



Solent Protection Society

Registered Charity No. 236539

News

Protecting the Solent and its Environment for Future Generations

January 2010

Delivering Marine Conservation Zones & European Marine Sites:

Defra's Draft Strategy for Marine Protected Areas

In April 2009 Defra produced a draft strategy for Marine Protected Areas, which explains how the Government proposes to deliver Marine Conservation Zones and European Marine Sites. It was one of a series of consultation documents in relation to marine conservation which expanded on proposals contained in the Marine & Coastal Access Bill, which became law on 12th November 2009.



The gradually weakening spit protecting Newtown on the Isle of Wight

The consultation document emphasised the variety, richness and importance of marine biodiversity and its fundamental role in supporting goods and services that are important to society (e.g. food, raw materials such as aggregates, opportunities for leisure and recreation and for education and research). Pressures on the marine environment include dredging, fishing, military training, aquaculture, cables and pipelines, and emerging pressures include the development of renewable energy (e.g. wind farms). Currently, the measures for conserving the marine environment around England are miserably inadequate: national tools include only SSSIs (generally only out to low water) and Marine Nature Reserves (only one – Lundy – ever designated off the English coast).

The aim of the strategy is "to recover and protect the richness of our marine environment and wildlife through the development of a strong, ecologically coherent and well managed network of marine protected areas...." The Government intends to produce this network by 2012.

This network of marine protected areas (MPAs) will consist of:

- **European Marine Sites** (EMS) (i.e. Special Protection Areas and

Special Areas of Conservation designated in coastal and inshore waters under EU Directives);

and

- **Marine Conservation Zones** (MCZs) designated offshore as a result of the Marine Act.

In contrast to the designation of European sites, the designation of MCZs may take account of socio-economic factors.

How the network will be managed is likely to vary between areas. Site features, human activities, and conservation objectives are likely to differ from site to site, therefore management measures will differ. There is no presumption that any particular activity will be incompatible with the conservation of a MCZ. All public authorities will have a duty to further (or, at least, not hinder) the achievement of conservation objectives; this may include restricting activities or taking action to mitigate impacts.

MPAs will not provide the complete solution. Better wider management of the marine environment is also needed, through marine spatial planning and more effective licensing. The Act requires a UK Marine Policy Statement and marine plans to be produced, which will direct and guide decision making.

For the purpose of establishing the MPAs network, the territorial and offshore waters around England and Wales will be divided into four regions – the Solent falls within the Eastern Channel – and for each region a project will be set up to identify and select MCZs. The Eastern Channel project has been set up, with the title: Balanced Seas. One of the project officers – Kate Mills – is based in the River Hamble Harbour Master's office at Warsash.

There will be the opportunity for a range of stakeholders to be involved in the regional projects. Indeed, representatives of the SPS attended the Balanced Seas first stakeholders' meeting, in November.

It is not possible to say whether there is any intention to extend any existing Special Protection Areas or Special Areas of Conservation or to designate MCZ in the Solent, but there is no reference to it (as there is to other areas). Also, it seems evident from the document that MCZs are primarily to be designated offshore (beyond the 6-mile limit).

The formal response of the Solent Protection Society (SPS) to Defra included two main points:

1. The SPS welcomes the simplification represented by the Marine Protection Areas concept;
2. The SPS would like to be involved as a local stakeholder in the Eastern Channel regional project.

Further information about the Balanced Seas project can be obtained from its website: <http://www.balancedseas.org>.

Alan Inder

The Marine Act – Sea Change or Gesture Politics?

The long-heralded Marine and Coastal Access Act 2009 (MCAA) finally reached the Statute Book in mid-November last year. Much vaunted among the conservation community as an overdue replenishment of the hitherto rather threadbare tapestry of legal resources for the defence of the offshore environment, the reality is that it may prove to be rather less of a magic bullet than a slightly damp squib.

