

# Proposed Portland Harbour Fishery Order Nature Conservation Review



**version 7<sup>th</sup> August 2018**

## 1. Introduction

This technical note includes a review of potential impacts associated with Proposed Portland Harbour Fishery Order on Nature Conservation designations in and around Portland Harbour.

## 2. Relevant Documentation

This includes:

- Portland Harbour Fishery Order
- Management plan
- Any documentation generated by third parties in connection with the above

The need for a separate Water Framework Directive Risk Assessment would be assessed and undertaken in connection with any proposed activity associated with the Fishery Order and management Plan on a case-by-case basis.

## 3. Designated Sites Overview

**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. Designated European and national nature conservation sites and are shown and discussed in this report. Sites of Local Nature Conservation Importance are also shown but not discussed.

The location of the proposal is sited within 2 km of the following:

- Studland to Portland Special Area of Conservation (SAC)
- Isle of Portland Site of Special Scientific Interest (SSSI)
- Isle of Portland to Studland Cliffs SAC
- Portland Harbour Shore SSSI

- Chesil & The Fleet SSSI
- Chesil Beach & The Fleet SPA
- Chesil Beach & The Fleet SAC
- Chesil Beach & The Fleet Wetland Area of International Importance under the Ramsar Convention (Ramsar site)
- Chesil Beach & Stennis Ledges Marine Conservation Zone (MCZ)

**Table 1** summarises designated sites adjacent or nearby to the harbour authority's jurisdiction.

Site Name & Designation	Proximity in relation to Harbour Authority Jurisdiction
<b>Chesil and the Fleet SAC and SPA, Chesil and the Fleet SSSI and Chesil Beach &amp; The Fleet Wetland Area of International Importance under the Ramsar Convention (Ramsar site)</b>	Adjacent to Portland Inner Harbour jurisdiction with the waterbodies being directly connected at Ferrybridge. Primarily marine in nature.
<b>Studland to Portland cSAC</b>	Marine in nature. Comprises an area off Portland Bill that borders the harbour authority's jurisdiction at Grove Point. Also another area in Weymouth Bay off Ringstead and Lulworth.
<b>Isle of Portland to Studland Cliffs SAC and Isle of Portland SSSI</b> (Section - Isle of Portland)	Includes the land and shoreline adjacent to Balaclava Bay and Grove Point bordering the harbour authority's outer harbour jurisdiction. The designations are above mean high water therefore they are considered terrestrial in nature.
<b>Isle of Portland to Studland Cliffs SAC and South Dorset Coast SSSI</b> (Section - North Shore of Weymouth Bay)	Includes the land and shoreline that borders Weymouth Bay located to the North and North East of Portland Harbour Authority's jurisdiction. Both designations extend to low water therefore contain marine features.
<b>Portland Harbour Shore SSSI</b>	Extends along the northern shore from Portland Marina to Bingleaves in the Inner harbour and then in the outer harbour area includes the foreshore of Newtons Cove. The designation extends to low water.
<b>Chesil Beach &amp; Stennis Ledges Marine Conservation Zone (MCZ)</b>	Located in Lyme Bay. Isle of Portland forms a physical barrier between the waterbodies.

A more detailed version is enclosed at **Appendix A** with details as follows:

- site name,
- further information on the designated site including its location in relation to the harbour authority's jurisdiction
- its proximity to the Proposed Works and an impact summary.

A 'thumbnail' size image of the location of the Marine Protected Area taken from the MAGIC website (<http://magic.defra.gov.uk/>) which provides authoritative geographic information about the natural environment from across government and is managed by Natural England is also included in the table below.

**Table 1** List of designated sites adjacent or nearby to Portland Harbour Authority's Jurisdiction including details about proximity and whether it is terrestrial or marine in nature.

