

1.0 INTRODUCTION

The Humber Estuary contains a possible marine Special Area of Conservation (pSAC); a Special Protection Area (SPA) and Ramsar site - Humber Flats, Marshes and Coast Phase 1 (classified in July 1994) and a potential Special Protection Area (pSPA) and proposed Ramsar site - Humber Flats, Marshes and Coast Phase 2 (yet to be classified). The parts of the SPA, pSPA and pSAC below highest astronomical tide are known collectively as the Humber Estuary European marine site (HEEMS). Also, in accordance with a DETR (now DEFRA) policy statement, "Ramsar sites in England" (November 2000), Ramsar sites must be given the same consideration as European sites. Therefore, the areas of the Ramsar site and proposed Ramsar site below highest astronomical tide will be considered as part of HEEMS.

The relevant authorities for the site have agreed to prepare a single management scheme for the HEEMS to guide the exercise of their functions in order to secure compliance with the Habitats Directive. This involves taking appropriate steps to avoid deterioration of natural habitats or the habitats of species, or disturbance of species for which the site has been designated. UK legislation also requires conservation measures to be established by English Nature for the Humber Estuary European marine site, which correspond to the ecological requirements of these habitats and species.

The purpose of this Foundation Document is to describe the basic information and principles on which the Humber Management Scheme will be founded. The document draws upon existing guidance produced by DETR and the UK Marine SACs Project. The Solent European marine site Foundation Document has also been a very useful guide and resource in preparing this document.

2.0 LEGISLATIVE BACKGROUND

2.1 The Habitats Directive

The "Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna" (more commonly known as the Habitats Directive) was adopted by the Council of European Communities in May 1992. The main aim of the Habitats Directive is to promote the maintenance of biodiversity, whilst also supporting the principle of sustainable development. In particular, it requires member states to take measures to maintain or restore certain natural habitats and wild species at favourable conservation status¹ in the Community, giving effect to both site and species protection objectives.

One of the ways in which member states are expected to achieve this aim is through the designation and protection of a series of sites known as Special Areas of Conservation (SACs). SACs are designated to protect certain habitats and species of European importance.

2.2 The Birds Directive

Bird species are covered by complementary legislation under the "Council Directive 79/409/EEC on the Conservation of Wild Birds" (more commonly known as the Birds Directive). The Birds Directive aims to protect wild birds and their habitats, and gives Member States the power and responsibility to designate Special Protection Areas (SPAs) to protect birds that are considered rare or vulnerable within the European Community as well as regularly occurring migratory birds.

2.3 The Convention on Wetlands of International Importance especially as Waterfowl Habitats

The Convention on Wetlands of International Importance especially as Waterfowl Habitats was signed in Ramsar, Iran in 1971. The broad objectives are to stem the loss and progressive encroachment on wetlands now and in the future through the designation of Ramsar sites. A habitat can qualify as a Ramsar site for its representation of a wetland, for supporting wetland plant or animal species or for its role in supporting internationally important waterfowl. In the UK, Ramsar sites are often coincident with SPA sites designated under the Birds Directive.

2.4 European sites and European marine sites

Terrestrial and marine sites selected under the Habitats and Birds Directives are known as European sites and collectively form a network across the European Community called Natura 2000.

¹ Favourable conservation status is defined as a range of conditions for a natural habitat or species at which the sum of influences acting upon that habitat or species are not adversely affecting its distribution, abundance, structure or function throughout the EU in the long term. The conditions in which the habitat, or species, is capable of sustaining itself on a long-term basis.

A European marine site is defined as any part of a European site covered (continuously or intermittently) by tidal waters, or any part of the sea in or adjacent to Great Britain up to the seaward limit of territorial waters. Therefore, the term European marine site is defined to mean any SAC or SPA or part of those sites that consists of marine areas.

2.5 The Habitats Regulations 1994

The Conservation (Natural Habitats & c.) Regulations 1994 (the Habitats Regulations) transpose the Habitats and Birds Directives into UK law. They introduce a series of new responsibilities to competent and relevant authorities.

2.6 Sites of Special Scientific Interest (SSSIs)

The Countryside and Rights of Way (CROW) Act 2000 introduced new duties concerning SSSIs for public bodies, landowners and managers. Where SSSIs and European marine sites overlap then these duties apply in addition to the requirements of the Habitats Regulations. Information is available in the publication *Sites of Special Scientific (SSSIs) England's special wildlife and geological sites*, available from the English Nature Enquiry Service.

2.7 Competent and Relevant Authorities

The Habitats Regulations use the terms competent authorities (CAs) and relevant authorities (RAs) to describe statutory bodies to which the Regulations apply.

The term competent authority includes any statutory body or public office exercising legislative powers whether on land or sea.

The term relevant authorities is intended to identify certain of the competent authorities with local power or functions which have, or could have, an impact on the marine area within or adjacent to a European marine site. Therefore, all relevant authorities are also competent authorities.

Regulation 5 of the Habitats Regulations lists those bodies that can be RAs:

- (a) a nature conservation body;
- (b) a county council, district council, London borough council, etc;
- (c) the National Rivers Authority*, a water undertaker or sewerage undertaker, or an internal drainage board (IDB);
- (d) a navigation authority within the meaning of the Water Resources Act 1991;
- (e) a harbour authority within the meaning of the Harbours Act 1964;
- (f) a lighthouse authority;
- (g) a river purification board or a district salmon fishery board;
- (h) a local fisheries committee constituted under the Sea Fisheries Regulation Act 1966 or any authority exercising the powers of such a committee".

*the Environment Agency is the successor to the NRA.

In addition, the Habitats Regulations (Reg 3(3)) places a responsibility on every competent authority that "in relation to marine areas any competent authority having functions relevant to marine conservation shall exercise those functions so as to secure compliance with the requirements of the Habitats Directive". The Regulations (Reg 3(4)) also state that ".....every competent authority in the exercise of any of their functions shall have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions".

2.8 The Management Scheme

2.8.1 A management scheme developed in partnership

The Regulations make provision (in Regulation 34) for the RAs to establish a management scheme for a European marine site:

"The relevant authorities, or any of them, may establish for a European marine site, a management scheme under which their functions (including any power to make byelaws) shall be exercised so as to secure in relation to that site compliance with the requirements of the Habitats Directive" (Regulation 34(1).)

DETR guidance states that this is "to set the framework within which activities will be managed, either voluntarily or through regulation, so as to achieve the conservation objectives² [of the site]. Where new regulation is needed the measures may be based entirely upon the existing powers of the relevant authorities if they are capable of being used to achieve the objectives of designation. In other cases, relevant authorities may need to consider seeking changes to the ways in which their existing statutory jurisdiction is applied using the established procedures for that purpose." (DETR, para. 3.18)

The DETR guidance also advises that "Although Regulation 34 states that relevant authorities, "or any of them," may create a management scheme, there can be only one management scheme for each site. This means in practice that the management scheme should be developed and agreed by all the relevant authorities whose functions affect the area. No relevant authority will have precedence or powers over any of the others. However, if there are no pre-existing consultation mechanisms between relevant authorities, it may be desirable for one of the relevant authorities to take the lead in order to initiate, and if necessary co-ordinate, the process of developing a management scheme." (para. 3.20)

2.8.2 Ministerial direction

Regulation 35 gives reserve powers for ministers to direct the relevant authorities. DETR guidance advises that "Ministers (in England this would be the Secretary of State and the Minister for Environment, Fisheries and Agriculture) may consider making directions if it becomes clear that local liaison, co-ordination and consultation

² Conservation objectives are defined as a statement of the nature conservation aspirations for a site. They are expressed in terms of the favourable condition that we wish the habitat and/or species for which the site has been designated to attain.

is inadequate if there are undue delays or if the conservation objectives for the site are not being achieved" (para 3.22). Directions may include the appointment of one of the relevant authorities to coordinate the establishment of a scheme; a requirement to include certain conservation measures in a scheme; the establishment of a timetable, etc. (para 3.23).

2.8.3 Other stakeholders

DETR guidance emphasises that "Although only relevant authorities have the statutory responsibility for establishing the management scheme, it is essential that owners and occupiers, right holders, local interests, user groups and conservation groups should be encouraged to participate in the process of developing the management scheme at the earliest opportunity. The management group should meet periodically to consult with representatives from such interest groups in one or more advisory groups." (DETR, 1998, para 4.4). The DETR guidance defines 'advisory group' as "the body of representatives from local interests, user groups and conservation groups, formed to advise the management group". (DETR, 1998 Box 6, page 15).

2.9 English Nature's role

2.9.1 Relevant Authority

Under Regulation 5 of the Habitats Regulations, English Nature is a Relevant Authority and, as such, is an equal partner in the management scheme.

2.9.2 Advisor

English Nature also has additional responsibilities under Regulation 33(2) of the Habitats Regulations. As the government's nature conservation advisor for England, English Nature has a statutory responsibility to advise relevant authorities of the conservation objectives for European marine sites in England and of any operations which may cause deterioration of natural habitats, of habitats supporting species, or disturbance to species for which the site has been designated.

"This advice will guide the relevant authorities in developing the management scheme through which they must comply with their own duties under the Regulations." (DETR guidance para 3.21).

Regulation 36 makes available English Nature's byelaw-making powers for Marine Nature Reserves (MNR) for use as necessary in European marine sites. The agency is not empowered to act so as to interfere with or override the exercise of the functions of any other relevant authority, but allows them to act where there is no other relevant authority or where the authority is unable to act for legal or practical reasons. However it is anticipated that most regulatory controls on sites will be applied by relevant authorities other than the statutory nature conservation agency. (DETR guidance para 3.24)

There is a requirement within the Habitats Directive (Article 17) for Member State governments to report on the conservation status of the habitats and species which

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SACs and SPAs aim to conserve. The first monitoring period is 2000-2006. To achieve this English Nature will regularly monitor the site to establish whether its conservation objectives are being met. The monitoring programme will be developed as part of the management scheme process. English Nature will be responsible for collating the information required to assess condition and will form a judgement on the condition of each feature within the site, taking into account all available information and using the favourable condition table in the Regulation 33 advice as a guide.

3.0 EXISTING AND PROPOSED DESIGNATIONS ON THE HUMBER ESTUARY

Copies of the citations for the European sites can be found in English Nature's Draft Regulation 33 Advice Package October 2002 (Consultation), along with maps showing the boundaries of the existing and proposed European marine sites.

