

Appendices

Appendix 1 Memorandum of Agreement

POOLE HARBOUR STEERING GROUP

MEMORANDUM OF AGREEMENT

Between the members of

Poole Harbour Steering Group

Borough of Poole
Dorset County Council
English Nature
Environment Agency
Poole Harbour Commissioners
Purbeck District Council
Southern Sea Fisheries District Committee
Wessex Water Services Ltd

Relating to the
Poole Harbour Special Protection Area's (SPA)
advice and guidance for the management of this site.

September 2002

Memorandum of Agreement

Description

The Poole Harbour Steering Group provides a framework for coordination between statutory bodies having responsibilities in Poole Harbour. Its members work together to review, prepare and implement common plans and policies including the Poole Harbour Aquatic Management Plan and Poole Harbour Management Policies.

In addition the Poole Harbour Steering Group enables these authorities to coordinate and exercise their responsibilities as Relevant and Competent Authorities with respect to the Poole Harbour Special Protection Area (SPA) under The Conservation (Natural Habitats, & c.) Regulations, 1994.

This Memorandum of Agreement (MoA) is between the Poole Harbour Steering Group Members. It acknowledges the importance of working together for the management of the Poole Harbour SPA and implementing best practice through the implementation of The Conservation (Natural Habitats, & c.) Regulations, 1994.

All parties acknowledge that this process provides an opportunity to co-ordinate their work, policies that are developed by their work and the actions that may be the consequences of this work, in so far as this relates to the Poole Harbour Special Protection Area.

This MoA has been drawn up to;

- Set out the aims of the Poole Harbour Steering Group in relation to the SPA
- For parties to this MoA to agree to use the advice and guidance produced by the Poole Harbour Steering Group
- Reduce unnecessary repetition of work
- Share expertise and information and
- Confirm the commitment of the members to the coordinated management of the Poole Harbour SPA.
- Nothing in this MoA shall in any way alter or affect any member organisation's statutory responsibilities or rights.

Introduction

Poole Harbour is one of the world's largest natural harbours, is a commercial Port and supports many recreational activities. It is also an environmental asset with its shallow waters, extensive mudflats, saltmarshes and reedbeds all of exceptional ecological value, part of which was designated as a Special Protection Area (SPA) on March 31st 1999 for its internationally important populations of regularly occurring Annex 1 bird species, migratory birds and assemblages of waterfowl.

Poole Harbour SPA is a European Marine Site defined by The Conservation (Natural Habitats, & c.) Regulations, 1994. The day to day management of this designated site is conducted by the members of the Poole Harbour Steering Group (here after referred to as the Steering Group) who are the Relevant and Competent Authorities for the site as defined in the Habitat Regulations.

Overall Aims

The Steering Group aims to promote the sustainable use of Poole Harbour, balancing and resolving conflicts of interest.

The Steering Group seeks to stimulate, through shared information, co-operation and action, an appropriate balance between competing demands placed on the harbour and create a culture of openness and communication.

- All parties recognise the importance of working together to co-ordinate their efforts and share information, and/or expertise for the management of the Poole Harbour SPA in maintaining the site's favourable conservation status.
- The Poole Harbour Steering Group will meet approximately every 3 months. The main aims and responsibilities of the Steering Group with regard to the Poole Harbour SPA are:-
 - a) To facilitate the management of the Poole Harbour Special Protection Area.
 - b) To report back to their organisations any relevant decisions of the Steering Group, and any other relevant information.

Poole Harbour Special Protection Area (SPA) Management

- Members will have regard for English Nature's advice given under Regulation 33(2) of The Conservation (Natural Habitats, & c.) Regulations 1994.
- Annually the Steering Group will review the monitoring programme and identify priorities for the coming year producing a summary report on the status of the harbour on an annual basis.
- Each member of the Steering Group is to provide data collected under their normal statutory responsibilities, and/or provide expertise to develop the SPA monitoring programme. All information about Poole Harbour SPA that is in the public domain or is reasonably required to discharge members' responsibilities towards the SPA under The Conservation (Natural Habitats, & c.) Regulations, 1994, will be shared between Steering Group Members.
- The Steering Group member organisations intend to work to the Advice and Guidance produced in agreement for the SPA by the Steering Group.
- The Secretary to the Steering group will co-ordinate the Steering Group's data collation and activities.

Resolution of Problems

- Should it appear that any element of this agreement cannot be met, a meeting of the relevant parties should be called to explore and identify the issues and seek alternatives/resolutions.
- Where there appears to be fundamental disagreement, any party may call a special meeting to be attended by the representatives sitting on the Steering Group. The parties should attempt to call a meeting within 4 weeks of any such request.

Signed By The Parties To This Agreement:

Borough of Poole: Councillor R. Williams – Environment and Prosperity Portfolio Holder

Dorset County Council: Mr A. Price – Head of Planning

English Nature: Mr J. White – Team Manager

Environment Agency: Mr P. Lodge – Environment Manager (Poole and Dorset)

Poole Harbour Commissioners: Mr G. Sturdy - Chairman

Purbeck District Council: Mr P. Croft – Chief Executive

Southern Sea Fisheries District Committee: Mr I. Carrier – Clerk and Chief Fishery Officer

Wessex Water Services Ltd: Mr J. Jones - Director

Appendix 2

Relevant Local and National Bodies & Organisations

Poole Harbour Steering Group Member Organisations

Borough of Poole

The Borough of Poole is the responsible local authority for the northern part of Poole Harbour and adjoining land. The Council is a Unitary Authority with responsibilities which include the statutory planning function, transportation, environmental protection, coastal protection and emergency planning. The Council is responsible for the preparation of the Local Development Framework including minerals and waste plans, and Local Transport Plans which set out the spatial planning vision and strategy and management of development within Poole.

Dorset County Council

Dorset County Council is responsible for strategic planning, highways and waste management, in areas outside the Borough of Poole unitary authority. Within the 'planning' section there are a broad range of environmental specialists covering the historic environment, ecology, coast and countryside, landscape and sustainability, waste and minerals, which provide information and advice to both the County Council and the Borough of Poole.

Environment Agency

The Environment Agency is a regulatory body responsible for managing the water environment in England and Wales. It also has responsibilities for Waste Management, Flood Risk Management, Fisheries, Conservation and Recreation. In Poole Harbour, surface water is monitored according to EU Directives. The eel fishery and migration of salmonids is also regulated, working closely with those having responsibility for marine fisheries.

Natural England (English Nature)

In October 2006 English Nature, the environment activities of the Rural Development Service and the Countryside Agency's Landscape, Access and Recreation division united to form a new organisation, Natural England. Natural England have the responsibility for enhancing biodiversity and our landscapes and wildlife in rural, urban, coastal and marine areas; promoting access, recreation and public well-being, and contributing to the way natural resources are managed – so they can be enjoyed now and for future generations. Under the Habitat Regulations Natural England have a statutory responsibility to advise relevant authorities as to the conservation objectives for European Marine Sites in England such as Poole Harbour. Natural England advise relevant authorities as to the activities which may cause deterioration of natural habitats or the habitats of species, or disturbance of species for which the site has been designated. This information will be a key component of any management scheme which may be developed for these sites.

Poole Harbour Commissioners

The Harbour and the Port are managed by Poole Harbour Commissioners who are an independent statutory body. Under the Poole Harbour Acts & Orders 1756 – 2001 they have responsibilities for conservation, improvement and regulation of the Harbour and play an important role in the implementation of policies in these areas. As a statutory harbour authority, the commissioners have a duty to run a harbour open for the shipping and unshipping of goods with the only constraint being the physical capacity of the port. The Commissioners have applied for a Harbour Revision Order (HRO) which will review and modernise existing legislation under the Poole Harbour Act 1914. It will also give the Commissioners the powers of General Direction under which the Board of Commissioners can bring prosecutions against individuals without the need for byelaws or other legislation.

Purbeck District Council

Much of Poole Harbour lies within the administrative boundary of Purbeck District Council. The Council are the local Planning Authority, determining the acceptability of proposals for new development above the mean low water mark. Owing to the considerable nature conservation interest associated with the inter-tidal area, as recognised by international designation, the Council have a duty to consider the impact of new development on the marine environment under the Habitats Regulations and the CROW Act. The Council is concerned with the impacts of climate change, working with partner organisations to plan and, where appropriate, intervene on issues of flood risk. The Council is also pro-actively seeking to address climate change through the development of new planning policies and the promotion of re-use, recycling and recovery of energy, energy conservation measures, creation of sustainable communities and supporting renewable technologies. The Council is also looking at developing new policies on Sustainable Urban Drainage systems that will assist in reducing flood risk and protecting water quality. The Council is working hard to promote and sustain the economic prosperity of the District and a number of officer's help to contribute towards the careful management of the Harbour as an asset.

