitats Directive : Appendix 20

(Stage 4: Information to the Secretary of State/National Assembly for
Wales according to Regulations 62(5) and 64(2) of the Habitats
Regulations)

Isle of Wight Council

November 2010

Final Report for the Final SMP2

9V8288 / 06



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Habitats Directive – Appendix 20

HRA Stage 4: Information to the Secretary of State/National Assembly for Wales according to Regulations 62(5) and 64(2) of the Habitats Regulations

Box A: Administration details

Date: November 2010

Plan/Project Reference: Isle of Wight SMP2

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Box B: Site details

Name of European Sites adversely affected:

- Solent and Southampton Water Special Protection Area (SPA)
- Solent and Southampton Water Ramsar Site

The extent of these two European sites around the Isle of Wight is illustrated in **Annex 1**.

Box C: Summary of the plan or project having an effect on the sites

The Isle of Wight SMP2 has been judged to have an adverse effect through recommending a policy of Managed Re-alignment over designated grazing marsh supporting wintering roosting and feeding birds within the Western Yar Estuary. Although there is a knock-on consequence of adverse effect this policy has the full support of Natural England and the Environment Agency as the most sustainable coastal policy (see below for further details).

The second Shoreline Management Plan (SMP2) for the Isle of Wight provides the first revision to the Isle of Wight SMP1, which was adopted in 1997. SMP2 covers the coastline of the entire Island and is approximately 168km (104 miles), of which 60% is coastal and 40% is within the five main estuaries, as shown in **Annex 2**. The main difference from SMP1 is that for the five main estuaries the plan includes up to their tidal limit, which it did not previously.

An SMP is a non-statutory policy document that provides a large-scale assessment of the risks associated with shoreline evolution, coastal flooding and erosion, and which forms an important part of the Department for Environment, Food and Rural Affairs (Defra) strategy for flood and coastal erosion risk management. It takes account of other existing planning initiatives and legislative requirements, and is intended to inform wider strategic planning. The plan presents a long-term policy framework (i.e. for the next 100 years) to sustainably address these risks to people and the developed, natural and historical environment. The shoreline management policies considered are those defined in the Defra guidance (Defra, 2006), namely: Hold the [defence] Line, Advance the line, Managed Realignment, and No Active Intervention. These policies are set over three time frames, referred to as 'Epochs', which are:

- **Epoch 1:** 0-20 years (short term) 2005 - 2025;
- **Epoch 2:** 20-50 years (medium term) 2025 - 2055; and
- **Epoch 3:** 50-100 years (long term) 2055 - 2105.

The policies they set are further developed and appraised prior to implementation of any new flood defence and coastal erosion works – this can be through undertaking flood and coastal erosion risk management strategies, which are further informed by technical and environmental studies. **Annex 2** provides a map that details the final policies per epoch for this SMP.

Based on the precautionary principle of the Habitats Regulations, it has been concluded that the Isle of Wight SMP alone, as a result of a Managed Realignment (MR) policy within the Western Yar Estuary (PU6C.5) will have an adverse effect on the site integrity of the coastal grazing marsh supporting habitat of two European sites named in **Box B**. The MR policy will enable the estuary and its supporting features of mudflat and saltmarsh habitat to adapt to sea level rise through allowing an increase in area of these habitats. All statutory bodies are in agreement that this is the most sustainable policy here. The conditions attached to this approval, to ensure that the least damaging plan is implemented are set out in **Box F**. The Isle of Wight Council are aiming to approve this SMP by the end of December 2010.

Box D: Summary of the assessment of the negative effects on the sites

For the Isle of Wight SMP, there is only one Policy Development Zone (PDZ) where the proposed policies resulting from one policy unit will cause an adverse effect on the Solent and Southampton Water Special Protection Area and Ramsar site (also listed in **Box B**).

In PDZ 6 (West Wight), the preferred policy for Policy Unit 6C.5 (Yarmouth Mill and Thorley) is to Hold The Line in the short term (Epoch 1), followed by Managed Realignment in the medium term (Epoch 2), and No Active Intervention in the long term (Epoch 3). The loss of habitats from this policy suite is given in **Table 1** below.

Table 1: Loss of habitats over the SMP2 period for the Solent and Southampton Water SPA/Ramsar site

SPA and Ramsar features affected and supporting habitat types	Loss of Habitat Area (ha)			Total (ha)
	0-20 years	20-50 years	50-100 years	
<p>SPA: Coastal grazing marsh supporting high water roosting and feeding of wintering migratory birds (dark-bellied Brent geese, teal and black-tailed godwit).</p> <p>Ramsar: Permanent freshwater/brackish marshes (Criterion 1) supporting wintering wildfowl assemblages (Criterion 5) and wintering dark-bellied Brent geese, teal and black-tailed godwit (Criterion 6).</p>	0	31	0	31

The intent of the SMP policy is to allow for a tidal link with Thorley Brook and Barnsfield Stream over time. The frontage for PU6C.5 comprises of two areas of defences with sluices to control freshwater flow into the estuary from Thorley and Barnsfield Streams, between which the old disused railway presently prevents any saline intrusion to the landward areas. This policy unit is fronted by saltmarsh and mudflats, whilst landward is an extensive area of designated coastal grazing marsh and undesignated freshwater habitats (such as reed beds) and surrounded by woodland.

The Hold The Line policy in the first epoch is necessary in Epoch 1 so as to maintain the landward coastal grazing marsh habitats that provide important feeding and high tide roost sites for internationally important wader and wildfowl bird species, which will allow time to identify and create the replacement habitat with necessary function for support wintering feeding and roosting birds, as well as to research the Managed Realignment policy for the second epoch. **The MR policy in the second epoch will however result in the loss of 31 hectares of coastal grazing marsh**, which will occur between 2025 and 2050. This would occur through the controlled management of the saline water along the lower reaches of the Thorley and Barnsfield Streams, though this would be carried out in a managed way to enable

slow adaptation to increasing saline intrusion, there would still be a loss of this freshwater marsh habitat which is a designated feature of the Solent and Southampton Water Ramsar site, and which supports rare and important bird species (Criteria 1 and 2). The loss of this habitat is also likely to result in an adverse effect on some of the wader and wildfowl birds species that this area supports (e.g. redshank, dark-bellied Brent goose and teal) by providing feeding and high tide roost sites, and which are designated under the Birds Directive through the Solent and Southampton Water SPA site. Though some bird species will adapt to the change in habitat from freshwater marshes to predominantly intertidal saltmarsh and mudflat (as predicted by the Isle of Wight Mitigation Strategy, Atkins 2006) will maintain the roost function for some bird species (e.g. redshank), there will be some species that will not be able to use the area for feeding at high water, hence the functionality of the area will not be the same as previously. Coastal grazing marshes provide important high tide roost sites for coastal bird species, and feeding for winter grazing species such as teal and Brent geese. Saltmarsh provides high tide refuges for birds feeding on the adjacent mudflats, as breeding sites for waders, gulls and terns and as a source of food for passing birds particularly in autumn and winter (e.g. wild ducks and geese). Whilst, intertidal mudflats provide a valuable food source for internationally important populations of wintering waders and wildfowl such as Brent geese, redshank, bar-tailed godwit, curlew, oystercatcher and turnstone, as well as being important nursery and feeding grounds for many fish species.

