



## Solent Forum Horizon Scanning

July 2019

### Background

Horizon Planning looks ahead; it is a resource for Solent Forum members to help them keep abreast of emerging issues. It is undertaken each summer by Solent Forum staff to supplement the business planning process. The next five year Business Plan, 2020 to 2025, is currently being prepared and this document will feed into it.

### Summary of events

Over the years we have seen a considerable rise in environmental protection and this has meant that we have done much to protect biodiversity when carrying out development at the coast or in the sea, but there has been little focus on recovery or restoring nature and there has been little said which actually requires or leads to recovery. The launch of the 25 Year Environment Plan, however, was a key event in setting policies for the future and the Plan is clear in its intentions that we must see restoration and recovery of biodiversity alongside continued protection. It is no surprise therefore that the topic of net gain is being increasingly discussed and reflects Defra's policies to leave the environment in a better place. During the summer the Government also announced the final tranche of the Marine Conservation Zones and this includes the Bembridge to Cowes MCZ in the Solent.

The debate that is taking place at present is whether this is enough and whether we need to see real moves towards recovery and restoration; some argue, for example, that the objectives for the MCZs are not strong enough and more should aim for restoration rather than maintenance. The Government is also reviewing whether there should be even more protected areas which are being referred to as Highly Protected Marine Areas, HPMAs.

At the same time the concept of net gain accompanying development is growing and there is increasing discussion about what it means and how it could be applied. In short, net gain means that in addition to protecting environmental features when undertaking development, there should also be a requirement to see an improvement in nature. This is already becoming more established for terrestrial development, such as house building, and is recognised as a requirement down to mean low water (i.e. the intertidal zone), but as yet there is no clear policy or requirement for net gain in the marine environment.

What does all this mean - it means that industry and conservation will need to work together better to ensure that conservation is both maintained and improved and that targets for gain are identified and delivered.

## Government direction and legal matters regarding coastal and marine matters

Following the release of the 2018 Defra 25 Year Environment Plan, there has been a number of environmental policy documents on the marine environment. In addition, the government are now planning for the new Environment Bill, which is expected in Summer 2020. This sets out policy direction; representing huge opportunities to improve the marine environment.

Defra's Natural Capital Committee published a paper in May 2019, which set the scene for the extent of the **UK marine interest and its natural capital**. It looks within the broad context of the 25 year Environment Plan and recommends how the government can protect and grow marine natural capital for public benefit and the mechanisms for doing so. The recommendations include:

- Reviewing Marine Protected Areas (MPAs) and looking to re-orientate their protection towards natural capital – looking in detail at fishing impacts and dumping of dredgings at sea
- Develop enabling mechanisms to achieve natural capital decision making through marine pioneers, the Environment Bill and the MCAA 2009
- A marine stewardship system and Net Gain
- Extending the Catchment Based Approach to transitional and coastal waters
- Enhancing public engagement with the marine environment (considering national marine parks)
- Developing the science of natural capital understanding and implement sound green accounting
- Provide international leadership on natural capital
- Build an underlying metrics system that works for the challenging marine system.

The paper follows a consultation by **Defra on Net Gain in December 2018**. This paper set out a proposed system of mandatory Biodiversity Net Gain (BNG) as a core mechanism to be introduced to the planning process, measured by metrics to ensure developers pay for improvements to wildlife habitats. In addition, the paper consulted on an aspiration for a wider Environmental Net Gain (ENG) system to bring benefits to different sectors such as the marine environment, recreation, water quality, flood water etc. Currently there is no proposed mechanism for net gain below Mean Low Water (MLW). As pointed out in a **white paper by ABPmer** in March 2019, there is a strong argument to make any marine environmental net gain system statutory, so that public money can be directed to the marine environment following a strategic approach.

**Defra published a statement paper in July 19 on the Environment Bill.** With Brexit potentially imminent this bill is required and it is expected in Spring 2020. The forthcoming Environment Bill seeks to establish a comprehensive legal framework for environmental improvement. It will also create a new Office for Environmental Protection. It remains to be seen what powers this new office will have. Through the Bill, Defra will introduce a mandatory approach to biodiversity net gain. This will require developers to ensure habitats for wildlife are enhanced, with a 10% increase in habitat value for wildlife compared with the pre-development baseline. Exemptions for certain types of development will be made in a targeted way, and it will continue to work to establish potential approaches to achieving biodiversity net gains for nationally significant infrastructure projects. Marine development, remains out of the scope of biodiversity net gain in the Bill. To help guide key policies like net gain, planning and the future Environmental Land Management system, Defra will introduce a new statutory requirement for Local Nature Recovery Strategies. These strategies will help to map out important habitats and opportunities for the local environment to be improved,

linking communities' knowledge and priorities with national environmental objectives. Hampshire County Council are beginning a partnership piece of work to understand the implications of BNG for Hampshire.