Southern Sea Fisheries District Committee

The main aim of Southern Sea Fisheries Committee is to Manage, Regulate, Develop and Protect the fisheries within the Southern Sea Fisheries District to ensure the sustainability of the marine environment both now and for future generations. The main sources of the Committee's local management powers come from two acts: the Sea Fisheries Regulation Act 1966 and the Sea Fisheries (Shellfish) Act 1967, which enables the Committee to make Byelaws to control fishing including size limits, gear restrictions, seasonal limits and to protect the marine environment. District Fishery Officers are empowered to enforce Byelaws, National and EU legislation. The Committee is also a Statutory consultee for discharges to coastal waters, sea defence works, offshore aggregate dredging and oil and gas exploration.

Wessex Water Services Ltd

Wessex Water is the regional water and sewage treatment business serving an area of the south west of England, covering 10,000 square kilometres including Dorset, Somerset, Bristol, most of Wiltshire and parts of Gloucestershire and Hampshire. Wessex Water, as a statutory undertaker, has a duty to enhance and protect biodiversity as laid down in several pieces of legislation. Natural Environment and Rural Communities Act 2006 requires that they have regard, so far as is consistent with the proper exercise of its functions as a statutory undertaker, to the purpose of conserving biodiversity. As well as legal drivers specifically relating to SSSIs, the Water Industry Act 1991 and Environment Act 1995 include general duties on the statutory undertakers in respect of conservation, access and recreation.

Relevant National Bodies

On a national level there are also many other statutory and non-statutory organisations who to some extent play a role or have an interest in the management of the Harbour. A list of some of the key bodies includes:

English Heritage

English Heritage is the Government's statutory adviser on the historic environment. It works in partnership with the central government departments, local authorities, voluntary bodies and the private sector to; conserve and enhance the historic environment, broaden public access to the heritage of England and increase people's understanding of the past. The National Heritage Act (2002) modified English Heritage's functions to include: securing the preservation of ancient monuments in, on, or under the seabed; and promoting the public's enjoyment of, and advancing their knowledge of these.

Marine Consents and Environment Unit (MCEU)

The MCEU is an alliance between the Department for the Environment, Food and Rural Affairs (DEFRA) marine environment branch and the Department for Transport (DfT) ports division. It is responsible for the administration of a range of applications for statutory licences and consents to undertake works in the tidal waters and at sea in UK waters and beyond; including marine developments, coast defences, dredging and waste disposal.

Maritime and Coastguard Agency (MCA)

This Agency is responsible throughout the UK for implementing the Government's maritime safety policy. That includes co-ordinating search and rescue at sea through Her Majesty's Coastguard, and checking that boats such as passenger ferries meet UK and international safety rules. They work to prevent the loss of lives at the coast and at sea, to ensure that ships are safe, and to prevent coastal pollution. Guidelines created by the MCA ensure that the National Contingency Plan (NCP) and local plans, including those such as Poolspill, work in harmony to enable an effective response to any pollution incident. The Agency also has responsibilities in relation to waste management for ports and shipping and in recording archaeological finds through the Receiver of Wreck.

The Crown Estate

The Crown Estate owns virtually the entire seabed around the UK out to the 12 nautical mile territorial limit and around 55% of the foreshore, the area between mean high and mean low water. It also owns approximately half of the beds of estuaries and tidal rivers in the UK including most of Poole Harbour. The Crown Estate grants leases or licences for work and activities to be carried out on its land. Within the Harbour they issue leases for such things as dredging, construction of jetties and marinas, wildfowling and the laying of moorings. Its Marine Stewardship Programme also provides funding for community and practical initiatives around the UK to raise awareness and promote sustainable use of the marine environment.

Trinity House

Trinity House are the General Lighthouse Authority (GLA) for England, Wales, the Channel Islands and Gibraltar. Their remit is to provide aids for navigation to ensure safe passage for vessels in coastal and offshore waters. Their responsibilities also include the annual inspection and auditing of aids to navigation provided by local port and harbour authorities such as Poole Harbour Commissioners.

Other Relevant Local Bodies and Organisations

The following is a list of some of the other organisations and associations with an interest in the management of Poole Harbour and its surrounding coastline.

Dorset Coast Forum

The Dorset Coast Forum was established early in 1995 to look at issues facing the Dorset coast. It consists of a partnership of over one hundred key organisations which have a vested interest in the Dorset coastline. It has no agenda to take on statutory functions, but it can help with co-ordination of coastal policy or management. It works by generating ideas, co-ordinating discussion and encouraging friendly relations and providing good networking. Empowerment is by consensus, peer review and willingness to commit to jointly agreed action.

Its primary aims are to encourage co-operation and dialogue between all the different interests and users of the coast, encourage the gathering and dissemination of knowledge and carrying out of research and to review existing policies, and working towards the production of integrated policies specific to the Dorset Coast, including Poole Harbour.

Dorset Environmental Records Centre (DERC)

Dorset Environmental Records Centre was established in 1976 as an independent organisation to collate information on all of Dorset's wildlife. It provides an opportunity for local naturalists and conservation organisations to work together. The majority of the data held by DERC is accessible to everyone from students and local residents to local authorities, conservation organisations and consultants.

The Dorset Wildfowlers' Association for Shooting and Conservation (DWASC)

DWASC have managed wildfowling in Poole Harbour since 1952. The club have been proactive in designating a number of no-shooting areas in the harbour in areas believed to be important for roosting and feeding birds. The club are involved in local conservation projects including partnership projects with Dorset Wildlife Trust and RSPB.

Dorset Wildlife Trust

The Dorset Wildlife Trust is primarily responsible for managing the nature reserve on Brownsea Island on behalf of owners the National Trust. The reserve consists of wetland habitats and woodland and includes the lagoon. Within the reserve are internationally important numbers of two wintering wading species (Avocet and Black-tailed Godwit), nationally important colonies of Sandwich and Common Tern, one of the largest Little Egret colonies in the UK and a population of Red Squirrels subject to its own Species Action Plan. The Trust also has an advisory input on the marine matters through the Joint Dorset Marine Committee and responds to planning and other development applications.

National Trust

The National Trust is a charity and is completely independent of Government. They protect and open to the public historic houses and gardens as well as industrial monuments and mills. They also look after archaeological sites as well as natural habitats including areas of coastline. Within Poole Harbour the National Trust own and manage Brownsea Island as well as the adjacent Studland Beach and nature reserve.

Poole Harbour Study Group (PHSG)

The Poole Harbour Study Group was founded in 1997 and is made up of a group of individuals interested in the recording of wildlife and other biological and scientific aspects of Poole Harbour. The Poole Harbour Study Group is not affiliated to any statutory, commercial or charitable organisation. The group acts to centralise and encourage the dissemination of knowledge about the Harbour but remains neutral about planning and other issues involving Poole Harbour. PHSG members are private individuals and from universities and other wildlife and conservation bodies.

Poole Maritime Trust

The Trust, originally founded in 1972 to support the establishment of a Maritime Museum in the Old Town Cellars in Poole, has been involved in several major research projects. The Trust aims to contribute to the public's understanding of Poole's maritime heritage and that of its immediate surroundings. It has recently formed the Poole Harbour Heritage Project Ltd which as a registered charity, instigates and supports archaeological research related to the Harbour.

Poole Yachting Association

The Poole Yachting Association is made up of members of sailing, yacht clubs and associations within the Harbour. The Association represents the interests of its members and promotes recreational sailing. It also works closely with other statutory Harbour regulators to help minimise conflict between recreational yachting and other commercial activities.

Purbeck Heritage Committee

The Purbeck Heritage Committee is a joint Committee of organisations with an interest in the Purbeck region. It was formed in 1993 to build partnerships between the bodies involved with the conservation, management and enjoyment of Purbeck, raise resources and keep people informed of progress. The Purbeck Forum provides an opportunity for a wide range of bodies such as, Parish Councils, landowners, voluntary conservation, tourism and leisure organisations, local employers and other interested groups, to contribute their ideas and support to the Committee.