Freshwater marshes comprise of 3.7% of the Solent and Southampton Water Ramsar site's designated habitats, which equates to 197 hectares in total. A loss of 31 hectares is approximately 16% of the Ramsar site's total coastal grazing marsh. The area of coastal grazing marsh is illustrated in **Annex 3**, and area to be lost in **Annex 4**. Adjacent to the designated area of coastal grazing marsh is an area of ca. 5 ha of undesignated grazing marsh though this is likely to also be affected by saline intrusion, however, a further 10 hectares of this habitat can be found to the east of Thorley Bridge, though this habitat is undesignated.

Natural England has provided a letter of support to this policy decision, which can be found in **Annex 5**.

Full details are presented in the Habitats Regulations Assessment Stage 3 Report in Appendix I to the SMP, which is also attached and provided in **Annex 6** of this document.

Box E: Modifications or restrictions considered

Possible modifications or restrictions were assessed to mitigate the potential adverse effects of this SMP on the integrity of the designated site. Mitigation measures that have been identified and must be undertaken in order to ensure no adverse effects arise for some elements and are stated within the SMP2 Action Plan:

1. A specific programme of action for monitoring, consultation and studies to improve the predictions of intertidal developments and understanding of the impact of gain in intertidal mudflat and saltmarsh and loss of coastal grazing marsh is essential. The increased knowledge will inform the timing, location and extent of the saline intrusion up the lower reaches of Thorley Brook and Barnsfield Stream for the MR in the second epoch, and thus optimise defence sustainability and to compensate for the expected loss of high water feeding functionality for the SPA and Ramsar bird feature and wetland Ramsar habitat. Furthermore, such a programme will also need to investigate the feasibility of either maintaining some of the functionality by keeping some of the coastal grazing marsh in situ or creating further coastal grazing marsh along the upstream areas of the saltmarsh.
2. Loss of habitat function, as a consequence of the recommended SMP2 policy within the Western Yar Estuary (PU6C.5) used by migratory bird species and waterfowl assemblages as feeding and high tide roost sites, can potentially be mitigated through habitat management; for example, artificial roost sites can be substituted by use of pontoons, keeping some habitat in situ or creating habitat further upstream.

In addition, during the SMP2 development, the importance of avoiding and minimising potential effects on the *Natura 2000* sites was central to policy development. Where significant economic and social infrastructure was present, the Policy Unit boundaries were selected so as to ensure that the minimum frontages were identified for HTL policies, in order to minimise effects on the *Natura 2000* sites. This also ensured that the widest extent of frontage for the natural development of the coastline was identified in order provide area for the habitats to respond to sea level rise.

Box F: Alternative solutions considered

The test for no alternative solutions must be based on the alternatives that may be more expensive, more difficult to achieve, less convenient to implement, but must not be unrealistic alternatives that are clearly not technically feasible. During the consideration and assessment of potential coastal defence policies, this SMP2 assessed alternative solutions by incorporating environmental factors into the policy appraisal process; therefore, the draft and final policies have been fully assessed against other potential policy options (see Main SMP Report, Appendix F (SEA), Appendix G (Policy Scenario Testing) and Appendix H (Economic Appraisal / Sensitivity Testing). The alternative policies available are the four potential strategic policy options with respect to coastal management measures as mentioned in **Box C**.

For the **Solent and Southampton Water SPA and Ramsar sites** in **PDZ 6** (PU6C.5), a number of other potential options could have been chosen, but it was agreed that the policy suite of HTL/MR/NAI was the most sustainable option both environmentally and financially and also helps support natural processes to occur, whilst giving the estuary greater freedom to evolve and adapt to sea level change, thus avoiding impact on the estuary feature itself.

If the policy was to be HTL for all three epochs this would continue to protect the landward freshwater habitats, which are designated SPA and Ramsar, but would result in the coastal squeeze of designated seaward habitats (mudflat and saltmarsh) against the coastal defences with sea level rise in the medium to long term, as well as changing the function of the estuary, as sea levels rise and the hydrodynamics and sedimentary processes may change; this would then affect the integrity of the Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar sites in the medium to long term. In light of public health and safety, there were no reasons not to continue to Hold The Line of the sluices to Thorley Brook and Barnsfield Stream and the disused railway that runs between them. Furthermore, it is no less economical to allow the habitats landward of the defences along PU 6C.5 to be flooded in a managed manner, whilst maintaining the defences to the town of Yarmouth.

No Active Intervention could have been chosen for all three epochs, though this would still have resulted in an adverse effect on both the SPA and Ramsar sites. The only difference between that and the chosen policy suite is that there would have been a more immediate loss of the designated freshwater habitat landward (i.e. high tide roost sites for birds) of the defences at Thorley Brook, with the likelihood of a sudden breach of the defences rather than through a managed programme, and there being less time for the re-creation of compensatory habitat. Therefore, by having a policy of HTL in the first epoch, and MR in the second epoch it was felt that this would give the necessary time to provide compensatory coastal grazing marsh with the function of providing high tide roost sites and feeding habitat both within the area and potentially elsewhere (refer to **Box H**). It would also allow an appropriate method for managing the saline intrusion following a detailed 'Habitat Management Programme', so as to minimise the impacts to the SPA bird species that use the landward habitats by allowing a more natural adaptation to the increasingly brackish conditions, which would have arisen more suddenly from a policy of NAI, and provide compensatory habitat in time for this loss. Once the area has adapted over Epoch 2, the policy would be No Active Intervention in the long term, allowing a more sustainable ecosystem.

Advancing the Line was not a viable option, as this would not benefit the local community, historic environment, landscape or natural environment and would result in the loss of intertidal mudflat and saltmarshes, which are designated habitats (SAC and Ramsar) and also provide intertidal feeding areas for the SPA bird species.