#### **4. Marine and Coastal Access Act 2009**

The proposed Fishery Order is not sited within or near to a Marine Conservation Zone and therefore a pathway by which impacts from the operation would affect the interest features of the site(s) has not been identified. Any fishing activity resulting from this Order therefore would not hinder the conservation objectives of such a site.

#### **5. The Conservation of Habitats and Species Regulations 2017 and The Conservation of Offshore Marine Habitats and Species Regulations 2017**

A Habitat Regulation Assessment would be required for any application in connection with the proposed Portland Fishery Order and a licence/ lease only awarded if the tests of the regulations can be satisfied.

#### **6. Wildlife and Countryside Act 1981 (as amended)**

##### **Sites**

An environmental assessment to understand the potential implications of any proposal on designated sites would need to be undertaken and a licence/ lease would only be awarded if it can be demonstrated the proposals are environmentally acceptable.

##### **Species**

The marine protected species *Armandia cirrhosa* is present in Portland Harbour and was recorded as part of the Environmental Impact Assessment for the major expansion of the port which was subsequently consented. The species is protected under Schedule 5, Section 9 of the Wildlife and Countryside Act 1981 (as amended) and is a UK Biodiversity Action Plan (BAP) Priority in England. It is also a Species of Principal Importance in England and a feature of Conservation Importance in England and Wales.

An environmental assessment to understand the potential implications of any proposal on designated species would need to be undertaken and a lease would only be awarded if it can be demonstrated the proposals are environmentally acceptable.