In principle, there is much to be said for a compendium law which seeks to co-ordinate several important strands of offshore and near-inshore management, areas of law and practice which have indeed begun to look underdeveloped and even chaotic over recent years, especially as the UK's international legal obligations (mostly, but not exclusively, driven by the EU) have extended below the low-water mark. Thus, the MCAA at last makes provision for the declaration by the UK of an Exclusive Economic Zone (a 200-mile resource-related area), an inexplicably delayed development which has been inevitable since the country's ratification of the UN Law of the Sea Convention some years ago. The Act also provides the framework for the brave new world of Marine Spatial Planning, although we must wait in patience for the promised blizzard of consultation documents and draft policy statements before we can make any balanced assessment of how that new world will look. Another Part of the MCAA proposes to simplify and streamline the byzantine network of consents for offshore operations and also to re-order the similarly arcane structures for management of fisheries. Perhaps most famously, the Act also provides for yet another set of protected areas in the hydrospace and controversially sets in train the process of assembling a long-distance footpath around the entire coast of England.

Not all of this welter of legislation, however, is of immediate concern to the Society. The MCAA will come into force, as is common these days, in dribs and drabs. Apart from a few "machinery" sections, the first substantive chunks come into effect this month. These are the parts dealing with marine spatial planning, marine conservation zones and the proposed coastal path. Rather oddly, perhaps, the provisions governing the establishing of the Marine Management Organisation (MMO), the super-quango discharging the role of Lord High Everything-Else offshore, are not yet in force at the time of writing, even though a distinguished former Admiral has been appointed to chair it. Perhaps this is because the decision to base the MMO in Newcastle (a choice which seems more political than functional) has resulted in more than three-quarters of the experienced and knowledgeable staff of its predecessors opting not to relocate.

The Society, through the medium of the Council (and particularly its MCAA Committee) sees its role as ensuring that, in connection with each of the multifarious developments under the auspices of the Act, the particular features and peculiarities of the Solent are properly taken into account. The first aspect which has attracted the Society's attention is the process of identifying potential Marine Conservation Zones for future designation. As Alan Inder's article elsewhere in this Newsletter explains, the purpose of these zones is to supplement sites with international or European designations with sites of national significance so as to form a network capable of conserving marine biodiversity. The Solent region, of course, is peppered with the former category of designations, and it is not yet clear to the Council how many MCZs (if any) might be considered in the area. The strategic nature of the selection process means that, on the geographical plane, it is necessarily conducted on the macro-scale, but it is perhaps encouraging that the member of the DEFRA project team based in Hamble is particularly tasked with the interaction of the programme with recreational uses, a matter of vast socio-economic importance for which the Solent provides an almost unique example.

It is in the field of marine planning, though, that SPS is likely to become most engaged in the implementation of the Act. DEFRA's view is that marine planning is not just a question of drawing zones on a map, but of contributing to sustainable development, for example by providing a holistic, rather than ad hoc, approach to licensing of activities offshore and to "provide an opportunity for user organisations and local/coastal communities to have a real say in what happens at sea and what our priorities should be in the future". In this context, the Council is encouraged to see that the main plan area relevant to the Solent, the South Inshore Area, is relatively small, extending from Selsey Bill to Weymouth. Although the boundaries of these regions (and indeed their number) are notionally open for consultation, the reality is that these boundaries are likely to remain in place, if only through administrative inertia.

SPS has already made known its position on coastal access, welcoming the proposal in principle, while expressing the view that the new policy might divert attention and resources from active improvement programmes being done under existing powers and focuses rather more on the provision of new routes rather than the maintenance of those already in place. It has also pointed out the very real problems of topography, wildlife conservation and land management that would follow in the Solent region from extensive access, as well as the legitimate concerns of landowners and businesses likely to be affected.

The access provisions highlight a major uncertainty about the Act as a whole – its implementation will cost a great deal of money. As Ministerial minds turn to the forthcoming election, will there be much appetite to make the necessary investment, particularly in the current economic circumstances? Is it possible that, the political advantage of its enactment having been banked, the Act may remain a cipher, at least for the near to medium future?

