

# **Welcome to the first edition of the Marine Consents Guide**

## **Produced by the Solent Forum**

**This is a text only version, to receive a hard copy (if available) or to be e-mailed the full pdf version then please contact the Solent Forum Officers – [solentforum@hants.gov.uk](mailto:solentforum@hants.gov.uk).**

**This version is a 'working document' and will be revised and updated as required. A full update will be carried out following the publication of the Marine Bill.**

**First published: May 2002, last updated June 2007.**

## **Foreword**

The construction and maintenance of infrastructure to support the maritime economy is regulated by many different organisations. Understanding the permissions required to enable development and activities to take place is complicated with the information needed scattered between many different consenting authorities. This Guide brings this information together into one place, shows which consents are needed for which activities and provides a summary of each type of consent. It is designed for those individuals and organisations wishing to undertake development or activities in the marine environment.

## **Acknowledgements**

This publication would not have been possible without the significant contribution of the members of the Steering Group, and our thanks go to the following;

David Moore (Isle of Wight Council)  
Lucy Sheffield (Environment Agency)  
Alan Williams (River Hamble Harbour Authority)  
Emma Beagley (River Hamble Harbour Authority)  
Justine Cooper (British Marine Federation)  
Geoff Bowles (Joint Marine Consents and Environment Unit, Defra)  
Colin Morris (Joint Marine Consents and Environment Unit, Defra)  
Sally Porter (Poole Harbour Commissioners)  
Tim Badman (Dorset Coast Forum)  
Paul Salmon (Solent Forum)

## **Sponsors**

We would like to thank the Environment Agency for sponsoring this publication and wish to acknowledge the financial support of English Nature.

# Solent Forum

This publication was produced by the Solent Forum. The Forum is chaired by Professor Mike Clark.

Solent Forum Officers: Kate Ansell, Tracey Hewett and Gemma Conway.  
c/o Hampshire County Council Environment Department  
The Castle  
Winchester  
Hampshire SO23 8UE

Tel: 01962 846027  
Fax: 01962 846776  
E-Mail: [solentforum@hants.gov.uk](mailto:solentforum@hants.gov.uk)  
Website: [www.solentforum.hants.org.uk](http://www.solentforum.hants.org.uk)

## **The Forum is funded by the following organisations:**

Associated British Ports  
British Marine Federation (South)  
English Nature  
Environment Agency  
Hampshire County Council  
Hants & Wight Wildlife Trust  
Isle of Wight Council  
New Forest District Council  
Portsmouth City Council  
QHM, Portsmouth  
RSPB  
Solent Protection Society  
Southampton City Council

# Contents

## **1.0 WHY ARE MARINE CONSENTS SUCH A MINEFIELD?**

- 1.1 The Solent
- 1.2 Solent Forum
- 1.3 Administrative Boundaries in the Solent
- 1.4 Purpose of the Guide
- 1.5 Disclaimer

## **2.0 HOW TO USE THIS GUIDE**

## **3.0 KEY CONSIDERATIONS**

- 3.1 Permitted Development
- 3.2 Land Ownership
- 3.3 Harbour Authority Jurisdiction
- 3.4 Bye Laws
- 3.5 Transport and Works Act (TWA), 1992
- 3.6 National Heritage Act 2002
- 3.7 Development and Management Plans
- 3.8 Government View Procedure for Marine Minerals  
Dredging
- 3.9 European Marine Sites Management Scheme
- 3.10 Sites of Special Scientific Interest (SSSI)
- 3.11 The Implementation of EU Directives in the UK

## **4.0 MARINE CONSENTS REQUIRED FOR SPECIFIC TYPES OF ACTIVITY**

## **5.0 CONSENT DETAILS**

- 5.1 Planning Consent
- 5.2 Listed Building Consent and Conservation Area Consent
- 5.3 Building Regulations Approval
- 5.4 FEPA Licence
- 5.5 Works and Dredging Licence

5.6 Coast Protection Act Consent

5.7 Land Drainage Consent

5.8 Pollution Prevention and Control Permit

5.9 Discharge Consent

## **6.0 OTHER MANAGEMENT REGIMES**

## **7.0 CONTACTS AND INFORMATION SOURCES**

7.1 Local Contacts – Solent Competent Authorities

7.2 Other Contacts

7.3 Joint Marine Consents and Environment Unit (MCEU)

7.4 Other Useful Information and References

## **APPENDIX 1 – SOLENT FORUM MEMBERS**

## **APPENDIX 2 - MAPS**

## 1.0 Why are Marine Consents such a Minefield?

It is at the boundary of different environments, issues, ownership and responsibilities where, if there are different interests to be promoted or protected, a complex system of management and regulation develops. Nowhere is this more apparent than in the transition from land to sea and the resulting minefield of consents required for those seeking to use or develop the maritime environment. Terrestrial legislation, land and development management extends the control and responsibilities of local authorities to low water, thereby including the inter-tidal area. The rights of navigation and responsibility and controls where there are harbour authorities extend in tidal waters up to high water and, therefore, also includes the inter-tidal area. Below Mean High Water Springs (MHWS), consents for works such as dredging and construction are required from central government. Additionally, land ownership in the marine environment is complex, for example, the Crown Estate, local authorities, private individuals and companies can all be owners with the land sometimes held in trust or leased.

Smaller estuaries, including the sub tidal areas, are usually included within the boundaries of local authorities and are classified as land, which for development purposes, includes land covered by water. Such estuaries may also be classified as main rivers by the Environment Agency who will influence any development in the river or along its banks and who licence any land drainage to the estuary. Much of the inter-tidal and estuarine locations around the Solent are designated or classified as sites of European and National nature conservation value, which brings additional responsibilities and requirements to the decision making process.

The wide range of interests and number of organisations with responsibilities and vested interests, adds to the difficulty in meeting all the statutory requirements and the consultation required to ensure all material issues are taken into consideration when decisions about the future use or development of an area are taken. It is hoped that this Guide will help all those using and interested in the marine environment, to understand where responsibility and requirements for permissions and licences lie. Additionally, it will guide users to the appropriate consenting bodies for their proposals or activities and provide basic information on each type of consent.

### **The Dredging Minefield**

A marina wished to undertake maintenance dredging of the marina basin and its approach channel. The consents and approvals that were required included:

- Planning permission
- Harbour authority works and dredging licence
- Food and Environmental Protection Act (FEPA) Licence
- Coast Protection Act (CPA) Consent
- Crown Estate (landowner) and Environment Agency approval

An appropriate assessment also had to be undertaken as the location is a European Site designated under the Habitats Directive.

Because of difficulties in obtaining some of the licences and requests for additional information the dredging works were delayed by over a year, leading to reduced safety during this period due to silt build up in the channels and basin. The applicant felt that the lessons learnt were to start the application process earlier and to undertake widespread consultation with all interested parties.

## **1.1 The Solent**

Over one million people live around the shores of the Solent. It is a location for major maritime industries and ports and supports a thriving sailing community. It has a rich archaeological history and supports a key centre of maritime defence. Although large areas have been developed over the last few centuries, it is still an important site for nature conservation. Much of its shores have been designated as Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) for their habitat and species interest and as such form part of a European Marine Site. At the start of the new Millennium the onus is now on sustainable development. We must recognise the need to protect the environment but balance this with the aspirations of local people and businesses who may require change to accommodate their future needs. It is hoped that this Guide will help towards the process of achieving sustainable development.

The definition of the Solent provided in this Guide is one that encompasses the Solent and its constituent estuaries and harbours (see figure 1 in appendix 2).

## **1.2 Solent Forum**

The Solent Forum was established in 1992 in order to develop a greater understanding of coastal issues amongst the organisations responsible for the planning and management of the Solent. The Forum advises on strategic issues, working on an equal partner basis. The Forum has over 50 member organisations including local authorities, government agencies, industry and NGO's. It promotes partnership working to ensure the long term sustainable use of the Solent for both people and the environment.

## **1.3 Administrative Boundaries in the Solent**

In the Solent there are numerous authorities responsible for its management and the issuing of licenses and consents. Figure 2 shows the jurisdiction of the local planning and harbour authorities. A full list of these authorities with contact details is available in section 7.0.

## **1.4 Purpose of the Guide**

There are many considerations to take into account when deciding to undertake activities in the marine environment. This Guide provides a signposting service to show which consents and licences you may need to be obtained when undertaking specific activities or developments. It will help to clarify the type of consent needed, where to go to get it and give basic information on the application process. It is the duty of the competent authority which grants the licence or consent to determine whether or not an application meets their criteria. In many cases the consenting authority produces detailed information on the respective consent and its application process. Applicants should, therefore, ask the competent authority for this information before making an application.

## **1.5 Disclaimer**

The Solent Forum and its members take no responsibility for the outcome of any application made with the use of this guide. It is up to the individual applicant to ensure all the relevant processes are adhered to and appropriate consents obtained.

## 2.0 How to use this guide

Firstly, you must read through section 3.0 on key considerations, as this sets out those issues that need to be taken into account before undertaking any activity or development. From there you should proceed to section 4.0 and use the table to identify which consents may apply to the activity or development which you wish to undertake. If your activity is not listed then this is because it does not require consent but, it may, however, be subject to bye laws (section 3.4) or require the permission of the landowner (see section 3.2). Once you have identified which consents you may require, you should refer to the appropriate consents pro forma in section 5.0. This section will give you background information on the consent and will show you who to approach and how to go about obtaining it. Section 7.0 provides contact details of all consenting authorities.

Please remember that this is just a guide to the processes involved in obtaining consents and it is the first step in pursuing an application. Use the information provided and the contacts listed to begin dialogue with the appropriate authorities *before* submitting an application. Consenting authorities provide detailed application notes which will supplement the information contained in this Guide.

## 3.0 Key Considerations

Before applying for a licence or consent there are some important issues that you may need to consider.

### 3.1 Permitted Development

Any building and engineering operations undertaken in, on or over or under the land (including land covered by water) and changing the use of land is classified as development which requires consent of the Local Planning Authority.

However, planning permission is automatically granted for some development, subject to the provisions of the Conservation (Natural Habitats &c.) Regulations 1994. The types of development permitted are limited by their scale or location, are usually of a minor and non-contentious nature or relate to who is carrying out the development. Details of permitted development are set out in the Town and Country Planning (General Permitted Development) Order 1995 as amended (GPDO).

The schedule attached to the GPDO includes 33 parts for the main types of permitted development, each with a number of different classes of development and for each class lists criteria on the limits of development which qualify as permitted. Some statutory authorities and undertakers, such as harbour authorities, highway authorities, Environment Agency and utility companies have permitted development rights for some works undertaken in the course of their statutory duties. Formal application can be made to the Local Planning Authority to determine if a proposed development is permitted development, or not.

Development is not permitted development if it is a Schedule 1 or Schedule 2 development requiring an Environmental Impact Assessment. If the Secretary of State or a local planning authority consider that some forms of permitted development should not be undertaken without specific consent, they may issue a direction under article 4 of the GPDO withdrawing permitted development rights for that development.