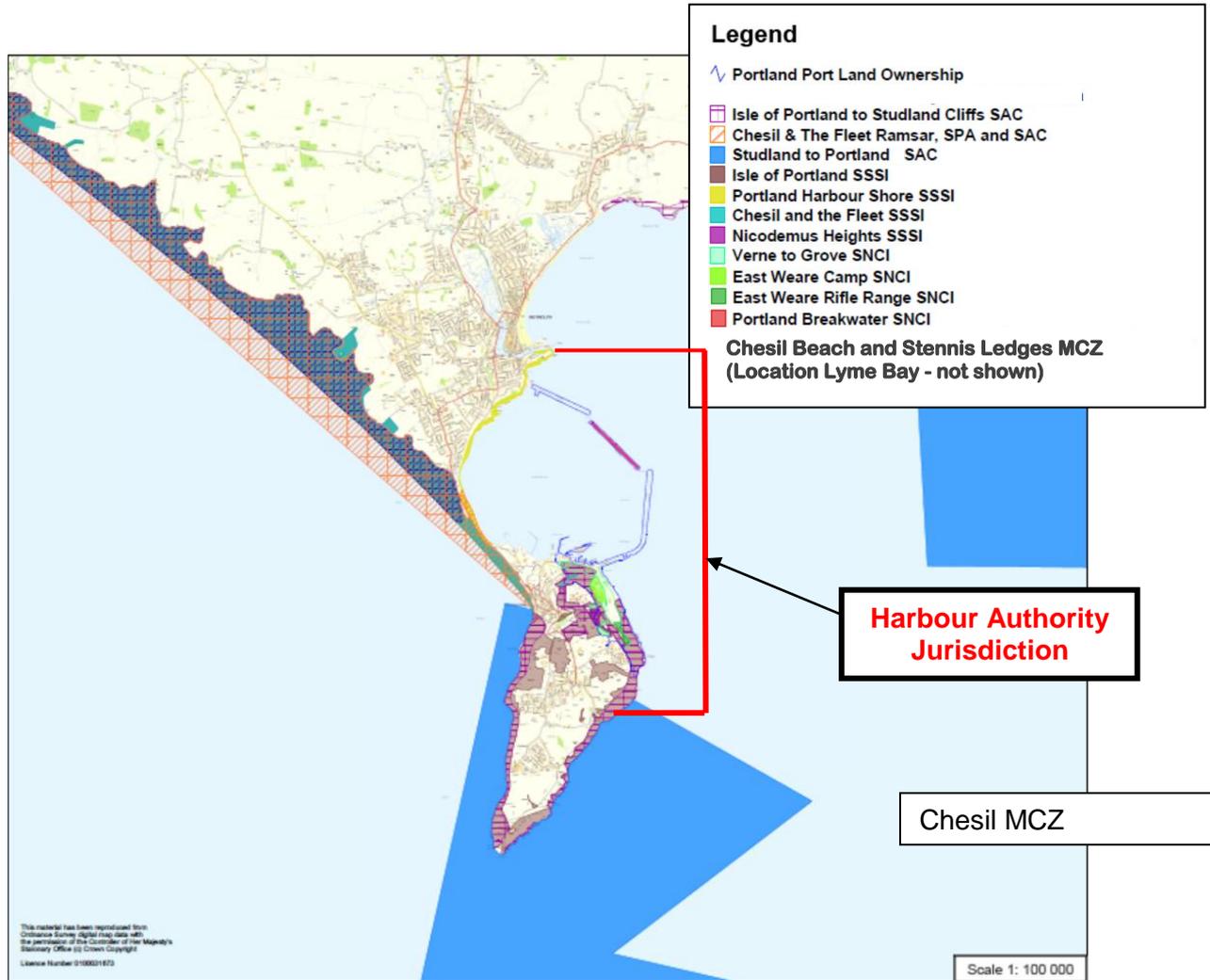
**7. Other**

Potential impacts on seagrass beds (*Zostera* spp.) and mud habitats in deep water (sea-pen and burrowing megafauna communities) within the harbour, as listed on Section 41 of the Natural Environment and Rural Communities Act 2006 as Habitats of Principal Importance for Conservation of Biodiversity in England, and on the OSPAR list of threatened and/or declining habitats in need of protection are also a consideration. Any proposal would need to consider the implications for these habitats/ species.

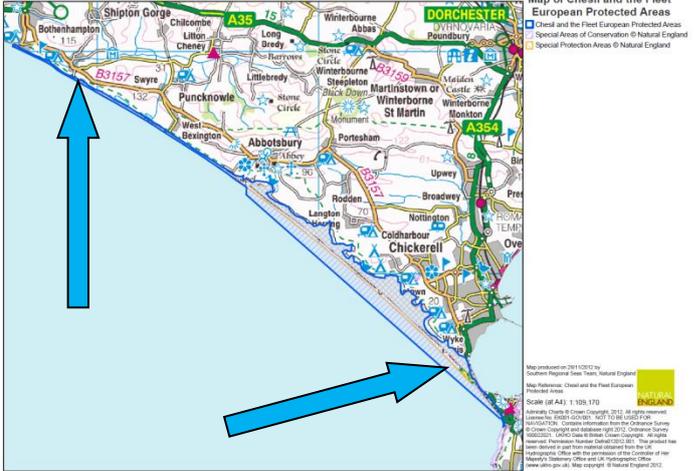
**8. Conclusion**

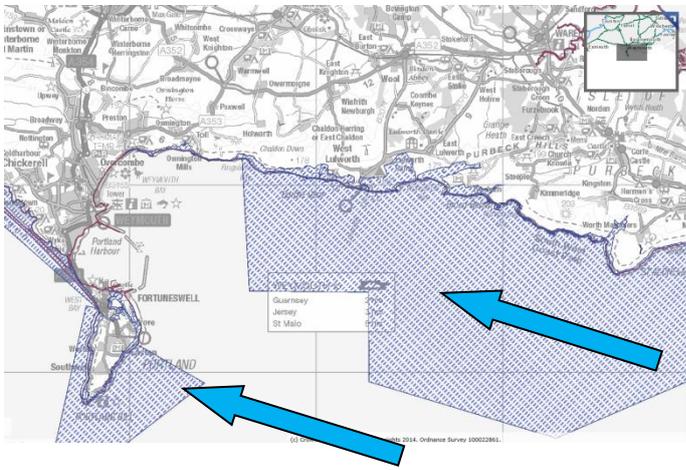
Any proposal would need to consider the potential implications for designated sites and species and satisfy the tests of the various legislation before a lease could be granted.