We, The Isle of Wight Council, the lead competent authority, has been in discussion with Natural England and the Environment Agency regarding the draft and final policies and alternatives throughout the SMP process, and Natural England has provided a letter of support for the final policies, which is presented in **Annex 5** to this document. We believe that the proposed solution is consistent with meeting the purpose of the SMP2, which seeks to achieve a balance between potentially competing interests and sustainability, i.e. it considers people, nature, historic and economics. The recommended present-day policies for the SMP2 provide a high degree of compliance with objectives to protect existing communities against flooding and erosion, and as noted above it provides protection to the freshwater supporting habitat and enables compensatory habitat to be created before the losses to the SPA and Ramsar site features occurs, hence preventing no net loss.

Box G: Imperative reasons of Overriding Public Interest

In the Isle of Wight SMP area coastal flooding and erosion poses a risk to thousands of homes and businesses, key infrastructure including a number of important ferry service links to the mainland, coastal road links, one large port and industrial areas dependent of coastal access, marinas, a heavy dependency on tourism, areas of high environmental, heritage and amenity importance and good quality agricultural land. With predicted sea level rise and increased storminess, the assessments indicate that without maintaining many of the current defences and beach management, there would be an increased risk of tidal flooding and shoreline erosion resulting in increased risk to life and properties, as well as loss of coastal and freshwater habitats. This SMP has aimed to set policies that coordinate the management of these tidal flood and erosion risks to ensure that the social, environmental and economic impacts are sustainably managed in the long term. Without such a plan, coastal engineering may bring about uncoordinated, unsustainable, ineffective results, as well as missing opportunities to manage the coast in the most effective and sustainable manner.

In 1998, the Government issued an Outline Position Statement on the Birds and Habitats Directives (placed in the libraries of the Houses of Parliament). It set out 'guiding principles' against which 'Imperative Reasons of Overriding Public Interest (IROPI) may be judged in circumstances such as prevailing in this case. Amongst other matters it stated that such cases should demonstrate the following benefits:

- A need to address a serious risk to public safety;
- The interests of national defence;
- The provision of a clear and demonstrable direct environmental benefit on a national or international scale; and
- Where failure to proceed would have unacceptable social and / or economic consequences.

The consequences must be:

- Imperative, that it is both necessary and urgent;
- Overriding, that it is of such a scale of importance that the reasons outweigh the scale of harm to the integrity of the site(s);
- Of public, not private interest; and
- Of a social or economic nature unless a priority habitat or species may be affected.

Consideration of imperative reasons of over-riding public interest should include an understanding of what may happen if the Isle of Wight SMP were not implemented, as doing nothing rather than commencing with an active policy could have more detrimental consequences to a Natura 2000 Site and its interest features.

In partnership with Natural England and the Environment Agency, the least damaging and most **sustainable** options following public consultation have been identified to manage this coastline and its designated habitats over the next 100 years. For these reasons, the Isle of Wight Council, the lead authority considers that the SMP2 is necessary, with the policy at Yarmouth Mill and Thorley (PU6C.5) being of direct environmental benefit on an international scale, with the benefits outweighing the scale of losses to the integrity of the existing

international designations (i.e. Solent and Southampton Water SPA and Ramsar sites).

The preferred policy of HTL/MR/NAI results in creating a significant amount of mudflat and saltmarsh, the latter of which is an important declining Biodiversity Action Plan habitat that is difficult to recreate, as there is not often opportunity to do so, as well as enabling new coastal grazing habitat with the function of providing feeding and high tide roost sites for wintering bird species to be planned and created in advance of loss. If the SMP2 were not to be implemented, and the defences and sluices in this policy unit were to be left unmaintained it would result in more detrimental consequences to the Solent and Southampton Water SPA and Ramsar site and its interest features than if the active policy suite was implemented. The policy provides time in the first epoch to investigate and plan the controlled management of the saline intrusion through the existing defence line (by a policy of MR in the second epoch) of the sluices at Thorley Brook and Barnsfield Stream, followed by NAI in the long term. Whilst this is a damaging plan in one way, it is the **most sustainable and least damaging option** in the long term (see **Box F**). Re-opening the sluices through a MR policy will allow the Western Yar estuary to open up more naturally and increase the amount of designated mudflat and saltmarsh habitats (which is particularly important with the decline of internationally and nationally important saltmarsh species) and allow estuary function to improve, adapt and evolve with sea level rise.

Box H: Compensatory measures

Our conclusion of adverse effect in this assessment of the 2010 Isle of Wight SMP2 is precautionary and conservative in its quantities. Information and data used for the assessment is based on the current best available information using a combination of the Solent Coastal Habitat Management Plan (CHaMP; Posford Haskoning, 2003), the Isle of Wight Mitigation Strategy (Atkins, 2006), work carried out by Hampshire Wildlife Trust and Jonathan Cox Associates (2009) on wader and waterfowl high tide roost and feeding sites, and calculations based on our GIS capabilities using habitat types, flooding levels (from 1 in 10 to 1 in 1000 year floods) that take into account net sea level rise (as published by Defra, 2006) and lidar data. Consequently, the compensatory habitat measures specified below will be subject to review following ongoing and more detailed work by Flood and Coastal Erosion Risk Management Strategies and subsequent revisions to the SMP.

The habitat compensation requirements for the Isle of Wight SMP2 are detailed in **Table 2** below. Due to the overlapping area designated as both SPA/Ramsar within the study area, compensation requirements include habitat from both designations.

Table 2: Required compensation habitats over the SMP period for the Solent and Southampton Water SPA/Ramsar site

Required Compensation Habitats	Area (ha)			Total (ha)
	0-20 years	20-50 years	50-100 years	
Coastal grazing marsh (with the function of providing high tide roost sites and feeding areas for winter grazing birds)	0	31	0	31

The designated coastal grazing marsh landward of the defences at Yarmouth Mill and Thorley (PU6C.5) support a number of bird interest features designated under the SPA and Ramsar sites. Presently, the two former tidal arms of the estuary support a complex of low-lying grazing marsh communities, interspersed with drainage channels and small reed beds. The areas surrounding the Thorley and Barnsfield streams support tussocky vegetation, with some of the vegetation in the lower course of the streams being similar in species composition to that of the upper saltmarsh communities of the estuary proper, with saltmarsh-grass and sea couch-grass co-dominating much of the sward, indicative of silty saline soils. These marshes support wader and waterfowl species (e.g. dark-bellied Brent geese, teal and redshank) and are important as high tide roosts and feeding areas for winter grazing species. The functionality of the area will change with the MR policy, with some degree of behaviour adaptation by a few birds that are able to make use of the new resources i.e. change from coastal grazing marsh to mudflats and saltmarsh. However, many species will not (e.g. Brent geese and teal that require grazing marshes to feed off the grasses, sedges and other plants tolerant of high freshwater tables), and this is why the compensated habitat will need not only

to be coastal grazing marsh, but also be able to support such birds that will be affected through this policy.