NB Local Planning authority consent is required under Section 62 of the Conservation (Natural Habitats &c.) Regulations 1994 if English Nature advise that a plan or project which would normally be permitted development is likely to have an adverse effect of

features of a European Site. See Section 3.9 for information relating to the European Marine Sites Management Scheme.

## **3.2 Land Ownership**

Although a consent or licence for an activity may be granted, permission from the land owner may still be required. Ownership of the foreshore and inshore waters is complex. Local authorities, harbour authorities, private individuals and organisations and the Crown Estate can all be landowners in the coastal zone. The Land Registry can provide details of ownership above Mean Low Water Mark and below this you should contact the Crown Estate, Land Registry or the harbour authority.

The Crown Estate owns around 55% of the foreshore and approximately half of the beds of estuarial areas and tidal rivers in the United Kingdom. It also owns the seabed out to the 12 mile territorial limit. The Crown Estate grants leases or licences, of which there are over 2,000 all around the coast. The largest leaseholders are local authorities, ports and harbours and conservation bodies. Leases for control of conservation or amenity, which do not permit development of land, are granted normally to conservation bodies or local authorities. Through such regulating leases, these bodies may control day to day activity and use of undeveloped tidal land.

## **3.3 Harbour Authority Jurisdiction**

The primary role of harbour authorities is to administer ports and coastal waters within their jurisdiction and to ensure the safety of navigation. Harbour authorities have statutory powers conferred by acts of parliament. They are specific to each authority and take the form of either local acts or harbour revision or empowerment orders made under the Harbours Act, 1964. Each harbour has its own unique jurisdictional limits, powers and duties.

### Key Harbour Authority Responsibilities

- Safety of navigation
- Collection of harbour dues and the management of moorings
- Patrols and enforcement of local bye-laws
- Pollution control and incident response
- Environmental management
- Maintenance of hydrographic information on the harbour
- Management of navigation marks and lights

If the proposed development or activity is likely to have an effect on navigational safety, variation to the hydrography of the harbour or affect areas of environmental sensitivity then you will certainly need to consult with and obtain the written permission of the harbour authority. For any construction, alteration, renewal or extension of any works in the harbour on, under or over tidal waters or land below the level of high water a works and/or dredging licence is required from the harbour authority.

Harbour authorities may also control activities via the use of byelaws or notice to mariners, which require anyone wishing to undertake any activity so controlled to obtain the consent of the harbour authority in advance (see section 3.4).

<b>Principal Harbour Authorities in the Solent</b>		
<b>Harbour Authority</b>	<b>Area of Jurisdiction</b>	<b>Nature of Authority</b>
Associated British Ports	Southampton Water	Private company
Beaulieu River Management Ltd	Beaulieu River	Private company
Bembridge Harbour Improvement Company	Bembridge Harbour	Private company
Chichester Harbour Conservancy	Chichester Harbour	Trust port
Cowes Harbour Commissioners	Cowes Harbour	Trust port
Langstone Harbour Board	Langstone Harbour	Trust port
Lymington Harbour Commissioners	Lymington River	Trust port
Queens Harbour Master (Portsmouth)	Portsmouth Harbour and the Eastern Solent	Ministry of Defence
Portsmouth Commercial Port	Portsmouth commercial harbour	Municipal port
New Forest District Council	Keyhaven	Municipal port
River Hamble Harbour Authority	River Hamble	Municipal port
Yarmouth Harbour Commissioners	River Yar	Trust port

Many harbours have a series of private acts that could affect a potential development, ask the appropriate harbour authority to advise as to whether any acts are relevant.

### **3.3.1 Notice to Mariners**

Harbour authorities issue notices to mariners which contain important information on, for example, special events, safe navigation, maintenance and construction work or any other information that the harbour authority wishes to convey to the users of the harbour. Before applying for harbour authority consent you should check if there are any notices to mariners in force which may affect the nature or timing of your proposal.

#### **Example of a Notice to Mariners**

Chichester Harbour Notice No.4 Prohibited Anchoring

Anchoring is prohibited in or near mooring areas or in the vicinity of navigation and racing marks. Vessels are not to anchor in the centre of channels and are to exhibit a black ball or white light. Vessels are not to be left unmanned at anchor for periods of more than four hours (Byelaw No. 12).

## **3.4 Bye Laws**

Whilst there are many activities which are able to take place without formal consent, it should be noted that in certain circumstances it is possible to fall foul of a byelaw that regulates an activity or the way in which it is carried out. The breach of a byelaw can result in the prosecution of an offender and upon conviction a fine may be imposed. The amount of the fine will vary depending on, for example, the byelaw broken or the severity of the offence.

It is perfectly legitimate to navigate a boat, within the confines of a Harbour. However, there are likely to be byelaws that govern the manner in which that craft can be navigated. Most likely there will be byelaws that govern the speed, the amount of wash and also the manner in which the boat is handled i.e. seamanship.

### **Example of a Byelaw from the River Hamble**

Speed. Byelaw 5 requires... "That the master of a vessel in the River shall navigate the vessel with care and caution and in such a manner and at such a speed as shall not cause nuisance, annoyance, excessive wash, damage or injury nor danger of damage or injury to any other vessel, person or property in the River nor to the banks of the River or any person or property thereon".

Byelaws vary from place to place around the Solent, and there is no single list available. If you are intending to carry out an activity, particularly recreational watersports, then you should check locally to see if there are any byelaws that govern what you are proposing to do or the way in which you do it. Those authorities, which are likely to make byelaws within their areas of jurisdiction, include local authorities (i.e. borough, county councils), harbour authorities and the Environment Agency. Most harbour guides list the local byelaws.

Use the appropriate local contacts listed in section 7.0 to see what byelaws might apply.

## **3.5 Transport and Works Act (TWA), 1992**

For the purpose of this Guide, the TWA applies to the carrying out of works which interfere with rights of navigation in waters up to the seaward limits of the territorial sea (TWA Section 3(1)(b)). A TWA order can grant rights and powers to the applicant of a private or local nature which is not available under the general law. The EIA Regulations do apply to TWA Orders, hence an environmental statement should be produced if the works meet the EIA criteria (see 3.11.2). The main distinguishing features of projects which require authorisation by a TWA order are:

- those that they may involve the construction and/or use of works which affect public rights, such as a right of navigation on a river or in the sea. An order can provide the statutory means by which such public rights may be extinguished or changed temporarily or permanently to accommodate the scheme.
- those that provide powers for the compulsory acquisition of land or rights in land, or for the extinguishment of or interference with private rights.
- those that may be needed where the applicant wishes to transfer, alter or remove rights, powers or obligations which relate to the proposed scheme and which are contained in an existing Act or order.

The making of a TWA order does not itself confer planning permission for any development provided for in the order. However, when applying for an order, the applicant can at the same time apply to the Secretary of State for planning permission to be deemed to be granted by means of a planning direction under section 90 (2A) of the Town and Country Planning Act, 1990. Alternatively, planning permission can be sought separately from the local planning authority. With regard to any other statutory consents, permissions or licences that an applicant may require in connection with a proposed scheme, the TWA only disapplies the need to obtain consent under section 34 of the Coast Protection Act 1949, for any operations authorised by a TWA order.

There is no prescribed form for applying for a TWA order. Applications for orders must be made in writing and addressed to the Secretary of State, the application should be posted to the TWA Processing Unit (see section 7.0).

Further information is available at:  
[www.opsi.gov.uk/acts/acts1992/Ukpga\\_19920042\\_en\\_1.htm](http://www.opsi.gov.uk/acts/acts1992/Ukpga_19920042_en_1.htm).

## 3.6 National Heritage Act 2002

The National Heritage Act 2002 extended English Heritage's (EH) remit as Government's statutory advisor on the historic environment to the 12 nm limit. The EH Maritime Archaeology Team (MAT) has a range of duties directly following from the Act, as well as responsibilities derived from earlier legislation, notably the Ancient Monuments and Archaeological Areas Act 1979, Protection of Wrecks Act 1973 and Town and Country Planning Act 1990. As a consequence, MAT has a role in maritime Development Control, principally via Defra's Marine Consents and Environment Unit, and in the development of SEAs and EIAs. It is also involved in policy development for the proposed Marine Bill.

The Ancient Monuments and Archaeological Areas Act 1979, building on legislation dating back to 1882, provides for nationally important archaeological sites to be statutorily protected as Scheduled Monuments. The Department for Culture, Media and Sport (DCMS) is responsible for implementing the Act in England, with advice from EH. Following a joint review by the Department and EH some 600,000 archaeological sites have been identified as of outstanding national importance and worthy of protection. Permission in the form of 'Scheduled Monument Consent' (SMC) is required for works affecting these monuments. Each case is assessed individually by the Secretary of State, in consultation with EH, to ensure that damage to protected sites is kept to a minimum. Listed Buildings and Conservation Areas are designated under the terms of the Town and Country Planning Act 1990, and other coastal historic assets, such as historic Parks, Gardens and Battlefields are included in non-statutory Registers. It must be noted, however, that less than 5% of known historic assets recorded in the National Monuments Record and Local Authority Historic Environment Records have any form of designation. Government advice, though Planning Policy Guidance Notes 15 and 16 (currently under review) is that such non-designated assets should be a material consideration in the planning process, and should not be needlessly or thoughtlessly destroyed. Development of a historic environment mitigation strategy is frequently a condition on Planning Consent. The system of historic environment designation is currently being reviewed by DCMS (the Heritage Protection Review) and it is anticipated that a simpler unified designation system will be introduced following new legislation.

At present, 57 historic shipwrecks around the UK coast are protected under the Protection of Wrecks Act 1973. This represents only a small proportion of known historic wrecks, besides those that remain to be located; and at present, other categories of sub-tidal archaeological sites, such as submerged prehistoric landscapes and settlements, cannot be designated at all. DCMS is responsible for the designation of any wreck site considered to be of artistic, archaeological and historic importance and is responsible for issuing licences to those wishing to dive on any protected wreck within these waters. These are granted by the Secretary of State following advice from EH and the Advisory Committee on Historic Wreck Sites, whose members are drawn from a wide range of expertise including sports divers, archaeologists and academics. The Department will wish to know why an applicant wishes to do so and, where any work is proposed, what is intended to result from that work. The application will include a detailed plan and explanation in the form of why (a research design) and what (a project design). This is particularly important where intrusive investigation of a wreck site is proposed. The Advisory Committee may also recommend that certain conditions are attached to the licence.

A 'Statutory Instrument' identifies the location of the protected zone around the site. In some cases the site is indicated by a buoy, usually yellow and inscribed Protected Wreck. If the site is close to the shore a suitably placed notice would be used to indicate the site. Some are warning signs; and others are public information notices giving a brief explanation of why the wreck is important and a description of the site. All protected wrecks are listed in the annual Admiralty Notices to Mariners and are marked on appropriate UK Hydrographic Office charts. This entails working with divers to promote improved research, and to help licensees make the most of their sites to ensure that maritime heritage will be properly recorded for future generations.

