

Basingstoke Canal Joint Management Committee
Conservation Management Plan – Information Paper



22 November 2018

Lead officers: James Taylor
 Telephone: 01252 370073
 Email: James.Taylor@surreycc.gov.uk

1. Summary

- 1.1. To inform the Committee of actions taken by the Strategic Manager in drafting and gaining approval from Natural England for the new edition of the Conservation Management Plan.

2. Officer's recommendation

- 2.1. That the Joint Management Committee note the report

3. Introduction & background

- 3.1. The Basingstoke Canal is 90% designated as SSSI, for its unusual water chemistry, and the resultant range of aquatic plants and dragonfly species. At its most recent designation in 1995 it was deemed to be the most diverse freshwater body in England and Wales with 87 species of aquatic plants.
- 3.2. The Wildlife & Countryside Act 1981 places a duty on public sector owners of SSSI habitats protect and enhance them. It further places restrictions on the type of work which can be undertaken in an SSSI, through a list of "Operations Likely to Damage" [OLDs] without having first obtained the Assent of Natural England.
- 3.3. It would be entirely unworkable to apply for Assent for most of the day to day managements and maintenance of the waterway; this would take a huge amount of officer time for both the Councils and Natural England.
- 3.4. A way around this is to agree a management plan for the site with Natural England. This covers most of the normal operations and management activities, based on sound conservation principles, drawn from formal Conservation Objectives for the SSSI set by Natural England, which when combined should serve to protect and enhance the waterway.
- 3.5. A Conservation Management Plan was agreed with Natural England in 2008 for 10 years. This was in a large part drafted by Dr John Eaton – the leading expert on canal botany at the time. The plan is based on sound science, but has proved very practical and useable with clear objectives and managements.
- 3.6. Technical oversight of the Plan has been, and continues to be, through ecological experts from each of the County Councils, Natural England, and the Environment Agency sitting alongside officers of BCA and the Canal Society as a Conservation Steering Group [CSG].

4. Discussion

- 4.1. The 2008 Plan is now near the end of its 10 year period and a further plan is required in order for the BCA to effectively operate the Canal; Natural England will need to approve a replacement plan by November 2018 or the BCA will need to revert to applying for individual permissions for most of its operation and maintenance activities.
- 4.2. In the intervening years Dr Eaton has retired and is no longer able to advise us. The Canal Manager and Strategic Manager have therefore conducted a revision of the existing plan based on the premise that the previous plan needed only minor revisions to make it work more effectively, advised by ecologists from HCC and SCC; the major reason that the previous plan had not delivered on all of its objectives is simply down to lack of resource.
- 4.3. The draft was circulated to CSG members in December 2017, who discussed the views at their meeting in March 2018. Natural England were by and large happy with the draft, with some minor amendments, their major comment being a technical one surrounding the national technical measuring standards which have yet to be revised to match those in the Water Framework Directive (which became UK law in 2003).
- 4.4. Despite a robust debate led by the Canal Society it is quite clear that Natural England has no appetite to allow an increase in the limit on powered boat movements. The evidence of the limited amount of improvements in the botany in the Hampshire portion of the Canal shown in the 2012 botanical survey, previously reported to the JMC, was not repeated in the 2017 survey.
- 4.5. Whilst it is not clear if there is one single cause for the apparent decline in botany, turbidity from boat traffic especially in Hampshire, is being suggested as one possible culprit. It is the Strategic Manager's view that if pressed too firmly Natural England may decrease the powered boat movement limit, rather than increase it; as there is no supporting evidence to demonstrate boat movements are having a beneficial or neutral effect on the ecology but some limited evidence to suggest it is contributing to decline. As there is now a clear conservation based objective for dredging a better course of action is to plan dredging works to reduce the silt load and monitor the results. HCC have funding in its capital plan for these works commencing in 2019.
- 4.6. The Strategic Manager and Canal Manager have therefore taken the proposed draft and the CSG's comments and formed a final draft which has been sent for Assent to Natural England, following Senior Officer approval. This paper is appended as Appendix 1.

5. Consultation in addition to those from the Conservation Steering Group

- 5.1. No public consultation has been undertaken on the evolution of this highly detailed and technical Plan.
- 5.2. Ecological advisors for both county councils were invited to comment on the final draft management plan;

"The latest Management Plan builds upon previous plans and recent surveys to bring an integrated approach to potential conflicts between recreation and protecting the environment. It has been written as a result of a partnership of organisations working together to ensure that the canal environment is managed for today's and future generations of users. I am pleased to have been part of that partnership on behalf of Surrey County Council and support the Management Plan's adoption and implementation."
(John Edwards SCC Natural Environment & Assessment Team Manager)

- 5.3. The Canal Partnership Authorities were consulted on the largely completed draft. Comments were received only from Woking and Rushmoor Borough Councils;
- 5.3.1. Woking Borough Council thought that the Plan was comprehensive but the section on Water Quality should have a minor modification to make reference to Sustainable Urban Drainage Systems (SUDs). This minor modification has been made to the final version of the Plan.
- 5.3.2. Rushmoor Borough, however, considered that there was too greater emphasis on recreation, especially boating. They suggested that boat numbers should be decreased and more trees felled to improve the SSSI condition, regardless of other consequences. These observations could not be reconciled with the Plan as it exists, and the Plan was not modified.
- 5.4. Additionally the Conservation Steering Group meeting on 24th September considered a matter of navigation rules regarding boat engine size and boat length, and it was recommended that the result of this discussion be reported to JMC as part of this paper. Current navigation rules state that outboard engines should be no greater in size than 2.5hp/metre of boat length. However the CSG agreed from a conservation point of view that the 4mph speed limit and ‘no breaking wash’ rules covered this point adequately and that this rule was in fact redundant. It was agreed to remove it from all BCA paperwork.

6. Financial and value for money implications

- 6.1. There is no significant cost implication with the CMP itself; although the activities contained in it requires the Councils and BCA to undertake works in the interest of conservation, some of which have no budget allocation in either revenue or capital programmes. However, the CMP is written generally in sufficiently vague terms as to not require specific expenditure at any particular interval.
- 6.2. The option of not having an agreed CMP would have a very significant immediate impact on the waterway and on the reputation of the Councils.
- 6.3. Powered boating would effectively become prohibited with immediate effect as it is a “recreational activity likely to damage the SSSI” and use of a “powered vehicle which is likely to disturb or damage the SSSI” – two of the OLDs. The loss of powered boating would have an immediate negative impact on the finances of the BCA exceeding £100,000 per annum. There may also be litigation from commercial powered craft operators for loss of income.
- 6.4. There would be significant reputational harm to both owning authorities – especially Hampshire as the host for the BCA. The option of not having a CMP has therefore been considered and rejected as unworkable, as this would cause financial and reputational damage.

7. Equalities & Diversity implications

- 7.1. There are no equalities and diversity implications for the Canal or its partners.

8. Crime & disorder implications

- 8.1. There are no crime and disorder implications for the Canal or its partners.

9. Conclusion and recommendation

- 9.1. A CMP is an essential management tool for any property which contains an SSSI, especially where its ownership is the public sector. The prospect of not submitting a CMP for approval in time for a

seamless transition from the 2008-18 CMP is untenable and potentially very damaging to the Canal and its owners.

9.2. The Officer recommends that:

The Joint Management Committee note the report

What happens next

Following the approval by senior officers at Canal Senior Management Team, the final draft was sent to Natural England for Assent as an agreed scheme of management

The submitted document will be reported to JMC on 22/11/2018 as Members had asked for a discussion surrounding conservation management.

Appendix 1 – Conservation Management Plan 2018-2028