RSPB, Royal Society for the Protection of Birds

The RSPB are Europe's largest conservation charity and exists to secure a healthy environment for birds and wildlife. They are campaigning for comprehensive legislation to achieve better protection

of the marine and coastal environment and its wildlife. Around the Harbour they own the Arne nature reserve which annually is home to thousands of wild birds.

SCOPAC, Standing Conference on Problems Associated with the Coastline

SCOPAC works to promote sustainable shoreline management, and to facilitate the duties and responsibilities of local authorities and other organisations managing the coastal zone of central southern England. Its membership consists of Local Councils and other statutory and non-statutory bodies such as English Nature, the Environment Agency, Poole Harbour Commissioners and wildlife trusts. It commissions research and reports on various issues such as sediment transport and coastal defence and is currently committed to understanding the full extent and impact of climate change.

Appendix 3

Key Supporting Plans and Documents

The following is a list of some of the key supporting plans and documents that are used to inform the day-to-day management of the Harbour. Many of the Guiding Principles of this management plan are derived from policies set out within these documents.

AONB Management Plan, 2004 – Statutory

Prepared by the Dorset AONB Partnership.

Bournemouth, Dorset and Poole Structure Plan, 2001 - Statutory

Prepared by Dorset County Council, Bournemouth Borough Council and the Borough of Poole.

Bournemouth Dorset and Poole Waste Local Plan adopted 2006 – Statutory

Prepared by Bournemouth Borough Council, Dorset County Council and Borough of Poole.

Community Plan for Purbeck April 2006-March 2009 – Statutory

Prepared by the Purbeck Community Partnership.

English Nature's advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994. Issued 2000 – Statutory

Prepared by English Nature.

Frome & Piddle and Poole Harbour & Purbeck Local Environment Agency Plan, 2000 - Statutory

Prepared by the Environment Agency.

Making Purbeck More Special, 2002 – Non-Statutory

Prepared by the Purbeck Heritage Committee.

Poole Bay and Harbour Coastal Strategic Study, 2004 – Non-Statutory

Prepared by various operating authorities with an interest in coastal defence.

Poole and Christchurch Bays Shoreline Management Plan, 1999 – Non-Statutory

Prepared by coastal groups and operating authorities under guidance from DEFRA.

Poole Harbour Byelaws – Statutory

Prepared by Poole Harbour Commissioners

Poole Local Plan First Alteration, 2004 - Statutory

Prepared by the Borough of Poole.

Poole Safety Management Plan, 2001 - Non-Statutory

Prepared by Poole Harbour Commissioners.

Purbeck Local Plan: Final Edition, 2004 - Statutory

Prepared by Purbeck District Council.

Appendix 4 Conservation Designations

Area of Outstanding Natural Beauty (AONB)

Poole Harbour falls within an AONB the purpose of which is the conservation and enhancement of the natural beauty of the area. This includes protecting its flora, fauna and geological and landscape features.

European Marine Site (EMS)

Where SACs or SPAs consist of areas continuously or intermittently covered by tidal waters or any part of the sea in or adjacent to Great Britain up to the limit of territorial waters, they are referred to as European Marine Sites. These are also classed as Natura 2000 sites which are part of a European network of protected sites established under the Birds Directive and the Habitats Directive.

Heritage Coast

This is a non-statutory designation designed to protect the landscape and provide for managed recreation of an area of coast.

Local Nature Reserves (LNRs)

These are established and managed by local authorities in consultation with English Nature. They are generally of local significance and provide important opportunities for environmental education.

National Nature Reserves (NNRs)

These represent some of the most important natural and semi-natural ecosystems in the country and are managed to protect the conservation value of the habitats that occur on these sites.

Ramsar Sites

These are designated under an International Convention on the conservation of wetland habitats and species. The convention on Wetlands signed, in Ramsar, Iran in 1971, is an intergovernmental treaty which provides the framework for national action and international co-operation for the conservation and wise use of wetlands and their resources.

Regionally Important Geological and Geomorphological Sites (RIGS)

These are considered to be sites worthy of protection for their educational, research, historical or aesthetic importance. There are three RIGS within the Harbour: two on Brownsea and the third at Shipstal Point.

Special Areas of Conservation (SAC)

These are defined under the European Habitats Directive. They are sites of European Community importance, designated by a Member state where the necessary conservation measures are applied to maintain the site in "favourable condition". These are also classed as Natura 2000 sites which are part of a European network of protected sites established under the Habitats Directive.

Sensitive Marine Areas (SMAs)

This is not a designation as such but describes nationally important marine sites that require a cautious, detailed and integrated management approach for a whole area.

Sites of Nature Conservation Importance (SNCI)

These are sites of local nature conservation interest that have been defined by wildlife trusts and Local authorities. They are not statutory but are often protected through local and structure plans.

Sites of Special Scientific Interest (SSSI)

These are the finest sites for wildlife and natural features in England, supporting many characteristic, rare and endangered species, habitats and natural features. The purpose of SSSIs is to safeguard a series of sites that are individually of high natural heritage importance.

Special Protection Areas (SPA)

These are designated under the Birds Directive, which is the primary European legislation for the protection of birds. They are designated by Member States and are designed to conserve the birds listed in Annex 1 of the Birds directive as well as migratory birds. These are also classed as Natura 200 sites which are part of a European network of protected sites established under the Birds Directive.

Appendix 5

Selection of Bird Sensitive Areas in Poole Harbour

The whole of Poole Harbour SPA is recognised as a site which is internationally important for overwintering wildfowl and waders and the mudflat, sandflats, saltmarsh, reedbeds and shallow inshore water areas within the SPA are all integral to providing key feeding and roosting habitats for the birds.

There is the potential for cumulative impacts on overwintering birds from disturbance from recreational and commercial activities in the Harbour. For example, there is nothing to prevent potentially disturbing activities such as bait digging, wildfowling and sailing occurring at the same time in all the bays in the Harbour important for feeding and roosting birds. Morrison (2004) report highlighted areas in the Harbour eg Shell and Studland bay where increases in human activity have led to a demise of roost sites. The die back of saltmarsh has also put additional pressure on bird roost sites. Poole Harbour's double tide means that birds remain at roost for much longer periods compared with more open estuaries while the reduction in feeding time availability places potentially more stress on birds with respect to replenishing their energy reserves.

In some areas of the Harbour visual and noise disturbance is likely to be more significant to the bird interests of the Harbour than other areas. These are areas where at present there is relatively little disturbance, bays whose enclosed nature means water based activities would have the potential to disturb birds over a larger area, where birds appear to be preferentially feeding and roosting and where the key bird interests for which the Harbour is recognised as important reside. Through highlighting bird sensitive areas the aquatic management plan is raising awareness of a number of bays around the Harbour that should be considered by users as sensitive areas for birds over the winter (01 November to 31 March). Further reasoning as to why these particular bays have been chosen is given below.

Factors considered during the selection of the Bird Sensitive Areas

- 1) Bays whose enclosed nature means water based activities would have the potential to disturb birds over a larger area
- 2) Areas situated a distance away from urban areas and areas likely to have a high people presence and where birds are less likely to be habituated to disturbance
- 3) Areas where birds are known to preferentially roost and feed
- 4) Areas where key over-wintering bird interests of the SPA reside (shelduck, black tailed godwit and avocet). The avocet in particular has a more localised distribution.
- 5) Provision of a number of areas throughout the site to form a network to ensure a lesser distance to the nearest bird sensitive site and thereby cater for a greater proportion of the site's population while allowing a range of different sites suitable for different tide and weather conditions.
- 6) Sufficiently large to allow the birds accommodated within them to be unaffected by sources of disturbance from outside.

Poole Harbour's Bird Sensitive Areas

Brownsea lagoon is an enclosed area of water and the other areas highlighted as bird sensitive areas are enclosed bays where water based activity could have the potential to disturb birds over a large area. All the bird sensitive areas are significantly large to accommodate birds without being disturbed from outside and are far enough away from significant people pressure for birds to be more vulnerable to disturbance.

The bird sensitive areas are spread throughout the site to form a network. Thomas et al 2004 found birds preferentially fed in some areas of Poole Harbour compared to other areas (Table 1 & Figure 1). All the sensitive bird areas are in significant feeding areas for birds including black tailed godwit and shelduck (Figures 6 & 7). In addition there are further reasons why specific areas are important as listed below:

Part of Wareham Channel in front of Keyworth

An important area for bird feeding (Table 1 and Figure 1) which is at present over utilised (Thomas et al., 2004). The food requirements of the numbers of shelduck and curlew recorded were found to exceed the food available here which indicates that this sector is very important for these bird species but that food supply is limited here (Thomas et al, 2004). The adjacent land is also an important roosting site (Figure 2).