The Department also works closely with our colleagues in the Receiver of Wreck, which is part of the Maritime and Coastguard Agency to prevent illicit trade in protected wreck

items. It is the Receiver's duty to ensure that the rights of the finder and owner are upheld in relation to any recovered wreck material. All finds pertaining to wrecks even those that do not have legal protection must be reported to the Receiver. The Receiver will then decide on their correct disposal and the finder may be entitled to a salvage award.

### 3.7 Development and Management Plans

There are two main types of management plans, those that have a statutory basis such as local, structure and unitary development plans and those that are produced as voluntary initiatives such as estuary management plans. The table below sets out the different types of plan. These plans are important as they set out agreed policies for an area and review key issues, they also illustrate what the aspirations of the users of the area are and will give an indication of whether it is likely that development or activities will be supported. Copies of the plans are available at the offices of the lead organisation and some will be available in local libraries. Some of the plans are also available on the internet, see [www.solentforum.hants.org.uk/othercoast/other\\_coastal\\_initiatives.htm](http://www.solentforum.hants.org.uk/othercoast/other_coastal_initiatives.htm).

#### Example of a Management Plan Policy

'Private slipways and jetties will only be permitted where there is a proven need. Sailing and angling clubs should work together to discuss the possibility of sharing private slipways and public launching points'.

Portsmouth Harbour Plan Review, 2000.

<b>Different Types of Management Plans in the Solent</b>		
<b>Plan title</b>	<b>Contact organisation</b>	<b>Key themes</b>
*Structure Plan	Local authority (County)	Strategic planning policies
*Local plans	Local authority (District)	Local planning policies
* Unitary Development Plan	Local authority (Unitary)	Strategic local planning policies
*Solent European Marine Sites Management Scheme	Hampshire County Council (facilitating authority)	Conservation of the Solent's European Marine Sites
Harbour and Estuary Management Plans	Usually either the local or harbour authority	Review of the issues impacting on an estuary and agreed management solutions
Shoreline Management Plans/Strategy Plans	Local authority/Environment Agency	Coastal defence
Biodiversity Action Plans	Local authority	Conservation of habitats and species
Coastal management plans	Local authority	Coastal strategy for a specific area reviewing all coastal issues
Local Environment Agency Plans	Environment Agency	Agency's policies and aspirations for river catchments
Strategic Guidance	Coastal Fora, e.g. Solent Forum	Strategic review of all coastal issues and recommendations for action
* Statutory plans		

## **3.8 Government View Procedure for Marine Minerals**

### **Dredging**

Marine minerals dredging is licensed by the Crown Estate which owns most of the seabed around the UK out to the 12 mile territorial limit and has the rights to all non-energy minerals within the rest of the UK share of the European Continental Shelf. It will not, however, issue a licence unless the Government first issues a favourable 'Government View' (GV) on the environmental implications of any proposed marine minerals dredging. A GV is obtained from the First Secretary of State following the 'GV procedures' which are administered by the Minerals and Waste Planning Division of the Office of the Deputy Prime Minister.

Applications for a GV must be accompanied by an Environmental Statement and a Coastal Impact Study. All applications are subject to wide publicity, extensive consultation and to the Environmental Impact Assessment process. The GV Procedures have provision for applications to be considered at a public inquiry if necessary.

Once a favourable GV has been issued, the applicant then needs to formally apply for any other appropriate consents that may be required, such as a FEPA Licence or Coast Protection Act consent.

The ODPM intends to carry out public consultation on the draft Environmental Impact Assessment and Habitats (Extraction of Minerals by Marine Dredging) Regulations in the spring of 2006 with the intention of bringing them into force before the end of the year throughout England, Wales and Northern Ireland.

For further information, please contact:  
The Minerals and Waste Planning Division  
Office of the Deputy Prime Minister  
Eland House  
Bressenden Place  
London  
SW1E 5DU  
Tel: 020 7944 4400  
Fax: 020 7890 3859

See also [www.thecrownestate.co.uk/15\\_our\\_portfolio/39\\_marine/40\\_aggregates.htm](http://www.thecrownestate.co.uk/15_our_portfolio/39_marine/40_aggregates.htm)

## **3.9 European Marine Sites Management Scheme**

The Solent European Marine Site management scheme provides a mechanism for the protection of habitats and species against potentially damaging activities. New plans and projects are subject to special provisions in the Habitats Regulations known as 'Appropriate Assessment (AA)'; this has been explained in section 3.11.1. However, AA does not deal with ongoing activities that may be occurring in the site such as the many forms of recreational activities that do not require specific permissions or licences. On land, ongoing activities within European marine sites are managed through the SSSI framework, however, this does not extend into the marine environment. The Habitats Regulations provides for this through the production of a management scheme for the site. The first edition of the management scheme for the Solent is due to be produced in December 2002 and it will outline any actions that need to be implemented to manage or control activities that are damaging the site. New bye-laws may be used as a regulatory mechanism, however, in practice it is likely that any use of bye-laws would be seen as a last resort and other means such as voluntary codes of conduct would be considered first. The management scheme may, therefore, be relevant to any new activities that may arise as a result of new developments, such as access to the foreshore created by a new slipway.

See [www.solentforum.hants.org.uk/SEMS/homepage.html](http://www.solentforum.hants.org.uk/SEMS/homepage.html) for progress on the management scheme in the Solent.

### **3.10 Sites of Special Scientific Interest (SSSI)**

Sites of Special Scientific Interest (SSSI) are sites for wildlife and natural features, supporting many characteristic, rare and endangered species, habitats and natural features. The purpose of SSSIs is to safeguard for present and future generations a series of sites which are individually of high natural heritage importance. Selecting and designating SSSIs is a key function of the Council of English Nature and if approved the notification of SSSIs places obligations upon policy and decision makers, but does not change legal rights of ownership or public access. English Nature must be consulted over proposals to develop or change the management and use of SSSIs. Figure 4 shows the SSSI's in the Solent.

Whilst the granting of planning consent supersedes English Nature's consent for works which may harm the features of interest in a SSSI, they will have been consultees to that decision process. However, for works and operations which do not require specific planning or other consent, but may be listed as Potential Damaging Operations in the Schedule of notification or confirmation of a SSSI, then the express consent of English Nature is required. The local English Nature Office will be able to advise, see section 7.1.

### **3.11 The Implementation of EU Directives in the UK**

European Union Directives are legally binding instruments, addressed to the Member States, which need to be given effect in national law both as to their substantive provisions and also as to any additional measures, such as the creation of criminal offences, which may be necessary in order to ensure the proper application and enforcement of the provisions of the Directive. Directives are given effect in national law by way of Regulations made by national governments. Some of the key Directives for environmental regulation include the following.

#### **3.11.1 Appropriate Assessment (AA) Under the Conservation (Natural Habitats &c.) Regulations, 1994**

The EC Habitats Directive aims to contribute to the maintenance of biodiversity by establishing a European network of protected sites (Special Areas of Conservation (SAC)) which, together with sites designated under the EC Birds Directive (Special Protection Areas (SPA)), are known as 'Natura 2000' and the sites as 'European Sites'. In the UK, the Directives have been enacted into UK law by The Conservation (Natural Habitats &c) Regulations, 1994.

Regulations 3(3), 3(4) and 47-85 of the Habitats Regulations are concerned with new plans, projects, consents and permissions with the potential to have an affect on European Sites (ES) and outline a statutory framework which needs to be applied. All competent authorities (authorities which exercise legislative powers) are required to carry out an AA if they receive an application that is in or adjacent to an ES which is likely to have a significant affect on that site. In addition, Regulation 50 places a duty on certain competent authorities to review their existing consents and permissions which are likely to have a significant affect upon an ES.

The first step in the process, is the test for judging whether a proposal is likely to have a 'significant effect' on the site and will, therefore, under the Habitat Regulations require an appropriate assessment. The test of significant effect must be carried out by the competent authority and must take into account advice given by the appropriate nature conservation agencies. Judgements must only be made in relation to the interest features for which the site was designated and associated conservation objectives. Proposals

deemed to have no 'significant effect' may be determined immediately, but the reasons for this conclusion must be recorded. If a judgement identifies a significant effect then an appropriate assessment must be carried out.

Under Regulation 48 of the Habitat Regulations an 'appropriate assessment' must be carried out for any plan or project which is:

- not directly connected with or necessary to the management of the site for nature conservation and;
- likely to have a 'significant effect' upon a European site, either alone or *in combination* with other plans and projects.

Appropriate assessments are required by UK law for all development likely to cause a significant effect in a European sites such as SPAs and candidate SACs (see figure 3 in appendix 2 for sites in the Solent).

The scope and content of what constitutes an appropriate assessment will depend on the location, size and significance of the proposed project. English Nature advises the competent authority on what particular aspects the appropriate assessment should address, such as hydrology, disturbance and land-take. Even if multiple consents are required only one AA needs to be undertaken. The conclusion of the assessment should enable the competent authority to ascertain whether the proposal would adversely affect the integrity of the site. The competent authority will agree to the plan or project only after having ascertained that it will not adversely affect the sites' integrity, unless there are imperative reasons or overriding public interest, including those of a social and economic nature.

If the verdict is that there is an adverse effect or a potential adverse effect, then the Secretary of State will only agree to the proposal on grounds of overriding public interest (which may be of a social or economic nature) and if there are no alternative solutions. In addition, the overall coherence of Natura 2000 must be protected by way of any necessary compensatory measures. In assessing the effectiveness of any compensatory measures English Nature will be consulted.

The difficulties that have arisen from the legislation seem to arise from the lack of definition and certainty in the process. For example, what is meant by the terms *significant effect*, *integrity*, and, *in combination*. Useful guidance on these issues is provided by English Nature in the form of Habitats Regulations Guidance Notes (HRGN).

Further information on sites in the Solent is available from [www.solentforum.hants.org.uk/SEMS/homepage.html](http://www.solentforum.hants.org.uk/SEMS/homepage.html).

### **3.11.2 Environmental Impact Assessment (EIA)**

The EIA Directive 85/337/EEC, as amended by Directive 85/37/EC, is aimed at ensuring that the environmental impact of developments is properly assessed. The environmental impact assessment (EIA) directive has been implemented in the UK largely via the land use planning system.

Proposals for major developments or developments in defined sensitive areas need to be accompanied by an Environmental Impact Assessment in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Schedules to the regulations provide descriptions of development and indicative thresholds and criteria for defining if a scheme is a Schedule 1 or Schedule 2 development requiring an Environmental Impact Assessment (see table below). Applications for such development projects have to be accompanied by an Environmental Statement.

#### **Threshold Levels:**

Schedule 1 projects incorporate an indication of scale, in the form of a quantified threshold, which clearly identifies the projects requiring EIA. Where there is any doubt about a project's inclusion in Schedule 1 developers are advised to consult the relevant

planning authority. Developers can decide for themselves that an EIA is needed but the Regulations also provide a procedure which enables them to apply to the planning authority for screening opinion (see below) on whether EIA is needed in a particular case, as soon as a basic minimum of information can be provided about the proposal.

