



## **Appendix 2**

**Request for a screening and scoping opinion and  
response from the Department for Transport (Ports Division)**





# POOLE HARBOUR COMMISSIONERS

(Poole Harbour Acts and Orders 1756 to 2001)

## HARBOUR ENGINEER'S DEPARTMENT

Harbour Office, 20 New Quay Road, Poole, Dorset, BH15 4AF.

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Email: [heng@phc.co.uk](mailto:heng@phc.co.uk)

Your Ref:-

Our Ref:-

RNA/APW 419-0407

**Mr Colin Morris**  
**Department for Transport**  
**Zone 2/31 Great Minster House**  
**76 Marsham Street**  
**LONDON SW1P 4DR**

25<sup>th</sup> May 2004

Dear Sir,

**RE: POOLE HARBOUR – CHANNEL DEEPENING**

Thank you for meeting Gary Cox and myself yesterday to discuss the approvals process for the proposed deepening of the shipping channels at Poole. A number of important points were clarified.

You confirmed that it is necessary for the Commissioners to apply for approval of the project. In the first instance it is necessary for them to seek a screening and scoping opinion from the Department under the Harbour Works (Environmental Impact Assessment) Regulations 1999. I would be grateful if you would treat this letter as a formal request for that opinion.

The project will consist of dredging to deepen and improve the approach channels through Poole Harbour that give access for commercial shipping to the Port of Poole. Dredging will be carried out to provide a published depth of 7.5m below chart datum, compared to the existing depth of 6.0m. In addition parts of the channel will be widened by up to 20m to ensure safe access for larger vessels. A total of some 2 million m<sup>3</sup> will be dredged. About half of this will be used for beach nourishment projects in Poole Bay (projects identified in the Poole & Christchurch Bays Shoreline Management Plan). The remainder will be dumped at sea, subject to approval, on the dump ground within a circle of 0.5 nautical miles radius centred on 50 37.50N 01 52.60W normally used to deposit dredgings from Poole Harbour.

Poole Harbour Commissioners have the power to carry out the dredging under Section 22 of the Poole Harbour Act 1914 but require approval for the dumping at sea under the Coast Protection Act 1949 S34 and a licence for this under the Food & Environment Protection Act 1985. Since substantial parts of Poole Harbour are designated as a SPA under the Habitats Regulations it will be necessary for the considerations of the dumping at sea approvals to include the effect of the entire project.

*Chairman - G. Sturdy, D.L., J.P.*

*Chief Executive, Clerk & Collector of Dues – J. Stewart, BA(Hons), MBA, MICS*

*Harbour Engineer - Eur.Ing. R.N. Appleton, BSc, CEng, MICE*

*Chief Accountant - G.E. Hildred, FCA*

*Harbour Master - P.S. Booth*

*Port Manager – S. McDonald*



The Commissioners have already carried out a scoping study for an Environmental Impact Assessment of the project, a copy of which you already have, a further copy is enclosed.

In preparing this scoping study, extensive consultation was carried out and the completed study was made available both to consultees and the general public. Principle consultees included English Nature, CEFAS, Poole Borough Council, Purbeck District Council, Poole Yachting Association, Royal Yachting Association, the Environment Agency and DEFRA Sea Fisheries Inspectorate. Copies of relevant letters received from English Nature, Poole Yachting Association, the Environment Agency and DEFRA Sea Fisheries Inspectorate are enclosed for your information together with a summary of all comments received as a result of the consultation.

It is expected that the Commissioners will be in a position to make applications for the necessary approvals in August this year. I now look forward to receiving the Department's formal screening and scoping opinion at your early convenience. If you have any queries or require any additional information, please do not hesitate to contact the writer.

**Yours faithfully,**

**R.N. APPLETON**  
**HARBOUR ENGINEER**

Copy Chief Executive  
Gary Cox

# Department for Transport

HARBOUR ENGINEER'S DEPT

23 JUL 2004

RECEIVED

MIKE DAVEY  
PORTS DIVISION  
MARINE CONSENTS AND ENVIRONMENT UNIT

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OUR REF: MNA 152/1449/10  
YOUR REF: RNA/APW 419-0407

21 JULY 2004

Mr R N Appleton  
Harbour Engineer  
Poole Harbour Commissioners  
Harbour Office  
20 New Quay Road  
POOLE  
BH15 4AF

Dear Mr Appleton

## **COAST PROTECTION ACT 1949: SECTION 34 HARBOUR WORKS (ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS) 1999 POOLE HARBOUR – CHANNEL DEEPENING**

I refer to your letter of 25 May to my colleague Colin Morris in respect of the above.