3.1 Sites of Special Scientific Interest (SSSI s)

At present there are nine SSSIs on the Humber Estuary, these are:

- Humber Flats and Marshes: The Grues
- Humber Flats and Marshes: Pyewipe and Cleethorpes Coast
- Humber Flats and Marshes: Spurn Head to Saltend Flats
- Humber Flats and Marshes: Upper Humber
- Humber Flats and Marshes: Barton and Barrow Clay Pits
- North Lincolnshire Coast
- The Lagoons
- North Killingholme Haven Pits
- Saltfleetby-Theddlethorpe Dunes

In April 2001, a proposal to extend four of these SSSIs was withdrawn by English Nature's Council on the basis of procedural and scientific issues. These extensions partially underpinned both the Phase 2 potential Special Protection Area (pSPA) and proposed Ramsar site and also the Humber Estuary possible Special Area of Conservation (pSAC). Therefore, in line with Government policy in England, the withdrawal of the SSSI extensions halted the further progression of these designations. All these designations are subject to review by English Nature.

3.2 Special Protection Area (SPA) and Ramsar site

The estuary has also been designated under the Birds Directive as an SPA (Phase 1) and under the Ramsar Convention as a Ramsar site (Phase 1). An extension to the SPA and Ramsar site has been proposed (Phase 2) but is not yet classified. However, it has been agreed by all RAs that the management scheme and English Nature's Regulation 33 advice will be progressed using the April 2000 citation which covers both Phase 1 and Phase 2 of the SPA and Ramsar site.

3.3 Special Area of Conservation (SAC)

In 1999, lists of candidate Special Areas of Conservation were submitted to the European Commission for a process known as moderation. The Commission determined that there was insufficient representation of the range of habitats and species of European interest across Natura 2000 sites. Shortfalls across the whole Atlantic Biogeographic Region were identified, and in the UK these have been addressed by including further interest features occurring on existing sites, or by extending site boundaries to include more of particular habitats and species. In addition, 81 new sites have been identified, including the Humber Estuary pSAC. At

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the time of writing, there are a number of candidate SACs in the UK but no designated SACs. This is because none have yet been formally accepted by the European Commission.

Box 3.1. Key to abbreviations of designations

pSAC	possible Special Area of Conservation
pSPA	potential Special Protection Area
pRamsar	proposed Ramsar
cSAC	candidate Special Area of Conservation
SAC	designated Special Area of Conservation
SPA	classified Special Protection Area
Ramsar	listed Ramsar

3.4 Other designations adjacent to the Humber Estuary European Marine Site (HEEMS)

A number of features of interest occur within each of the three designations but fall outside of the boundary of the HEEMS because they occur above Highest Astronomical Tide (HAT). Consequently, there are no specific conservation objectives for these habitats and species and they will not be considered in the management scheme. Objectives to maintain these features in favourable condition are identified within English Nature's conservation objectives for the relevant SSSIs.

However, the relevant authorities and the management scheme need to be aware of features adjacent and beyond the site as they may affect and be important to species and/or habitats within the site.

4.0 MANAGEMENT STRUCTURE

4.1 Relevant Authorities around the Humber

There are 38 relevant authorities (RAs), listed in Box 4.1, that have jurisdiction on or around the Humber Estuary. These authorities are equal members of the Humber Estuary Relevant Authorities Group (HERAG), also referred to as the Management Group. The Group has Terms of Reference (attached as Appendix I) and is a representative body to ensure that all RAs are involved in the process of developing the management scheme. The RAs are not given any additional powers by the Regulations, but are required to use their existing powers within their statutory limits and jurisdiction in such a manner as to comply with these Regulations.

HERAG meets every six months and can provide a forum for debate & problem-solving as well as negotiations between the two parties at the heart of the issue. Each RA must ensure that in undertaking their functions and duties it has regard to the Habitats Directive and will need to act accordingly on an individual basis. See Section 2.6.

A list of the RA's responsibilities in relation to the Humber Estuary European Marine Site is attached as Appendix II.

Box 4.1 Relevant authorities for the Humber Estuary European marine site

Navigation/Harbour Authorities	Internal Drainage Boards
Associated British Ports	Addlingfleet and Whitgift
Associated Petroleum Terminals (Immingham) Ltd	Ancholme
British Waterways Board	Dempster
Crude Oil Terminals (Humber) Ltd	Garthorpe
Hessle Dock Company	Goole and Airmyn
Humber Sea Terminals Ltd	Goole Fields
	Keyingham
Local Authorities	Lindsey Marsh
East Lindsey District Council	Lower Ouse
East Riding of Yorkshire Council	Market Weighton
Kingston upon Hull City Council	North East Lindsey
Lincolnshire County Council	Ottringham
North East Lincolnshire Council	Preston
North Lincolnshire Council	Reedness and Swinefleet
	Scunthorpe
Other Authorities	Skeffling
Anglian Water Services	Thorngumbald
Eastern Sea Fisheries Joint Committee	Thorntree
English Nature	Winestead
Environment Agency	
North Eastern Sea Fisheries Committee	
Yorkshire Water Services	
Ministry of Defence	

A list of contact details for each of the relevant and competent authorities is attached as Appendix III.

4.2 Relevant Authorities' Working Group

As referred to in the Terms of Reference, HERAG has appointed a working group from its membership to progress the preparation of the management scheme. The group comprises representatives from industry, fisheries, internal drainage boards, regulators and local authorities. The Working Group meets at least quarterly and aims to execute business and oversee the work programme of the Project Officer.

4.3 Humber Advisory Group (HAG)

Around the Humber, there is already a considerable amount of consultation taking place between interest groups and individual relevant authorities. However, to build further upon this relationship, a structured advisory group that gives strategic advice to the HERAG has been formed. HAG will respond to HERAG as required and work in harmony with them but also aims to be proactive wherever possible. HAG's Terms of Reference is attached as Appendix IV. A list of current membership of HAG is attached as Appendix V.

Along with the Project Officer, at least one member of the Relevant Authorities' Working Group will attend each meeting of HAG. Any representative of HERAG may attend. The Chair and/or Vice-Chair of HAG are invited to attend meetings of the Working Group and HERAG.

4.4 Humber Project Officer

HERAG have agreed to jointly fund and appoint a Project Officer to facilitate, on behalf of all of the RAs, the development of the management scheme. The Project Officer will coordinate the production of the management scheme document and act as secretariat to both HERAG and the Relevant Authorities' Working Group. They will also support the Humber Advisory Group and provide feedback to and from HAG and HERAG.

5.0 ENGLISH NATURE'S REGULATION 33 ADVICE

As referred to in Chapter 2.0, English Nature is required under Regulation 33(2) of the Habitats Regulations to advise relevant and competent authorities as to the conservation objectives for the HEEMS, and any operations which may cause deterioration or disturbance to habitats or species for which the site has been designated. In formulating its advice, English Nature "should undertake discussions with the management group and, through it, with the advisory group to take account of the range of knowledge and expertise that may be available. Following such discussions and taking them into account the agency [English Nature] should provide its formal advice....to the management group from which a strategy for meeting the objectives can be derived." (DETR, para. 4.7).

The Consultation Draft of English Nature's advice for the Humber Estuary European marine site given under Regulation 33(2) of the Habitats Regulations was distributed to relevant and competent authorities, members of the Humber Advisory Group and a number of other stakeholders on 14th October 2002. Appendix VI sets out the scope of the advice package and the full document is available separately from English Nature. Essential information is set out below.

5.1 Interest Features under the EU Habitats and Birds Directives and Ramsar Convention

The interest features are listed below:

The Humber Estuary qualifies as a possible SAC, under the Habitats Directive for the following Annex I habitats:

- Estuaries
- Coastal lagoons
- Atlantic salt meadows (mid-upper saltmarsh)
- *Salicornia* and other annuals colonising mud and sand (pioneer saltmarsh)
- Mudflats and sandflats not covered by seawater at low tide (intertidal mudflats and sandflats)
- Sandbanks which are slightly covered by water all of the time (subtidal sandbanks)

The following lie above Highest Astronomical Tide and therefore do not occur within the European marine site as explained in Section 3.4.

- Fixed dunes with herbaceous vegetation ("grey dunes")
- Embryonic shifting dunes
- Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes")

It also qualifies for the following Annex II species:

- *Lampetra fluviatilis* (river lamprey)
- *Petromyzon marinus* (sea lamprey)

The Humber Flats, Marshes and Coast qualifies as an SPA, under the Birds Directive for supporting:

- Internationally important populations of regularly occurring Annex 1 species such as marsh harrier (breeding), avocet (breeding) and golden plover (wintering)
- Internationally important populations of regularly occurring migratory bird species such as knot (wintering), lapwing (wintering) and redshank (passage)
- An internationally important assemblage of waterfowl (i.e., regularly supports over 20,000 waterfowl in any season)

The Humber Flats, Marshes and Coast qualifies as a Ramsar site for supporting:

- An assemblage of threatened coastal and wetland invertebrates
- A breeding colony of grey seals
- An internationally important assemblage of waterfowl
- An internationally important population of regularly occurring migratory bird species

5.2 Conservation Objectives

Conservation objectives set out what needs to be achieved in terms of nature conservation for a site and the species and/or habitats for which it was selected. It is expressed in terms of the favourable condition that the habitat and/or species should attain. Conservation objectives also identify key sub-features. Conservation objectives for European marine sites relate directly to the aims of the Habitats Directive.

An example of a conservation objective is:

“Subject to natural change, maintain the estuary in favourable condition, in particular the

- saltmarsh communities
- intertidal mudflat and sandflat communities
- subtidal sediment communities”

In summary, a conservation objective defines the condition that a habitat or species should be in. The conservation objectives make an allowance for certain changes that occur naturally and that cannot be controlled by human intervention. Changes due to sea level rise or climate change and natural coastal dynamics are examples.

5.3 Favourable Condition Table

In establishing conservation objectives for sites, the term favourable condition has been developed. This is defined as the condition of a feature on a site which the management of that site should seek to achieve. As part of the Regulation 33 advice, English Nature supplies a favourable condition table which details attributes, measures and targets for each feature and sub-feature. This favourable condition table is the principle source of information that English Nature will use to assess the condition of a site's features.

5.4 Operations

English Nature has drawn up the following standard list of categories for its Regulation 33 advice. This list identifies operations which may cause deterioration or disturbance to features for which the site has been designated under the EC Birds or Habitats Directives or the Ramsar Convention:

- Physical loss through removal and/or smothering
- Physical damage through siltation and/or abrasion and/or selective extraction
- Non-physical disturbance through noise and/or visual presence
- Toxic contamination through the introduction of synthetic and/or non-synthetic compounds and/or radio nuclides
- Non-toxic contamination through changes in nutrient and/or organic loading and/or changes in thermal regime and/or turbidity and/or salinity
- Biological disturbance through the introduction of microbial pathogens and/or non-native species and translocation and/or selective extraction of species

A description of operations is outlined in Box 5.1.