For Schedule 2 projects the issue of whether an EIA is needed depends on the likelihood of 'significant environmental effects'. For this reason a system of thresholds and criteria have been introduced as a method of discounting development which is not likely to have significant effects on the environment. If the threshold level is not exceeded or met, EIA is not normally required, with the exception of if it falls within a 'sensitive area' such as Sites of Special Scientific Interest (SSSIs), National Parks, Areas of Outstanding Natural Beauty and scheduled monuments. This is because the more environmentally sensitive the location, the more likely it is that the effects of development will be significant and that EIA will be required therefore thresholds and criteria do not apply.

Developments which meet or exceed the applicable threshold are considered on a case-by-case basis based on characteristics and location of the development and the characteristics of the potential impact.

Please see [www.odpm.gov.uk/pub/256/TableforAppendix3PDF82Kb\\_id1143256.pdf](http://www.odpm.gov.uk/pub/256/TableforAppendix3PDF82Kb_id1143256.pdf) for more information on threshold levels.

### **EIA, Harbour Revision Orders and Coast Protection Act (CPA) Consent**

The Directive has also been applied in the UK to Harbour Works by The Harbour Works (Environmental Impact Assessment) Regulations, 1999. All applications for CPA consent will be considered under the Regulations. The first consideration is whether they are for Harbour Works. Harbour Works means "works involved in the construction of a harbour or the making of modifications to an existing harbour". Harbour means "any harbour, whether natural or artificial, and any port, haven, estuary, tidal or other river or inland waterway navigated by sea-going ships, and includes a dock and a wharf." If they are, then the second consideration is whether the works will have sufficient environmental impact to necessitate the production of an Environmental Statement. To assist in arriving at that decision certain criteria have been specified in the Directive as follows:

Works must have an Environmental Statement produced in order to have their environmental impact assessed if they involve "the carrying out of any development to provide trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes." These are described as Annex 1 projects because the criteria is contained in Annex 1 of the Directive.

All other works fall into Annex 2, those that might require an Environmental Statement. This Annex gives an indicative threshold as to the type of work that should require an Environmental Statement, i.e. "Construction of harbours and port installations including fishing harbours where the area of the works exceeds one hectare".

Even if the works fall outside the criteria in Annex 1 or 2, if they are going to impact on an environmentally sensitive area (one that has been designated under legislation e.g. Site of Special Scientific Interest, or European Site under the Birds or Habitats Directives) then an Environmental Statement is very likely to be required. Applicants should contact the Marine Consents and Environment Unit of DEFRA or DfT respectively to determine whether a Coast Protection Act consent is subject to the EIA Regulations (address in section 7.0).

All applications for Harbour Revision Orders (HRO) that authorise works are also considered under the Regulations. The process is different to that outlined above for CPA consent, please contact DfT for further advice (see section 7.3).

### **Screening Opinion**

A person proposing to undertake a development may apply to the relevant authority for a 'screening opinion' as to whether the proposed development is such that an environmental impact assessment is required or not. The 'screening opinion' is based on the scale of the

development and the sensitivity of the location and whether any effects of the development are likely to be significant. Sensitive areas are defined as European Sites (under the Habitats Regulations), Sites of Special Scientific Interest, National Parks and the Broads, Areas of Outstanding Natural Beauty, World Heritage Sites and Ancient Monuments. If a development is subject to an EIA, then the applicant may ask the relevant authority to state in writing the information they consider should be provided in the Environmental Statement. It is the applicant's responsibility to prepare the Environmental Statement.

### Right of Appeal

The right of appeal to the Secretary of State against an adverse decision by a planning authority (or against an authority's failure to determine an application within the 16-week time limit) is the same for planning applications to which the EIA Regulations apply. Similarly, the Secretary of State's power to call in a planning application applies in these cases. Where an environmental statement has been prepared to accompany a planning application, the information which it contains will be among the material considerations which an Inspector will take into account in considering an appeal. The Secretary of State and Inspectors, like the planning authority, have power to request the developer to provide further information where they consider that the environmental statement is inadequate. Any additional information provided by the developer in response to such a request will be made available to all parties to an appeal.

### EIA and Appropriate Assessment

There is no regulatory link between the Environmental Impact Assessment and the Habitats Regulations. However, sometimes the administrative procedures overlap; thus in giving a scoping opinion on the EIA the Secretary of State will sometimes direct the applicant to include in the Environmental Statement sufficient information to allow the competent authority to make an Appropriate Assessment. The applicant, if a competent authority, may include their own Appropriate Assessment in the Statement. Unless that is specifically undertaken, an Environmental Statement in itself will not be sufficient to meet the Habitats Regulations requirements.

<b>Schedule 1 - developments (those that require an EIA in every case)</b>	<b>Schedule 2 - development where EA is required if they are likely to have significant effects on the environment, includes:</b>
The carrying out of building or other operations, or the change of use of buildings or other land (where a material change) to provide any of the following:	A non-nuclear thermal power station, not being an installation falling within Schedule 1, or an installation for the production of electricity, steam and hot water
A crude oil refinery	Extracting petroleum and natural gas
A thermal power station	A wind generator
A nuclear power station	The reclamation of land from the sea
Installation for the storage and disposal of radioactive waste	A shipyard
An integrated works for the initial melting of cast-iron and steel	The treatment of intermediate products and production of chemicals, other than development falling within Schedule 1
An installation for the extraction of asbestos or for the processing and transformation of asbestos or products containing asbestos	The storage of petroleum or petrochemical or chemical products
An integrated chemical installation	The construction of a road, or a harbour, including a fishing harbour, or an aerodrome, not being development falling within Schedule 1
A special road; a line for long-distance	Canalisation or flood-relief works

railway traffic; or an aerodrome	
A trading port, an inland waterway which permits the passage of vessels of over 1,350 tonnes	An oil or gas pipeline installation
The carrying out of operations whereby land is filled with special waste	A yacht marina
	Coast protection works

### 3.11.3 Environmental Statement

The Environmental Statement (ES) records the results of surveys or studies undertaken by the developer and sets out the likely impact of the proposed development on the environment. It should also suggest ways of mitigating any adverse impacts. The ES is submitted to the competent authority responsible for taking the decision on whether the proposal may proceed. For most projects subject to Environmental Impact Assessment, the competent authority is the local planning authority and the ES is submitted with the planning application. For Harbour Works, the ES is usually submitted with the application for Coast Protection Act consent or the Harbour Order to the DfT. The statement must be made available to the public.

The Environmental Statement has to contain certain specified information. Briefly this is

- a description of the proposed development comprising information about the site, design and size or scale; data necessary to identify and assess the main environmental effects of the development;
- a description of the likely significant effects, both direct and indirect, of the proposal on the environment by reference to its impact on a number of environmental receptors;
- a description of any measures proposed to mitigate significant adverse effects and,
- a summary of the statement and proposals written in non-technical language.

The requirement for specified information, and details of further information which may be provided in an environmental statement, is set out Schedule 3 of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988.

Further information on EIA is available at [www.odpm.gov.uk/index.asp?id=1143104](http://www.odpm.gov.uk/index.asp?id=1143104).

## 4.0 Marine Consents Required for Specific Types of Activity

The Table below indicates which consents may be needed for a particular activity or proposal. Remember that this is just a Guide to consents and you may not require all the consents indicated due to the nature of your proposal, for example, a Coast Protection Act consent is not required when replacing 'like for like' structures. If you are in any doubt, you should always contact the licensing or consenting body for advice, it is far better to do this in the initial stages than find out that you have omitted to gain a consent and cannot carry on with your proposal. Once you have found out which consents you may need use section 5.0 to gain basic information on each type of consent.

Please remember that even if your activity is not listed in table it may still be subject to some form of control such as a byelaw or a zoning scheme. Sections 3.0 and 6.0 of this Guide give information on possible management measures. You should also remember the implications of developments arising from the consequent activity. For example, the construction of a slipway likely to be used for personal watercraft would not be sensible in an area with speed restrictions set by local byelaws.

The following developments and activities have been identified as requiring one or more consents or licences.

Land claim (Reclaim from the sea) Construction/alteration of slipways, jetties, marinas, pontoons. Other development Laying moorings Coastal protection works Flood defence Capital dredging Maintenance dredging Offshore Aggregate dredging Disposal of dredge spoil into the sea Disposal of dredge spoil onto land Foreshore recharge/Beneficial use of dredgings Effluent Discharge (sewage and industrial) Mobile benthic or pelagic fishing (commercial fishing) Shellfish Collection Mariculture (shellfish farming) Wild-fowling House-boats Navigation marks and lights SCUBA Diving
---

<b>Marine Consents that need to be considered when undertaking activities in the Coastal Zone (Below MHWS)</b>								
<b>Activities requiring consent</b>	<b>Planning Permission</b>	<b>FEPA Licence</b>	<b>Land Drainage Consent</b>	<b>Coast Protection Act Approval</b>	<b>Harbour Authority Consent*</b>	<b>Pollution Prevention and Control Permit</b>	<b>Discharge Consent</b>	<b>Other Consent/Licence/Additional information</b>
Land claim (Reclaim from the sea)	x	x	x	x	x	x	x	
Construction/alteration of slipways, jetties, marinas, pontoons.	x	x	x	x	x			
Other development	x	x	x	x	x			Listed Building Consent Building Regulations
Laying moorings		x	x	x	x			
Coastal protection works	x	x	x	x	x			
Flood defence	x	x	x	x	x			
Capital dredging	x+	x	x	x	x			+ Capital and maintenance dredging may be permitted planning development if undertaken by a Statutory Undertaker or their lessee.
Maintenance dredging	x+	x	x	x	x			
Offshore Aggregate dredging		x		x				A favourable Government View is needed to support an application to the Crown Estate to dredge (see section 3.10).
Disposal of dredge spoil into the sea		x		x				
Disposal of dredge spoil onto land					x	x		
Foreshore recharge/Beneficial use of dredgings	x	x	x	x	x	x		
Effluent Discharge (sewage and industrial)							x	
Mobile benthic or pelagic fishing (commercial fishing)					x			Fish for Sale permit required from the Sea Fisheries Committee. Permits are only issued to those with registered and licensed vessels.

<b>Activities requiring consent</b>	<b>Planning Permission</b>	<b>FEPA Licence</b>	<b>Land Drainage Consent</b>	<b>Coast Protection Act Approval</b>	<b>Harbour Authority Consent*</b>	<b>Pollution Prevention and Control Permit</b>	<b>Discharge Consent</b>	<b>Other Consent/Licence/Additional information</b>
Shellfish Collection					x			Food and Safety Regulations, 1998 apply. Licence required from the Sea Fisheries Committee.
Mariculture (shellfish farming)								Sea Fishery Order severs the area from the right of public fishery in favour of the grantee. If the area is marked, it gives the owner private rights.
Wild-fowling								A licence needs to be obtained from a registered Wildfowling Club. BASC produce a Wildfowling Scheme Permit booklet.
House-boats	x				x		x	It is the provision of moorings for houseboats which require the consent (subject to them being within the LPA boundary) as thereafter case law has established that the vessel itself can be changed without express planning permission.
Navigation marks and lights					x			Consultation required with Trinity House.
SCUBA Diving					x			Permission of Owner and Receiver of Wreck if diving to protected wreck site.
* Harbour Authority consent required where the activity takes place in a harbour or the method involves work within the harbour limits (see figure 2). The consent is likely to be in the form of a Works and Dredging Licence.								