It is recommended that within the Western Yar Estuary, monitoring of the existing coastal grazing marsh habitat and the species supported (i.e. the eastern side around Thorley and Barnsfield streams) is undertaken at constant intervals to inform the Habitat Management Plan that will be needed for this policy unit, Estuary Management Plan and future SMPs, so as to understand the detailed significance of the effect of the policy suite on the *Natura 2000* sites. This monitoring should also entail co-ordination and focussed monitoring of roosting and feeding bird sites, nesting sites, as well as collation of the ongoing WeBS counts, so as to understand the importance in context with the wider Solent area.

The Environment Agency's Southern Regional Habitat Creation Programme (RHCP) is a dedicated, resourced plan for delivering compensatory habitat. To date the RHCP has firm delivery plans for the first epoch (first 20 years), where the necessary compensation will be created and ecologically functional by the time it is required. It is reasonable to expect that this method of providing compensation habitat will continue for Epochs 2 and 3. Natural England themselves have agreed nationally that the Regional Habitat Creation Schemes are an appropriate mechanism for securing and delivering compensatory habitat.

Environment Agency Habitat Creation programmes are the Government's recommended vehicle for delivering strategic habitat compensation and are funded in advance of engineering works that cause damage. Therefore, no damage to a site as a result of a policy can occur, prior to compensation being secured.

Compensation Opportunities (Information for the RHCP):

There is a possibility of improving the water levels to the east of Thorley Bridge, which is currently mapped as being coastal grazing marsh, but which is outside of the international and national designations, possibly due to the poor condition of these marshes (though they are locally designated; see **Annex 3**). Monitoring of this area along with the designated areas will be essential in identifying the possibility of improving these areas if they are not already used by SPA and Ramsar bird species. There is the potential that the coastal grazing marsh further upstream of Barnsfield stream (south of Mill Copse) would provide appropriate habitat for improvement and creating the functional habitat lost as a result of the SMP policy, which would be within the vicinity of the loss. This would require either permission from the current land owners or the possibility of purchasing the land for the development.

Cumulative Assessment with the North Solent SMP

The Isle of Wight SMP2 and North Solent SMP2 both have the potential to affect the Solent and Southampton Water SPA and Ramsar sites. Therefore, the HRA Stage 3: Appropriate Assessments of both of these plans included a cumulative assessment of risks to these sites. The assessment for the Isle of Wight concluded that the cumulative losses and gains from the two SMPs still results in an adverse impact on the two sites for the coastal grazing marsh, with the increased requirement for compensatory habitat of 31 hectares for the Isle of Wight SMP and 39 hectares for the North Solent SMP2, which totals 70 hectares of coastal grazing

marsh, which is approximately 36% of the coastal grazing marsh within Solent and Southampton SPA and Ramsar sites. It may be that this amount of coastal grazing marsh (with the function to provide high tide roosts and feeding habitat for wintering wader and waterfowl) is compensated for in one location by the Southern Region RHCP, or in a number of locations to enable the functional habitat lost to be within the area from which it was lost.

Box I: Supporting Documentation

List of attached technical supporting documents:

Annex 1 – Map of Final SMP Plan per Epoch

Annex 2 – Map illustrating extent of the two European sites affected

Annex 3 – Map showing area of coastal grazing marsh within the Western Yar

Annex 4 – Map showing area of coastal grazing marsh to be lost

Annex 5 – Natural England Support Letter

Annex 6 – Isle of Wight SMP Appendix I: Stage 3 Report

Box J: References

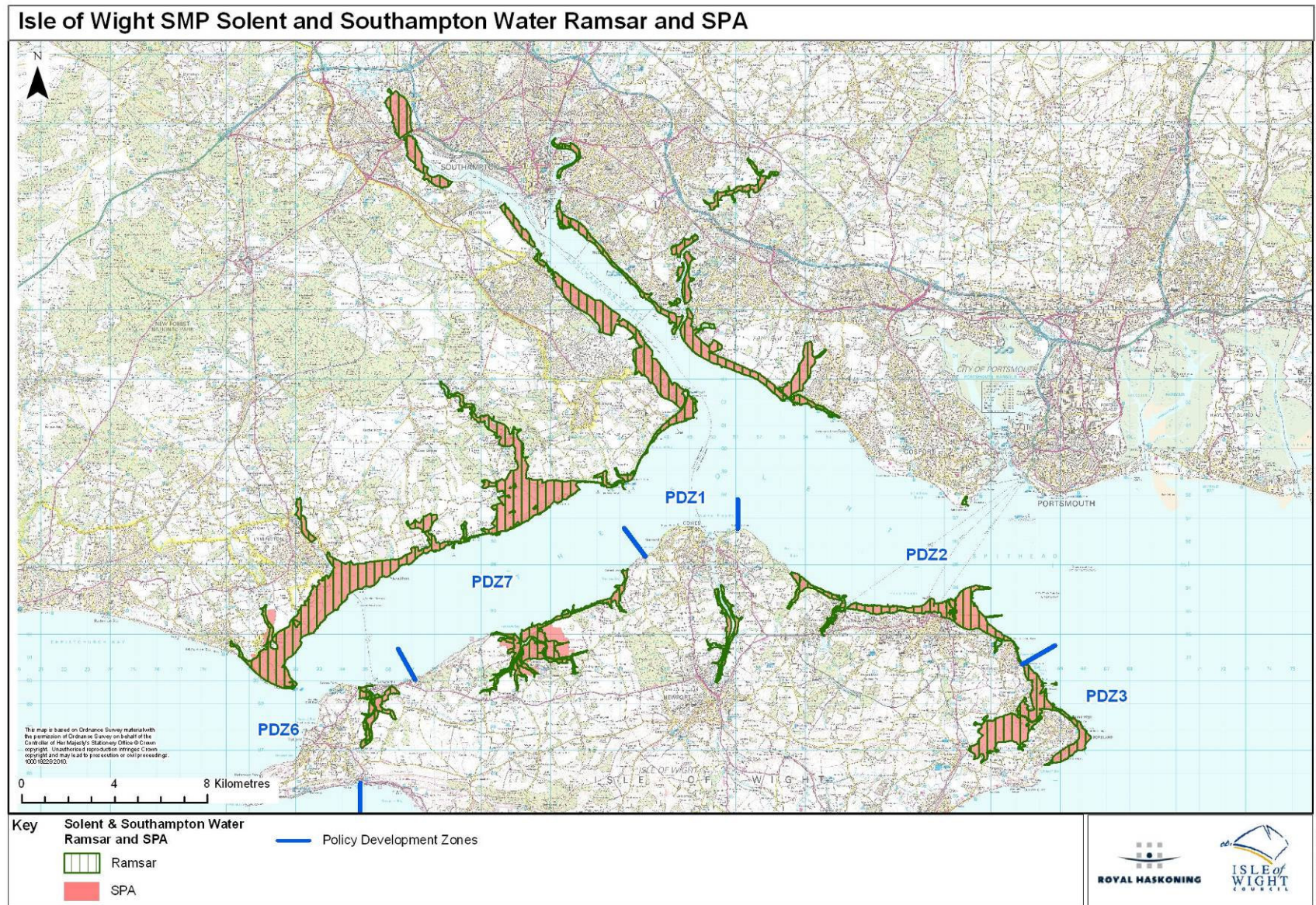
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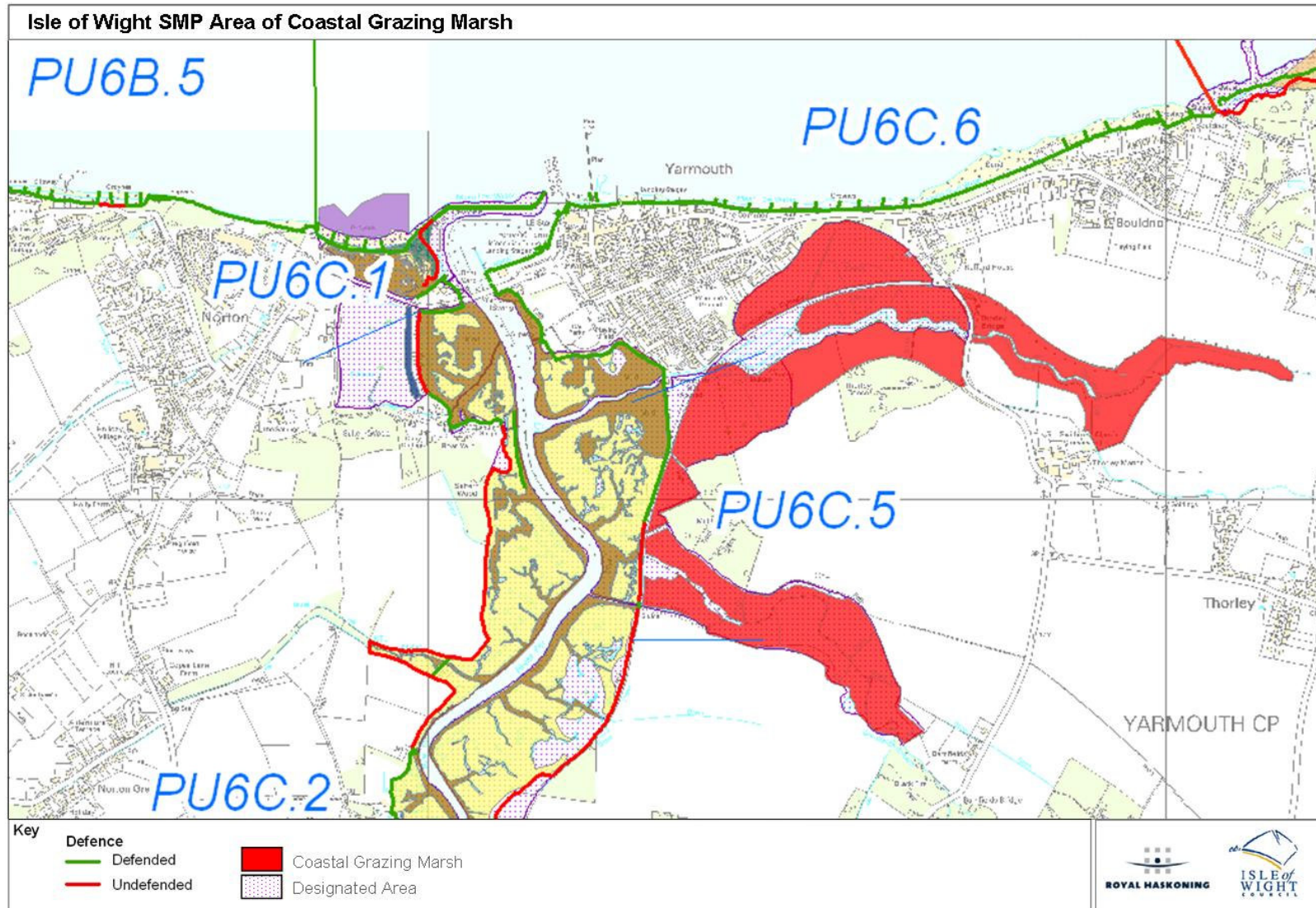
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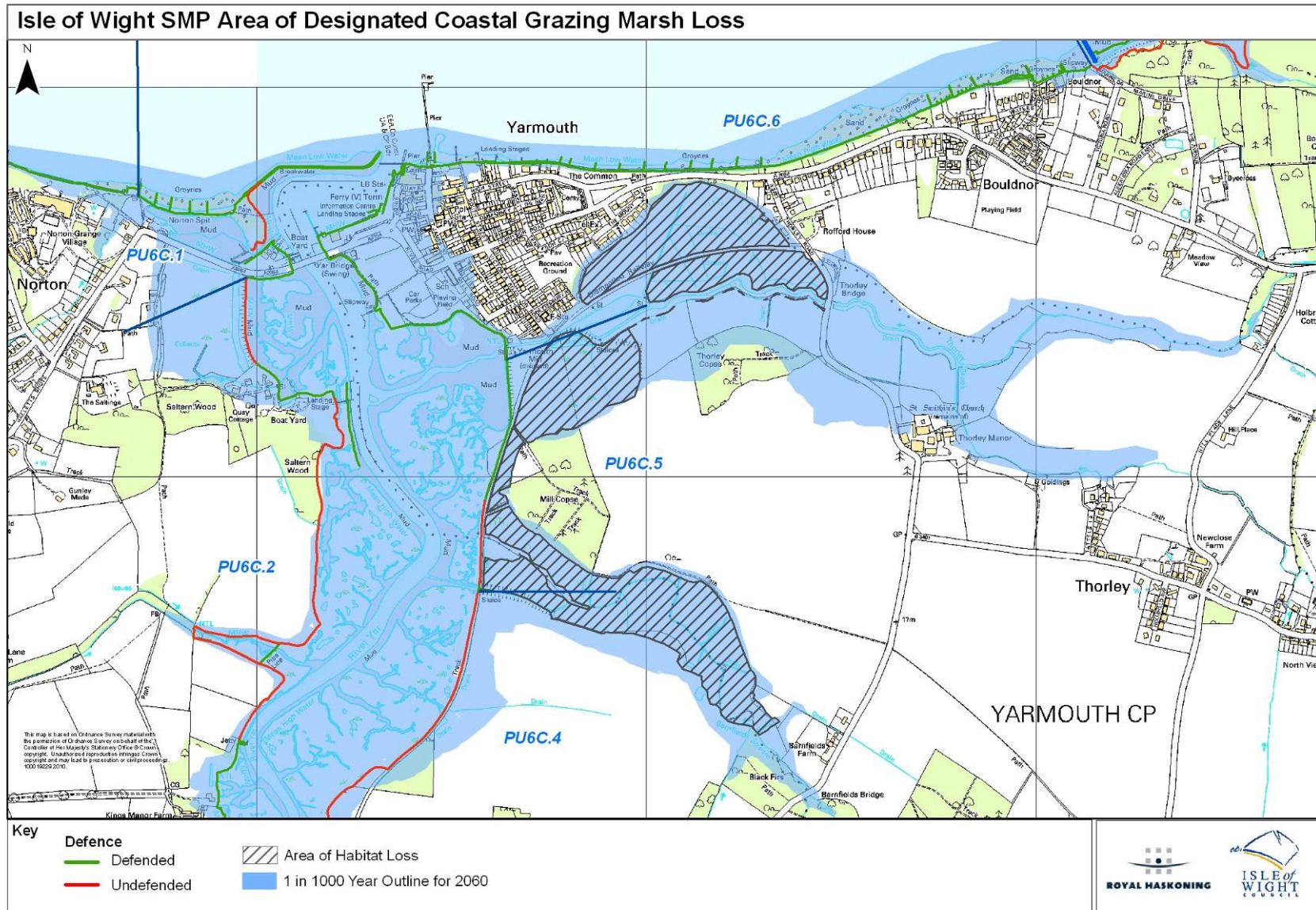
ANNEX 1: Map Illustrating the Extent of the Two Affected European Sites