English Nature's Regulation 33 advice will be one of the tools used to identify the extent to which existing measures, managements and use are consistent with the conservation objectives for the European marine site. This should focus the attention of the relevant authorities and monitoring efforts to areas that may need new or refined management measures. The Regulation 33 advice should therefore form the basis of the management scheme.

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Box 5.1. Definition of actions which may have an impact on European marine sites

'Operations', 'Activities' and 'Plans and Projects'

In terms of implementing the Regulations and managing a European marine site, it is important to recognise the distinctions between these three types of actions:

Operations

The term 'operation' is used to describe the mechanism by which a given activity within, adjacent to, or remote from a European marine site may have the potential to cause deterioration to the natural habitats or disturbance to the species and its habitats, for which the site was designated.

'Noise is considered to be an 'operation'

The Regulation 33 advice outlines those 'operations' which may cause deterioration or damage to the features of the site. In order to consider management measures on sites, it is important to relate the list of 'operations' in the Regulation 33 advice to current 'activities' occurring within, or adjacent to or remote from the EMS

Activities

Activities are those actions that are occurring within, adjacent to or remote from a European marine site which have the potential to cause deterioration or disturbance to the habitats and/or species for which the site was designated. These 'activities' will be addressed by the management scheme.

A Recreational 'activity' such as jet skiing or power boating may cause a 'noise' 'operation'

Plans and Projects

In general, any action which requires an application to be made for specific statutory consent, authorisation, licence or other permission is considered as a plan or project. There are separate provisions within the Habitats Regulations for dealing with Plans and Projects; therefore they are not covered by the management scheme. However, information collated by the management scheme may help inform any decision made by the competent authority assessing the application.

Development requires planning permission from the Local Planning Authority and is therefore considered as a 'plan or project'.

6.0 PLANS AND PROJECTS

Many actions, either current or planned that occur within the Humber Estuary European marine site are subject to gaining the consent or permission of a competent authority before they can proceed or continue. These are known in the Habitats Regulations as 'plans and projects' and are considered under Regulations 3(3), 3(4) and 47 to 85. All competent authorities (whether they are relevant authorities or not) are required to consider each new plan or project with a potential to affect European sites under the Habitats Regulations and proceed through the tests appropriately. The Habitats Regulations are precautionary and the onus is on the proponent to demonstrate that the plan or project WILL NOT affect the European site, rather than the other way round.

Regulation 50 places a duty on certain competent authorities to review existing consents and permissions likely to have a significant effect upon a European site designated after the consents or permissions were given.

If a plan or project is not connected with, or necessary for, the management of the site and it is likely to have a significant effect, the competent authority is required to carry out an appropriate assessment to determine whether it will have an adverse effect on site integrity.

The 'significance test' acts as a coarse filter intended to identify which proposed plans and projects require further assessment. The test of significant effect must be made by the competent authority, but exchange of advice between them and English Nature is strongly encouraged. Judgements must only be made in relation to the interest features for which the site was designated or in relation to the conservation objectives for the site. Proposals deemed to have no or minimal significant effect can be granted the relevant permission or consent but the justification for the decision must be recorded. If a clear judgement cannot be reached, then an 'appropriate assessment' must be carried out.

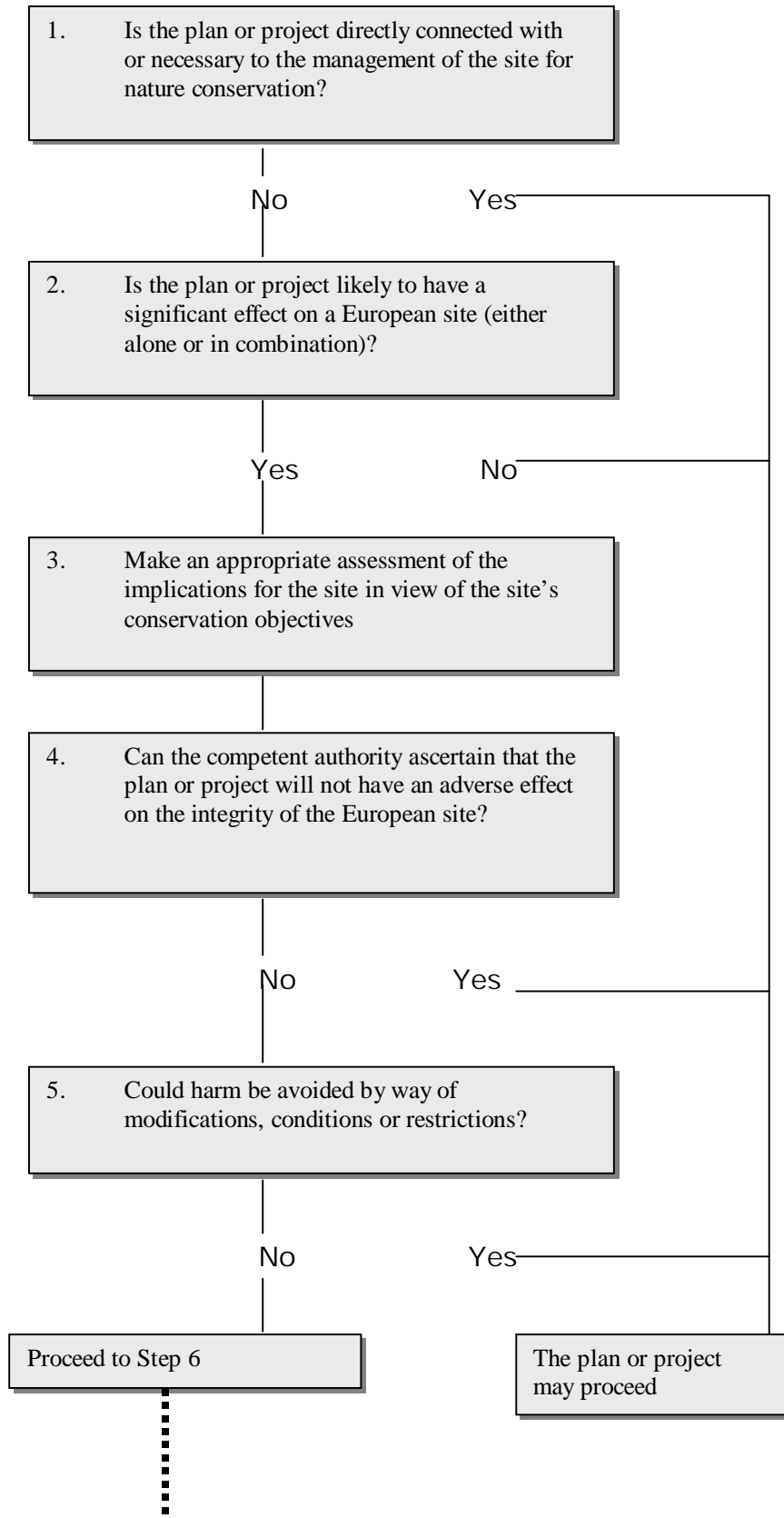
The appropriate assessment is undertaken by the competent authority. Its scope and content depends on the location, size and effects of the proposal. English Nature must be consulted and the applicant must provide any information necessary for the competent authority to undertake the assessment. The conclusion of the assessment should enable the competent authority to ascertain whether the proposal would adversely affect the integrity of the site.

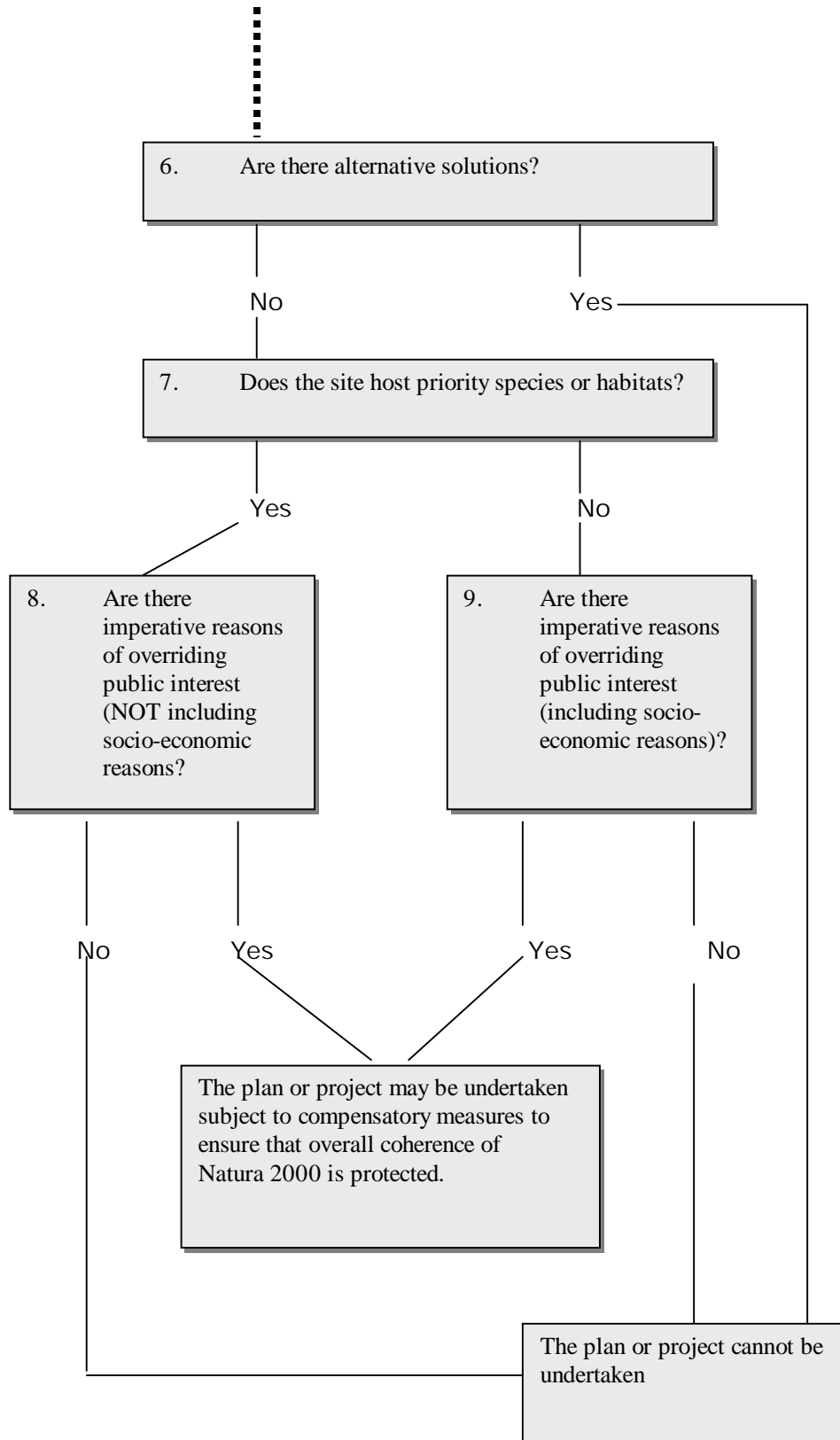
If the proposal would adversely affect the integrity of the site, the competent authority should consider the manner in which it is proposed to be carried out and whether the plan or project could be modified or whether conditions or restrictions could be imposed, so as to avoid the adverse effects.