Arne Bay, Brands Bay, Wych Lake, Newton Bay, Ower Bay, and Middlebere Lake

As stated by Gray 1985 the remoteness, complex topography and diversity of feeding grounds make these areas of the shoreline particularly attractive to overwintering waders and wildfowl. These areas are also important roost sites for a number of waders eg black tailed godwit, redshank, grey plover, knot, and greenshank roosting (Figure 2).

Wych Lake and Brownsea Lagoon

These are the main feeding areas of the avocet, an Annex 1 species (Figure 5). Species listed under Annex 1 are in danger of extinction, rare or vulnerable. Poole Harbour supports a third of the British avocet population. The avocet has been observed to be particularly wary of human disturbance often being the first bird to take flight (Morrison 2004)

Holes Bay (north)

The area is an important roosting site including for avocet and black tailed godwit (See Figure 3 & 4). In the upper section of Holes Bay the mudflats are exposed for longer than the lower part of the bay while there is generally less disturbance in this area

Lytchett Bay (west)

The area is an important roosting site for waders including the black tailed godwit (Figure 4). The western part of the bay is particularly important in terms of roosting sites while it is generally less disturbed.

It is hoped that a monitoring programme will be established to assess if these areas as defined on the basis of the past patterns of wintering birds are appropriate to cope with changes in bird distribution and of habitat conditions. In the light of new evidence the location of these areas may change but in the meantime raising awareness amongst users of the sensitivity of these areas will help to alleviate disturbance pressures on the important bird populations of Poole Harbour.

Table 1. Preferential feeding areas (Energy available and energy required in each WeBS sector) – the lower the ratio the higher the preference for birds feeding in this sector (Thomas et al 2004)

WeBs Sectors	WeBs Sectors Total Energy Requirement (kJ x 106)	Energy as Biomass Available (kJ x 106)	Ratio of energy available to required
W6	49.39	72.77	1.5
W5	141.17	164.78	1.2
W4	144.33	430.21	3.0
W3	55.98	336.50	6.0
W2W	120.26	268.50	2.2
W2E	41.55	192.48	4.6
W1/W2	15.04	266.85	17.7
NC3NW/SW	84.91	159.74	1.9
NC3NE/SE	95.44	588.27	6.2
NE3	30.84	745.23	24.2
NE1	20.20	481.14	23.8
SE1	9.48	358.22	37.8
SE2	187.92	264.75	1.4
SC1/2	98.89	137.71	1.4
SC3/6	102.74	474.40	4.6
SC4	123.29	423.91	3.4
SC5	101.63	223.00	2.2
SC7/8	69.46	311.38	4.5
Total	1492.53	5899.83	4.0

NB It should be noted that the overall ratio for Poole Harbour based on the sectoral analysis gives an availability of food to requirement value of 3.5-4 to 1 (Thomas et al. (2004). However a ratio of 3.5-4:1 does not necessarily mean that there is a surplus food resource for all bird species. For example, in the case of the oystercatcher, recent work by Goss Custard, et al (2004) indicated that in the order of 8 times the estimated requirement of this species is needed to ensure survival of a population through to the next breeding season

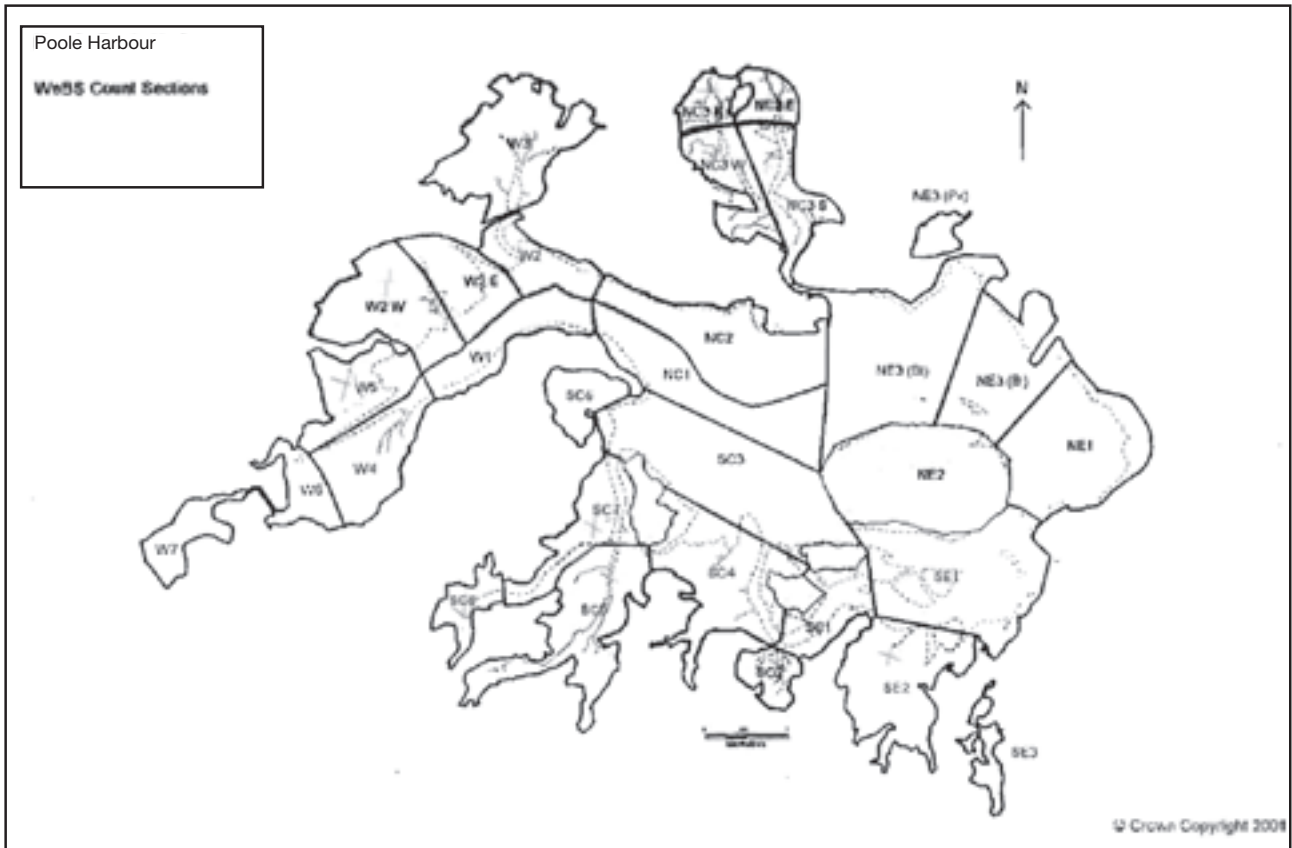


Figure 1: WeBs Count sectors (Pickess & Day, 2002)