After due consideration, the Secretary of State, as the appropriate authority under Regulation 6(3)(a) of The Harbour Works (Environmental Impact Assessment) Regulations 1999 (the Regulations), considers that the proposed works do constitute a project falling within Annex II to the Directive, specifically 10(d) *Construction of roads, harbours, including fishing harbours and airfields (projects not included in Annex 1)*. Annex II, for the purposes of your proposed works, refers to modifications to existing harbour facilities. After considering the selection criteria the works in question have been found to constitute a "relevant project" – namely a project which would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

The Secretary of State, under Article 6(11) of the above Regulations therefore considers that an Environmental Statement (ES) outlining specific details of the project will be required. Under Schedule 1 of the Regulations, the ES must include the following essential environmental information

- (a) a description of the proposed harbour works comprising information on its site, design and size;
- (b) a description of the measures which the applicant proposes to take in order to prevent, reduce or remedy significant adverse effects;
- (c) data required to identify and assess the main effects which the proposed harbour works are likely to have on the environment;
- (d) an outline of the main alternatives studied by the developer and an indication of the main reasons for his choice, taking into account the environmental effects; and
- (e) a non-technical summary of the information mentioned in sub paragraphs (a) to (d) above.

Having taken advice from various bodies with environmental responsibilities/interests, the Secretary of State considers that the Environmental Scoping Study dated February 2004,

Environment Agency letter dated 5/3/2004 and English Nature letter of 25/2/2004 (all enclosed with your letter), set out all the apparent issues that need to be considered within the ES. However, the Secretary of State reserves the right to request further information, at any stage during the formal consultation procedure, if additional potential environmental impacts emerge.

The Secretary of State, as a competent authority, under Regulation 48 (1) of The Conservation (Natural Habitats, &c.) Regulations 1994, also considers that an appropriate assessment of the project will be required. The purpose of the appropriate assessment is to allow for a full consideration of the implications of the proposal in respect of "conservation objectives" for the Poole Harbour candidate Special Area of Conservation (cSAC), Special Protection Area (SPA) and Ramsar Site. The information contained in the ES will inform this assessment.

The conclusions of these assessments should enable the Secretary of State to ascertain whether the proposal would adversely affect the integrity of the aforementioned European sites.

### **Future Action To Be Taken**

The Secretary of State, under Regulation 7(1) requires the developer to place the finalised ES in the public domain, not less than fourteen days before the finalised ES is supplied to the appropriate Authority under Regulation 6(11). The developer must publish a notice in a locally circulated newspaper (within the bounds of the proposed works) – see attached draft advertisement. The notice must be placed in a publicly accessible location (library etc) and must be available for at least a period of 42 days after the initial publishing date. On the date of publication of the notice the developer shall also place notice under Regulation (7)(2) within or outside the local harbour authority offices. The notice must contain the same information as the published notice, and be available to public inspection under Regulation (7)(3) for a period of not less than 42 days beginning with the date of posting.

Under Regulation 7(4), the ES supplied to the Secretary of State must be accompanied by a copy of the notice referred to in the previous paragraph, together with a certificate which states that a notice has been posted at the harbour authority in accordance with the previous paragraph, and that you have complied with the requirement which demands that the notice be firmly affixed in an easily visible location.

The purpose of the ES is to allow for a full consideration of the implications of the proposal in respect of the site's "conservation objectives". The conclusions of the ES will enable the Secretary of State to ascertain whether the proposal would adversely affect the integrity of the site. This Department requires eight copies of the finished ES, which will facilitate consideration of the ES's findings by our advisory bodies.

If you require any further guidance please contact me or my colleague Colin Morris (telephone 020 7944 5077). Please quote reference MNA 152/1449/10 in all future correspondence on this matter.

Yours sincerely



Mike Davey  
Ports Division