Fort Gilkicker

The proposal by the builders, Askett Hawk, to convert the fort to "26 dwellings, residents' stores and interpretation room" has been called in by the Secretary of State under section 77 of the Town and Country Planning Act. This is because it is possible that the application may conflict with "national policies on important matters".

In order to consider all the relevant aspects the Secretary will hold a local Inquiry. This will examine, amongst others aspects, whether it is in accordance with the South East Plan and the Gosport Borough Local Plan and whether proper account has been taken of the Flood Risk.

Lymington Ferries – Judicial Review!

As we go to press we hear that the Judicial Review sought by the Lymington River Association concerning the duties of Defra, was heard in the High Court on Tuesday December 15th. Mr. Justice Owen has reserved judgement until after Christmas. We will place details of the decision on our website www.solentprotection.org as soon as possible.

The Lymington Harbour Commissioners have issued update No 8 on the subject of Ferries and also an update on their plans for harbour defences. Both can be seen by following the links at <http://www.lymingtonharbour.co.uk/>

Slipper Mill Pond Bank Repairs

The tidal Slipper Mill Pond is on the Eastern border of Emsworth at the mouth of the River Ems where it enters the sea in Chichester Harbour. It was built in the 1760s by a local industrialist to power the then new Slipper Mill to help supply the expanding navy. In 1982 individuals bought the pond, set up and leased it to the Slipper Mill Pond Preservation Association who are now responsible for its management and maintenance using subscriptions from members and seeking grants.

The pond forms an essential part of the Emsworth scene being much valued as a biodiversity habitat, a unique relic of past local industry, recreational resource and an important element in relieving the ever-increasing urbanisation of the area. As well as being supplied by a branch of the River Ems the rising tide fills the pond and one-way flap gates maintain its level. This provides a unique brackish wildlife habitat. The muddy sediments support a rich invertebrate fauna including two specifically protected species and an interesting species of tube-worm. It is a nursery area to young fish; Grey Mullet are present in considerable numbers. In addition to resident swans, ducks and coots, wintering, breeding and passage migrant birds are also attracted to the pond.



Looking north from Slipper Mill Pond

The pond and the popular footpath along the West bank are under threat as two sections have reached the end of their life. Some 40m. of the Southern end is being inexorably destroyed by the sea and, halfway along, the clay core is being washed out. They are only just stable at the moment and their foundations and outside face need to be replaced carefully. Such work requires a very methodical approach particularly to maintain the stability of the remaining bank during the construction process.

The project has taken a long time to be developed as early estimates were in excess of £100,000 – well beyond the resources of the Association, requiring potential sources of funding to be found. Lengthy discussions with the authorities, contractors and potential funders confirmed the viability of the project and now Planning Approval has been obtained.

So far Grants for the consultant's design fees have been promised by Chichester Harbour Conservancy, West Sussex County Council, Chichester District Council, the Solent Protection Society and the Emsworth Business Association – all of whom have recognised and support the valuable resource the pond and its footpath are to the residents and the public.

Detailed design and tender documents have now been prepared specifying that work should not be carried out during the breeding season, due care taken of the environment, especially Chichester harbour, the River Ems and the pond itself. By next Spring a contractor should be appointed and fund-raising for the main works can begin with a potential start on site in the Autumn 2010.

Langstone Harbour

Langstone is a very different harbour from its two neighbours, Portsmouth and Chichester. Although it is home to two aggregate wharfs, several sailing clubs and the Portsmouth Outdoor Centre, there is plenty of scope for quiet enjoyment. Most of the harbour enjoys at least one of the environmental designations and is home to many birds and seals.

This year an exercise to tag the seals has been successfully completed. Tags were attached to 5 seals and their movements tracked over the summer. Whilst they were most active in Langstone and Chichester harbours, they frequently visited Bembridge and the Solent as far as Southampton. One even made a quick visit to France and back. When the seals moult the tags will fall off and there will be no lasting effects from the trials.