When applying for consents it is good practice to consult with interested parties in the pre application stage. Issues can then, hopefully, be resolved before objections are lodged in the application process. Interested parties are likely to include local residents and businesses, local archaeological trusts, fishing interests, wildlife groups and those with a recreational interest in the area. Your local authority and harbour authority will be able to advise on who the local contacts may be. To avoid duplication in consultation, it is good practice when applying for consents to include supplementary information on who you have consulted and the other consents and licences which you may have applied for. If you are applying for multiple consents you could try liaising with all the competent authorities in a 'scoping exercise' to identify how requests for information and consultation can be kept to a minimum.

## 5.0 Consent Details

The tables in this section give basic information on all the consents listed in the table in section 4.0. They give information on where to go to obtain the consent, the application process and give an indication of the timescales. Please remember to refer to section 3.0 on key considerations to supplement the information given in the tables. Contact details for the consenting authorities are given in section 7.0.

The following consents are covered in this section:

5.1 Planning Consent
5.2 Listed Building Consent and Conservation Area Consent
5.3 Building Regulations Approval
5.4 FEPA Licence
5.5 Works and Dredging Licence
5.6 Coast Protection Act Consent
5.7 Land Drainage Consent
5.8 Pollution Prevention and Control Permit
5.9 Discharge Consent

## 5.1 Planning Consent

<b>Title of Consent:</b>	Planning Consent	<b>Consenting Organisation:</b>	Local Authority
<b>Consenting Activity:</b> Development as defined within section 55 of Town and Country Planning Act 1990:- including change of use, engineering operations, building works etc.			
<b>Geographical Area of Jurisdiction:</b> Local planning authority boundary down to mean low water mark or enclosed estuaries.	<b>Supporting Legislation:</b> Town and Country Planning Act, 1990. (T&CP)	<b>Supplementary Information:</b> The appropriate Local Plans and Structure Plans or Unitary Development Plans.	
<b>Application Process:</b> <ol style="list-style-type: none"> <li>1. Pre - application discussion with planning officers encouraged.</li> <li>2. Registration of application with all required information, maps, plans, declarations and fees submitted.</li> <li>3. Publicity in local paper, site notices and neighbour notification. Consultation with other organisations.</li> <li>4. Report and recommendation to planning committee.</li> <li>5. Committee or Council determination (use of delegation procedures for minor development).</li> <li>6. Issuing of decision (may follow signing of legal agreement under section 106 for major schemes).</li> <li>7. Commencement of development with commencement and compliance checks.</li> </ol>			
<b>Consultation Process:</b> In accordance with Article 10 of Town and Country (General Development Procedures) Order 1995. Local advertisement, site notices, neighbour notification. Consultation with Statutory Bodies.		<b>Procedure under the Habitats Regulations:</b> Notification and consultation with English Nature if site within or likely to affect European Site. Judgment if development likely to have a significant effect on features of European site. If so, need to undertake an Appropriate Assessment (see 3.11.1) of implications of development in view of the sites conservation objectives.	
<b>Appeals Procedure:</b> Right of appeal against decision or conditions or against lack of a decision within prescribed period under section 78 of T&CP Act, 1990.		<b>Is the information contained in the consent application publicly available?</b>  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
<b>Cost:</b> Fees required based on type and scale of development as set out in Town and Country Planning (Fees for Applications) Regulations, 1993.		<b>Timescales:</b> Target time scale of 8 weeks for decision or 16 weeks if proposal subject to Environmental Impact Assessment.	
<b>Contact Details for further information:</b> Planning department of the appropriate Local Authority.		<b>Other Comments:</b>	

## 5.2 Listed Building Consent and Conservation Area Consent

<b>Title of Consent:</b>	Listed Building Consent and Conservation Area Consent	<b>Consenting Organisation:</b>	Local Planning Authority
<b>Consenting Activity:</b>			
<ol style="list-style-type: none"> <li>Proposals affecting a listed building or it's setting (Section 10)</li> <li>Demolition of buildings within a conservation area (Section 74)</li> </ol>			
<b>Geographical Area of Jurisdiction:</b>	<b>Supporting Legislation:</b>	<b>Supplementary Information:</b>	
Local planning authority boundary down to mean low water.	Planning ( Listed Building and Conservation Areas) Act, 1990.		
<b>Application Process:</b>			
<ol style="list-style-type: none"> <li>Application with location maps, details of proposals submitted, registered and publicised.</li> <li>Consultations</li> <li>Report to Committee with recommendations</li> <li>Committee determination</li> <li>Decision Notice issued</li> </ol>			
<b>Consultation Process:</b>		<b>Procedure under the Habitats Regulations:</b>	
English Heritage National Amenity Bodies		Demolition may impact on European Sites and trigger Habitats Regulations.	
<b>Appeals Procedure:</b>		<b>Is the information contained in the consent application publicly available?</b>	
Appeal to Secretary of State under Section 20 of Planning (Listed Buildings and Conservation Areas) Act, 1990.		<b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/>	
<b>Cost:</b>		<b>Timescales:</b>	
Free.		Eight weeks target or as agreed with the applicant.	
<b>Contact Details for further information:</b>		<b>Other Comments:</b>	
Development control department of the local planning authority.			

## 5.3 Building Regulations Approval

<b>Title of Consent:</b>	Building Regulations Approval	<b>Consenting Organisation:</b>	Local Planning Authority
<b>Consenting Activity:</b>			
<ul style="list-style-type: none"> <li>• Erection or extension of a building.</li> <li>• Provision or extension of a controlled service in buildings (e.g. plumbing/ drainage).</li> <li>• Alterations to buildings (e.g. structural alterations/alterations affecting means of escape in case of fire).</li> <li>• Material change of use of a building.</li> </ul>			
<b>Geographical Area of Jurisdiction:</b>	<b>Supporting Legislation:</b>	<b>Supplementary Information:</b>	
Local planning authority boundary to mean low water.	Building Act, 1984. Building Regulations, 2000.	Building Control Handbook.	
<b>Application Process:</b>			
<ul style="list-style-type: none"> <li>i. Contact Building Control Section for preliminary advice.</li> <li>ii. Submit application, consisting of detailed plans, application form and fee.</li> <li>iii. Building Control request additional information/ amendments to scheme if necessary.</li> <li>iv. Application approved when all works are shown to satisfy the requirements of the Building Regulations.</li> <li>v. Inspections are carried out of work in progress at pre-requisite stages .</li> <li>vi. Certificate of compliance issued on satisfactory completion of the works.</li> </ul>			
<b>Consultation Process:</b>		<b>Procedure under the Habitats Regulations:</b>	
Consultation carried out with the Fire Authority if necessary.		Not applicable.	
<b>Appeals Procedure:</b>		<b>Is the information contained in the consent application publicly available?</b>	
To the Secretary of State, ODPM.		<b>No</b> <input checked="" type="checkbox"/> <span style="margin-left: 150px;"><b>Yes</b> <input type="checkbox"/></span>	
<b>Cost:</b>		<b>Timescales:</b>	
Contact Building Control Section for current fee scales.		Application will be determined within two months of deposit.	
<b>Contact Details for further information:</b>		<b>Other Comments:</b>	
Building control section of the local planning authority.			

## 5.4 FEPA Licence

<b>Title of Consent:</b>	Food and Environment Protection Act Licence (FEPA)	<b>Consenting Organisation:</b>	Marine Consents and Environment Unit (MCEU), DEFRA
<p><b>Consenting Activity:</b></p> <p>A licence is required to deposit articles and substances at sea, for example, the disposal of dredged material, or the placing of piles into the sea for construction purposes. Or the placement of materials during construction and related activities.</p> <p>The licensing authority normally exempts work which is to be undertaken on an existing structure or facility to refurbish or replace parts of it with materials or articles of a similar nature (essentially "like with like") so as to extend the serviceability or continue the purpose of that structure.</p>			
<b>Geographical Area of Jurisdiction:</b>	<b>Supporting Legislation:</b>	<b>Supplementary Information:</b>	
A licence is required for all construction and deposits below MHWS.	Food and Environment Protection Act, 1985.	Ask for a copy of the MCEU Guidance Note.	
<p><b>Application Process:</b></p> <ol style="list-style-type: none"> <li>1. Prospective applicant contacts the MCEU for informal discussions and scoping</li> <li>2. MCEU liaises with its advisers concerning the possible impacts of the proposal. MCEU may convene a meeting with the applicant if deemed necessary</li> <li>3. MCEU will then advise applicant if licence is needed and whether a formal EIA is required</li> <li>4. Application sent to MCEU and sediment samples to CEFAS (where appropriate)</li> <li>5. MCEU sends copies of proposal to key consultees</li> <li>6. MCEU collates and evaluates comments of internal and external consultees</li> <li>7. MCEU assess and determines the application, applicant notified of decision and any licensing conditions</li> </ol> <p>A dual application form may be used if the proposal requires both FEPA and Coast Protection Act consent. The standard disposal licences for dredged material are valid for 12 months.</p>			
<b>Consultation Process:</b>		<b>Procedure under Habitat Regulations:</b>	
An advert needs to be placed in the local paper and a notice attached in a prominent position adjacent to the works. Details of the plans must be placed at the local library or at a location with public access.		All applications of any description will be subject to the requirements of the Habitats Regulations (hence appropriate assessment) if they have the potential to affect a European marine site. Any proposed sites are treated as if they are designated. DEFRA acts as the competent authority responsible for implementing the Regulations.	
<b>Appeals Procedure:</b>		<b>Is the information contained in the consent application publicly available?</b>	
Appeals can be made to the representation committee against the licensing decision or attached conditions.		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
<b>Cost:</b>		<b>Timescales:</b>	
Licence charges are reviewed annually, contact the MCEU for latest charges.		The application process takes a minimum of ten weeks, however, it may take significantly longer if the location is in or adjacent or could have a significant effect on a European Marine Site.	
<b>Contact Details for further information:</b>		<b>Other Comments:</b>	
MCEU (see section 7.3)		See MCEU website – <a href="http://www.mceu.gov.uk">www.mceu.gov.uk</a> .	