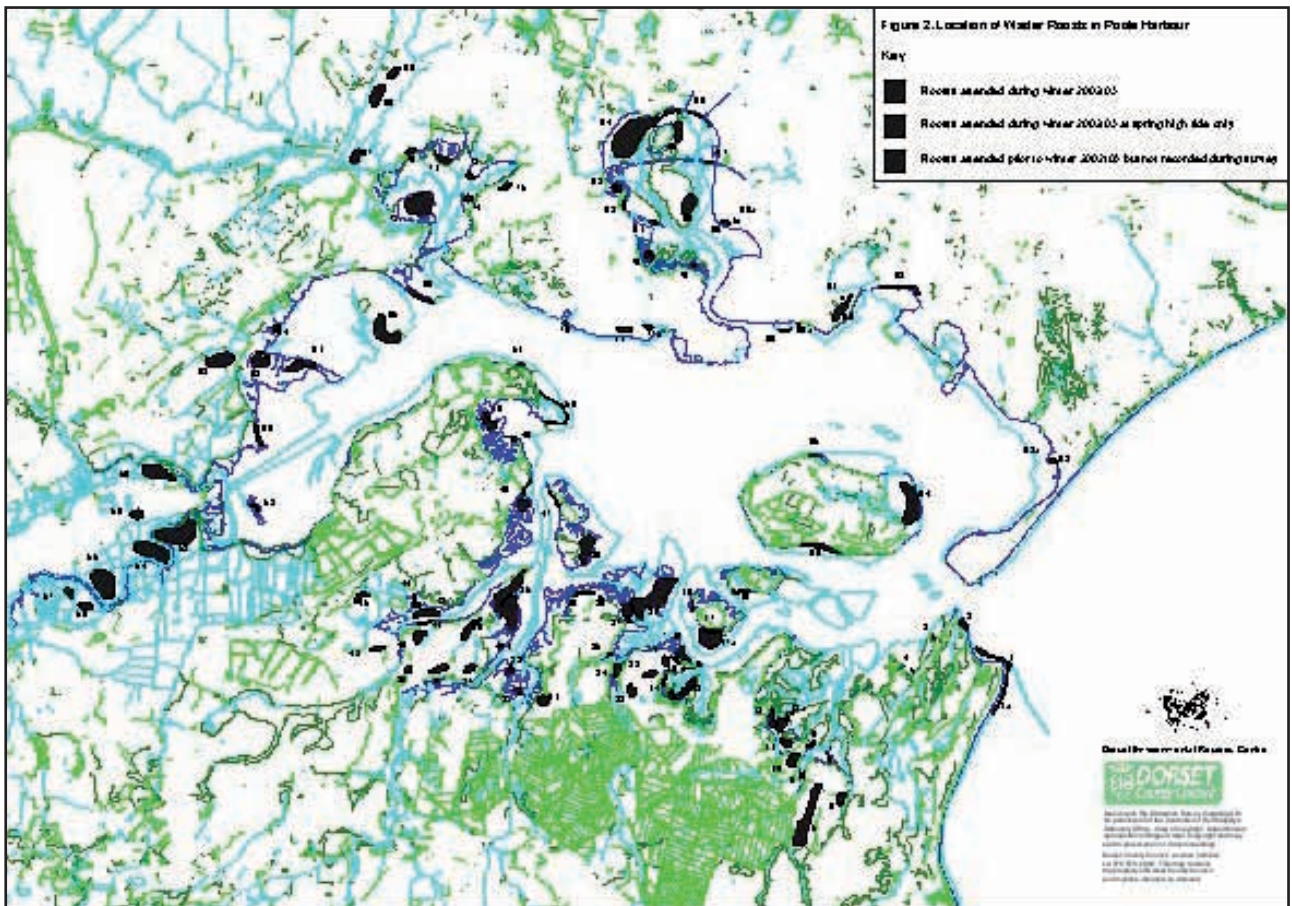


Figure 2: The location of wader roosts in Poole Harbour (Morrison 2004)

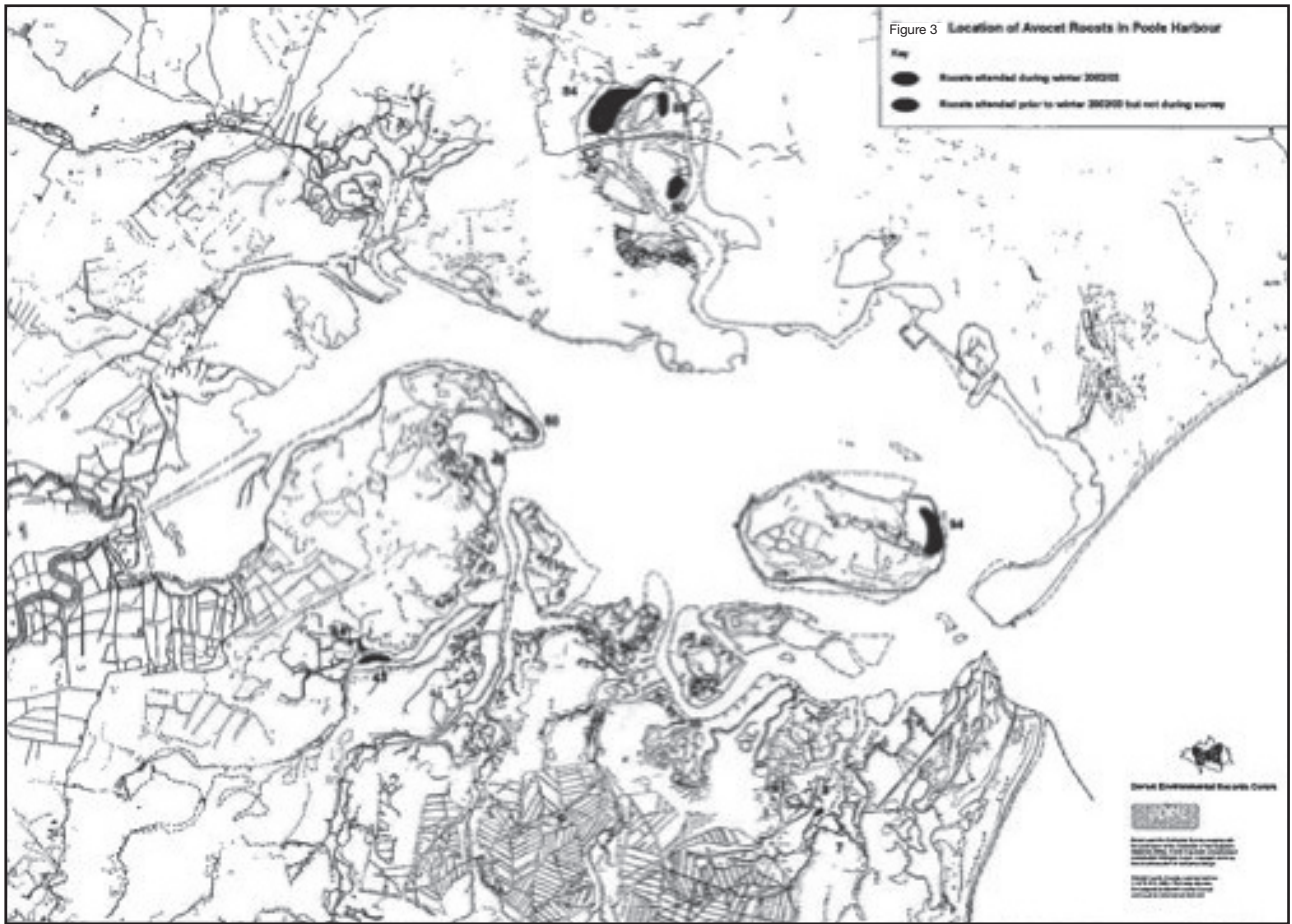


Figure 3: Location of Avocet Roosts in Poole Harbour (Morrison, 2004)



Figure 4: Location of Black Tailed Godwit Roosts in Poole Harbour (Morrison, 2004)