The competent authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

Diagram 6.1 Assessing Plans & Projects below outlines the process for assessing plans and projects. Further information regarding plans and projects is available from English Nature's website as Habitats Regulations Guidance Notes.

Diagram 6.1. Assessing Plans and Projects





7.0 EXISTING AND PROPOSED PLANS AND SCHEMES RELEVANT TO THE HUMBER ESTUARY EUROPEAN MARINE SITE

Development in partnership is one of the strengths of the area surrounding the Humber Estuary. There are many initiatives in existence and being developed, including the following:

Lead Organisation	Title	Publication Date/Last Review
Regional		
Y&H Assembly/ Government Office Y&H	Y&H Regional Planning Guidance	2001, partial review in progress 2003
Y&H Assembly	Y&H Regional Sustainable Development Framework	2001, partial review in progress 2003
Y&H Assembly	Y&H Climate Impacts Scoping Study	June 2002
	Consultation draft "Let's take it from the tip"	January 2003
	Y&H Regional Waste Strategy	Forthcoming
	Y&H Regional Biodiversity Audit	1999
Yorkshire Forward	Regional Economic Strategy: the year strategy for Yorkshire & Humber 2003-12	2003
	Regional Action Plan for the Y&H Economy	2001
Government Office Y&H	Y&H Renewable Energy Study	2002
Sub-regional		
Yorkshire Forward/Humber Forum	Humber Economic Development Action Plan: April 2003-March 2006	2003
Yorkshire Forward	Humber Trade Zone Integrated Development plan	2001
Former Humber Estuary Partnership	Humber Estuary Management Strategy (HEMS)	1997
	Draft Humber Estuary Biodiversity Action Plan	1999 (due to be revised)
Humber Estuary Coastal Authorities Group (HECAG)	HECAG Shoreline Management Plan (work starting on a replacement HECAG plan in 2003)	1999 (draft)
Local Authorities		
Former Humberside County Council	Humberside Structure Plan	1988 (amended 1993)
East Lindsey District Council (ELDC)	Local Plan	Review deposit Sept 2003
	Economic Development Strategy	March 2000
East Riding of Yorkshire Council (ERYC)	Local Plan	
	Community Plan	
	Local Agenda 21 Plan	
	Waste Local Plan	
	Local Transport Plan	
	Biodiversity Action Plan	
	Spurn Heritage Coast Strategy Holderness Integrated Coastal Zone Management Plan	2002

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Lead Organisation	Title	Publication Date/ Last Review (if applicable)
ERYC (cont.)	Waste Minimisation Strategy	
	Tourism Strategy	
Kingston upon Hull City Council (KUHCC)	Local Agenda 21 Strategy	2000 under review
	Community Plan	2001
	City Regeneration Strategy	1998
	Economic Development Strategy	Draft going to cabinet next week
	Tourism Strategy	Under review
	KUHCC/ERYC Joint Waste Local Plan	2 nd Draft March 2003
	KUHCC/ERYC Joint Structure plan	Deposit draft Jan 2003
	Port Health Authority Emergency Plan	
	Hull Local Biodiversity Action Plan	2002
	Humber Archaeological Partnership	No publication
Hull Local Strategic Partnership	No publication	
Lincolnshire County Council (LCC)	Lincolnshire Coastal Strategy	in initial stages
Ministry of Defence (MOD)	RAF Donna Nook Site Management Statement	1996
	Proposed RAF Donna Nook Conservation Management Plan	2003
	Proposed Dawsmere Wildfowler's Group Management Plan	2003/04
	Lincolnshire Wildlife Trust Management Policy	Current and ongoing
North Lincolnshire Council (NLC)	North Lincolnshire Local Plan	April 2003
	JIGSAW (local agenda 21 strategy and Action plan for North Lincolnshire)	March 2001
	Community Strategy	April 2003
	Local Transport Plan (2001/2-2005/6)	2001
	North Lincolnshire Biodiversity delivery plans	2002 onwards
N Lincs/NE Lincs	North Lincolnshire and North East Lincolnshire structure Plan	Forthcoming
Various orgs. (see www.lincsbap.org.uk)	Lincolnshire Biodiversity Action Plan	May 2000
Agencies		
Countryside Agency	Value in Wetness: Humberhead Levels Project	
Joint EN/EA/IDBs	Water level management plans	
English Heritage	The EH-funded Humber Wetlands Project	2000
Environment Agency (EA)	Humber Action Plan	1998 - annual reports
	Humber State of the Environment Report	1999
	Humber Estuary Historic Environmental Baseline Study	2002
	Humber Estuary Environmental Baseline System (HEEBS)	1999
	Humber Estuary Tidal Database Joint Probability Analysis of Large Waves and High Water Levels	1999
	Humber Estuary Shoreline Management Plan (HESMP)	2000
	Replacement HESMP	2003
Humber Estuary Geomorphological studies Stage 2	2000	

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Lead Organisation	Title	Publication Date/Last Review
Environment Agency (cont.)	Humber CHaMP	2003
	Local Environment Agency Plans	1998
	Catchment Abstraction Management Strategies (CAMS): Don Catchment Trent Corridor	Draft 2002 Consultation draft 2003
	Regional Water Resources Strategies – Anglian, Midlands, North East	2000
	State of the Environment Report: North East Region/Yorkshire and Humber	2001
Port and Navigation Sector		
ABP	Humber Port Development Strategy	N/A
	Humber Clean Oil Pollution Response Plan	2003
	Port Waste Management Plan	N/A
	Port Marine Safety Code	2003
Port Operators	Oil Spill Response Plans	2003
Humber Unitary Oil Pollution Forum	Shoreline Clean Up Plan	
Humber Environment Group	Contingency plan for marine pollution from shipping and offshore installations	2001
Hull & Goole Port Health Authority	Hull and Goole Port Health Emergency Plan	
IDBs		
Lincolnshire IDBs	BAP Rivers and Wetlands Forum	ongoing
Goole & Airmyn IDB	Biodiversity Action Plan	1999
Emergency Planning		
29 Industrial sites (with HSE, EA, Humber Emergency Planning Service, Emergency Services)	Control of Major Accident Hazards (COMAH) Plans	
<p>Abbreviations</p> <p>ABP Associated British Ports BAP Biodiversity Action Plan EA Environment Agency EN English Nature ERYC East Riding of Yorkshire Council IDB Internal Drainage Board NLC North Lincolnshire Council Y&H Yorkshire & Humber</p>		

8.0 HUMBER MANAGEMENT SCHEME – OBJECTIVES AND PRINCIPLES

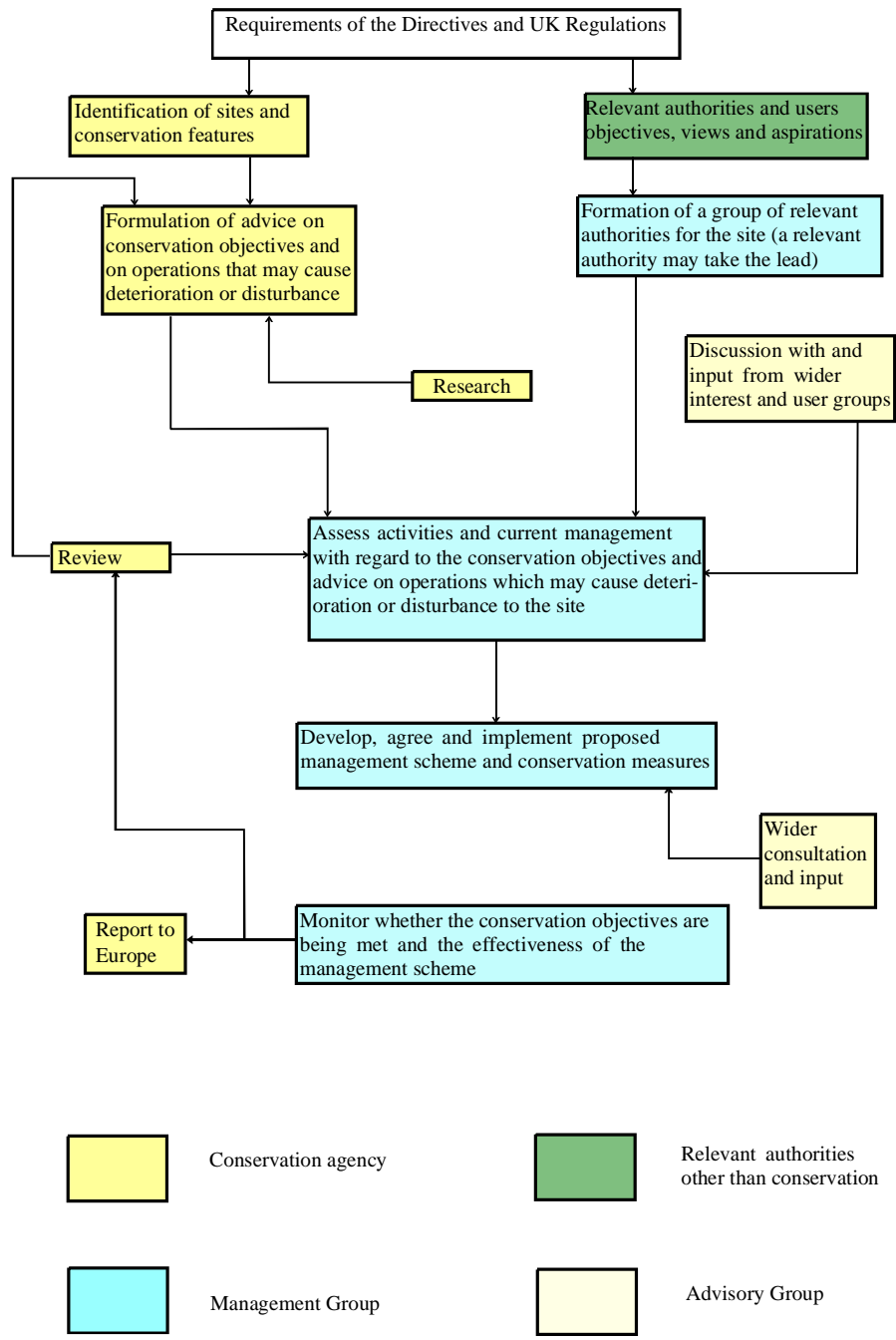
8.1 Introduction

The main aim of the Humber Estuary European marine site designation is to provide a stronghold for specific habitats and species of national and international importance. This can only be achieved with the co-operation of the regulating authorities, land owners, industries and the public who use the site. It is in the interests of all parties to achieve sound management of the estuary. For example, the saltmarsh and mudflats, which are so valuable to wildlife on the estuary are also important to humans as they are good absorbers of wave energy and significantly reduce the need for and cost of large flood defences.