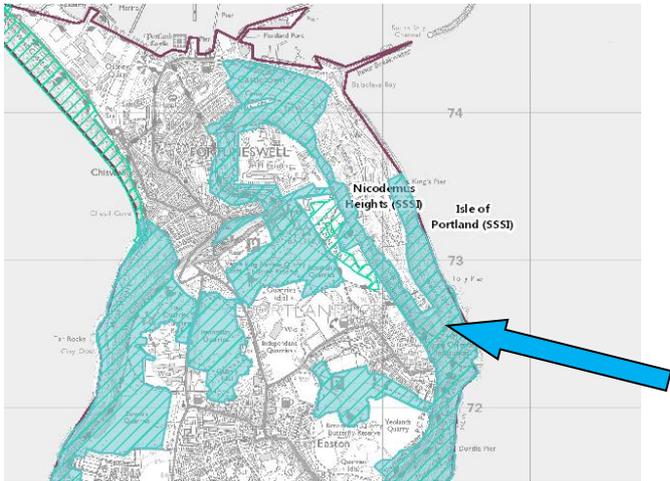
Figure 1 - Designated Nature Conservation Sites



**Appendix A.** Summary of designated sites adjacent or nearby to Outer Coaling Pier where navigational dredging is proposed.

Site Name	Further Information
<p><b>Chesil and the Fleet EMS</b> comprising</p> <p><b>Chesil and the Fleet SAC</b> UK0017076;  <b>Chesil Beach and the Fleet SPA</b> UK9010091;  <b>Chesil Beach and the Fleet Ramsar</b> UK11012</p> <p>and</p> <p><b>Chesil and the Fleet SSSI</b></p> <p><b>Designated for its international, European and National importance</b></p> <p><b>(adjacent to Portland Inner Harbour)</b></p>	<p>Chesil and the Fleet is adjacent to Portland Inner Harbour and qualifies as a European Marine Site (EMS) for the following reasons:</p> <p><b>EU Habitats Directive Annex I Habitats</b></p> <ul style="list-style-type: none"> <li>• Lagoons;</li> <li>• Annual vegetation of drift lines;</li> <li>• Mediterranean and thermo-Atlantic halophilous scrub; and</li> </ul> <p><b>Birds Directive:</b></p> <ul style="list-style-type: none"> <li>• Internationally important populations of regularly occurring bird species listed on Annex 1 of the Birds Directive</li> <li>• Internationally important populations of regularly occurring migratory species</li> <li>• a qualifying interest feature of the Chesil and the Fleet SPA is an internationally important breeding population of the Annex 1 species little tern <i>Sterna albifrons</i>.</li> </ul> <p>Information on the Chesil and the Fleet EMS is available at:  <a href="http://publications.naturalengland.org.uk/publication/2967759?category=3212324">http://publications.naturalengland.org.uk/publication/2967759?category=3212324</a>.</p> <p>The Chesil and the Fleet is also a SSSI. Information on the Chesil and the Fleet SSSI is available at:  <a href="http://www.sssi.naturalengland.org.uk/special/sssi/sssi_details.cfm?sssi_id=1002654">http://www.sssi.naturalengland.org.uk/special/sssi/sssi_details.cfm?sssi_id=1002654</a>.</p> 
<p><b>Studland to Portland cSAC</b></p> <p>Including Portland Bill and Ringstead Bay Reefs</p> <p><b>Designated for its European importance</b></p> <p><b>(near to Portland Outer Harbour)</b></p>	<p>Studland to Portland cSAC is near to Portland Outer Harbour and qualifies for the following reason:</p> <ul style="list-style-type: none"> <li>• Designated for Annex 1 reef</li> </ul> <p>The area off Portland Bill which lies to the south of the harbour authority's jurisdiction is summarised as follows:</p> <ul style="list-style-type: none"> <li>• Characterised by flat bedrock, limestone ledges (Portland stone), large boulders and cobbles. On the western side of Portland Bill there are very large, rugged limestone boulders on flat bedrock with mixed sediments. The mosaic of habitats provides deep gullies and overhangs, which support a diverse range of marine life including cup corals, sponges, anemones, nudibranchs and hydroids. The boulders and ledges occur where the eroded coastal cliffs of Portland extend underwater.</li> <li>• South of Portland Bill, another steep, dramatic drop off has been formed which runs south west of the Bill and extends to depths of over 80m. These reefs are exposed to extremely strong tides and scour action.</li> </ul>