ANNEX 3: Map Illustrating the Area of Coastal Grazing Marsh within the Western Yar Estuary



ANNEX 4: Map Illustrating the Area of Designated Coastal Grazing Marsh Loss



ANNEX 5: Natural England Support Letter

Date: 5 November 2010
Our ref: Isle of Wight SMP Policy support letter
Your ref: Policy support letter request



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Hampshire
SO43 7BU

Jenny Jakeways
Isle of Wight Centre for the Coastal Environment
Isle of Wight Council
Dudley Road, Ventnor
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PO38 1EJ

Dear Jenny

ISLE OF WIGHT SHORELINE MANAGEMENT PLAN 2010 – Policy Support Letter

Solent and Southampton Water Special Protection Area/Ramsar (SPA/Ramsar)

In response to your request for our formal advice on the least damaging alternative for the Isle of Wight Shoreline Management Plan (SMP), we advise the following:

Preferred Policies of Managed Realignment (PU6C.5)

1. We have previously agreed that the SMP constitutes an Adverse Effect on the Integrity of the sites listed above as we cannot guarantee that the recommended Managed Realignment policies will not damage coastal grazing marsh supporting wintering roosting and feeding birds at the Western Yar Estuary.
2. Having reviewed the SMP policies within and outside the designated areas plus their respective timing, we agree with your identification of less damaging alternatives.
3. We consider it to be both necessary and the most sustainable policy to retain Managed Realignment policies affecting the designated sites where and when possible.
4. According to the habitat loss predictions in the Isle of Wight SMP Appropriate Assessment, the loss of coastal grazing marsh habitat and the function it provides, as a consequence of managed realignment in the second epoch can be compensated for by the recreation of habitat through the Environment Agency's Regional Habitat Creation Programme.

Certainty of provision of compensation for the Isle of Wight SMP

1. Natural England advises that the Environment Agency's Southern Region Regional Habitat Creation Programme is a sufficient mechanism to secure the required habitat compensation as a result of policies in the Isle of Wight Shoreline Management Plan. It is our view that the Shoreline Management Plan policy proposals, when considered together with the Regional Habitat Creation Programme, are likely to lead to environmentally acceptable solutions.
2. Natural England confirms that there were no reasonable alternative SMP policies and that it was not necessary or beneficial to alter the epochs to which the SMP policies were assigned.

3. The Environment Agency's Southern Region Regional Habitat Creation Programme is a dedicated, resourced plan for delivering compensatory habitat. To date the Regional Habitat Creation Programme has firm delivery plans for the first epoch (first 20 years), where the necessary compensation will be created and ecologically functional by the time it is required. It is reasonable to expect that this method of providing compensation habitat will continue for epochs 2 and 3. Natural England themselves have agreed nationally that the Regional Habitat Creation Schemes are an appropriate mechanism for securing and delivering compensatory habitat.
4. Environment Agency Habitat Creation programmes are the Government's recommended vehicle for delivering strategic habitat compensation and are funded in advance of engineering works that cause damage.

Natural England welcomes the opportunities presented within the SMP to work towards a more naturally functioning coastline and lends its full support to the policies in the Isle of Wight SMP, when taken together with the Environment Agency's Southern Region Regional Habitat Creation Programme, as the best way forward for managing the coast across the next 100 years. It is our view that **the recommended proposals are likely to lead to environmentally acceptable solutions.**

Based on this advice and, assuming the SMP passes the tests of Imperative Reasons of Overriding Public Interest, we recommend that we work together at the earliest opportunity to determine and secure appropriate compensation measures.