## 5.5 Works and Dredging Licence

<b>Title of Consent:</b>	Harbour Works and Dredging Licence	<b>Consenting Organisation:</b>	Harbour Authority
<b>Consenting Activity:</b>			
The harbour authority may upon such terms and conditions as they think fit grant to any person a licence to construct, alter, renew or extend any works in the harbour on, under or over tidal waters or land below the level of high water. Any works so constructed, altered, renewed, or extended should not interfere with the public right of navigation or any other public right.			
<b>Geographical Area of Jurisdiction:</b>	<b>Supporting Legislation:</b>	<b>Supplementary Information:</b>	
Proposals on, under or over the tidal waters of the harbour or on land below the level of high water.	Relevant Harbour Act or Harbour Order (unique to each harbour authority).		
<b>Application Process:</b>			
<ol style="list-style-type: none"> <li>1. Applicant to contact the harbour authority to determine if the works require a licence and the application procedure – a site visit may be arranged.</li> <li>2. Applicant returns appropriate information together with copies of any plans and the appropriate fee (where applicable)</li> <li>3. The harbour authority consults internally and with other relevant bodies, e.g. English Nature</li> <li>4. Subject to no specific concerns arising from the consultation process a licence will be issued</li> <li>5. The harbour authority will monitor the progress of the works or dredging to assure compliance.</li> </ol>			
<b>Consultation Process:</b>		<b>Procedure under Habitat Regulations:</b>	
The harbour authority will consult with English Nature and other interested parties to determine if the proposed works are likely to have an impact on the safety of navigation, a European Marine Site or other environmental impact. It will also consult its Advisory Committee (where appropriate).		All applications of any description will be subject to the requirements of the Habitats Regulation if they have the potential to affect a European marine site. Any proposed sites are treated as if they are designated. The harbour authority will act as the competent authority responsible for implementing the Regulations.	
<b>Appeals Procedure:</b>		<b>Is the information contained in the consent application publicly available?</b>	
Applicants have a right of appeal to the Secretary of State for ODPM against a refusal of a licence or the imposition of terms or conditions. This right must be exercised within 28 days of notification of refusal, copies of the appeal details must be sent to the harbour authority who have 28 days to respond.		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
<b>Cost:</b>		<b>Timescales:</b>	
On application from the harbour authority.		This varies depending on the harbour authority and the nature of the proposal, please contact the appropriate local harbour authority for further information.	
<b>Contact Details for further information:</b>		<b>Other Comments:</b>	
Local harbour authority (see section 7.1).			

## 5.6 Coast Protection Act Consent

<b>Title of Consent:</b>	Coast Protection Act 1949: Section 34	<b>Consenting Organisation:</b>	Marine Consents and Environment Unit (MCEU), DEFRA
<b>Consenting Activity:</b>			
<p>The construction, alteration or improvement of any works on, under or over any part of the seashore lying below the level of mean high water springs;  The depositing of any object or any materials on any such part of the seashore;  The removal of any object or any materials from any part of the seashore lying below the level of mean low water springs;  If the operation whether while being carried out or subsequently causes or is likely to result in obstruction or danger to navigation.</p> <p>Under Section 35 of the CPA certain tidal operations are exempted from control under Section 34. These include operations already authorised under other legislation; approved coast protection works, works in enclosed docks and works covered by harbour orders.</p>			
<b>Geographical Area of Jurisdiction:</b>	<b>Supporting Legislation:</b>	<b>Supplementary Information:</b>	
England and Wales below MHWS up to 12 miles offshore.	Coast Protection Act, 1949.	Guidance issued by DEFRA Marine and Environmental Consents Unit (MCEU): The Control of Marine Works, Dredging/Disposal at Sea and Approval of Oil Dispersants.	
<b>Application Process:</b>			
<ul style="list-style-type: none"> <li>• Informal discussions will be considered.</li> <li>• Formal application submitted, preferably on application form issued by MCEU.</li> <li>• Applicant advertises application in local newspaper allowing 28 days for representations to be made to Secretary of State, DEFRA.</li> <li>• At end of period Secretary of State will consider the representations. If objections remain he will ask the applicant to seek agreement with objectors. If agreement is not reached then Secretary of State will proceed to a decision based on the information available to him plus any additional information he seeks.</li> <li>• Decision is then made and consent granted, granted with conditions, or refused.</li> </ul> <p>A dual application form may be used if the proposal requires both FEPA and CPA consent.</p>			
<b>Consultation Process:</b>		<b>Procedure under Habitat Regulations:</b>	
DEFRA will consult Trinity House, Maritime and Coastguard Agency, English Nature, Environment Agency, Local Harbour Authority, Local Authority, DEFRA/CEFAS.		DEFRA will seek advice on whether the works in the application represent a plan or project within the meaning of the Habitats Regulations. If it does then the Habitats Regulation procedures will apply and an appropriate assessment will be undertaken.	
<b>Appeals Procedure:</b>		<b>Is the information contained in the consent application publicly available?</b>	
None.		<b>Yes</b> <input checked="" type="checkbox"/> (on request) <b>No</b> <input type="checkbox"/>	
<b>Cost:</b>		<b>Timescales:</b>	
None for the application itself.		A straightforward application which does not involve European Directives (e.g. Habitats Regulations) and which does not attract objections should take 12 weeks to process.	
<b>Contact Details for further information:</b>		<b>Other Comments:</b>	
MCEU (see section 7.3)		<p>Separate notes are included in this Guide on the application by DEFRA of the European Directives.</p> <p>A CPA consent is normally valid for 3 years.</p>	

## 5.7 Land Drainage Consent

<b>Title of Consent:</b>	Land Drainage Consent	<b>Consenting Organisation:</b>	Environment Agency
<b>Consenting Activity:</b> <ul style="list-style-type: none"> <li>Any works in, on, under or over Main River (definition of main river can include harbours and estuaries) or within the byelaw width of 8 metres.</li> <li>Any works within 15 metres of a sea defence.</li> <li>Any works to fill, divert, obstruct or culvert an ordinary watercourse.</li> </ul> <p><i>Main rivers in the Solent include: Lymington Harbour, Beaulieu River, River Hamble, Portsmouth, Chichester and Langstone Harbours, River Yar, Newtown Creek, Medina, Wootton Creek and Bembridge Harbour.</i></p>			
<b>Geographical Area of Jurisdiction:</b>	England and Wales	<b>Supporting Legislation:</b>	Land Drainage Act, 1991 Water Resources Act, 1991 Byelaws
		<b>Supplementary Information Available:</b>	Living on the Edge booklet Customer Charter
<b>Application Process:</b> <ol style="list-style-type: none"> <li>Applicant to contact the Agency and arrange a visit to the site to discuss proposed works.</li> <li>Applicant to submit drawings and method statements to the Agency.</li> <li>Subject to agreement of the information sent by the applicant the Agency will issue an application form.</li> <li>Application form completed and submitted by the Applicant along with the appropriate fee and associated information.</li> <li>The Agency consults internally and with English Nature (if required).</li> <li>Consent issued by the Agency within specified time period.</li> <li>The Agency will check compliance of the work undertaken.</li> </ol>			
<b>Consultation Process:</b> The Environment Agency consults with English Nature if the proposed works are likely to have any effect on a designated site.		<b>Procedure under Habitat Regulations:</b> All applications of any description will be subject to the requirements of the Habitats Regulations if they have the potential to affect a European marine site. Any proposed sites are treated as if they are designated. The Agency will act as the competent authority responsible for implementing the Regulations.	
<b>Appeals Procedure:</b> Please contact the Agency for more details.		<b>Once issued is the information contained in the consent application publicly available?</b>  <b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>	
<b>Cost:</b> £50 per structure		<b>Timescales:</b> The Agency has 2 months from receipt of a validated application to determine consent. Consented works must be carried out within 2 years of authorisation.	
<b>Contact Details for further information:</b> The <i>Development Control Team</i> at the Agency office.		<b>Other Comments:</b>	

## 5.8 Pollution Prevention and Control Permit

<b>Title of Consent:</b>	Pollution Prevention and Control Permit (PPC)	<b>Consenting Organisation:</b>	Environment Agency
<p><b>Consenting Activity:</b> The deposit of waste into or on to land.</p> <p>There are some circumstances where the regulations may not apply, but they should be considered on a case by case basis in conjunction with the legislation. Therefore all deposit of dredged material on land, or land reclaim activities should be discussed with PPC team.</p>			
Geographical Area of Jurisdiction: Land above the low water mark.	Supporting Legislation: The Pollution Prevention and Control (England and Wales) Regulations 2000. The Landfill (England and Wales) Regulations 2002.	Supplementary Information: Landfill Directive regulatory guidance notes Landfill Directive technical guidance notes Summary notes for landfills IPPC: Cross Sector Technical Guidance  All available on our web site <a href="http://www.environment-agency.gov.uk">www.environment-agency.gov.uk</a>	
<p><b>Application Process:</b> Applicant should contact the PPC team to discuss their proposal and ascertain whether a PPC Permit is required.</p> <ol style="list-style-type: none"> <li>1. The applicant is entitled to up to 15 hours pre-application advice from the Environment Agency where a PPC application is required for the activity, free of charge. The applicant should review the supplementary information detailed above, and use the pre-application time to discuss issues arising from the guidance.</li> <li>2. The applicant will need to submit an application on the Pollution prevention and control: Part B application form for the landfill sector and carry out the procedure for identifying nuisance/health risks from landfill. The application should be supported by Risk assessments for hydrogeology, site stability, landfill gas and habitats. The applicant will also need to demonstrate that they are in occupation of the land, that they are a "fit &amp; proper person" and that appropriate planning permission is held before the permit is granted.</li> <li>3. Once the required information is received and the application is considered complete, the application will enter a consultation process both within and external to the Agency.</li> <li>4. A permit will be drafted within the statutory period of 4 months, unless an extension is agreed with the applicant. Once issued the Permit will be placed on the public register.</li> <li>5. An annual subsistence charge will be payable for the life of the permit. To surrender the Permit an application will need to be made to the Environment Agency which demonstrates that the land has stabilised and is unlikely to cause pollution of the environment or harm to human health.</li> </ol>			
<p><b>Consultation Process:</b> There are several statutory consultees identified in the legislation (Part 2, Schedule 4 of the Pollution Prevention and Control (England and Wales) Regulations 2000) who must be consulted. The application may be rejected if the applicant does not demonstrate the use of that all appropriate measures are taken against pollution using "best available techniques", and that no significant pollution is caused.</p>		<p><b>Procedure under the Habitats Regulations:</b> All applications of any description will be subject to the requirements of the Habitats Regulations if they have the potential to affect a European marine site. Any proposed sites are treated as if they are designated. The Agency will act as the competent authority responsible for implementing the regulations.</p>	
<p><b>Appeals Procedure:</b> If the applicant is aggrieved by a decision made by the Environment Agency, then they may appeal under Part IV of the Regulations.</p>		<p>Is the information contained in the consent application publicly available?  Yes, unless the applicant requests and the Agency agrees that the application is commercially confidential.</p>	
<p><b>Costs:</b> The application fee is calculated on the basis of the application under the PPC Charging Scheme. How to calculate the fee is explained on our web site.</p>		<p><b>Timescales:</b> There is a statutory determination period of 4 months which commences when all information is provided</p>	
<p>Contact Details for information: PPC Team at the Environment Agency</p>		<p><b>Other comments:</b> Visit our web site for more information on PPC permits <a href="http://www.environment-agency.gov.uk">www.environment-agency.gov.uk</a></p>	

