

Habitat Regulation Assessment for the proposed "Portland Harbour Fishery Order 2019"



version 30th May 2019

Introduction

This technical note documents a Habitat Regulations Assessment that follows the necessary steps required by Natural England in order for a regulatory assessment to be made.

Relevant documentation includes:

- Portland Harbour Fishery Order
- Management plan

The assessment comprises the following parts:

Part A:	Introduction and information about the plan or project and initial assessment of credible risk to sites
Part B:	Information about European Site(s) which could be affected
Part C:	Screening of the plan or project for appropriate assessment
Part D:	Appropriate assessment and conclusions on site integrity
Part E:	Permission decision with respect to the European Site(s)

A series of tables have been created in support of each section and can be found at the end of this report

Figure 1 shows Portland Harbour Authority's jurisdiction as defined by the Portland Harbour Revision Order. This is the same area that is subject to the application for the Portland Harbour Several Order. It also shows the designated European sites discussed in this habitat regulations assessment. Sites of Special Scientific Interest and Sites of Local Nature Conservation Importance are also shown but not the subject of this report.

A primary source of information is sourced from the following website:
<https://designatedsites.naturalengland.org.uk/SiteSearch.aspx>.

A. Introduction and information about the plan or project and initial assessment of credible risk to sites

The relevant information is enclosed within the following list of tables:

Part A	
Table A2	Details of the plan or project
Table A2i	Activities relevant to Extraction of Living Resources
Table A2ii	Activities relevant to Production of Living Resources
Table A2iii	Pressures relevant to activities associated with Extraction of Living Resources
Table A2iv	Pressures relevant to activities associated with Production of Living Resources
Table A3i	Designated Sites Location Plans
Table A3ii	Initial Assessment of Risk Part 1
Table A3iii	Initial Assessment of Risk Part 2

In terms of an explanation, the following points are relevant:

- **Table A2**
 - Includes details about what in this case is considered to be a 'Plan'.
- **Table A2i, A2ii, A2iii and A2iv –**
 - the 'JNCC Pressures-Activities Database' (see <http://jncc.defra.gov.uk/default.aspx?page=7136>) has been consulted in order to populate these tables
 - the following categories have been identified as being relevant to fisheries:
 - Extraction of Living Resources
 - Production of Living Resources
 - 'Activities' relevant to each of these categories are listed in **Tables A2i and A2ii**
 - 'Pressures' relevant to these activities have also been listed and can be found in **Tables A2iii and A2iv**
 - In the case of both activities and pressures these are reflective of fishery activity in a more general sense and do not necessarily reflect what would actually take place
- **Table A3i –**
 - location plans are provided for the following sites which are within 2 km of Portland Harbour Authority's jurisdiction:
 - Chesil Beach & The Fleet SAC
 - Chesil Beach & The Fleet SPA
 - Chesil Beach & The Fleet Wetland Area of International Importance under the Ramsar Convention (Ramsar site)
 - Studland to Portland Special Area of Conservation (SAC)
 - Isle of Portland to Studland Cliffs SAC
- **Table A3ii and A3iii –**

- Include an initial assessment of risk and that there is or may be a credible risk that the plan subject to this assessment might undermine the conservation objectives of a European Site. Further Habitats Regulations assessment is therefore necessary – see Part B which follows.

B. Information about European Site(s) which could be affected

The relevant information is enclosed within the following list of tables:

Part B	
Table B	Information about the European Sites that could be affected and associated Conservation Objectives (including supplementary advice)

In terms of an explanation, the following points are relevant:

- **Table B.** includes the following information:
 - Site name
 - Qualifying (Designated) Features Summary
 - Availability of Conservation Objectives and Supplementary Advice
 - Weblink to Natural England Conservation Objectives if available
 - Weblink to supplementary advice for Conservation Objectives if available
 - Marine and/ or Terrestrial
 - Relationship with Portland Harbour Authority Jurisdiction
 - legally underpinned by

The next section discusses the screening of the plan for appropriate assessment.