The small islands in the harbour are managed by the RSPB and this year they have replenished the gravel on one in order to provide nesting sites for the little terns which have been disturbed by the large colony of gulls that share the islands with them. The terns are real Spartans and like to nest on the bare gravel around the shoreline. Apart from their war with the gulls, the nests are often washed out by high tides. The terns have nested on the new gravel, whilst the gulls prefer an area with a little vegetation and so the survival rate for the terns is improving.

The Harbour Board have produced a new Visitors' Guide. This is a most professional leaflet which covers all aspects of the 14 mile coastal walk. It will be available, free, from all the usual places like council offices, tourist information centres, museums etc.

The Solent Protection Society is very pleased to be able to help with the production of this Guide and we commend it to our members.



Chichester Harbour Trip

Last summer SPS invited members and guests to join us for a trip round Chichester Harbour to find out more about this Area of Outstanding Natural Beauty.

On 25th June, a dry and sunny day, about 50 of us met up at the jetty at Itchenor and boarded the Solar Heritage, a solar powered catamaran, for the conducted tour around the Harbour. On board the engines were virtually silent as we glided along, with plenty of time to admire the view and get up close to many of the birds and habitats that make the place so special. Our driver and guide gave us an interesting and informative commentary about the history and ecology of the harbour.

After our 90 minute trip we all made our way along the foreshore to the Itchenor Sailing Club where we were afforded a warm welcome and an excellent lunch.

Conservation Award To EHCIAG

While we were visiting Chichester Harbour we took the opportunity to meet up with representatives of The East Head Coastal Issues Advisory Group (EHCIAG) to present them with a Solent Protection Society Conservation Award for their excellent work.

EHCIAG is made up of nine organisations with a common interest in developing a long term strategy for East Head in order to preserve the environmental, navigational, amenity and economic value of this famous landmark feature to the community.

EHCIAG worked in partnership to develop the strategy based on a policy of adapting and responding to changes in the morphology of East Head with a range of beach management measures to preserve these values.

Representatives of EHCIAG were presented with the SPS Conservation Award at the Itchenor Sailing Club by Jeremy Clark, Chairman of Solent Protection Society.

Mr John Davis, Manager and Harbour Master of Chichester Conservancy, accepted the Award on behalf of EHCIAG, thanking Solent Protection Society for their support and donations towards the project.



Photo – left to right: Peter Morton, West Wittering Estates, Jon Curson, Natural England, John Davis, Chichester Harbour Conservancy, Jeremy Clark, Solent Protection Society, Richard Shrubbs, Woodger Trust

Bembridge Harbour

Important developments

The Department for Transport has confirmed that it will be conducting a public inquiry in January into the level of harbour dues being levied by the Bembridge Harbour Improvements Company Limited over the last four years, following appeals by harbour users. It is understood this will be the first such appeal to be carried out by the DfT and the users and managers of other harbours will be watching the conduct and result of the inquiry with great interest.

The Environment Agency has now published its Eastern Yar draft coastal flood and erosion risk management strategy, in which it suggests that rising sea levels over the next 100 years will leave 730 homes and businesses at risk in the Bembridge and St Helens area alone.

The draft strategy recommends that the Bembridge Embankment Road, Brading Marshes and the majority of properties at risk should have improved protection from coastal flooding. The paper acknowledges that the St Helens Duver Wall (see photograph), which is in a very poor state and if breached would flood the St Helens Duver, is particularly vulnerable making vital the IOW Council's proposal to maintain it for the next 50 years.

However, EA's recommendation to "do nothing but monitor" the groyne at Bembridge Point which they admit is also in a "very poor state of repair" and "is regularly submerged" is a mystery to Bembridge Harbour users. This negative policy will be seriously questioned during the consultation process as the groyne would appear to form an important protection to the entrance to Bembridge Harbour.

Exhibitions and consultations on the EA's draft strategy will be taking place on this most important issue over the next few months.

