

Environmental responsibilities of the River Hamble Harbour Authority

Briefing to the Management Committee

14 March 2014

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1. What is important?

- A complex arrangement of habitats, species and an estuarine system all protected under legislation

2. What responsibility does RHHA have?

- A wide variety of legal duties towards the environment



What is important?

Within RHHA's jurisdiction:

- Habitats and species protected under International and National legislation
- Habitats and species protected a local level
- Important estuarine waterbody
- Historic environment



All of the estuary & much of intertidal area is designated for nature conservation

International ('Natura 2000'):

- Solent Maritime Special Area of Conservation (SAC)
- Solent & Southampton Water Special Protection Area (SPA)
- Ramsar Site

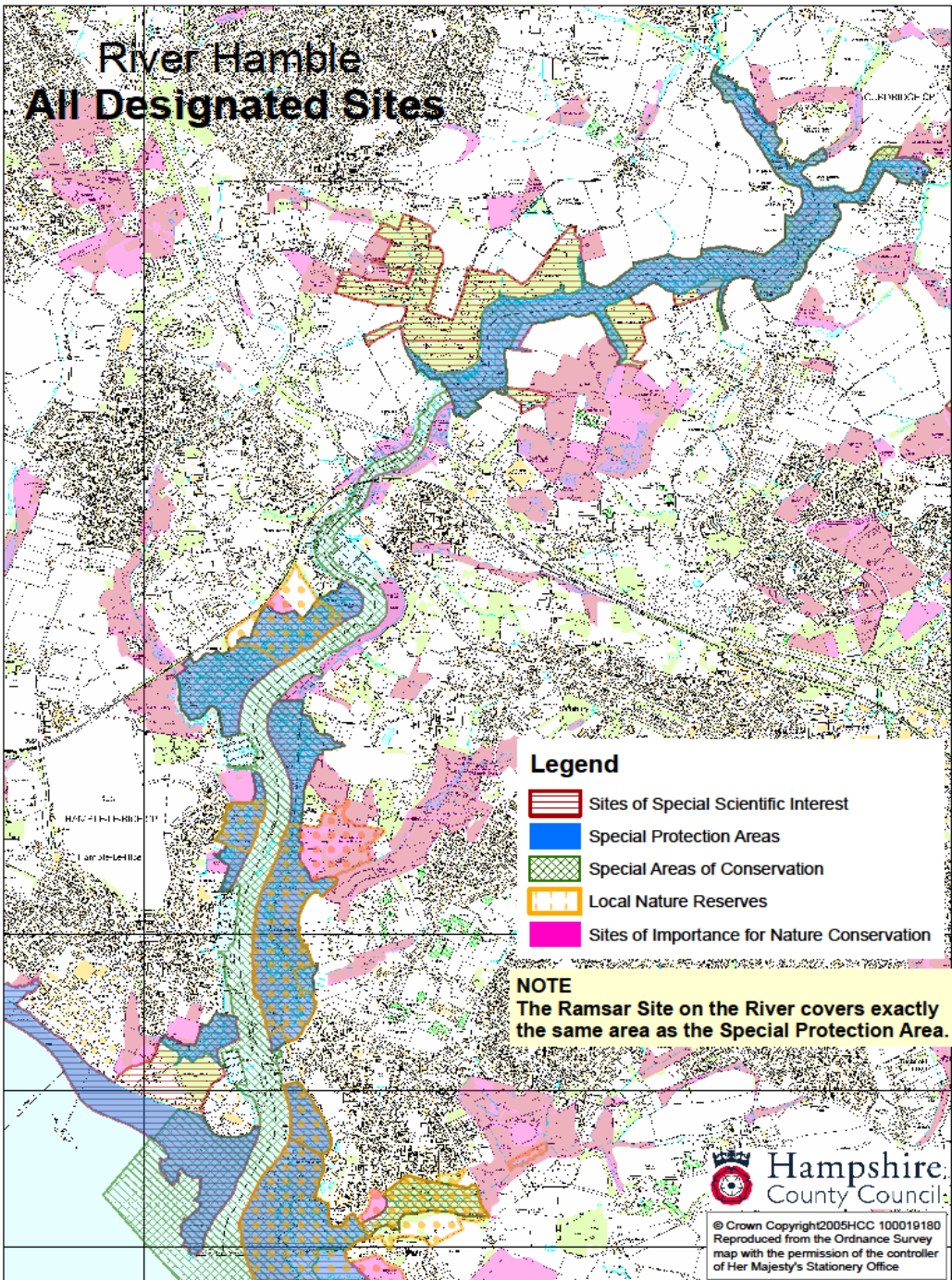
Coastal plain estuary – unique hydrographic regime and complex habitats