C. Screening of the plan or project for appropriate assessment

The relevant information is enclosed within the following list of tables:

Part C	
Table C1	Test 1
Table C2i	Risk Assessment (without mitigation) - Part 1 (relevant Features/ Subfeatures and associated attributes, targets, seasonal considerations and supporting notes)
Table C2ii	Risk Assessment (without mitigation) - Part 2 (Risk of significant effects alone or in-combination and its mechanism/ pathway and reason)
Table C2iii	Test 2

- **Table C1 –**
 - The table considers whether the plan is either directly connected with or necessary to the (conservation) management (of the European Site's qualifying features) and concludes this is not the case therefore the next steps are necessary.
- **Table C2i –**
 - Includes the information necessary to inform a risk assessment without mitigation
 - the following features/ sub-features are considered to be relevant:
 - Coastal lagoons
 - Widgeon
 - Little Tern
 - Reefs
- **Table C2ii –**
 - Table has been populated following interrogation of Natural England's supplementary advice
 - The following attributes are also considered to be relevant:
 - Non-native species and pathogens
 - Water quality – contaminants
 - Water quality – turbidity
- **Table C2iii –**
 - In conclusion an Appropriate Assessment is considered to be the next step which is considered further in the next section.

D. Appropriate assessment and conclusions on site integrity

In light of the screening decision above in section C, this section contains the appropriate assessment of the implications of the plan or project in view of the Conservation Objectives for the European Site(s) at risk.

The relevant information is enclosed within the following list of tables:

Part D	
Table D3	Appropriate Assessment (with mitigation)
Table D5	Conclusion on Site Integrity

- **Table D3 –**

- Prior to leasing or licencing a site or operation in connection with this Order as the Competent authority, the harbour authority will undertake a Habitat Regulation Assessment in consultation with Natural England which will inform the outcome and take this into account when making any decision.
- It can be ascertained on this basis that for this Plan 'no adverse effect' because the detailed proposals will be subject to a further Habitats Regulation Assessment with the harbour authority being the Competent Authority.
- Prior to leasing or licencing a site or operation in connection with this Order a condition is therefore proposed that the harbour authority as the Competent authority undertakes a Habitat Regulation Assessment in consultation with Natural England which will be taken into account when making any decision to issue a lease or licence under this Order.

- **Table D5 –**

- In our opinion, it can be ascertained that this plan or project will not have an adverse effect on the integrity of the following site(s), either alone or in combination with other plans and projects, subject to a permission being given the condition discussed above.

E. Permission decision with respect to the European Site(s)

The relevant information is enclosed within the following list of tables:

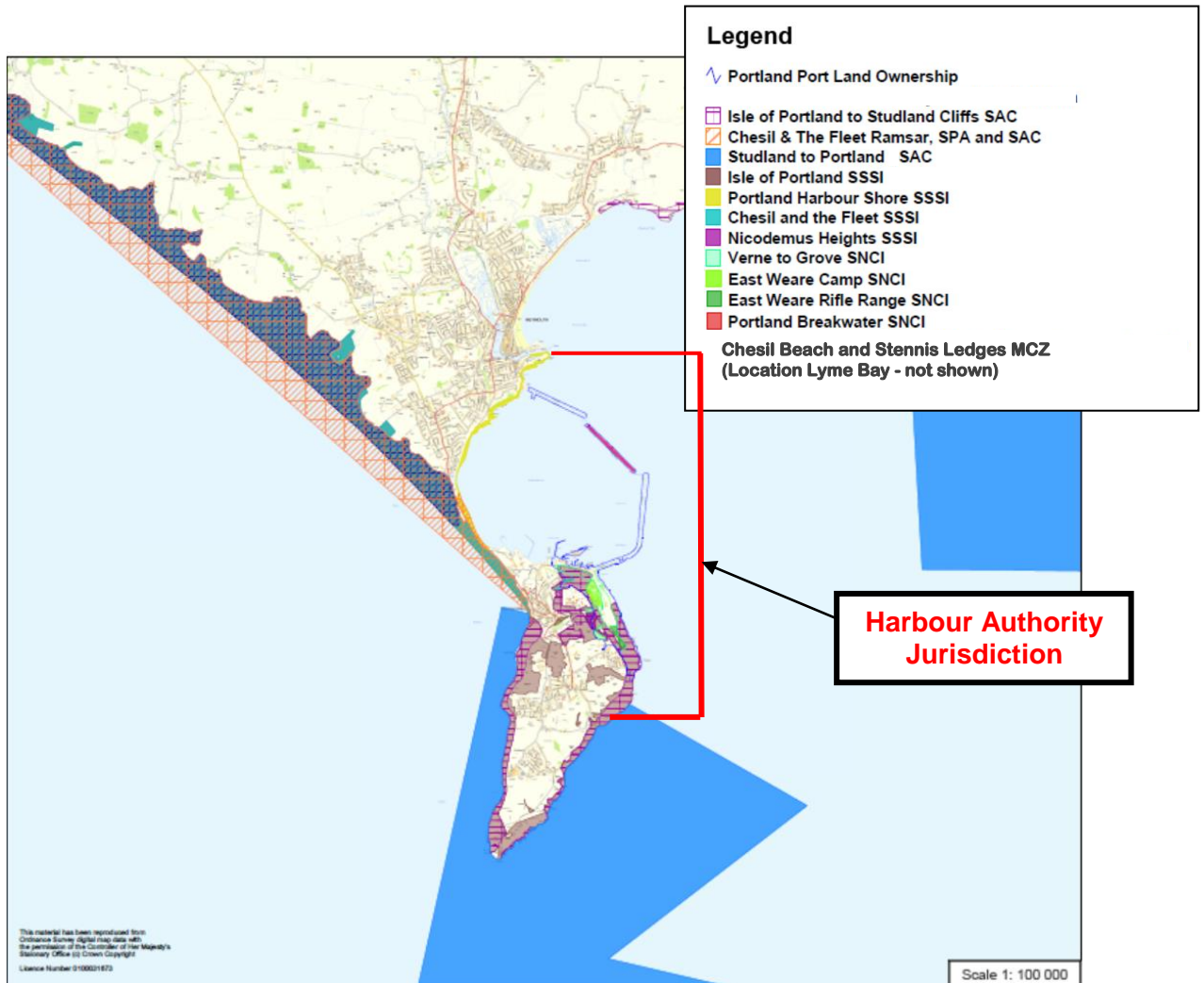
	Part E	
	Table E	Permission decision with respect to European Sites

- **Table E –**

- In conclusion it is our opinion that consent may be given but only subject to the implementation of the following condition:

"Prior to leasing or licencing a site or operation the harbour authority as the Competent authority must undertake a Habitat Regulation Assessment in consultation with Natural England and this must be taken into account when making any decision to issue a lease or licence under this Order."

Figure 1 – Portland Harbour Authority Jurisdiction and Nature Conservation Sites



Complete List of Tables

Part A	
Table A2	Details of the plan or project
Table A2i	Activities relevant to Extraction of Living Resources
Table A2ii	Activities relevant to Production of Living Resources
Table A2iii	Pressures relevant to activities associated with Extraction of Living Resources
Table A2iv	Pressures relevant to activities associated with Production of Living Resources
Table A3i	Designated Sites Location Plans
Table A3ii	Initial Assessment of Risk Part 1
Table A3iii	Initial Assessment of Risk Part 2
Part B	
Table B	Information about the European Sites that could be affected and associated Conservation Objectives (including supplementary advice)
Part C	
Table C1	Test 1
Table C2i	Risk Assessment (without mitigation) - Part 1 (relevant Features/ Subfeatures and associated attributes, targets, seasonal considerations and supporting notes)
Table C2ii	Risk Assessment (without mitigation) - Part 2 (Risk of significant effects alone or in-combination and its mechanism/ pathway and reason)
Table C2iii	Test 2
Part D	
Table D3	Appropriate Assessment (with mitigation)
Table D5	Conclusion on Site Integrity
Part E	
Table E	Permission decision with respect to European Sites