	<ul style="list-style-type: none"> <li>• Dense mussel (<i>Mytilus edulis</i>) beds are found to occur on bedrock associated with strong currents off the eastern side of Portland Bill.</li> </ul> <p>The area known as Studland Bay to Ringstead Bay is located to the east of the harbour authority's jurisdiction and is summarised as follows:</p> <ul style="list-style-type: none"> <li>• Numerous areas of reef (in many forms) exist within the Studland Bay to Ringstead Bay area. The reefs exhibit a large amount of geological variety, ranging from exposed chalk bedrock between Ballard Cliffs and Handfast Point in the east of the site, through to exposed shales and clays, limestone and cementstone ledges, boulders around Kimmeridge to Durlston, and back to exposed chalk bedrock east of Ringstead Bay.</li> <li>• Of particular relevance to Weymouth Bay is a distinct area of reef known as Lulworth Banks comprising a mosaic of habitat types, including rocky ledges, sediment covered rock and mixed sediments.</li> </ul> <p>Information on Studland to Portland cSAC:  <a href="http://publications.naturalengland.org.uk/category/3212324">http://publications.naturalengland.org.uk/category/3212324</a></p> 
<p><b>Isle of Portland to Studland Cliffs SAC (where it overlaps with Portland Harbour Authority's Jurisdiction)</b></p> <p>and</p> <p><b>Isle of Portland SSSI</b></p> <p><b>Designated of its European and National importance</b></p> <p><b>(overlaps with Portland Outer Harbour and Portland Harbour Authority's land ownership)</b></p>	<p>The shoreline/ land adjacent to Balaclava Bay and Grove Point borders the harbour authority's outer harbour marine jurisdiction and forms part of the Isle of Portland to Studland Cliffs SAC and is also part of Isle of Portland SSSI. It is also partially owned by Portland Harbour Authority.</p> <p>The SAC has been designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following:</p> <p><b>Habitats listed in Annex I:</b></p> <ul style="list-style-type: none"> <li>• H1210 Annual vegetation of drift lines</li> <li>• H1230 Vegetated sea cliffs of the Atlantic and Baltic coasts</li> <li>• Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>); Dry grasslands and scrublands on chalk or limestone.</li> </ul> <p><b>Species listed in Annex II:</b></p> <ul style="list-style-type: none"> <li>• Early gentian (<i>Gentianella anglica</i>)</li> </ul> <p>Further details on the SAC can be found at:  <a href="http://publications.naturalengland.org.uk/publication/5124023511941120">http://publications.naturalengland.org.uk/publication/5124023511941120</a>.</p> <p>The Isle of Portland SSSI is internationally important for its geological interest. The Island has a rich assemblage of plants and animals associated with limestone grassland, scrub and coastal habitats, a combination of features and species unrepeated elsewhere. Portland is also a famous site for the study of bird migration centred on the observatory at the Bill.</p>

