

Guidance Notes for a Works Licence and Application Form – October 2017

1. The Chichester Harbour Conservancy Act 1971 (Sections 45, 47 and 48) makes it an offence for any person to construct, alter, renew or extend any works on, under or over tidal waters or tidal lands below the level of Mean High-Water Springs in Chichester Harbour unless licensed to do so by the Conservancy.

The only exceptions are works specifically authorised by an Act of Parliament or the renewal of works which were in place on 1st August 1970.

2. Anyone who carries out works without the Conservancy's approval, or who fails to comply with any terms or conditions of that approval, is guilty of an offence and liable to a fine. Moreover, the Conservancy may require the removal of the works, and ultimately may carry out removal of the works themselves and recover the cost of doing so from the persons concerned.
3. Applications for works licences must be made in writing to the Conservancy and must include any plans, sections and drawings necessary to illustrate the works. The Conservancy reserves the right to impose terms and conditions or require modifications to the works before granting the licence.
4. If you are considering carrying out works in the Harbour, you are advised to contact the Director & Harbour Master at an early stage to discuss your proposals. He will be able to give you a general indication of what is likely to be acceptable, taking into account the effect on the conservation and amenity value of the Harbour and its surroundings, and navigation. The final decision will be taken by the Conservancy, following consultation with its Advisory Committee.
5. The Conservancy requires applications for works licences to confirm that the works either have, or do not require, planning permission. It is, therefore, in your interests to contact the local planning authority to discuss your proposals and the possible need for planning permission.
6. A licence from the Conservancy does not entitle you to carry out works on another person's property without their permission. The bed of the Harbour, the foreshore and the channels are owned by a wide range of individuals and organisations, and you must have the appropriate landowner's permission.
7. In addition to the Conservancy's permission, works in the Harbour may require permission from other organisations, such as Natural England and the Marine Management Organisation.

Natural England consent

The whole of the area below the high water mark has been declared a Site of Special Scientific Interest (SSSI) under the Wildlife and Countryside Act 1981, **and consent is required from Natural England for activities in this area which might affect its environmental or scientific value.**

All Natural England consents and assent applications are processed via the regional hub Land Management Support (South) lmss@naturalengland.org.uk

Their website states the following:

You could get an unlimited fine for an offence under the Wildlife and Countryside Act if you carry out or permit someone else to carry out a controlled activity on an SSSI without Natural England's permission. You could also have to pay to repair any damage to the site.

www.gov.uk/guidance/protected-areas-sites-of-special-scientific-interest

Marine licensing

The Marine Management Organisation (MMO) is responsible for marine licensing in English inshore and offshore areas, and for Welsh and Northern Ireland offshore areas. Provisions for marine licensing are in Part 4 of the Act.

All works below Mean High Water Springs (MHWS) will require approval from the MMO under the Marine and Coastal Access Act 2009 (MCAA 2009).

Advice and information is available under the [Marine licences](#) section of the MMO website www.marinemangement.org.uk Advice is free of charge for the first two hours, after which a fee may be payable – please refer to the section on [Marine licensing fees](#).

You can telephone 0191 376 2791 for general enquiries or send an email to: marine.consents@marinemangement.org.uk.

You can also write to their Head Office at Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH.

8. You should send your completed Works Licence application form, together with two copies of the plans and drawings etc and the correct fee to the Director & Harbour Master at the Harbour Office, Itchenor, West Sussex PO20 7AW. He will advise you whether he is prepared to recommend that the Conservancy approve your application (and, if so, whether any conditions are to be imposed), or whether he recommends that it be refused (see paragraph 4. above).

The application will then be considered by the Advisory Committee and the Conservancy at their next quarterly meeting, and you will be notified of the decision shortly afterwards.

9. If the Conservancy has not granted a licence within three months from the date of submitting your application, it is deemed to have refused your application.

10. If you are aggrieved by the decision of the Conservancy to:

- (1) refuse your application; or
- (2) impose any terms or conditions on the licence; or
- (3) require any modification in the plans or drawings

you may appeal in writing to the MMO at the address shown in paragraph 7. above within 28 days of being notified (or within 28 days of the date on which the Conservancy is deemed to have refused your application under paragraph 10. above). You can also send an email with details of your appeal to: marine.consents@marinemangement.org.uk

11. The application fee for a Conservancy Works Licence is as follows:

- £150 + VAT for charities and Sailing Clubs
- £400 + VAT for private individuals and commercial organisations

12. If you have any difficulties in completing your application form, or you require clarification on any of the matters above, please speak to the Director & Harbour Master in the first instance.

Please note:

If a Works Licence is granted, it will only apply to the works detailed in your application.

You must inform the Director & Harbour Master of any changes immediately, however minor, and this may result in you requiring a new Works Licence. Changes may also have implications for consents from other organisations, such as the Local Planning Authority, Natural England and the Marine Management Organisation: if in doubt, please check.

You must inform the Director & Harbour Master when the works commence and when they are completed. Conservancy Officers will inspect completed works to ensure compliance with the Works Licence.

Chichester Harbour Conservancy

Chichester Harbour Conservancy Act 1971 (Sections 45, 47 and 48)

Application for a Works Licence

(Please use additional sheets if necessary)

1. Name, address, email and telephone number of applicant:

2. Name, address, email and telephone number of person making the application, if different from above:

3. Name, address, email and telephone number of landowner if different from above:

4. Full address and location of application site:

5. Full description of works proposed:

- (a) Description (please include drawings, maps, plans as appropriate):

- (b) Materials to be used

(c) Method of construction

(e) Plant to be used (such as pile driving equipment, excavators etc)

(f) State whether works will require the removal, dredging or disturbance of mudland, the quantities involved and the proposed method of disposal

6. State whether or not planning permission is required for these works, and if consent has been given, state the date and application number of the permission

Signed Date

Recommendation of Director & Harbour Master

Conservancy meeting Fee required

Recommend (delete as appropriate) Approval Refusal

Recommend approval subject to following conditions:

Signed Date

Director & Harbour Master