Chapter 6.0 outlined the provision made in the Habitats Regulations for regulating plans and projects with the potential to affect European sites. The Regulations make further provisions for dealing with ongoing activities that have the potential to affect European marine sites. Relevant authorities for each site are advised to join forces to develop a single management scheme in order to meet their responsibilities in relation to the European marine site(s). The management scheme should identify any ongoing activities that are impacting on or have the potential to impact on the features of the European marine site and how these activities can be regulated by the relevant authorities. Diagram 8.1 A Model Process for developing a Management Scheme for a European marine site gives general guidance to developing such a scheme. The scheme should be used as a tool, through which the relevant authorities will meet their responsibilities.

The management scheme is an ongoing process that aids decision making and continually evolves to take account of changing issues and legal obligations. The intention is to minimise the potential conflict between the need to safeguard the Humber Estuary and surrounding areas as an important environmental resource and the need to maintain and develop an important social and economic asset to those who live and work in the area and to the UK as a whole. The existing partnerships and cooperation between individual relevant authorities and other stakeholders are very useful to the development of the scheme and will be strengthened as a result of the process. One of the potential benefits of the management scheme is that it can open up dialogue between parties in order to find win: win situations.

Diagram 8.1 A Model Process for developing a management scheme for a European marine site (extract from the web page of the UK Marine SACs project: www.ukmarinesac.org.uk/ms1_1.htm)



8.2 Management Scheme aims and objectives

The main aim of the Humber Management Scheme can be stated simply as

“subject to natural change maintain the favourable condition of the site through the sustainable management of activities”

The main objective for the management scheme is to meet the conservation objectives as set out by English Nature in their Regulation 33 Advice Package (currently Consultation Draft, October 2002) for the Humber Estuary European marine site (HEEMS).

The management scheme is a process of review and determination of management needs on the site and is undertaken by a number of organisations identified as relevant authorities. These authorities are working in partnership as the Humber Estuary Relevant Authorities Group (HERAG) and the group has outlined their objectives in developing the Scheme in its Terms of Reference (attached as Appendix I):

- to help maintain favourable conservation status and avoid deterioration of the area's natural habitats and species;
- to promote the sensitive and sustainable use of this area;
- to consider action that will improve conservation interest and reduce conflicts with other activities.

HERAG has agreed that they will encourage widespread ownership and participation in developing the Humber Management Scheme through:

- Taking into account the aims and objectives of the Humber Estuary European marine site;
- Reviewing and advising on the conservation objectives for the site;
- Links with other initiatives in the area such as the Environment Agency's Humber Action Plan and Humber Estuary Shoreline Management Plan, the Humber Coastal Habitat Management Plan, Agenda 21 Plans, structure and local plans, and Associated British Ports' plans for the navigation and its ports;
- Setting up an advisory group made up of interested stakeholders living and working in the area of the Humber Estuary, and establishing consultation and ongoing discussion with this group;
- Publication of the management scheme and other information appropriate to its development and establishment;
- Monitoring and review of the management scheme.

At a minimum, the aim of the Humber Management Scheme is to ensure the avoidance of any significant deterioration or disturbance to the features for which the Humber Estuary European marine site has been designated.

8.3 Key principles for production of the Humber Management Scheme

The Humber Estuary Relevant Authorities' Group (HERAG) is already in agreement and working on the basis of most of the following principles. However, where Onus of Proof and Management Actions are concerned, guidance is being sought from DEFRA to clarify the situation.

8.3.1 Onus of Proof

It is government policy that the onus of proof with regard to the impact of a new plan or project lies with the developer (i.e., the competent authority who carries out the Appropriate Assessment can ask the developer to provide information that is reasonably required to carry out the assessment). Where ongoing activities are concerned the situation is less clear.

It is clear that English Nature is responsible for 'condition monitoring' of the Humber Estuary European marine site (HEEMS), i.e., monitoring the condition of the habitats and species for which the site has been designated and that the relevant authorities are responsible for 'compliance monitoring', i.e., monitoring the activities for which they are responsible. However, it is not clear who is responsible for identifying the cause/effect relationships.

Advice is currently being sought from DEFRA in order to clarify this issue.

The management scheme will help identify where potential cause/effect relationships may exist and therefore will help to prioritise future condition and compliance monitoring. It is likely that this will lead to a partnership approach and it may be necessary for English Nature and the relevant authorities to agree the factors which may be affected by the activity and work together to identify cause/effect relationships by sharing information, knowledge and resources where appropriate.

8.3.2 Assumption of Favourable Condition

There is a general assumption that European marine sites have been designated in favourable condition and HEEMS has been designated/recommended for designation against the background of current activities.

English Nature will guide the Relevant Authorities on the favourable condition status of the features of the site and it will be their role to test any assumptions within the condition monitoring scheme over the six year reporting period. The condition monitoring scheme is required as:

- We do not have a thorough understanding of all the activities affecting the site, and it may be that the effects of certain activities take some time to manifest themselves
- The overall site may be in favourable condition; however, specific features within the site may need attention.
- Favourable condition at the time of designation does not necessarily imply that the site will still be in favourable condition in a number of years time.

However, an essential step in developing the management scheme will be the evaluation of the effect of existing regulatory systems, voluntary agreements and unregulated patterns of use against the conservation objectives. If a gap in management is identified then the management scheme should seek to fill it.

8.3.3 Sustainable Development

The main aim of the Habitats Directive is to promote the maintenance of biodiversity, taking account of economic, social and cultural requirements and regional and local characteristics. Sustainable development is therefore one of the key principles of the Habitats Directive (DETR, 1998). The maintenance of biodiversity may, in certain cases, require the maintenance, or indeed the encouragement of human activities.

8.3.4 Regulatory Use of Bye-Laws

Where the need for a change in management is identified, various options can apply. Generally, voluntary measures such as codes of practice will be considered, however if suitable voluntary means cannot be found then other changes may be considered or new bye-laws introduced. Where a relevant authority, such as a local authority or harbour authority does not have suitable powers, English Nature has the power to introduce and enforce bye-laws so long as they do not interfere with the functions of any other relevant authority. It is likely that this would only happen in extreme circumstances and generally where no alternative powers exist. The relevant authorities will work together to determine the appropriate action required to prevent deterioration to the site. Wherever possible any new management measures that are required will be introduced after consultation with interested parties.

8.3.5 Links to existing Management and other Plans/Initiatives

HEEMS is used and managed by a wide range of organisations, user groups and individuals. Many different types of management currently exist and there are many initiatives in place. Chapter 7.0 lists the main plans and initiatives to date. Many of the issues and actions in the management scheme will also be the subject of other plans and initiatives. DETR guidance on European marine sites advocates the use of existing plans to help construct management schemes for European marine sites in order to avoid duplication of effort. Where appropriate, the Humber Management Scheme will directly utilise management actions from other existing management plans. The management measures identified in other plans will remain the mechanism through which these are to be implemented.

8.3.6 Management Actions

Management schemes have already been produced for several European marine sites in the UK. A marine SACs LIFE conference was held in Edinburgh in November 2000 in order to consider progress made on these sites. It was noted at this conference that "most schemes are fairly limited in terms of actions, not substantially altering the existing use and management of the site. This could be because the sites are already being used and managed in ways that are compatible with the objectives of the Habitats Directive, or rather that there is insufficient evidence to justify the

implementation of new management measures.....many actions are about improving the information base for future decision-making”.

Management actions arising from the Humber Management Scheme will ensure that activities taking place within or adjacent to HEEMS are carried out without detriment to the features for which the site has been designated. These may take different forms depending on the level of information available, for example:

- Where an activity is identified as having a significant impact on the interest features of HEEMS and the causes and effects are understood, a management action will be formulated to prevent further damage and where reasonable or practical reverse damage that has occurred;
- Where an activity is identified as having a potentially significant impact on the interest features of the site but little or no current information exists in order to be sure, research and/or monitoring of the activity by the appropriate relevant authority/ies will be the initial management action. This will be subject to revision once it is determined whether or not the activity is having a significant impact on the interest features.

Relevant authorities are statutorily required to act in accordance with the actions identified in the management scheme. This may mean taking action within their existing powers to prevent deterioration of the site or disturbance to species.

English Nature will use the precautionary principle in considering if an interest feature is under threat. Similarly, when an impact to the site is both potentially significant and uncertain, it will be appropriate to act on the basis of the precautionary principle. Box 8.1 gives a definition.