## 5.9 Discharge Consent

<b>Title of Consent:</b>	Discharge Consent	<b>Consenting Organisation:</b>	Environment Agency
<b>Consenting Activity:</b> Any discharges to controlled waters (rivers, streams, ditches, estuaries, coastal waters) or into or onto land which can be classified as one of the following: <ul style="list-style-type: none"> <li>• Sewage effluent</li> <li>• Trade effluent</li> <li>• Swimming pool effluent</li> <li>• Discharges resulting from de-watering operations</li> <li>• Site Drainage likely to be contaminated (Industrial sites, HGV parking and delivery areas, large car parks)</li> </ul>			
<b>Geographical Area of Jurisdiction:</b>	England and Wales	<b>Supporting Legislation:</b>	<b>Supplementary Information Available:</b>
		<ul style="list-style-type: none"> <li>• Water Resources Act, 1991 (Environment Act 1995)</li> <li>• Groundwater Regulations, 1998</li> <li>• EU Directives</li> </ul>	<ul style="list-style-type: none"> <li>• Charging for Discharges leaflet</li> <li>• Pollution Prevention Guidelines</li> <li>• CIRIA leaflets (sewage effluent)</li> <li>• Sustainable Urban Drainage</li> </ul>
<b>Application Process:</b> <ol style="list-style-type: none"> <li>1. For larger developments (e.g. developments of &gt; 10 houses, industrial/trade developments) we advise the applicant submits proposals as a 'pre-application'.</li> <li>2. Applicant to contact the Agency for an Application Form pack (including guidelines and charging details).</li> <li>3. Applicant to submit completed form, application fee, 3 copies of a location and site plan, percolation tests results and calculations detailing drainage field area if the discharge is to ground (based on the guidelines leaflet supplied), plant specification details, and reasons for not connecting to a mains sewer.</li> <li>4. The Agency consults internally and externally. Please contact the Agency for more details.</li> <li>5. The proposal may be advertised in the local press and the London Gazette. Costs must be borne by the applicant. Please contact the Agency for more details.</li> <li>6. Consent determined by the Agency within a statutory time period, unless an extension is agreed with the applicant. Determination may result in approval (with conditions) or refusal (with the right to Appeal).</li> <li>7. Annual charging is applied when appropriate. Please contact the Agency for more details.</li> </ol>			
<b>Consultation Process:</b> Internal and External consultation gives people the opportunity to make a representation or objection on grounds of Water Quality, Resources, Groundwater Protection, Conservation and Environmental Health, Fisheries and Food interests. Application is advertised if deemed appropriate.		<b>Procedure under the Habitats Regulations:</b> All applications of any description will be subject to the requirements of the Habitats Regulations if they have the potential to affect a European marine site. Any proposed sites are treated as if they are designated. The Agency will act as the competent authority responsible for implementing the Regulations.	
<b>Appeals Procedure:</b> Please contact the Agency for more details.		<b>Is the information contained in the consent application publicly available?</b>  Yes <input checked="" type="checkbox"/> (unless requested confidentiality is justified).	
<b>Cost:</b> Two-tier Application Fee: Standard and Reduced. Annual charges may be applicable. Ask for the 'Charging for Discharges' leaflet.		<b>Timescales:</b> The Agency has a statutory period of up to 4 months to determine a validated application for consent to discharge. Extensions must be agreed with the applicant.	
<b>Contact Details for further information:</b>  The Water Quality Consenting Team at the Agency.		<b>Other Comments:</b> If in doubt as to whether an application is required, please contact the Water Quality Consenting team.	

## 6.0 Other Management Regimes

There are many activities, particularly recreational activities that take place around the Solent for which the only regulations are local byelaws. Many of the governing bodies for sport do, however, produce codes of practice that cover issues such as safety and the environment and illustrate how an activity can be enjoyed without being detrimental to other users or the environment. Contact details for the different governing bodies for sport can be found in section 7.0. Local clubs are also a good source of information on how to undertake an activity safely and considerately.

### **Navigate with Nature**

Navigate with Nature is a programme to address the potential impacts arising from the use of marine industry products, an innovative producer responsibility programme, it seeks to:

- Improve the provision and availability of environmental information about marine industry products to boat users
- Encourage watersport participants to be aware of their interaction with the local environment and to respect bye-laws and waterspace management strategies
- Raise awareness of how users can purchase, maintain and use their craft in an environmentally responsible manner

It is jointly funded by the BMIF, DEFRA, RSPB, Marina Developments Ltd, and Perkins, a major marine engine manufacturer. It is targeted at users of all craft, including sailing and motor boats, sailboards and personal watercraft.

### 6.1 Harbour Guides

Local harbour guides are an excellent source of information and often contain Notice to Mariners, details on local byelaws and information on the different recreational activities that take place in the harbour. They also illustrate how to go about these activities safely and with minimum disturbance to wildlife and other users. Development and management plans will also detail the presence of activities and any zoning or management schemes in place (see section 3.7).

### 6.2 Voluntary codes of conduct

Codes of conduct are promoted through the development of activity specific guidelines for users in a particular area and are aimed at voluntary co-operation and education rather than legislation. Authorities often explore voluntary approaches to the management of coastal activities before turning to statutory measures. The codes are aimed at resolving conflicts between recreational users and are more likely to be respected if achieved through consensus.

The code often addresses local needs and complements other local initiatives therefore has a greater chance of securing local support and subsequently increasing the likelihood of success. Amendments are often readily introduced in response to changing circumstances although in order to make it work, people need to be made aware of the scheme and users need to be educated about how to behave responsibly. A voluntary code requires enforcement and monitoring, often with a need for trained and uniformed enforcement staff, although enforcement can be devolved to user groups. However the lack of enforcement options is one of the major stumbling blocks with voluntary schemes. Often the people who fail to adhere to them are among those who caused the problems in the first place.

### **Bait Digging Code of Conduct**

The code applies to everyone who collects bait in and around the Solent and has been designed to encourage sustainable bait collecting. Bait digging for personal use is ancillary to the public right to fish, but is currently unregulated by any sea fisheries or other legislation. This right to dig can, however, be regulated by a variety of local authority, public health, nature conservation, Sea Fisheries Committee and Harbour Authority byelaws. It is illegal to take bait for commercial sale without the permission of the landowner, with a few exceptions where customary rights of bait collection exist.

### **6.3 Zoning**

Zoning is often used to address safety or amenity issues. It can be an effective tool to minimise conflicts in areas where different activities are competing for space. Zoning can be voluntary or through a mixture of voluntary and regulatory mechanisms. Where the balance lies depends upon the extent of user co-operation in the development of the scheme. Zones can operate across geographical areas (such as specific areas of water) or at various times, for instance by controlling activities at certain times of the day or at certain times of the year.

## **7.0 Contacts and Information Sources**

### **7.1 Local Contacts – Solent Competent Authorities**

Associated British Ports  
Ocean Gate  
Atlantic Way  
Southampton  
Hants  
SO14 3QN  
Tel: 02380 330022  
[www.abports.co.uk](http://www.abports.co.uk)

Beaulieu Estate  
Brockenhurst  
Hampshire  
SO42 7XB  
Tel: 01590 616200  
[www.harbours.co.uk/beaulieu/beaulieu.html](http://www.harbours.co.uk/beaulieu/beaulieu.html)

Bembridge Harbour Improvements Co. Ltd  
Harbour Office  
St. Helens Quay  
Ryde  
Isle of Wight  
PO33 1YS  
Tel: 01983 872828  
[www.harbours.co.uk/bembridg/bembridg.html](http://www.harbours.co.uk/bembridg/bembridg.html)

Chichester District Council  
East Pallant House  
East Pallant  
Chichester  
PO19 1TY  
Tel: 01243 534551  
[www.chichester.gov.uk](http://www.chichester.gov.uk)

Chichester Harbour Conservancy  
Harbour Office  
Itchenor  
Chichester  
West Sussex  
PO20 7DH  
Tel: 01243 512301  
[www.conservancy.co.uk](http://www.conservancy.co.uk)

Cowes Harbour Commissioners  
Harbour Office  
Town Quay, Cowes  
Isle of Wight  
PO31 7AS  
Tel: 01983 293952  
[www.cowes.co.uk/coweschc.html](http://www.cowes.co.uk/coweschc.html)

Eastleigh Borough Council  
Civic Offices  
Leigh Road  
Eastleigh  
Hants  
SO5 4YN  
Tel: 01243 512301  
[www.eastleigh.gov.uk](http://www.eastleigh.gov.uk)

Environment Agency  
Colvedene Court,  
Wessex Business Park  
Wessex Way  
Colden Common  
Hants  
SO21 1WP  
Tel: 01962 713267  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

Fareham Borough Council  
Civic Offices  
Civic Way  
Fareham  
Hampshire  
PO16 7PP  
Tel: 01329 663366  
[www.fareham.gov.uk](http://www.fareham.gov.uk)

Gosport Borough Council  
Town Hall  
High Street  
Gosport,  
Hampshire  
PO12 1EB  
Tel: 023 9254 5431  
[www.gosport.gov.uk](http://www.gosport.gov.uk)

Hampshire County Council  
Environment Group  
The Castle  
Winchester  
SO23 8UE  
Tel: 01962 846802  
[www.hants.gov.uk](http://www.hants.gov.uk)

Havant Borough Council  
Civic Offices  
Civic Centre Road  
Havant  
Hants PO9 2AX  
Tel: 023 9248 3217  
[www.havant.gov.uk](http://www.havant.gov.uk)

Isle of Wight Council  
Planning Section  
Seaclose Offices  
Fairlee Road  
Newport  
Isle of Wight  
PO30 2QS  
Tel: 01983 823552  
[www.iwight.com](http://www.iwight.com)

Langstone Harbour Office  
Ferry Road  
Hayling Island  
Hampshire  
PO11 0DG  
Tel: 023 9246 3419  
[www.langstoneharbour.org.uk](http://www.langstoneharbour.org.uk)

Lymington Harbour Commissioners  
Harbour Office  
Bath Road  
Lymington  
Hants  
SO41 9SE  
Tel: 01590 672014  
[www.harbours.co.uk/lymingto/lymingto.html](http://www.harbours.co.uk/lymingto/lymingto.html)

New Forest District Council  
Town Hall  
Lymington  
Hants  
SO41 9ZQ  
Tel: 023 8028 5310  
[www.nfdc.gov.uk](http://www.nfdc.gov.uk)

Portsmouth City Council  
Planning Dept  
Portsmouth City Council  
Civic Offices  
Guildhall Square  
Portsmouth  
PO1 2AU  
Tel: 023 9283 4334/6  
[www.portsmouthcc.gov.uk](http://www.portsmouthcc.gov.uk)