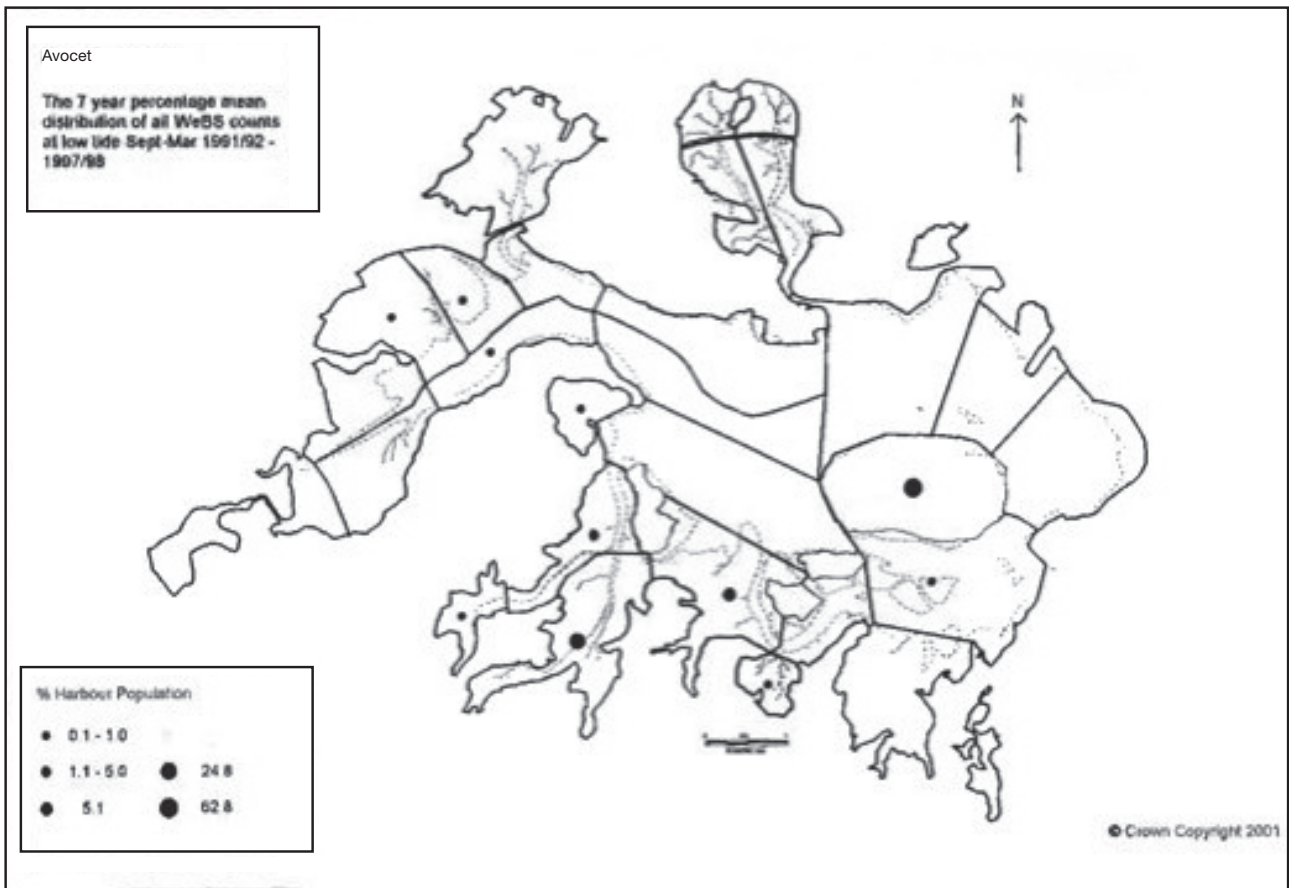


Figure 5: Distribution of feeding Avocet (7 year percentage mean distribution of all WeBs counts at low tide Sept-March 1991/92 – 1997/98) (Pickess & Day, 2002)

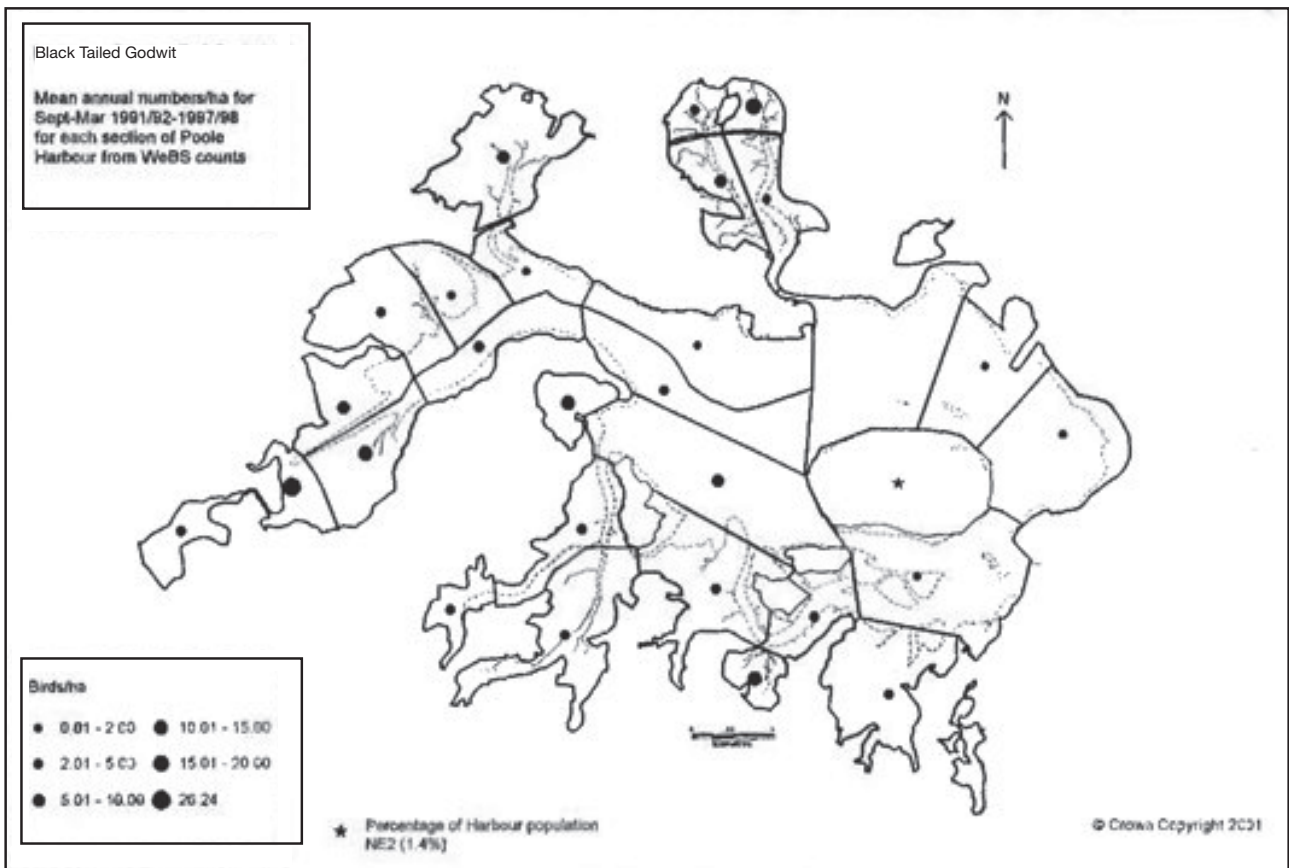


Figure 6: Distribution of feeding Black Tailed Godwit (7 year percentage mean distribution of all WeBs counts at low tide Sept-March 1991/92 – 1997/98) (Pickess & Day, 2002)

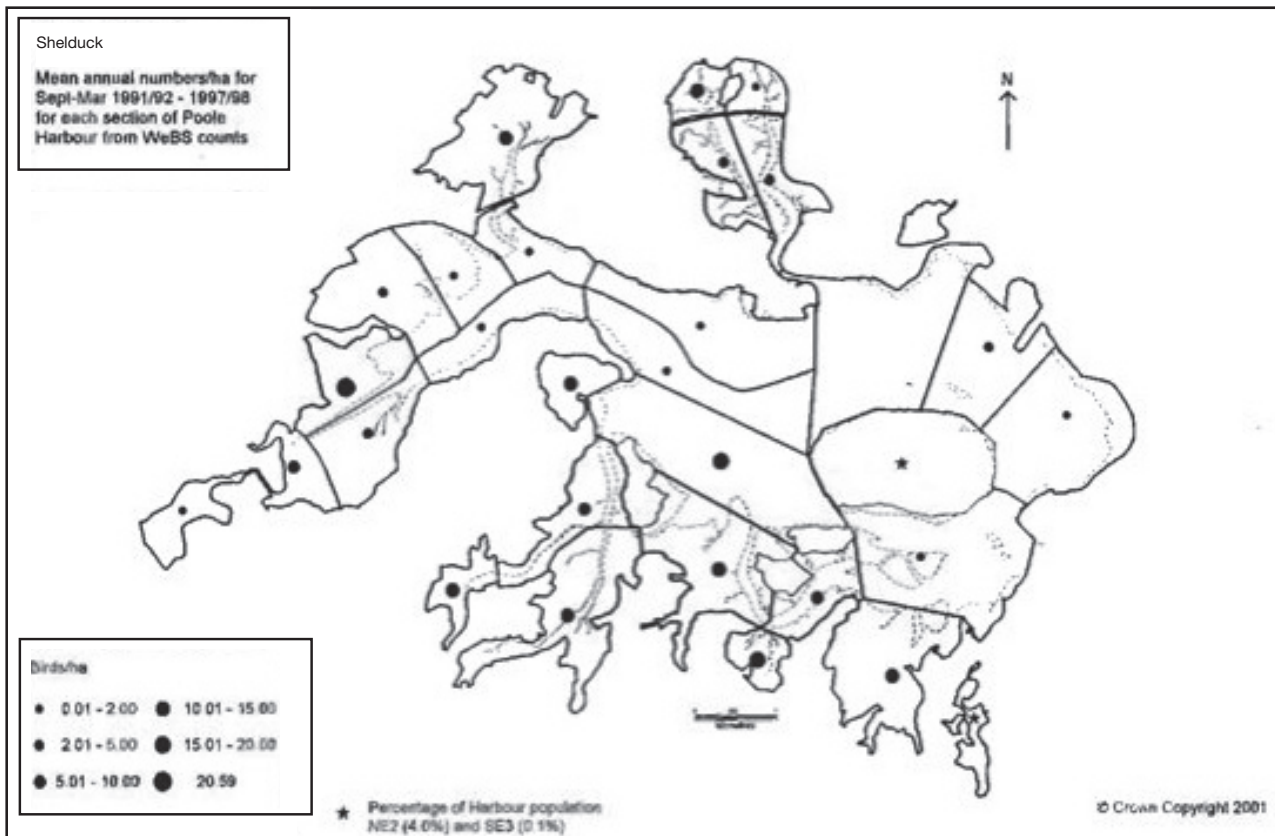


Figure 7: Distribution of feeding Shelduck (7 year percentage mean distribution of all WeBs counts at low tide Sept-March 1991/92 – 1997/98) (Pickess & Day, 2002)

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Appendix 6

Water Quality & Pollution: Legislation, Monitoring and Guidance.