	<p>The following SSSI units are of relevance:</p> <ul style="list-style-type: none"> <li>• Unit 34 - 40 hectares in size and comprises broadleaved, mixed and yew woodland - lowland main habitat</li> <li>• Unit 35 - 3 hectares of supralittoral rock (coastal scrub on clay substrates on NE facing slopes)</li> </ul> <p>Further details on the SSSI can be found at:  <a href="http://www.sssi.naturalengland.org.uk/special/sssi/sssi_details.cfm?sssi_id=1000128">http://www.sssi.naturalengland.org.uk/special/sssi/sssi_details.cfm?sssi_id=1000128</a>.</p> 
<p><b>Isle of Portland to Studland Cliffs SAC (where it is adjacent or nearby to Portland Harbour Authority's Jurisdiction) and South Dorset Coast SSSI</b></p> <p><b>Designated for its European and National importance</b></p> <p><b>(near to Portland Outer Harbour)</b></p>	<p>The Isle of Portland to Studland Cliffs is also covers the shoreline that borders Weymouth Bay located to the North and North East of Portland Harbour Authority's jurisdiction.</p> <p>As described earlier the SAC has been designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following:</p> <p><b>Habitats listed in Annex I:</b></p> <ul style="list-style-type: none"> <li>• H1210 Annual vegetation of drift lines</li> <li>• H1230 Vegetated sea cliffs of the Atlantic and Baltic coasts</li> <li>• Semi-natural dry grasslands and scrubland facies: on calcareous substrates (Festuco-Brometalia); Dry grasslands and scrublands on chalk or limestone.</li> </ul> <p><b>Species listed in Annex II:</b></p> <ul style="list-style-type: none"> <li>• Early gentian (<i>Gentianella anglica</i>)</li> </ul> <p>Further details on the SAC can be found at:  <a href="http://publications.naturalengland.org.uk/publication/5124023511941120">http://publications.naturalengland.org.uk/publication/5124023511941120</a>.</p> <p><b>The South Dorset Coast SSSI combines internationally important geological interest with a rich range of wildlife habitats supporting populations of several rare plants and animals.</b></p> <p>Further details on the SSSI can be found at:  <a href="http://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=s1002501">http://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=s1002501</a>.</p>

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<p><b>Portland Harbour Shore SSSI</b></p> <p><b>Designated for its national importance</b></p> <p><b>(overlaps with Portland Inner and Outer Harbour)</b></p>	<p>Portland Inner Harbour includes the parts of the Portland Harbour Shore SSSI as follows:</p> <ul style="list-style-type: none"> <li>• north shore 'Western Ledges' (Units 2 (littoral sediment), 3 (neutral grassland - lowland), 4 (earth heritage) and 13 (earth heritage))</li> <li>• Hamm Beach (Unit 1(supralittoral sediment in favourable condition)) within</li> </ul> <p>Portland Outer Harbour includes the part of the Portland Harbour Shore SSSI as follows:</p> <ul style="list-style-type: none"> <li>• 'Newton's Cove' shoreline (Units 11 (earth heritage) and 2 (littoral sediment))</li> </ul> <p>The reasons for notification of the Portland Harbour Shore SSSI include:</p> <ul style="list-style-type: none"> <li>• the cliffs along the north-western shore of Portland Harbour are of outstanding geological importance;</li> <li>• the site also includes maritime grassland and the intertidal shore itself.</li> </ul> <p>Information on Portland Harbour Shore Site of Special Scientific Interest:  <a href="http://www.sssi.naturalengland.org.uk/special/sssi/sssi_details.cfm?sssi_id=1002791">http://www.sssi.naturalengland.org.uk/special/sssi/sssi_details.cfm?sssi_id=1002791</a></p>

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**Chesil Beach & Stennis Ledges Marine Conservation Zone (MCZ)**

Features include:

- Intertidal coarse sediment
- High energy intertidal rock
- Native oyster (*Ostrea edulis*)
- Pink sea-fan (*Eunicella verrucosa*)
- High energy infralittoral rock