Box 8.1 Precautionary Principle

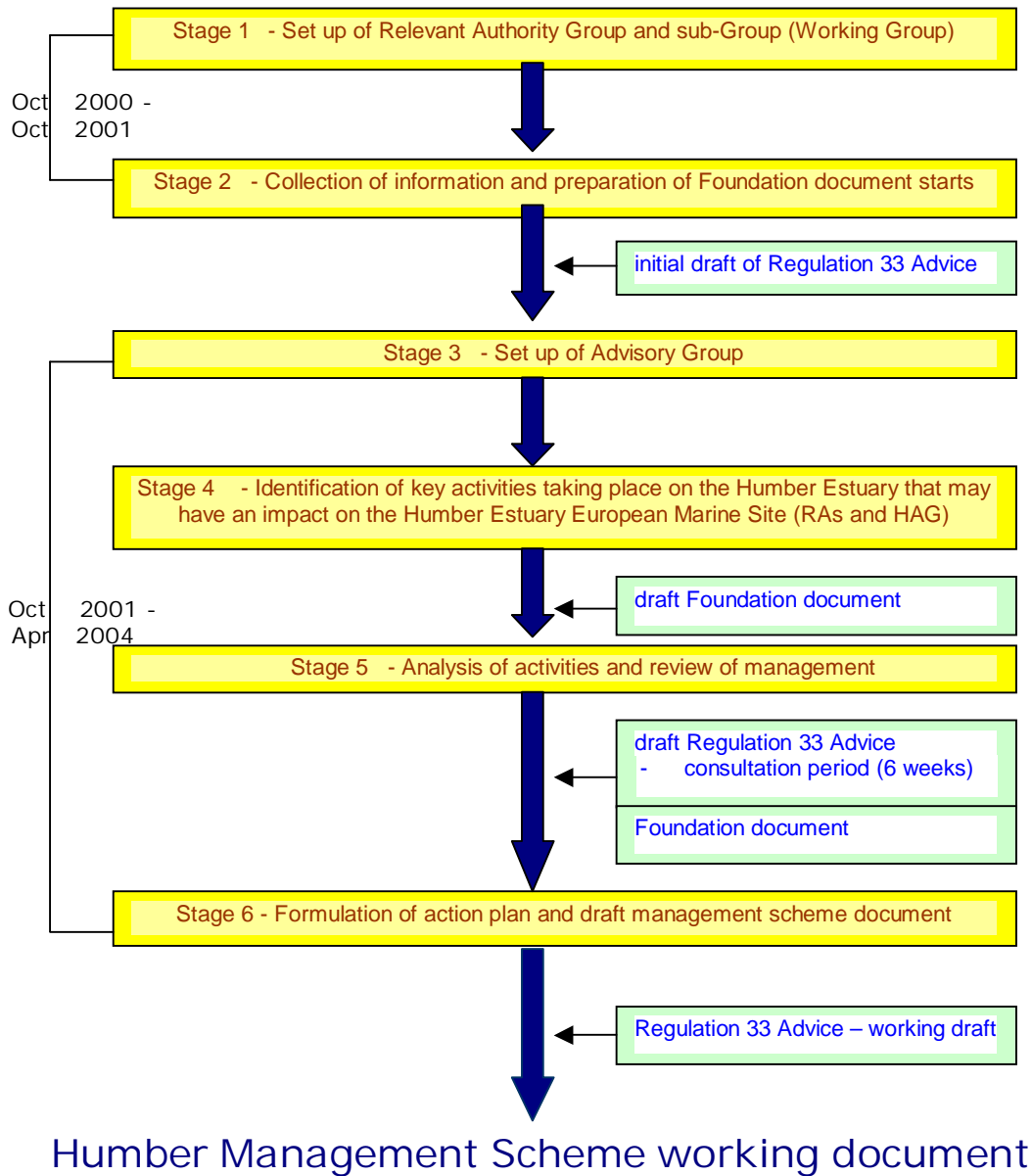
All forms of environmental risk should be tested against the precautionary principle which means that where there are real risks to the site, lack of full scientific certainty should not be used as a reason for postponing measures that are likely to be cost effective in preventing such damage. It does not however imply that the suggested cause of such damage must be eradicated unless proved to be harmless and it cannot be used as a licence to invent hypothetical consequences. Moreover, it is important, when considering whether the information available is sufficient, to take account of the associated balance of likely costs, including environmental costs and benefits. DETR & the Welsh Office, 1998.

9.0 HUMBER MANAGEMENT SCHEME – THE PROCESS

9.1 Timetable

The process of developing the Humber Management Scheme is currently underway. Diagram 9.1 gives an overview of the timetable.

Diagram 9.1. Humber Management Scheme process



9.1 Timetable (continued)

Stages 4 – 6 are broken down as follows:

<p><u>April 2002 - August 2002</u> Working Group and Relevant Authorities agree key issues and activities to be reviewed with input from HAG</p> <p>Identify methods RAG and HAG will adopt to review management of activities - key authors/topic groups</p>
<p><u>September 2002 - April 2003</u> Consultation on Regulation 33 advice package Review of management - identify management objectives/solutions</p>
<p><u>April 2003 - June 2003</u> Develop action plan & compile draft management scheme document</p>
<p><u>July - September 2003</u> Internal consultation/revision of draft scheme</p>
<p><u>October 2003 - December 2003</u> External consultation/revision of draft scheme</p>
<p><u>December - March 2004</u> Compile 'final' document</p>
<p><u>April 2004</u> Launch scheme</p>

9.2 Human activities in and around the Humber Estuary

This section details the process for the collection of information on activities taking place in and around the Humber Estuary. It also explains how that information will be used to produce the management scheme document.

In order to ensure the successful production of the management scheme the process needs to be open and flexible in order to accommodate the needs of various stakeholders, local circumstances and other unforeseen changes that may occur. The Relevant Authorities' Group will play a key role in the production of the management scheme and although there is no joint responsibility they will work together wherever appropriate to reach agreed management actions.

9.2.1 Collection of information

Initial statements were gathered from the relevant authorities during the first half of 2001. The template used is attached as Appendix VII. ANNEX A contains all the statements that were prepared by the relevant authorities.

A further template, attached as Appendix VIII was then prepared and distributed in November 2001 requesting more specific information on activities and monitoring undertaken by relevant authorities. Appendix IX summarises the information gathered by the relevant authorities. ANNEX B contains the full set of completed forms.

In early 2002, the Humber Advisory Group listed a number of activities taking place in and around the Humber Estuary. These activities and those already identified by the relevant authorities were then reviewed by the Relevant Authorities' Working Group and a table of key categories within which the activities would be further reviewed was drawn up. This table was presented to the full management group in April 2002. They were asked to comment on the list and to amend it removing and adding activities as appropriate. Table 9.1 shows the final list agreed by the Group.

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Table 9.1. Proposed categories and lead authors to progress the review of management of activities that may have an impact on the Humber Estuary European Marine Site and Ramsar sites. (Revised July 2002, October 2002)

N.B. This is subject to change, addition and deletion.

Key

ABP -Associated British Ports	AG -Advisory Group	AWS –Anglian Water Services
BW -British Waterways	EA -Environment Agency	EH -English Heritage
EJSFC -Eastern Joint Sea Fisheries Committee	EN -English Nature	HST -Humber Sea Terminal
IDB -Internal Drainage Board	LA -Local Authority	MOD -Ministry of Defence
NESFC -North East Sea Fisheries Committee	YWS –Yorkshire Water Services	

<u>Category</u>	Activity (examples)	Lead author (RA/AG)	Other Parties
Agriculture	Saltmarsh management	EN	AG
Flood defence	Maintenance of embankments and structures, including stoning	EA	IDBs, LAs
	Land drainage	IDB	EN, EA
Fisheries	Commercial and some recreational fishing activities	NESFC	EA, EJSFC
	Bait digging, angling, etc		
Recreation & Tourism	Land, water and aerial-based activities	LA(s)	AG
	bird watching		
	dog-walking		
	motorised access to foreshores		
	disabled access		
	rights of way		
	yachting		
	wildfowling		
	quad biking		
	power-boating		
	cycling		
	horse-riding		
	samphire collection		
	beach cleaning		
	raft rallies		
	festivals		
camping			
promotion			
seal trips			
visitor pressures			
Science and education	Research & Education:	EN	EH, AG, LAs
	field trips		
	aerial surveys		
	collection of samples		
	archaeological surveys		

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Shipping & Navigation and other Transport	Dock, port and marina development	ABP	APT, HST, Conoco, BW, Hessele Dock, EA, EN, AG
	maintenance dredging		
	harrowing of river bed to smooth irregularities		
	pilotage		
	pollution & waste		
	alteration to structures		
	hydrographic Surveying		
	navigation		
	accidental oil spills		
	buoy movement		
	navigation lighting		
	oil - loading transfer and refining of petroleum products		
	discharge of treated ballast water		
	discharge of effluent at sea		
	chronic oil pollution		
maintenance of undersea pipelines	MOD)		
(Aircraft - Military and civilian aircraft, microlights, paragliding other variants			
Industry, Water and Waste Management ***	Diffuse sources (includes agricultural runoff and contaminated land)	EA	AWS, YWS, LAs
	Flytipping and wind blown rubbish		
	Accidents, leaks, spillages and other illegal discharges and emissions.		

*** A number of activities which may have been considered under this section are already under review to meet the requirements of S50 of the Regulations. These include:

- Industrial discharges (including gas-fuelled power stations)
- Waste management licences (not just industrial ones)
- Sewerage system and sewage treatment works discharges
- Atmospheric emissions (I am not sure if the local authorities are reviewing the processes for which they are responsible)
- Abstractions (not just freshwater ones).
- Some contaminated land work may also be picked up (joint EA/LA regulation)

9.2.1 Collection of information (continued)

A number of relevant authorities agreed to act as lead authors in order to drive forward a full review of the identified activities within key categories. Table 9.2 lists the categories along with the lead authors for each category and the Advisory Group representative liaising with them to provide input from and feedback to HAG. A proforma was developed, based on one used for the Wash and North Norfolk Coast Management Scheme, in order to gather descriptive information about activities as well as more detailed information, e.g., where and how often the activities take place. Lead authors began completing the descriptive part of the proforma in Autumn 2002 and the other sections have been developed continuously since then.

As part of this process, the Advisory Group provided some information in the Autumn of 2002 on a number of activities taking place around the estuary. The main focus was on recreational activities that are not regulated or that have very little management. The information was collated by the project officer and a number of maps were produced (attached as Appendix X). A further workshop was held in December 2002 with the Advisory Group whereby more detailed information was provided on the activities in the Recreation & Tourism category, i.e., where they take place and how often, etc.

Following the distribution of English Nature's Regulation 33 Advice Package in October 2002 (Consultation draft), an operations checklist was produced for each category listing activities against possible operations (as listed in the advice package) that may affect the interest features of the site. Sub-group meetings were held for a number of the categories in order to agree which operations may result from the relevant activities for each category. Lead authors, advisory group representatives and the project officer attended along with a representative from English Nature. A further table was then drawn up which identified the features that would be vulnerable to that activity taking place, based on the information in the operations checklist. The lead authors were asked to use the tables to identify, given the location of the activities, whether or not they may affect the features of the site and to judge the significance of any impact given the intensity and frequency of the activities. The project officer met with lead authors and other relevant authorities/advisory group representatives in order to complete the tables and the results are attached as Annex C. These tables, after further consultation with English Nature, were then used to update the Review of Management proformas.

The next stage will be to consider management options for all of the activities under review and develop an action plan. Where the current management is adequate, this will be stated in the plan. Where a new management regime or change in management is required, the plan will set out the proposed action, its level of priority and the proposed timescale. In some cases, there may be limited information about an activity or the effects may be unknown and so a monitoring programme will be proposed.

The final versions of the Review of Management proformas will appear in the draft management scheme document to be produced in Summer 2003. Chapter 9.2.2 will

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Table 9.2 Lead authors and Advisory Group representatives for the Review of Management

Category	Lead author	Advisory Group representative
Land Use : - Saltmarsh management - High tide roosts	Emma Hawthorne, English Nature	Nicola Melville, RSPB
Flood Defence - land drainage	Tony Edwards, Environment Agency - David Patrick, Grantham, Brundell & Farran/Paul Jackson, Lower Ouse IDB	- Winifred Knight, Cottingham Parish Council
Fisheries	Giles Bartlett, North Eastern Sea Fisheries Committee	Institute of Estuarine and Coastal Studies, main contact Dr. Mike Elliott
Industry, Waste & Water Management	Tony Edwards, Environment Agency	John Rowley - Humber Chemical Focus & Jack Hardisty, NorthSea Software Systems Ltd
Recreation & Tourism	LAs (led by Doug Robinson of North Lincs Council with East Riding of Yorkshire, Kingston upon Hull City, North East Lincs, East Lindsey District and Lincolnshire County Councils)	Richard Clarke, Mike Sleight - Cleethorpes Tourist Board
Science & Education	Emma Hawthorne, English Nature	Helen Fenwick, WAERC, University of Hull
Shipping & Navigation and other Transport	Brian Nickson/Captain Paul Hames, ABP David Burr, MOD	Ray Eades, Yorkshire Wildlife Trust

9.2.2 Review of Management

The proforma developed in order to undertake the Review of Management is attached as Appendix XI "Template – Review of Management").