Smooth cord-grass - only UK site where (*Spartina alterniflora*) is found

Atlantic salt meadows – one of largest largest aggregation in S England

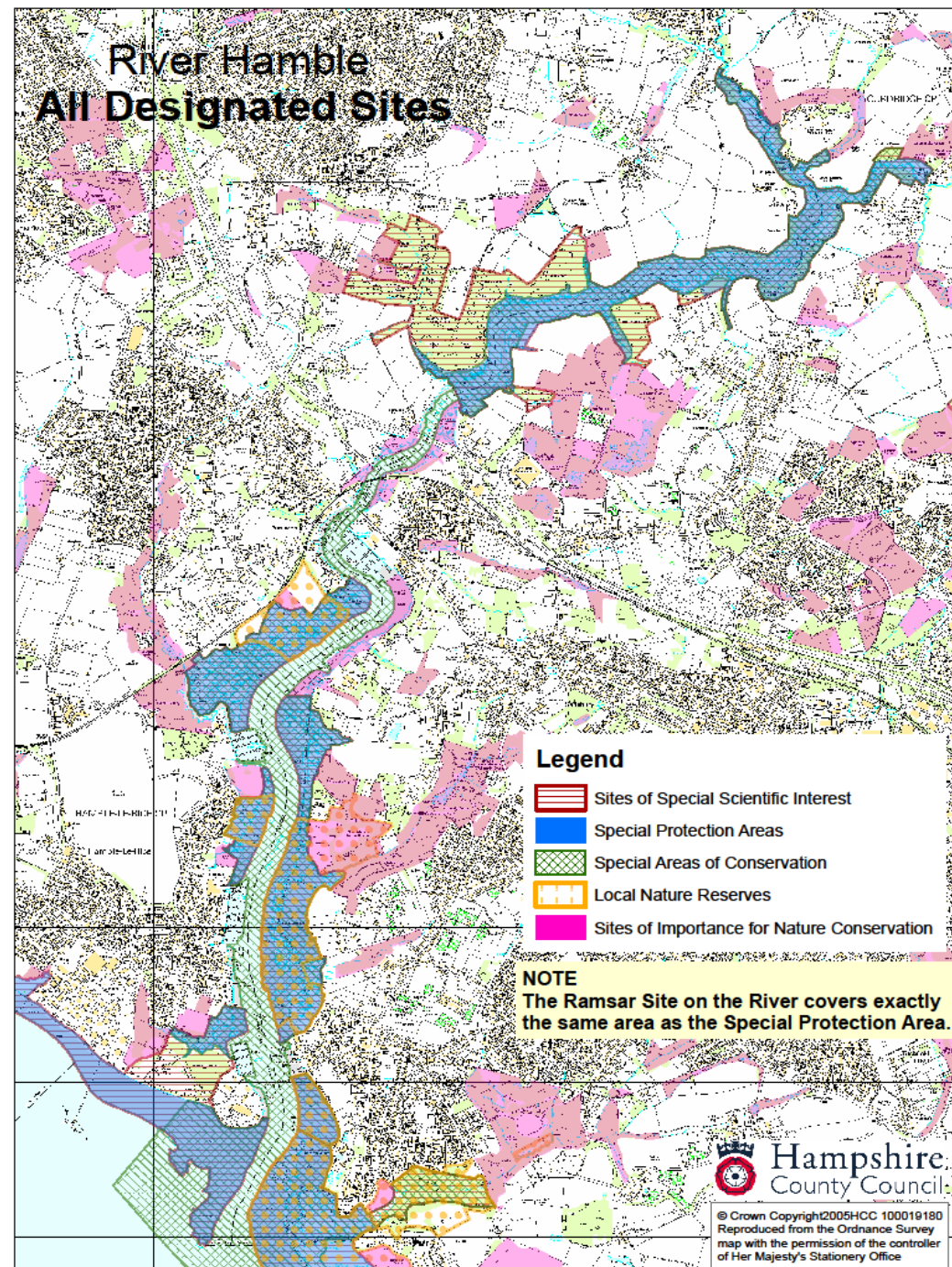
Internationally important numbers of breeding birds and of over-wintering bird species as well as total numbers (>20,000 waterfowl incl. significant nos. of brent geese, teal, ringed plover, terns, black tailed godwit).