Whilst an Appropriate Assessment, concluding an adverse effect on integrity as a result of the SMP has been completed, it is worth noting that this does not preclude carrying out an Appropriate Assessment at individual strategy and scheme level. The strategies and schemes will need to be reviewed under The Conservation of Habitats and Species Regulations 2010 when more detailed options and designs are available because the works (including any maintenance works) are within or adjacent to the European and international sites listed above. We stress that this letter does not constitute Natural England's assent or advice for the purposes of section 28H of the Wildlife and Countryside Act 1981 (as amended). When more details of the proposed operations become available and before carrying them out, the operating authority, having considered its general duty under section 28G(2) of The Wildlife and Countryside Act 1981 (as amended), is required to give notice to Natural England. The operating authority is required to carry out the works in accordance with the provisions of section 28H of the Wildlife and Countryside Act 1981 (as amended) as the proposed works are within or adjacent to the SSSIs found within the designated sites listed above.

Yours sincerely



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Statement on the Role of the Southern Regional Habitat Creation Programme in the compliance of the Isle of Wight SMP with the Habitats Regulations



For information

Part A

Regional Habitat Creation Programme manager to complete this section

Name of the SMP	Isle of Wight SMP
Sites of international importance within the SMP	<ul style="list-style-type: none"> • Solent and Southampton Water Special Protection Area • Solent and Southampton Water Ramsar site • South Wight Maritime Special Area of Conservation • Solent Maritime Special Area of Conservation • Solent and Isle of Wight Lagoons Special Area of Conservation • Briddlesford Copses Special Area of Conservation • Isle of Wight Downs Special Area of Conservation
Conclusion of the Habitats Regulation Assessment	<p>The assessment concluded that there may be adverse effects on the following designated sites:-</p> <ul style="list-style-type: none"> • Solent and Southampton Water Special Protection Area • Solent and Southampton Water Ramsar site
How the compensatory habitat will be delivered (as described by the Statement of Case)	The habitat requirements arising from the Isle of Wight SMP will be delivered by the Environment Agency's Southern Regional Habitat Creation Programme (SRHCP)
RHCP programme manager	Ruth Jolley

Part B

The Role of the RHCP in delivering the compensatory habitat

What is an RHCP	<p>A Regional Habitat Creation Programme (RHCP) provides a strategic approach to identifying and addressing potential losses of internationally protected habitats, thus helping to ensure that our flood risk management activities are compliant with the Habitats and Birds Directives.</p> <p>A Regional Habitat Creation Programme has three distinct phases or elements:</p> <p>PHASE A - Habitat Account Assessment - involves the identification of future losses to European Sites due to flood risk management activities and where habitat has to be created to compensate for those losses. It also involves the identification of losses of BAP habitat as well as gains that offset these losses and contribute to the target of creating 200ha of new BAP habitat a year.</p> <p>PHASE B - Finding and Securing Habitat Site - involves the identification and investigation of suitable sites on which compensatory habitat can be created. It also involves identifying schemes where there may be opportunities for BAP habitat creation.</p> <p>PHASE C - Creating the Habitat - involves gaining control over those sites and the creation and long-term management of appropriate habitat.</p> <p>The programme has a cyclical nature. In each phase a series of actions need to be completed, and each phase needs to be revisited at regular intervals.</p>
How the RHCP works	The SRHCP monitors habitat creation needs arising from Flood & coastal risk management plans and projects, and coordinates searches for suitable land for habitat creation. Depending on the circumstances, land is either purchased or an agreement is drawn up with the land-owner to ensure habitats are created and secured until the point of designation. The SRHCP then commissions a design and obtains planning permission for the habitat creation work. The programme normally partners with a nature conservation NGO to deliver and manage the required habitats.

Part C

Review of the habitat losses predicted in the SMP and the compensation requirements arising

SPA	<ul style="list-style-type: none"> Solent and Southampton Water Special Protection Area and Ramsar site 				
Predicted Losses	<i>Location</i>	<i>Habitat type</i>	<i>Area of habitats likely to be lost during Epoch 1 (first 20 years) in hectares</i>	<i>Area of habitats likely to be lost during Epoch 2 (50 years time) in hectares</i>	<i>Additional area of habitats lost by the end of Epoch 3 (100 years time) in hectares</i>
	Thorley Brook and Barnfields Stream, Yarmouth	Coastal grazing marsh (with the function of providing high tide roost sites and feeding areas for winter grazing birds)	0	31	0
Compensation ratios to be used	(must be agreed with Natural England/CCW) A ratio of 1:1 will be used				
Total Compensation habitat requirement arising from the SMP	<i>Habitat Type</i>	<i>Epoch 1 (first 20 years)</i>		<i>Additional requirement by end of Epoch 3 (100 years time)</i>	
	Coastal grazing marsh	0		31	

Part D

Work undertaken to identify sites for compensatory losses

Sites being developed by the RHCP to provide compensatory habitat for the SMP	<i>Location</i>	<i>Species the site is compensating for</i>	<i>Habitat Type</i>	<i>Area to be Created</i>	<i>Current Progress</i>	
	Lower Test		grazing marsh	70 ha	Feasibility study starting 2011	
	Thorley Brook		grazing marsh	14 ha	Site identified as potential compensation – no studies undertaken to date	
	Totals		start 2011 possible projects	-	84 ha	

Other points on progress

- The Solent Coastal Habitat Management Plan (CHaMP) and the Isle of Wight Environmental Mitigation Study (2006), supported by the neighbouring Solent Dynamic Coast Project, provide information on potential realignment schemes in the SMP area and the Solent and contribute to the SRHCP. .
- The Isle of Wight SMP participated in a joint-environmental sub-group with the North Solent SMP to share information and support the development of the SMP HRA process and conclusions.
- The Isle of Wight SMP2 has been judged to have an adverse effect on the Solent and Southampton Water SPA and Ramsar sites through recommending a policy of Managed Realignment over designated grazing marsh supporting wintering roosting and feeding birds within the Western Yar Estuary, which will occur between 2025 and 2050.
- Although there is a knock-on consequence of adverse effect this policy has the full support of Natural England and the Environment Agency as the most sustainable coastal policy.
- The preferred policy of HTL/MR/NAI results in creating a significant amount of mudflat and saltmarsh, the latter of which is an important declining Biodiversity Action Plan habitat that is difficult to recreate, as there is not often opportunity to do so, as well as enabling new coastal grazing habitat with the function of providing feeding and high tide roost sites for wintering bird species to be planned and created in advance of loss. If the SMP2 were not to be implemented, and the defences and sluices in this policy unit were to be left unmaintained it would result in more detrimental consequences to the Solent and Southampton Water SPA and Ramsar site and its interest features than if the active policy suite was implemented. The policy provides time in the first epoch to investigate and plan the controlled management of the saline intrusion through the existing defence line (by a policy of MR in the second epoch) of the sluices at Thorley Brook and Barnsfield Stream, followed by NAI in the long term. This is the most sustainable and least damaging option in the long term.
- Therefore the Isle of Wight SMP2 identifies a need to compensate for the loss of 31 hectares of coastal grazing marsh during epoch 2.
- It may be that this amount of coastal grazing marsh (with the function to provide high tide roosts and feeding habitat for wintering wader and waterfowl) is compensated for in one location by the Southern Region RHCP, or in a number of locations to enable the functional habitat lost to be within the area from which it was lost.
- The neighbouring North Solent SMP2 requires 39 hectares of coastal grazing marsh, which together totals 70 hectares or approx. 36% of the coastal grazing marsh within Solent and Southampton SPA and Ramsar sites.
- The SRHCP is developing sites to provide compensatory habitat for the SMP, including 70 ha of grazing marsh identified in the Lower Test. Feasibility studies will confirm suitability for habitat creation. Other sites will be investigated if this site proves unsuitable. The landowner is willing in principle to sell but negotiations will only commence when funding to proceed likely to be available.