The main elements involved in the Review of Management are:

- Description of the activity
- Past and Present management objectives and any aimed at nature conservation
- Possible effect of the activity on the conservation features
- Similarity of the activity to natural change
- Activities occurring outside the site's boundary which could affect the conservation features within the site
- Assessment of the activity against its possible impact and assignment of a management option (see Factors table at end of Template - Review of Management proforma – Appendix XI)
- Information on any management measures in place or proposed to address the impact of the activity where necessary

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Where activities are being managed in a sustainable manner or where activities are beneficial to the conservation of the site then no further assessment is required.

Where a need is identified and information is available, discussions may take place with the appropriate authorities to determine cause/effect relationships between activities and features of interest in the categories above. Where working groups are formed they will carry out further assessments of activities identified through the analysis in order to determine possible further work (this may include additional survey, data collection or management actions). Groups may work in partnership to identify where there are issues which need further consideration within the management scheme. It should be noted, however that relevant authorities are only required to act within their existing powers with regard to the controlling of activities that are having an effect on the designated site. If activities fall outside of their powers then other means will need to be considered.

These discussions may take place at different periods in the management scheme production and implementation depending on when a need is identified and information available.

In an attempt to minimise effort and duplication, existing mechanisms such as estuary management plans or CHaMPs should be used wherever appropriate. This will be determined in consultation with all relevant parties.

From the information gathered during the Review of Management, a table will be drawn up similar to that shown in Table 9.3.

Table 9.3. Example and Extract from "Table 5.10. Summary of information collected on activities and operations", The Wash and North Norfolk Coast Management Scheme, October 2001

Activity	Location	Present and Historic levels of activity	Responsible managing organisation (Bold = relevant authority)	Existing management (see separate annexes for more information)	Possible effect on features	Suggested Management Option F1 - F6 (see Table x)	Management objectives (see section x for actions relating to management objectives)
4. Coastal protection and flood defence							
Sea & River Capital Defence	Through out	High localised intensity	EA Coastal Protection Authorities (KLWNBC, NNDC)	-Existing management plans -Water Resources 1991 -Land Drainage Act -Environment Act	Physical loss Physical damage	F6 F3 F3	4.1 Ensure sea and river capital defence schemes within or adjacent to the EMS do not significantly affect the interest features of the site. 4.2 Produce revised SMP for north Norfolk coast 3A 4.3 Produce revised SMP for Wash
11. Longshore economy							
Bait digging	Through out	Low (<i>Higher</i>)	<u>EN</u> WHC CRH Landowners WESG NCP Advisory Groups	CRH and landowners such as the National Trust, Wildlife Trust, RSPB have management measures in place that will respond if non-traditional or large-scale methods are used	See footnote *	F3	11.3 Ensure longshore activities do not prevent favourable condition status of interest features being met and traditional methods are employed

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From this table we can then progress to develop an Action Plan which will be similar to that shown in Chapter 9.2.3, Table 9.4.

9.2.3 The Management Scheme document

The Action Plan is the heart of the management scheme document as it sets out the strategy for the management of activities which have, or have the potential to have an impact on the European marine site. Relevant authorities are statutorily required to act in accordance with the actions identified in the management scheme. This may mean taking action within their existing powers to prevent deterioration of the site or disturbance to species.

Table 9.4. Example and Extract from the Action Plan, The Wash and North Norfolk Coast Management Scheme, October 2001

Management objectives	Lead organisations Bold = RA Italics = lead	Proposed management action	Priority	Timescale
4. Coastal protection and flood defence				
4.1 Ensure sea and river capital defence schemes within or adjacent to the EMS do not significantly affect the interest features of the site.	<i>EA</i> Coastal Protection Authorities	Proposed management includes Collection baseline monitoring of coastal processes at Salthouse Collecting baseline monitoring of coastal processes at Hunstanton – Snettisham Monitoring shoreline realignment at Freiston Shore	---	On-going
4.2 Produce revised SMP for north Norfolk coast 3A	<i>EA</i> Coastal Protection Authorities	Review to take account of other research and monitoring being undertaken along the coast	---	2003
11. Longshore economy				
11.3 Ensure bait diggers understand what impact they can have on the interest features and what they can do to minimise impacts	<i>EMP PM</i> EN WHC CRH Landowners WESG	Surveillance of activity to establish links between occurrence, frequency and possible impacts on the site's interest features	Low	2002/3

Appendix XII gives further examples of management actions from completed management schemes for European marine sites in the UK.

The rest of the document will describe the site, explain why it has been recommended for designation and set out the conservation objectives for the Humber Estuary European marine site. It will set out the list of operations that can impact on European marine sites as well as the list of activities that were agreed to have a potential impact on the Humber Estuary European marine site (see Table 9.1). The results of the analysis that has taken place on the Humber will be given in a concise format within the main body of the document and the completed Review of Management proformas will be included in full as Annexes. The proposed contents page for the document is shown below as Diagram 9.2. Initially, a draft management scheme will be drawn up for review by relevant and competent authorities and members of the Humber Advisory Group. A clear record of comments and proposed changes will be kept and distributed to all authorities. Public consultation will then take place once any changes have been agreed by the relevant authorities.

Diagram 9.2 Draft Management Scheme document - draft Contents Page (March 2003)

Acknowledgements
Summary
1.0 Introduction
2.0 Site Description and Reasons for designation
3.0 Conservation Objectives for European Marine Site Interest Features
4.0 Human activities and operations in and around the Humber Estuary
5.0 Action Plan for the Humber Estuary European Marine Site
6.0 Reporting and review programmes
7.0 Bibliography & useful websites
8.0 Glossary
9.0 List of abbreviations and acronyms
Appendices (to include)
Relevant and competent authority and Advisory Group contact details
Summary of roles and responsibilities of Relevant and competent authorities
Annexes
Review of Management proformas

9.2.4 Consultation

There will be review period of ten weeks with relevant authorities, competent authorities and the advisory group. This will be followed by a ten week public consultation. At the time of this document being produced, the review period is due to start in July 2003 and the public consultation in October 2003.

9.3 Framework for monitoring and periodic assessment and review

9.3.1 Monitoring

In order to establish whether the conservation objectives are being met, a monitoring programme of the condition of all the interest features is required. As outlined in section 2.8, this is the responsibility of English Nature. The favourable condition table and the conservation objectives (included in the Regulation 33 package) outline the condition in which the site should be maintained. By measuring the attributes detailed in the favourable condition table, it is hoped that there will be sufficient information available to report on the conservation status of the site. English Nature will report to Europe via the Joint Nature Conservation Committee on the condition of each interest feature and the site every six years.

In addition, other relevant authorities will be responsible for monitoring their activities as identified within the management scheme. This is known as compliance monitoring.

A detailed monitoring programme will be developed in parallel to the management scheme and actions arising through the management scheme process will help prioritise future monitoring requirements within the programme.

For many other management schemes, plans and initiatives include elements of research, survey and monitoring. The Humber Estuary European marine site monitoring programme will build on and add to any current and ongoing monitoring currently carried out including the following initiatives:

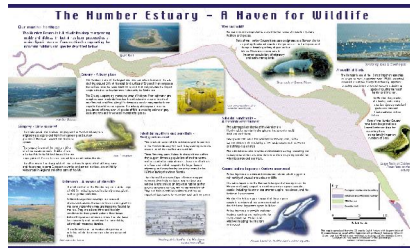
- WEBS counts;
- SSSI monitoring;
- regional monitoring programmes;
- habitat mapping carried out by other organisations;
- BAP habitat and species monitoring and research;
- CHaMPs, etc.

9.3.2 Assessment and Review

The Humber Estuary Relevant Authorities' Group will need to develop a framework for periodic assessment and review of the Humber Management Scheme. On some other sites around the UK the process involves an annual review by the Management Group on their implementation of the scheme. An annual report is produced, which is co-ordinated by an implementation officer for the site. The report aims to be a concise description as to how the plan is being implemented, progress being made on the actions and any additional issues that may have arisen. This may include new activities taking place within the European marine site and changes in intensity or frequency of activities currently taking place within the site.

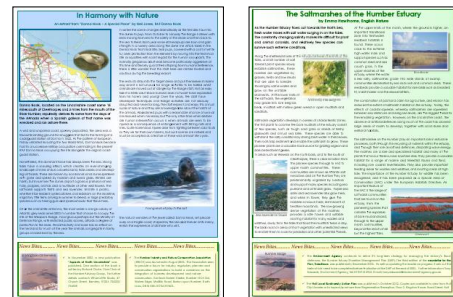
9.4 Promotion & Information Provision

9.4.1 Newsletter



The first newsletter of the Humber Management Scheme, "Ebb & Flow" was produced in September 2002. The main aim was to introduce the management scheme and the Humber Estuary European marine site (HEEMS) and to inform and enthuse readers about the important wildlife in the area.

The second newsletter was produced in March 2003. The aim of this and future editions of the newsletter is to update stakeholders on the progress of the scheme and to inform readers in detail about specific habitats and species and their importance locally, nationally and internationally. Each edition will include an article written by one of the relevant authorities describing the work they do.



For future editions, the relevant authorities and the advisory group have been asked to provide articles/stories and photographs that may be suitable. Editions will be produced on a six-monthly basis, with the third edition due in September 2003.

9.4.2 Website

On most European marine sites, where a management scheme has been developed, a website has also been set up. The website is useful for the general provision of information to whoever is reading the site but also for disseminating information to those involved in the process of safeguarding either that particular site or other sites. For example, the management scheme document and newsletters can be downloaded from the website. The website can also be a useful tool in that links to other websites and/or contact details for relevant organisations and groups can be made available on the site as well as references for relevant literature and updates on legislation, etc.

For the Humber Estuary European marine site, the Relevant Authorities' Working Group is keen to develop a website and aims to develop a well thought out plan in order to obtain the best value from such a project. There may also be opportunities to work with other organisations in developing the site.