All these events are being closely monitored by the Bembridge Harbour Trust, a body that obtained charitable status in July 2007. The main objectives of this charity are to:

- preserve and enhance Bembridge Harbour, it's approaches and setting for the benefit of the public including the users of the harbour and the communities of Bembridge and St Helens on the Isle of Wight; and
- purchase the harbour from the current owner should the opportunity arise.

BHT is a member of SPS.



St Helens Duver Wall which clearly shows its poor condition and need of urgent maintenance.

Dibden Bay

Consultation Draft of Port Master Plan

Consultation on the Draft Port of Southampton Master Plan was opened in July and closed on 13th November 2009. ABP advise that feedback from the consultation will be reviewed and a final Master Plan will be published in the New Year. It will be available on ABP's website and in libraries in the vicinity.

ABP previously sought a Harbour Revision Order in 2001 involving the development of Dibden Bay as a container port. The Society objected to the application on the grounds that –

Construction and operation of this major terminal would have very serious impacts on:

- Open coastal landscape associated with the New Forest and its enjoyment by residents and visitors
- A wildlife resource of international value
- Recreational use of the Solent and Southampton Water, the busiest and most important yachting centre in the United Kingdom

The development would have such a devastating effect on the coastal and inland environment and on local communities that the Secretary of State should only approve the Order (with any necessary modifications) if it is absolutely essential in the national economic interest, and with no reasonable alternative location.

The proposal underwent a prolonged public inquiry attended by the principal objectors, including the Society, and in 2004 the Inspector recommended that the application should be rejected. The Secretary of State agreed with the Inspector that the disbenefits of the scheme, as borne out by its impact on internationally and nationally environmentally sensitive sites, outweighed the potential benefits"

In response to ABP's invitation for comments on their draft master plan for the port of Southampton, the Society has written to ABP as follows –

Port of Southampton Master Plan 2009 – 2030: Consultation Draft

"The Council of the Solent Protection Society has considered the consultation draft of the Port Master Plan and wishes to register its very significant reservations about various aspects of the Plan, which arise from any future commercialisation of Dibden Bay

The SPS recalls that the Government proposes to promulgate a National Policy Statement in the near future to act as a guide to the Infrastructure Planning Commission in relation to the ports sector and feels that it is premature to reach definitive conclusions on this Master Plan until that Policy Statement has been formulated.

At the time of the Public Inquiry into the last proposal for the development of Dibden Bay, this Society was one of the objectors represented by Counsel, and so it has approached the new Plan

with a view to determining whether there have been any major operational or contextual changes, which should cause it to change its earlier views. The Inspector at the 2004 Inquiry considered that there were "credible alternatives" to the expansion of Southampton and SPS remains of the opinion that the Port Master Plan assumes too readily that any expansion must occur in Southampton. Whilst this is an understandable commercial aspiration for the Board of ABP, it may not be a balanced view from a national perspective and fails to have regard to the relationship of the Port to the context of the wider Solent.

The reservations of SPS at this stage are broadly (inter alia):-

1. That Dibden Bay is an environmental site of national importance and its foreshore a site of international importance. Further, in the event of further development at Dibden Bay, SPS considers that some attempt should have been made in the Port Master Plan to address the issue of environmental compensation, notwithstanding that the Plan is at a very early stage.
2. The scenario propounded by ABP in which the Port will stagnate or be marginalized if it does not expand, rather than one in which the port continues to thrive on the eastern bank of the Test requires further substantiating evidence, which is lacking in the present version of the plan.
3. Impact on the landscape of further development of Dibden Bay and particularly its effect on the New Forest National Park, the City of Southampton and the River, together with the ecological effect of the additional capital dredge directly attributable to Dibden Bay are understated in the Port Master Plan.
4. While the development of the landside infrastructure is beyond the immediate scope of the SPS, concerns expressed at the last public enquiry relating to the development of the A326 and the rail links to the proposed port facility do not appear to have been addressed in the present draft of the Port Master Plan.
5. The effects on the quality of life of waterside communities, those adjacent to the necessarily enlarged or altered transport links, and those persons using the Solent for recreational purposes do not appear to have been adequately addressed.
6. Any development at Dibden Bay should be assessed in the light of other alternative developments and traffic forecasts that may exist at the time that a formal application for consent is made.
7. The current proposals do not adequately consider the effect of the increased through-put of the port on other users of the whole Solent area. This applies in particular to the western Solent which lies outside the present remit of any harbour authority and which may be increasingly used by coasters or other feeder vessels.