Portsmouth Commercial Port  
Harbour Offices  
Continental Ferry Port  
George Byng Way  
Portsmouth  
PO2 8SP  
Tel: 023 9229 7391  
[www.portsmouth-port.co.uk/portsmouthport/main.shtml](http://www.portsmouth-port.co.uk/portsmouthport/main.shtml)

Queen's Harbour Master  
Semaphore Tower  
HM Naval Base  
Portsmouth  
Hants  
PO1 3LP  
Tel: 02392 723124

River Hamble Harbour Authority  
River Hamble Harbour Office  
Shore Road  
Warsash  
Hants  
SO31 9FR  
Tel: 01489 576387  
[www.hants.gov.uk/hambleharbour](http://www.hants.gov.uk/hambleharbour)

Southampton City Council  
Floor 2, Marland House  
17, Civic Centre Road  
Southampton  
Hants  
SO14 7PQ  
Tel: 02380 832600  
[www.southampton.gov.uk](http://www.southampton.gov.uk)

Southern Sea Fisheries Committee  
64, Ashley Road  
Poole  
Dorset  
BH14 9BN  
Tel: 01202 721373

Trinity House Lighthouse Service  
Trinity House  
Tower Hill  
London  
EC3N 4DH  
Tel: 0207 4816900  
[www.trinityhouse.co.uk](http://www.trinityhouse.co.uk)

West Sussex County Council  
County Hall  
Tower Street  
Chichester  
West Sussex  
PO19 1RL  
Tel: 01903 762163  
[www.westsussex.gov.uk/home.asp](http://www.westsussex.gov.uk/home.asp)

Yarmouth Harbour Commissioners  
The Quay  
Yarmouth  
Isle of Wight  
PO41 0NT  
Tel: 01983 760321  
[www.yarmouth-harbour.co.uk/index.html](http://www.yarmouth-harbour.co.uk/index.html)

## **7. 2 Other Contacts**

British Association for Shooting and Conservation (BASC) South West England Centre  
Smokey Bottom Lodge  
Staple Fitzpaine,  
Taunton,  
TA3 5BL  
Tel: 01823 480 903  
Fax: 01823 480 810  
[swest@basc.org.uk](mailto:swest@basc.org.uk)  
[www.basc.org.uk](http://www.basc.org.uk)

The BASC produce a Wildfowling Permit Scheme Booklet, that gives information on all aspects of wildfowling and registered clubs.

British Canoe Union (Southern Branch)  
Rosemarsh  
Tidmarsh Lane  
Tidmarsh  
Pangbourne  
Berks RG8 8HA

British Federation of Sand and Land Yacht Clubs  
9 Derwent Park  
Wheldrake  
York YO4 6AT

British Sub Aqua Club  
Telfords Quay  
Ellesmere Port  
South Wirral  
Cheshire L65 4FY

British Surfing Association  
Champions Yard  
Penzance  
Cornwall TR18 2TA

British Waterski Federation (Southern Branch)  
5 Howberry Farm  
Crowmarsh  
Wallingford  
Oxfordshire OX10 8NR

Crown Estate  
Marine Estates  
16 New Burlington Place  
London  
W1S 2HX  
Tel: 020 7851 5080  
Fax: 020 7851 5125

Crown Estate (Managing Agent)  
Stephen Butterfield  
Humberts Bank House  
Canute Road  
Ocean Village  
Southampton SO14 1AB  
Tel: 023 8063 4744  
Southampton@humberts.co.uk

Chichester Harbour Wildfowling Association  
[www.chwa.org/home.html](http://www.chwa.org/home.html)

English Nature  
Northminster House  
Peterborough PE1 1UA  
Tel: 01733 455000  
Fax: 01733 568834  
E-mail: [enquiries@english-nature.org.uk](mailto:enquiries@english-nature.org.uk)

Hampshire Amateur Rowing Association  
Semaphore House  
5 Battery Row  
Portsmouth  
PO1 2ND  
Hants & Dorset Amateur Rowing Club

10 Brookfield Gardens  
Binstead  
Ryde Isle of Wight  
Tel: 01983 562127

Joint Marine Consents and Environment Unit (DEFRA/DtR)  
Nobel House (Room 129)  
17 Smith Square  
Westminster  
London SW1P 3JR  
Tel: 0207 238 3000  
Fax: 0207 238 5724  
Website: [www.mceu.gov.uk](http://www.mceu.gov.uk)

National Federation of Sea Anglers (Southern Region)  
62 Longmynd Drive  
Fareham  
Hants PO14 1SS

Royal Yachting Association  
RYA House  
Romsey Road  
Eastleigh  
Hampshire, SO50 9YA  
Tel: 023 80627400  
Fax: 023 80629924

Transport and Works Act Orders  
Department for Transport  
Zone 3/11, Great Minster House  
76 Marsham Street  
London SW1P 4DR  
[transportandworksact@dft.gov.uk](mailto:transportandworksact@dft.gov.uk)

UK Boardsailing Association  
PO Box 28  
Fareham PO14 3XD

Wessex Regional Rowing Council  
13 Victoria Grove  
Southsea  
Hants PO5 1NF

### **7.3 Joint Marine Consents and Environment Unit (MCEU)**

The MCEU, which began operating in April 2001, is an alliance of two Divisions dealing with marine consents in the Department for Environment, Food and Rural Affairs (DEFRA) and the Department for Transport (DFT).

The original aim was to enable closer co-ordination of the statutory controls of dredging exercised by the respective Divisions (then in MAFF and DETR) under the Food and Environment Protection Act, 1985 (FEPA) and the Coast Protection Act, 1949 (CPA). This has been extended to the administration of consents over the full range of marine works for which each Division has responsibility.

Applications for consents under the FEPA or CPA legislation can now be submitted on a single application form to the Unit. It is intended that this will benefit applicants by reducing the burden of duplicate form filling and providing a single point of contact for enquiries. This approach also enables joint consultation with the nature conservation bodies and others of the Unit's consultees plus a more holistic assessment of applications.

The MCEU will aim to align the end date for consents and licences so as to facilitate multiple applications. However, an applicant may apply for consents individually. Whether applications are made under one or more than one regulatory regime, the decision whether to grant each individual consent and the terms and conditions that may apply will be made in accordance with the relevant legislation by the responsible department.

In the broader scheme of streamlining consents procedures, the introduction of the MCEU is a first step. The opportunity is there for other consenting agencies to explore further links but also we need to know whether the introduction of the Unit has indeed improved matters for applicants and consultees. Feedback on that is welcomed by the Unit at any time.

The Unit's website can be found at [www.mceu.gov.uk](http://www.mceu.gov.uk).

## 7.4 Other Useful Information and References

Information on all local councils is available at [www.ukonline.gov.uk/quickfind/local/](http://www.ukonline.gov.uk/quickfind/local/).

GPG 16: Evaluation of Environmental Information for Planning Projects - A Good Practice Guide, 1994. DTLR. ISBN 0 11 753043 3. £8.

GPG22: Planning for Sustainable Development: Towards Better Practice, 1998. DTLR. ISBN TSO 0 11 753406 4. £35.

GPG 24: Preparation of Environmental Statements for Planning Projects that Require Environmental Assessment – A Good Practice Guide, 1995. DTLR. ISBN 0 11 753207 X. £12.

GPG 26: The One Stop Shop Approach to Development Consents, 1998. ISBN 1 85112 081 5. DTLR. £12.

The Official Hampshire Sports Guide, 2001. Hampshire County Council (Arts, Countryside and Community).

Planning Policy Guidance Note 9: Nature Conservation, 1994. DTLR. Available at [www.planning.dtlr.gov.uk/ppg/](http://www.planning.dtlr.gov.uk/ppg/).

Planning Policy Guidance Note 20: Coastal Planning, 1992. DTLR. Available at [www.planning.dtlr.gov.uk/ppg/](http://www.planning.dtlr.gov.uk/ppg/).

Planning Policy Guidance Note 25: Development and Flood Risk, 2001. DTLR. Available at [www.planning.dtlr.gov.uk/ppg25/index.htm](http://www.planning.dtlr.gov.uk/ppg25/index.htm).

Information on UK legislation can be found at: [www.legislation.hmso.gov.uk](http://www.legislation.hmso.gov.uk).

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, SI 1999 No 293, come into force on 14 March 1999. Circular 2/99, Environmental Impact Assessment, gives guidance on the Regulations (see [www.planning.dtlr.gov.uk/eia/c299note/index.htm](http://www.planning.dtlr.gov.uk/eia/c299note/index.htm)).

Direct Access Government for Business - [www.dag-business.gov.uk](http://www.dag-business.gov.uk)

Planning Permission – A Guide for Business. DTLR, 1998. Available from DTLR Free Literature, PO Box 236, Weatherby, West Yorkshire LS23 7NB. Tel: 0870 122 6236. Fax: 0870 122 6237.

## **Appendix 1 – Solent Forum Members**

Associated British Ports  
Beaulieu Estate  
Bembridge Harbour Improvements Co. Ltd  
BIFA  
BMAPA  
BP Oil U.K. Ltd  
British Marine Federation South  
Dorset County Council  
Chichester District council  
Chichester Harbour Conservancy  
Cowes Harbour Commissioners  
DEFRA  
Dorset County Council  
Eastleigh Borough Council  
English Nature  
Environment Agency  
Esso Petroleum Co. Ltd  
Fareham Borough Council  
Geodata Institute  
Gosport Borough Council  
Hampshire & IOW Wildlife Trust  
Hampshire County Council  
Hants & Wight Trust for Maritime Archaeology  
Havant Borough Council  
Isle of Wight Council  
John H Whitakers (Tankers) Ltd  
Langstone Harbour Board  
Lymington Harbour Commissioners  
Marine Conservation Society  
Maritime and Coastguard Agency  
New Forest District Council  
National Federation of Sea Anglers  
Portsmouth City Council  
Portsmouth Commercial Port  
Portsmouth Harbour Events Ltd  
Queen's Harbour Master  
River Hamble Harbour Authority  
RSPB  
RYA  
SCOPAC  
SIEnA  
SMIA  
Solent Cruising & Racing Association  
Solent Protection Society  
Southampton City Council  
Southampton Institute  
Southampton Oceanography Centre  
Southampton Wildlife Link  
Southern Sea Fisheries Committee  
Southern Water Services Ltd  
Sport England  
The Countryside Agency  
The Crown Estate  
The National Trust  
Trinity House Lighthouse Service  
University of Portsmouth  
West Sussex County Council

Wootton Creek Fairways Association  
Yarmouth Harbour Commissioners

## Appendix 2 - Maps

The following maps can be found in appendix 2.

- Figure 1. The Solent and its component harbours
- Figure 2. Administrative boundaries in the Solent
- Figure 3. European Sites in the Solent
- Figure 4. Solent Sites of Special Scientific Interest

**This is a text version only of the Guide, please contact the Solent Forum Officers – [solentforum@hants.gov.uk](mailto:solentforum@hants.gov.uk) if you wish for a copy of the maps.**