9.4.3 Presentations

The Project Officer is available to give presentations on the Humber Management Scheme (HMS) to groups/clubs/organisations and staff of relevant authorities if required. Other promotion and provision of information about HMS and HEEMS is being given by word of mouth not just by the Project Officer but by all relevant authorities and members of the Advisory Group.

9.4.4 Contact details

Contact details for the relevant authorities are attached as Appendix III. The contact details for the project officer for the Humber Management Scheme are:

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10.0 Bibliography

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English Nature Humber to Pennines Team. October 2002. *Humber Estuary European Marine Site Draft Consultation advice given under Regulation 33(2) of the Conservation (Natural Habitats & c.) Regulations 1994*.

Morecambe Bay European Marine site Management Group. 2001. *Morecambe Bay European Marine Site: Management Scheme*.

Solent European Marine Sites Management Group. 2001. *Solent European Marine Sites Foundation Document: Second Draft for Comment*.

Wash and North Norfolk Coast European Marine Site Management Group. 2001. *Wash and North Norfolk Coast European Marine Site: Draft Management Scheme*.

UK Marine SACs Project. 2001. *Indications of Good Practice for establishing management schemes on European marine sites - Learning from the UK Marine SACs Project 1906-2001*.

Useful websites

Anglian Water Services	www.anglianwater.co.uk
Associated British Ports	www.abp.co.uk
Berwickshire and North Northumberland Coast European marine site	www.xbordercurrents.com
British Waterways	www.britishwaterways.co.uk
Business in the Environment, Yorkshire & Humber	www.bieyh.org
Cardigan Bay European marine site	www.ceredigion.gov.uk/cbsac
Centre for Environment, Fisheries & Aquaculture Science	www.cefas.co.uk
ConocoPhillips	www.conocophillips.com
Department for the Environment, Food and Rural Affairs	www.defra.gov.uk
East Lindsey District Council	www.e-lindsey.gov.uk
East Riding of Yorkshire Council	www.eastriding.gov.uk
Eastern Sea Fisheries Joint Committee	www.esfjc.org
English Nature	www.english-nature.org.uk
Environment Agency	www.environment-agency.gov.uk
European Directory of Marine Environmental Data	www.bodc.ac.uk/frames/index4.html?../services/edmed/index.html&2
European Union online	www.europa.eu.int
(EC Habitats Directive/Birds Directive)	http://europa.eu.int/comm/environment/nature/legis.htm
Habitats Regulations (Statutory Instrument 1994 No. 2716)	www.hmso.gov.uk/si/si1994/ukSI_19942716_en_1.htm
Humber Bibliography	www.humber-bib.hull.ac.uk
Joint Nature Conservancy Council	www.jncc.gov.uk/SACselection

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(selection of Special Area of Conservation sites)	
Kingston Upon Hull City Council	www.hullcc.gov.uk
Lincolnshire County Council	www.lincolnshire.gov.uk
Lincolnshire Wildlife Trust	www.lincstrust.co.uk
Lincolnshire's Biodiversity Action Plan	www.lincsbap.org.uk
Marine Stewardship Council	www.msc.org
Ministry of Defence	www.mod.uk
Morecambe Bay European marine site	www.morecambebay.com/
North East Lincolnshire Council	www.nelincs.gov.uk
North Eastern Sea Fisheries Committee	www.neseafish.gov.uk
North Lincolnshire Council	www.northlincs.gov.uk
Pembrokeshire European marine site	www.pembrokeshiremarinesac.org.uk
Plymouth Sound & Estuaries European marine site (candidate SAC)	www.tamar-estuaries.org.uk
Solway Firth European marine site	www.solway-ems.co.uk
UK Biodiversity	www.ukbap.org.uk
UK Marines SACs project	www.ukmarinesac.org.uk
Yorkshire & Humber Biodiversity Forum	www.yhbf.org
Yorkshire Forward	www.yorkshire-forward.com
Yorkshire Water Services	www.yorkshirewater.com
Yorkshire Wildlife Trust	www.yorkshire-wildlife-trust.org.uk

11.0 Glossary

Annex I birds	Bird species listed on Annex 1 of the Birds Directive. These are in danger of extinction, are rare, or are considered vulnerable within the European Union. Those that regularly occur at levels over 1% of the national population meet the SPA qualifying criteria.
Annex I habitat(s)	A natural habitat(s) listed in Annex I of the Habitats Directive for which Special Areas of Conservation can be selected.
Annex II species	A species listed in Annex II of the Habitats Directive for which Special Areas of Conservation can be selected.
Attribute	A characteristic of a habitat, biotope, community or population of a species which most economically provides an indication of the condition of the interest features to which it applies. For species these may include measures of population size, structure, habitat requirements and distribution. For habitats, attributes may include measures of area covered, composition and structure and supporting processes such as ecosystem structure, tidal streams, salinity, sediment accretion/erosion, water quality, and the presence of typical species.
Birds Directive	The abbreviated term for Council Directive 79/409/EEC of 2 April 1979 on the Conservation of Wild Birds. This Directive aims to protect bird species within the EU through the conservation of populations of certain birds and the habitats used by these species.
Biodiversity	Biological diversity – the total variety of life on earth. This includes diversity within species, between species and of ecosystems.
Competent authority	Any Minister, government department, public or statutory undertaker, public body or person holding a public office that exercises statutory powers.
Conservation objective	A statement of the nature conservation aspirations for the features of interest on a site, expressed in terms of the favourable condition that the species and/or habitats for which the site has been selected should attain. Conservation objectives for European marine sites relate to the aims of the Habitats and Birds Directives.

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Country agencies/the statutory national nature conservation bodies:	The statutory national nature conservation bodies: the Countryside Council for Wales, English Nature, Scottish Natural Heritage and their Joint Nature Conservation Committee and the Environment & Heritage Service, (an agency within the Department of the Environment (Northern Ireland)).
European marine site	A European site (SAC or SPA) which consists of, or so far as it consists of, marine areas
Favourable condition	The target condition for an interest feature in terms of abundance, distribution and/or quality of that feature within a site. A measure of the contribution that the site makes to the favourable conservation status of the feature. Interest features may be considered to be in: favourable condition; unfavourable-recovering; unfavourable-no change; or unfavourable-declining.
Favourable conservation status	A range of conditions for a natural habitat or species at which the sum of the influences acting upon that habitat or species are not adversely affecting its distribution, abundance, structure or function throughout the EU in the long term. The condition in which the habitat or species is capable of sustaining itself on a long-term basis.
Habitats Directive	The abbreviated term for Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora. It is the aim of this Directive to promote the conservation of certain habitats and species within the EU.
Interest feature	A natural or semi-natural feature for which a European site has been selected. This includes any Habitats Directive Annex I habitat and any Annex II species and any population of a bird species for which an SPA has been designated under the Birds Directive.
Management Scheme	The framework established by the relevant authorities for a European marine site under which their functions are exercised to secure, in relation to that site, compliance with the requirements of the Habitats Directive
Monitoring	Surveillance undertaken to ensure that formulated standards are being maintained. The term is also applied to compliance monitoring against accepted standards to ensure that agreed or required measures are being followed.

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Natura 2000 network	The European network of protected sites established under the Birds Directive and the Habitats Directive
Operations which may cause deterioration or disturbance	Any activity or operation taking place within, adjacent to, or remote from a European marine site that has the potential to cause deterioration to the natural habitats for which the site was designated or disturbance to the species and its habitats for which the site was designated.
Plans and projects	Any proposed development that is within a relevant authority's function to control, or over which a competent authority has a statutory function to decide on applications for consents, authorisations, licences or permissions.
Precautionary principle	The assumption that where there are real threats of serious damage to the environment, lack of full scientific information should not be used as a justification for postponing measures to prevent such damage occurring.
Relevant authority	The specific competent authority which has powers or functions which have, or could have, an impact on the marine environment within, or adjacent to, a European marine site.
Special Area of Conservation (SAC)	A site of Community importance designated by the Member States where the necessary conservation measures are applied for the maintenance or restoration, at a favourable conservation status, of the habitats and/or species for which the site is designated.
Special Protection Area (SPA)	A site designated under the Birds Directive by the Member States where appropriate steps are taken to protect the bird species for which the site is designated.

12.0 Abbreviations and acronyms

AA	Appropriate Assessment
ABP	Associated British Ports
AONB	Area of Outstanding Beauty
APT	Associated Petroleum Terminals
AWR	Air Weapons Ranges
AWS	Anglian Water Services
BAP	Biodiversity Action Plan
BASC	British Association for Shooting and Conservation
BW	British Waterways
CA	Competent Authority
CAMS	Catchment Abstraction Management Schemes
CC	County Council
CEFAS	Centre for Environment, Fisheries and Aquaculture Science
CHaMP	Coastal Habitat Management Plan
CPRE	Council for the Protection of Rural England
DC	District Council
DEFRA	Department of Environment, Food and Rural Affairs
DETR	Department of Environment, Transport and the Regions
EA	Environment Agency
EC	European Commission
EIA	Environment Impact Assessment
ELDC	East Lindsey District Council
EN	English Nature
ERYC	East Riding of Yorkshire Council
ESFJC	Eastern Sea Fisheries Joint Committee
EU	European Union
HA	Harbour Authority
HAG	Humber Advisory Group
HB	Humber Bibliography
HEEMS	Humber Estuary European marine site
HEMS	Humber Estuary Management Scheme
HEP	Humber Estuary Partnership
HERAG	Humber Estuary Relevant Authorities Group
HESMP	Humber Estuary Shoreline Management Plan
HMS	Humber Management Scheme
HST	Humber Sea Terminals
IDB	Internal Drainage Board
IECS	Institute of Estuarine & Coastal Studies (Hull University)
IPC	Integrated Pollution Control
KUHCC	Kingston Upon Hull City Council
LA	Local Authority
LCC	Lincolnshire County Council
LEAP	Local Environment Agency Plan
LPA	Local Planning Authority

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LWT	Lincolnshire Wildlife Trust
MAFF	Ministry of Agriculture, Fisheries and Food (now known as DEFRA)
MCA	Maritime and Coastguard Agency
MEP	Member of the European Parliament
MHWM	Mean High Water Mark
MLWM	Mean Low Water Mark
MOD	Ministry of Defence
NELC	North East Lincolnshire Council
NESFC	North East Sea Fisheries Committee
NFU	National Farmers Union
NLC	North Lincolnshire Council
NRA	National Rivers Authority (now Environment Agency)
RA	Relevant Authority
RAWG	Relevant Authorities Working Group
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SMP	Shoreline Management Plan
SPA	Special Protection Area
Spp.	Species
UA	Unitary Authority
WAERC	Wetland Archaeology and Environments Research Centre (Hull University)
YWS	Yorkshire Water Services
YWT	Yorkshire Wildlife Trust