In June 2019, the Government announced a review to examine whether and how the strongest protections for areas of sea, known as **Highly Protected Marine Areas (HPMAs)**, could be introduced. The review will be led by Richard Benyon MP. It will run from June 2019 and complete by the end of 2019.

**Water quality (in particular nitrate pollution)** and littering remain high on the national political agenda. Natural England are currently considering advice about nitrate pollution following two rulings by the Court of Justice of the European Union. The current advice from Natural England is that Planning Authorities determining permissions may now need take into account areas where there is a deterioration of water quality due to nitrate pollution. This is because nitrates and other pollutants can be released from domestic and industrial waste water into water sources. This has resulted in some planning permissions being put on hold, as discussions are taking place as to whether strategies need to be put in place for any pollution (should there be evidence of it) to be appropriately addressed in order for new developments to be compliant. This may affect the Solent area if evidence shows that there is nitrate pollution in the harbours; discussions are on-going with Local Planning Authorities some of which may contest this evidence and that taking the precautionary approach is unfair.

Addressing the issue will involve accepted mitigation strategy for any affected areas that will ensure 'nitrate neutrality'. Mitigation may be direct (stripping nitrate using technology to strip at waste treatments works (very expensive) or by reed beds etc. at sites) or indirect (buying high nitrate producing agricultural land and converting to Strategic Areas of Natural Green space (SANGS)). Some Local Planning Authorities, such as Poole Borough Council, have adopted a Supplementary Planning Document detailing how they will ensure that new development is nitrate neutral.

Another important water quality issue, is the breakdown of trust with some water companies in their reporting of combined sewer outfall (CSO) releases of sewage overflow to rivers and coast. This has led to water quality deterioration not being reported and a risk to public health for those that bathe in polluted waters without realising the risks.

**The Environment Agency consulted on their National Flood and Coastal Erosion Risk Management Strategy in July 2019.** The approach centers around building resilience and meeting ever more challenging climate change risks, including higher sea level rise forecasts.

A replacement will be required for the current **Marine aggregate system** - new regional approach to compliance monitoring and also growing pressure on aggregate wharves from development

South Hampshire Local Planning Authorities have worked together for many years to solve key environmental issues which may be an impediment to planning. Partnership for South Hampshire (PFSH) have released their **South Hampshire Green Infrastructure (GI) Strategy 2017 (Updated 2018)** and the South Hampshire GI Implementation Plan 2019 (adopted by PFSH Joint Committee in June). Both are available the PFSH website Green Infrastructure webpage.

Finally, it is worth mentioning the importance of **restoring estuarine and coastal habitats**, due to the increasing threat of climate change and coastal squeeze. The recent Restoring Estuarine and Coastal Habitats in NE Atlantic (REACH) conference brought together Ministers, Defra, EA, NE, CEFAS, MMO, JNCC and others. A hard hitting message was made that climate change and biodiversity loss are the greatest threats. The Challenge is to preserve and/or maintain, often degraded, habitat in a way to make it resilient to future changes and future proofing, which may result in changes in the

balance between terrestrial and marine habitats. There is a focus on saltmarsh, seagrass and oyster reefs and the use of 'valuation', and industry led restoration projects as a way of generating funding for initiatives.

### **Solent wide strategic direction and funding**

#### Solent Natural Capital

There is interest to create a focus for the maritime Solent, linking with the Hampshire and Isle of Wight Local Nature Partnership and Solent LEP. This follows work conducted by the Solent LEP producing the Solent Local Industrial Strategy.

#### Solent coastal and marine catchments

There are opportunities to tap into Environment Agency Water Framework Directive revenue funding/FCRM funding; to develop a case for funding the Coastal Partnerships, such as the Solent Forum, to partner with the catchment partnerships of New Forest, Isle of Wight, Test and Itchen and East Hampshire to deliver transitional and coastal estuarine restoration and net gain.

#### Restoring Solent Estuarine and Coastal Habitats

The work of REACH nationally can be applied to the Solent. Identification is required of which habitats need to be preserved/maintained, and made resilient to future changes. We also need to understand the financial drivers. In particular an understanding of projects and potential links for strategic compensation and mitigation projects for damage to MPAs including: nitrate neutrality and the development of Strategic Areas of Natural Green space (SANGS), Solent Recreation Mitigation Partnership (Bird Aware and development of alternative areas of green space for recreation). Solent Regional Habitat Creation plans are being taken forward by the East Hampshire Coastal Partnership (managed realignment and habitat creation opportunities).

A coordinated approach to tackle water quality is required in the Solent to address nitrate pollution. As mentioned above Natural England's recent advice on the matter has resulted in planning permissions in the Solent being put on hold (5 Local Authorities have been affected in the Partnership for South Hampshire (PFSH) area), whilst an affective mitigation strategy is agreed. A recent report to Portsmouth City Council's cabinet summarises the issue, stating that high levels of nitrates from housing and agricultural sources have caused eutrophication (the excessive growth of green algae) in protected waters in the Solent area, which is having a detrimental impact on protected habitats and birds. PFSH is actively looking at developing a mitigation strategy. Havant Borough Council have an adopted policy on this matter.