Part E

The risks to the RHCP in delivering the requirements in the required timescale

<p>Available powers and funds to secure the necessary compensation</p>	<p>FCRM GiA Agri-environment scheme</p>				
<p>Risks/mitigation of overall delivery</p>	<p><i>Importance (state whether the risk is high medium or low importance)</i></p>	<p><i>Risk Description (Describe what the potential risk is and how it could impact delivery of the RHCP compensatory habitat)</i></p>	<p><i>Counter measure (Describe what action will be taken to stop this risk becoming an issue)</i></p>	<p><i>Owner (who is in charge of ensuring this risk does not become an issue)</i></p>	<p><i>Comments (Add any comments relating to the progress of mitigating this risk)</i></p>
<p>Medium</p>	<p>Incorrect amount of habitat identified</p>	<p>In view of the uncertainties about future climate change, maintenance of privately owned defences and processes affecting shoreline evolution, and also because Government policy changes over time, SMPs are reviewed approximately every 10 years. The North Solent SMP will be reviewed prior to the end of Epoch 1.</p>	<p>SMP / FCERMS / Scheme Project teams</p>		
<p>High</p>	<p>Inadequate funding</p>	<p>Improve incentives to landowners for change in land use and land management for creating necessary habitat.</p>	<p>Natural England, EA, SRHCP, with support from SMP Client Steering Group Organisations</p>		
<p>High</p>	<p>Lack of opportunities</p>	<p>Proactive identification of suitable sites and engagement with landowners.</p>			

	High		Lack of public support	Continue to build and improve relationships with local communities and landowners.		
Site level risks and mitigation	Site	Likelihood of site delivery within required timescale	Importance (state whether the risk is high medium or low importance)	Risk Description (Describe what the potential risk is and how it could impact deliver of the RHCP compensatory habitat)	Counter measure (Describe what action will be taken to stop this risk becoming an issue)	Owner (who is in charge of ensuring this risk does not become an issue)
	Lower Test	Medium	Low	Site not suitable for habitat creation	Feasibility study will confirm suitability for habitat creation. Other sites will be investigated if this site proves unsuitable.	Ruth Jolley
			High	Failure to agree land purchase	Landowner is willing in principle to sell but negotiations will only commence when funding to proceed likely to be available.	
			High	Failure to complete on-site works	Ensure Natural England and Planning Authority support before commencing works.	
			Medium	Failure to develop appropriate habitat and function	Site development will be monitored to ensure any necessary modifications are incorporated to create required habitat and function for target species	
	Thorley Brook	Medium	Low	Site not suitable for habitat creation	Feasibility study will confirm suitability for habitat creation. Other sites will be investigated if this site proves unsuitable.	Ruth Jolley
			High	Failure to secure the land	Landowner will be approached if initial investigations look promising.	
			High	Failure to complete on-site works	Ensure Natural England and Planning Authority support before commencing works.	

			Medium	Failure to develop appropriate habitat and function	Site development will be monitored to ensure any necessary modifications are incorporated to create required habitat and function for target species	
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Part F

Procedures in place to review the RHCP and monitor losses

In view of the uncertainties about future climate change, maintenance activities of privately owned flood defences and processes affecting shoreline evolution, and also because Government policy changes over time, SMPs are reviewed approximately every 10 years. Hence it is envisaged that the Isle of Wight SMP will be reviewed prior to the end of Epoch 1.

Habitat compensation requirements will be reviewed to take account of the changes to the SMP in future. More detailed assessment of risks is planned in Coastal Defence Strategy Studies and other site-specific studies.

The RHCP is reviewed annually and reports on the progress of the RHCP in delivering the habitat creation requirements of the SMP. This annual report will confirm:

1. how much compensation habitat was required,
2. how much we expected to create in that year,
3. how much was actually created,
4. whether there is a short-fall/exceedance
5. how we plan to deal with any shortfall (if required).

Part G

Statement of agreed understanding/conclusions

- The Isle of Wight SMP2 identifies a need to compensate for the loss of 31 hectares of coastal grazing marsh during epoch 2. Although there is a knock-on consequence of adverse effect this plan has the full support of Natural England and the Environment Agency as the most sustainable coastal policy. The MR policy will enable an increase in mudflat and saltmarsh habitat. The SRHCP is on course to provide 70 hectares of grazing marsh in the Lower Test.

- We are currently working on a compensation ratio of 1:1. This will be kept under review, in consultation with Natural England. Subject to any future changes in the rate of loss of habitats, the ratio may need to be increased, and this will be identified through the annual review process.

- The SRHCP undertakes an annual review of habitat creation requirements. The outcome of SMP reviews will be taken into account in the relevant annual review. The outcomes of other relevant documents such as Coastal Defence Strategies will also be incorporated into these annual reviews. Any changes to the estimated timing and quantity of habitat losses will be incorporated into the SRHCP programme through its annual review procedure.

- The timing of the loss in Epoch 2 is uncertain, but given the progress of the SRHCP through the development of the Medmerry site and the identification of other potential managed realignment sites subject to further studies, there is reason to believe that the SRHCP will be able to deliver the required habitat over a 100 year period.

For Shoreline Management Plans (SMP), it is not necessary for all of the anticipated compensatory habitats to be in place at the time that the SMP is approved. However, it is essential that the RHCP provides all the required compensation habitat before any damage is likely to occur, through implementation of the SMP, otherwise schemes and projects will be unable to proceed and the SMP cannot be implemented.

Part F

Sign-off

RHCP Manager

SMP Review
Group

Regional Director