Contains threatened invertebrates species and plant species.



National:

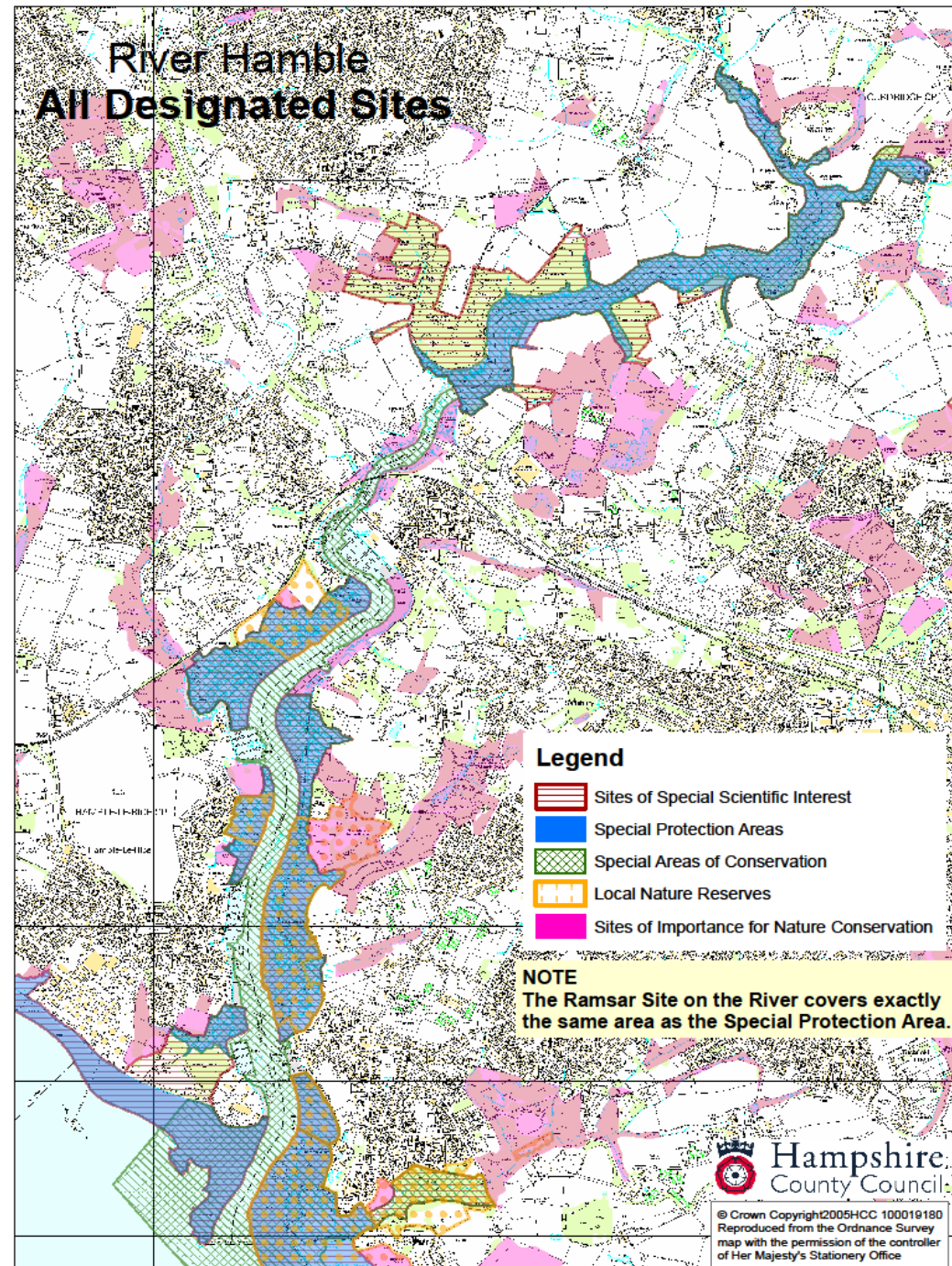
- **3 x Sites of Special Scientific Interest**
- Important habitats - Intertidal muds, saltmarsh, shingle, reedbed, marshy grassland and deciduous woodland
- Species of wildfowl and waders: e.g. dark bellied brent geese, great-crested grebe, teal, widgeon, Black tailed godwit, Dunlin, Redshank
- Assemblage of nationally scarce coastal plants
- High populations of invertebrates in intertidal mud – largest remaining British population of hard clam shell *Mercenaria mercenaria*
- Structurally the Lincegrove and Hacketts marshes are one of the best examples of mature saltmarsh on the south coast.