#### Solent wide environmental net gain

There is a need for Solent wide net gain opportunity mapping, understanding Solent Nature Recovery Areas, working with the Hampshire and Isle of Wight Local Nature Partnership (LNP). There is a real need to bring together opportunities in the Solent coastal and marine environment. Many issues could be explored including further oyster restoration opportunities, reducing nitrates and algal mats. We need to explore green financing and whether there are opportunities for the Solent Forum to partner with the LNP (Devon Coastal Partnership are running the marine section of their local LNP).

### Solent economic development opportunities (tourism, heritage)

Work with the Solent LEP as money is filtered through this body. LEPs are developing Strategic Economic Plans (Solent LEP has just published the Solent Industrial Strategy). EA (FCRM) is influencing LEPs, on environmental challenges/opportunities and projects, looking at investment scale, benefits to economy, other benefits and partnership working.

### Solent Fisheries and shellfish

Brexit is potentially imminent. Once it occurs the European Marine Fisheries Fund (EMFF) will no longer be open to the UK.

### Solent Community Initiatives

The rise of community participation is enshrined in Defra thinking and marine parks are an expression of this; the Solent Forum have been looking at this, and there is interest in developing Portsmouth into a City Marine Park (led by UoP). Blue Marine and Plymouth City Council have been leading the concept. The emergence of possible new funding mechanisms for community initiatives needs to be explored. In 2018, the Solent Forum ran a workshop on opportunities for the Coastal Communities Fund (it is now unknown if this fund will be continued). More information is expected in the next spending review. The new proposed Strategic Prosperity Fund may provide opportunities to access coastal funding.

There is much to be done to understand which grants and funds may come available, so that organisations such as the Solent Forum can promote and share bid details and engage with partners. This could involve pollution campaigns.

Secrets of Solent is an important initiative managed by Hampshire Isle of Wight Wildlife Trust, bringing community participation to understanding to value of the Solent marine environment. It is currently establishing a network of marine champions, promoting Seabins and supporting citizen science.

### Solent Water Quality related to sewage outfalls

There has been a breakdown in trust between the public and water companies. Havant Borough Council are challenging Southern Water on their CSO releases of polluted water to the harbours following heavy rainfall (146 releases of untreated sewage this year). The council now plans to form a partnership with other concerned authorities to lobby for further water quality testing and monitoring.

### Building Biodiversity in the Solent

The Solent Forum has set-up a Building Biodiversity in the Solent Hub (BBS Hub). This hub, which is currently being populated, will provide an important information base and case study archive of projects on net gain and enhancing coastal defences.

### **What issues are Solent Forum members facing?**

The Solent Forum Members' Survey report 2019 stated the following to be the most important issues (in order of importance).

- Water quality: eutrophication, litter, faecal contamination, temperature in both fresh and sea water.
- Developmental pressures (including population growth, economic growth and demand on

the environment from conservation authorities, commercial and recreational users)

- Climate change and coastal change (including coastal flooding and erosion, coastal squeeze and saltmarsh loss)
- Changing regulatory landscape (including the requirement for habitat compensation, net gain and facilitating dynamic coasts)

### **What could the Solent Forum deliver?**

The forthcoming Solent Forum Business Plan 2020 to 2025 will determine the long term work programme for the Solent Forum. The Forum currently has a small staff resource, and therefore there is a need to be selective as to what projects can be pursued and bid for.

The current Solent Forum initiatives are worth mentioning as a spring board to projects and events:

#### Solent Forum Members' meetings and Special Events

The Forum runs two conference style meetings per year and these can be used to provide presentations on topical issues.

Workshop events can be put on to explore specific work areas/opportunities. A workshop on specific opportunities may be held.

#### Solent Forum News Service

The bi-annual newsletter and the monthly alert may be used to disseminate information on topical issues.

#### Building Biodiversity in the Solent Hub (BBS Hub)

This hub can signpost all resources related to enhancing the built coastal environment including net gain. A joint MARINEFF/Solent Forum conference is planned for 2020. The EU funded MARINEFF Project has the objective to enhance coastal infrastructure.

#### Beneficial Use of Dredgings in the Solent (BUDS)

The second phase of BUDS is now complete with a feasibility study on offering a BUDS site at Lymington. This will now be implemented.

#### Clean Solent Shores and Seas

This webpage resource will be developed into a sign posting hub for all Solent initiatives linked with Water Quality. There is scope to develop projects from this hub.

#### Solent Forum Natural Environment Group

The Solent Forum Natural Environment group is running projects addressing the environmental impacts of activities that occur in the Solent area that may impact on MPAs.