There is a multitude of international and UK legislation relating to pollution. Some is generic and considers all aspects of pollution while other regulations and conventions are specific to the marine environment and shipping activities. The following outlines some of the key legislation that relates to the Harbour and the activities that take place either on its waters or along its shoreline.

Bathing Water Directive 76/160/EEC

The Bathing Water Directive concerning the quality of bathing water, protects the environment and public health of bathing waters, by reducing pollution entering identified bathing areas. The Directive contains standards for nineteen microbiological, physical and chemical parameters to assess bathing water quality, but compliance is assessed mainly by standards for bacteria found in sewage, (total and faecal coliforms). There are three sampling points in and around the Harbour at, Rockley Sands, Lake and Sandbanks and samples are collected 20 times per bathing water season (01 May to 30 September). Historically the waters of the Harbour have always met bathing water standards as detailed in the Directive.

Dangerous Substances Directive 76/464/EEC

The Dangerous Substances Directive on pollution by certain substances discharged in the aquatic environment protects the water environment by controlling discharges to rivers, estuaries and coastal waters. The Directive describes two lists of compounds. List 1 contains substances regarded as particularly dangerous because they are toxic, persist in the environment and bioaccumulate. List 2 contains substances which are considered to be less dangerous but still have a harmful effect on the water environment.

The Environment Agency are responsible for authorising, limiting and monitoring dangerous substances in discharges.

Environmental Protection Act, 1990

This is the key piece of environmental legislation and was designed with wide ranging powers and is responsible for many innovations in environmental protection. The main relevant sections are Part I on integrated pollution control and Local Authority Air Pollution Control, Part II which covers waste on land and Part III which covers statutory nuisances and clean air.

The International Convention for the Control and Management of Ships' Ballast Water and Sediments, 1994

This legislation seeks to regulate the transfer of ballast water to prevent the introduction of non-indigenous species and harmful pathogens. It details where ballast water can be transferred and sets timescales for the introduction of management technology and the development of guidelines.

MARPOL

The International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) provides an international framework on how pollution from shipping should be regulated. It applies to all UK ships and ships in UK territorial waters, including fishing vessels, passenger ferries, small craft and yachts, harbour authorities and terminal operators. It governs the design and equipment of ships, establishes systems of certificates and inspections and the requirements of ports to provide reception facilities for the disposal of oily waste and chemicals. It covers all the technical aspects of pollution from ships which are detailed in six specific annexes.

- Annex I – Pollution by Oil
- Annex II – Pollution by Noxious Liquid Substances
- Annex III – Pollution by Harmful Substances in Packaged Form
- Annex IV – Pollution by Sewage from Ships
- Annex V – Pollution by Garbage from Ships
- Annex VI – Prevention of Air Pollution from Ships

The Merchant Shipping (Pollution) Act, 2006

This is a wide-ranging act, but it seeks to regulate discharge from ships and also attempts to ensure the speedy compensation to those affected by oil spills. It also covers air pollution from ships and brings into UK legislation the regulations introduced by the MARPOL convention.

The Merchant Shipping and Vessels Regulations, 2003

The Merchant Shipping and Vessels (Port Waste Reception Facilities) Regulations 2003 implements EC Directive 2000/59/EC on port reception facilities for ship generated waste and cargo residues. They provide a mechanism for landing shipping waste for appropriate disposal and prevent it from being disposed of at sea. This legislation controls the landing of waste and the provision of appropriate facilities. In compliance with this regulation Poole Harbour Commissioners have produced a Port Waste Management Plan that aims:

- To ensure that sufficient and appropriate facilities are readily available to receive waste materials from vessels using the port and to dispose of all waste in a timely and correct manner.

National Marine Monitoring Programme - NMMP2

Two sites within the Harbour are also sampled as part of the National Marine Monitoring Programme which seeks to identify trends in physical, chemical and biological variables at certain coastal and estuarine sites around the UK. Water samples are collected quarterly for oyster embryo analysis, while sediment, seaweed, shellfish and fish tissue samples are collected annually.

Nitrates Directive 91/67/EEC

The Nitrates Directive is an environmental measure designed to reduce water pollution by nitrate from agricultural sources and to prevent such pollution occurring in the future. Poole Harbour was classified a Nitrate Vulnerable Zone (NVZ) but initiatives such as catchment sensitive farming will seek to minimise inputs of nitrates from agricultural land.

Shellfish Hygiene Directive 91/492/EEC

The Shellfish Hygiene Directive “laying down the health conditions for the production and the placing on the market of live bivalve molluscs”, protects the public health of consumers of live bivalve molluscs such as clams, cockles and mussels. It classifies bivalve mollusc shellfish harvesting areas into four categories according to the concentrations of bacteria found in the shellfish flesh.

Shellfish Waters Directive 79/923/EEC

The Directive on the quality of shellfish waters protects shellfish populations (defined as bivalve and gastropod molluscs) from harm caused by pollution. This Directive specifies quality standards of waters supporting shellfish populations. Samples are currently collected monthly at sites within the Harbour and in Poole Bay.

Urban Waste Water Treatment Directive 98/05/EEC

The EC Directive concerning urban wastewater treatment specifies minimum standards for levels of sewage treatment and collection systems. The Directive specifies secondary treatment for all discharges serving population equivalents greater than 2,000 to inland waters and estuaries and those greater than 10,000 to coastal waters. Although STWs that discharge into the Harbour are managed by Wessex Water Services Ltd, the Environment Agency are responsible for ensuring that discharges receive the level of treatment specified in the Directive. Poole Harbour is classified as

a sensitive area due to the size of the population serviced by the STWs and also its propensity for eutrophication. As such discharges are treated to a higher standard for nitrates and phosphates than waters in less sensitive areas.

Routine monitoring and reporting is carried out by Wessex Water in accordance with strict Environment Agency requirements.

Water Resources Act, 1991

This is the main piece of legislation relating to water pollution. Under this Act it is an offence to allow any polluting, poisonous or noxious material (including solid waste matter) to enter a “controlled water”, without a consent or outside of the terms of the consent issued by the Environment Agency. Controlled waters are defined as virtually all fresh and saline natural waters out to 3 miles. All discharges >5m³/day are monitored by the Environment Agency on set frequencies (dependant on flow) against the numeric conditions in the discharge consent.

Pollution Prevention Guidance (PPG)

The Environment Agency produce a series of Pollution Prevention Guidance notes many of which address pollution issues which affect the Harbour. All are available on their website but some of the key ones are as follows.

- PPG01 – General Guide to Water Pollution Prevention – An introduction to pollution prevention and guidance notes on this subject
- PPG08 – Storage and Disposal of Used Oils – Guidance to all those who handle, use and store oil from recreational users to commercial operators.
- PPG14 - Marinas and Craft - Guidance to users of powered craft, operators of boating support facilities and general recreational users. It covers topics such as storage and disposal of fuels and oils both on craft and at marinas as well as offering guidance on application and removal of antifouling paints. Management of waste and sewage is also covered both at marinas and on board vessels.
- PPG21 – Pollution Incident Response Planning - Guidance to assist in the development of site-specific pollution incident response plans to prevent and mitigate damage to the water environment caused by accidents such as spillages and fires. (Section 8)

Appendix 7

Maritime Archaeology: Legislation and Guidance

Dorset Coast Forum Coastal and Maritime Archaeology Topic Paper (1998)

This topic paper summarises the status of coastal and maritime archaeology in Dorset at that time and its interaction with other coastal activities.