Local sites:

- Local Nature Reserves (LNR)
 - Locally important areas for wildlife, geology, education or public enjoyment. Often part of SSSI.
 - e.g. Hook with Warsash LNR, Mercury Marshes LNR

- Sites of Importance for Nature Conservation (SINC)
 - Generally cover smaller areas of saltmarsh not already covered by SSSI. These receive protection from development through policies in the local land use plans.



Not only nature conservation but also....

- Water quality
- Historic wrecks and features
- Small shellfish bed
- Bass nursery & migrating salmonids

What responsibility does RHHa have?

- Duty to comply with all environmental legislation
- General legal duties as a statutory body/competent authority
- Specific duties as a Harbour Authority

Failure to comply will result in legal challenge and enforcement action, and potentially environmental damage.



General legal duties as a statutory body/competent authority

For ANY work managing the river, be it own activities or those we permit of others (incl. determining Harbour Works consent):

– Have **regard for conservation of biodiversity** in the undertaking of our activities. (NERC Act 2006: Section 40)

–**Protect water quality** – is an offence to cause /knowingly permit discharge of polluting substances, or to impact the water quality such that it would result in the alteration of the Classification of shellfish beds. (Various laws)

–“Take reasonable steps, consistent with the proper exercise of our functions, to further the **conservation and enhancement of SSSIs**”. (Wildlife and Countryside Act 1981)

–For SSSIs, must **consult Natural England** for advice before licensing others or undertaking works ourselves (if no other license/consent required e.g. Marine License). (Wildlife and Countryside Act 1981)

–General duty, in the exercise of any of our functions, to have **regard to the EC Habitats Directive (Reg3(4))** and **consult Natural England** with regard to Likely Significant Effect (and if appropriate, undertake an Appropriate Assessment). (Conservation of Habitats and Species Regulations 2010). Also part of SEMS Management Group.

Specific duties as a Harbour Authority:

- Legally required to have an '**Oil Spill Contingency Plan**', qualified staff, appropriate equipment, undertake exercise & annual reports to MCA (Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998, SI 1998 No. 1056)
- Legal requirement to produce a '**Port Waste Management Plan**' to ensure sufficient facilities in the Harbour (Merchant Shipping (Port Waste Reception facilities) Regulations 2003)
- Responsible for the provision of appropriate **Waste Disposal Facilities** for RHHA waste and any waste left by our visiting yachts (Environment Protection Act 1990, Hazardous Waste (England and Wales) Regulations 2005, Animal By-Products Regulation (Regulation (EC) No 1774/2002)
- Production of a **Baseline Document** for maintenance dredging activities within a Natura 2000 site (Maintenance Dredge Protocol)
- A HA will discharge its duties in respect to protection of the environment within the harbour, and ensure environmental awareness of employees (Port Marine Safety Code)
- General duty to exercise functions with regard to nature conservation and other related environmental considerations. (Harbours Act 1964: Section 48A)

Working with others...

RHHA is one of many organisations with a role towards the Hamble's environment within our jurisdiction to MHW.

- **Natural England, Hampshire Wildlife Trust** - Nature Conservation Management and Monitoring
- **Environment Agency** – water quality, migratory fish, flood management
- **Inshore Fisheries & Conservation Authority (IFCA)** – Inshore sea fisheries
- **Marine Management Organisation** - Marine Plans & Licences
- **Local Authorities** – Planning policy and permissions, SINC management, biodiversity action plans, coastal flood and erosion
- **English Heritage, Maritime Archaeology Trust** – Historic environment
- **The Green Blue** – Environmental best practice for boating
- **Volunteer groups** - environmental improvements
- **Hamble Estuary Partnership** (combination of above and others)

.....AND.....External plans, initiatives & policies:

- Marine Plans
- ABP Southampton Channel Capital Dredge
- Government consultations on changes to legislation

RHHA must engage with all the above if these are likely to influence how the Harbour is managed, maintained or improved.

Summary

- Hamble has a variety of features of environmental importance
- RHHHA has legal duties associated with these, as do other authorities.
- RHHHA, along with other organisations, must ensure we continue to recognise the environmental value of the Hamble Estuary, and protect it at an appropriate level through the activities we undertake and those we permit of others.



Thank you