The Solent Protection Society awaits with interest the publication of the National Policy Statement concerning UK ports and will re-examine the Master Plan in the light of that statement.

Although ABP has indicated that the final Master Plan could be expected in the New Year, we anticipate that the recent publication of the government's National Policy Statement on Ports may cause some delay.



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Under the Gift Aid scheme for every £1 you give, either as a subscription or donation, we are able to recover 25% from the Inland Revenue. It does not cost you anything – you simply declare that you are a taxpayer. If you have not already completed a declaration would you now be good enough to do so by completing this coupon, cutting it out and sending it to – Lands End House, Lands End Road Bursledon, Southampton SO31 8DN.

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Appeal For E-Mail Addresses

A big thank you to all those members who have already given us their e-mail addresses. We don't want these in order to bother you with pointless correspondence, but rather to be able to inform you of important topics which occur between our twice yearly newsletters and to enable you to have your say on major issues when time is of the essence. It also of course saves the Society the cost of both print and postage.

The response to our original request has been disappointing and until we have more e-mail addresses it is simply not practical for us to use this method of communication. So please help us to help you and e-mail the secretary at secretary@solentprotection.org with your e-mail address.

Photos of the Solent

In our last newsletter we told you about the excellent photos of The Solent on flickr.com, where one of our members has started an SPS group.

Unfortunately the web address we gave you was incorrect, so please note that the correct address to log on to is: <http://www.flickr.com/groups/solentprotection/>



Portland Harbour

Speakers

Recent speakers to the SPS Council have included Mr Derf Paton telling us about his Port Pennington proposal, Mr. Andrew Colenutt from New Forest District Council on the North Solent Shoreline Management Plan and Mr. John Davis OBE, Harbour Master of Chichester Harbour Conservancy, who told us about the Conservancy's valuable work.

At our 4th February 2010 Council meeting Mr Mike KcKeown of Southern Water will talk to us. A limited number of places are available for SPS members who would like to join us to hear Mr McKeown's presentation. If you are interested in coming along please email: secretary@solentprotection.org

The venue is The Royal Southampton Yacht Club, Channel Way, Southampton SO14 3QF. Please be at the Club for 12 noon. Mr McKeown's talk and Question and Answer session will last about one hour.

In memory of Judy Davies



It is with great sadness that we report the death of Judy Davies, who was Secretary to the Society for nearly thirty years, on 23rd December.

Judy had an incredible grasp of all matters affecting the Society. She was in many ways the Society's corner stone; she ensured that its activities were properly co-ordinated and that the many approaches we received from members were not left unattended.

Judy had a strong loyalty to the Society and had a knack for ensuring, in the most courteous manner, that the succession of chairmen and Council members were aware of the history of matters with which they were dealing.

We shall all miss her as a friend and for her strong support, her sure but light touch, and her quiet sense of humour.

Our sincere condolences go to Judy's two daughters, Vanessa and Jo.

Legacies – please think of the Society and its work

In addition to the very welcome donations over past years, from time to time we have also received very generous bequests from those who have had an interest in what we have been doing.

If you are updating your will and would like to remember the Society this would be appreciated. Equally if you have already made a will you can make provision for a bequest either by executing a formal codicil to the will or by leaving a letter of direction to your executors.



SPS Website

In between newsletters members can catch up on all the latest SPS news on the Society's website – www.solentprotection.org

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