English Heritage Guidance, Coastal Defence and the Historic Environment (2003)

This guidance provides advice on the implications of coastal and flood defence for the historic environment to those involved in coastal planning and coastal defence and to local authority historic environment officers. It sets out how the protection of historic remains can be fully integrated within the shoreline management planning process including implications of managed realignment and provides guidance on appropriate responses.

English Heritage, Ports: the impact of development on the maritime historic environment (2006)

This policy statement is intended to inform developers and others about the importance and relevance of the historic environment in relation to ports, and how it must be taken into account in development proposals. It focuses mainly on the marine aspect of new developments, but also touches on the development of existing ports and inland impacts of development, and gives pointers to useful policy documents to inform these aspects.

JNAPC Code of Practice for Seabed Development (2006)

The code produced by the Joint Nautical Archaeology Policy Committee (JNAPC) presents an overview of procedures for consultation and co-operation between seabed developers and marine archaeologists. It describes relationships that will ensure a best practice model for development both within and outside the remit of the formal Environmental Impact Assessment (EIA) process.

Marine Aggregate Extraction and the Historic Environment (2003)

This document was produced by English Heritage and the British Marine Aggregate Producers Association (BMAPA) and looks to provide practical guidance on evaluating, assessing, mitigating and monitoring the impacts of aggregate dredging on the marine historic environment. Although it is aimed at the marine aggregate industry, the principles it promotes can be applied to any seabed development.

Merchant Shipping Act, 1995

The ownership of underwater finds that turn out to be from a wreck is decided by procedures set out in this act. Wreck includes a ship, aircraft or hovercraft, parts of these, their cargo and equipment. All possible wreck must be reported to the Receiver of Wreck, part of the Maritime and Coastguard Agency. The Receiver will then investigate the ownership of the items and determine any salvage award.

Planning Policy Guidance: Archaeology and Planning (PPG 16, 1990)

This government guidance note advises that the preservation of archaeological remains should be a material consideration within the planning process for any development. PPG 16 promotes a policy in favour of physical preservation of nationally important archaeological remains. However where preservation is not an appropriate option, it states that a developer should take appropriate measures for excavation and recording.

Protection of Wrecks Act, 1973

Under this act, wrecks and wreckage of archaeological, historical or artistic importance can be protected by way of designation. It is an offence to carry out certain activities in a defined area surrounding a designated wreck unless a license for those activities has been obtained from the Government. Under this act it is possible to designate a wreck in an emergency at very short notice as demonstrated by the Swash Channel wreck.

Appendix 8

Lead Competent Authorities for Assessments of Plans or Projects That May Affect The Poole Harbour Special Protection Area (SPA)

Competent Authorities, as defined in Regulation 6(1) of the Habitats Regulations, are required to determine whether a plan or project is likely to have a significant effect. In order to do this the competent authority may require applicants to provide additional information pertinent to that assessment. To avoid unnecessary delays the applicant should be directed to a single lead authority at the earliest opportunity. The lead authority will then advise the applicant on what authorisations and what supporting information will be required. Where an Appropriate Assessment (under Regulation 48 of the Habitats Regulations) is deemed necessary then this will normally be based on the supporting information already requested and will be undertaken independently by the competent authority(ies) concerned.

The current paper sets out the competent authority that would normally be expected to act as the lead authority in respect to different categories of plans and projects that may affect the Poole Harbour SPA, however there may be exceptions that will be dealt with differently.

Lead Competent Authority					
	Environment Agency	Planning Authority	Poole Harbour Commissioners	DEFRA	Notes
Land claim (Reclaim from the sea)			✓		
Construction/alteration of slipways, jetties, marinas, pontoons below HW			✓		
Other development Below HW			✓		
Laying moorings			✓		
Coastal protection & Flood Defence Above HW		✓			
Coastal protection & Flood Defence Below HW			✓		
Dredging Activities			✓		
Disposal of dredge spoil into the sea				✓	
Disposal of dredge spoil onto land	✓	✓			Depending on Quantity
Foreshore recharge/Beneficial use of Dredgings			✓		
Discharge / Abstraction Applications	✓				
Land Based Development Requiring Planning Permission		✓			
Water based recreational activities			✓		

Notes:

- Where a major plan / project will involve a number of the above items the relevant Authorities will meet at an early stage to agree between them who will act as the Lead Competent Authority for that plan / project.
- Plans / projects / activities covered by the Poole Harbour SSSI Operations Likely to Damage (OLDs) or the Regulation 33(2) of the Habitats Regulations will require written consent from English Nature.

DTLR are willing to act as the lead authority where applicants require FEPA / Coast Protection Act licences. Normally this offer would only be accepted where there may be issues of overriding public interest.

Appendix 9

Abbreviations and Glossary of Terms

Please refer to Appendix 4 for abbreviations relating to conservation designations

Algal Mat: A layer of algae usually filamentous on marine soft bottoms.

AMP 4: Asset Management Plan, produced by Wessex Water.

Annex 1 Bird Species: Species listed in Annex 1 of the Birds Directive that are in danger of extinction, rare or vulnerable.

Annex 1 Habitats: A natural habitat listed in Annex 1 of the Habitats Directive for which Special Areas of Conservation can be selected.

BASC: British Association for Shooting and Conservation

Benthic/Benthos: Those organisms attached to, or living on, in or near, the seabed, including that part which is exposed by tides.

Bioaccumulation: The accumulation of a substance, such as a toxic chemical, in various tissues of a living organism.

CEFAS: Centre for Environment, Fisheries and Aquaculture Science.

Competent Authority: The Term 'Competent Authorities' includes any statutory body or public office exercising legislative powers, whether on land or sea.

Conservancy: Activities such as dredging and marking of navigation channels, required to maintain safe access to the Harbour.

CROW: Countryside and Rights of Way Act 2000

DEFRA: Department for Environment Food and Rural Affairs

EIA: Environmental Impact Assessment

Eutrophication: This is a process whereby water bodies receive excess nutrients that stimulate excessive plant growth, often called an algal bloom. This can reduce dissolved oxygen in the water when dead plant material decomposes and can cause other organisms to die.

Habitats Directive: The abbreviated term of Council directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora. Its aim is to promote the conservation of certain habitats and species within the European Union.

Interest Feature: A natural or semi-natural feature for which a European site has been selected.

Intertidal: The region between the high tide mark and the low tide mark.

MCA: Maritime and Coastguard Agency

MCEU: The Marine Consents and Environment Unit is an alliance between the Department for the Environment, Food and Rural Affairs (DEFRA) marine environment branch and the Department for Transport (DfT) ports division.

Natura 2000 Sites: The European network of protected sites established under the Birds Directive and the Habitats Directive.

Plan or Project: Any proposed development that is within a relevant authority's function to control, or over which a competent authority has a statutory function to decide on applications for consents, authorisations, licences or permissions.

PPG's: Planning Policy Guidance notes (PPGs) set out Government policy on different aspects of planning in the UK. They provide guidance for local authority development plans and inform decisions relating to planning applications and appeals. The Environment Agency have also produced a series of Pollution Prevention Guidance notes also known as PPG's.

PW: Personal Watercraft (also known as Jet Skis and water bikes)

Relevant Authority: 'Relevant Authorities' are those competent authorities who are already involved in some form of relevant regulatory function and would therefore be directly involved in the management of a marine site.

Ro-Ro Freight: Roll on Roll off of cars and lorries from ferries.

SMP: Shoreline Management Plan.

STW: Sewage Treatment Works.

Turbidity: A measure of water cloudiness caused by the amount of suspended matter in the water

UKBAP Priority Habitat: United Kingdom Biodiversity Action Plan Priority Habitat.

UV: Ultra Violet.

WEBS: Wetland Bird Survey: a collaborative national surveillance scheme of the UK's waterfowl, based on counts undertaken once per month outside of the breeding season.

Appendix 10

Supporting Documents and Sources of Further Information

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Appendix 11

Poole Harbour Steering Group Contacts

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Dorset
DT1 1XJ
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Fax: 01305 225132
Website: www.dorsetforyou.com

Natural England (English Nature)
Slepe Farm
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Wareham
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Tel: 01929 556688
Fax: 01929 554752
Website: www.naturalengland.org.uk

Environment Agency
Rivers House
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DT11 8ST
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Fax: 01258 455998
Pollution Hotline: 0800 807060
Website: www.environment-agency.gov.uk

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