

HAMPSHIRE COUNTY COUNCIL

Report

Committee	River Hamble Harbour Board
Date:	2 December 2011
Title:	Marine Director's Current Issues
Reference:	3349
Report From:	Director of Culture, Communities and Business Services

Contact name: David Evans

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1. Summary

- 1.1. This report provides an update on progress with the four previously agreed Asset Enhancement projects. It also provides a detailed analysis of the arrangements for collecting Harbour dues from the various categories of vessel which use the harbour.

2. Asset Enhancement programme - update

- 2.1. **Project 1: Improved safety signage on public slipways.** This project is progressing well. Sourcing of appropriate chartlets to display on each new sign has taken longer than anticipated but these are now complete. Detailed layout work and costings for the signs are now being progressed. It is anticipated that they will be in place for the 2012 season.
- 2.2. **Project 2: Tender storage and associated jetties and access, including improved disabled access:** As directed by the Harbour Board at its meeting on 8 April 2011, Eastleigh Borough Council was asked for a pre-application opinion on the proposal to extend the Hamble Jetty and, separately, to provide additional tender storage facilities on the Hamble Jetty. Eastleigh Borough Council's response was received on 19 October 2011 and is reproduced in full at Appendix 1. In summary, the advice discourages the Harbour Authority from seeking planning approval for the tender storage facilities, but it is possible that approval will be given to an application to extend the Hamble Jetty, provided that concerns over navigational safety, ease of navigation and the impact on the adjoining Royal Southern Yacht Club can be adequately addressed. Pre-application advice from Fareham Borough Council for the proposed tender storage facility on the Warsash Jetty is at Appendix 2. The advice indicates that planning approval should not present significant difficulties but, at an

estimated £35,000 in order to accommodate an extra 10 tenders, members may wish to consider whether this proposal is truly cost effective.

2.3. **Project 3: An expansion of school and/or youth group visits to the River:** At its meeting on 28 January 2011, the Harbour Board agreed that further work should be carried out on the proposal to produce educational material that could be made available to school groups visiting the River, to use for their own requirements. As a result of some initial efforts to draft suitable material, it has become apparent that such specialist educational work is beyond the skills and experience of Harbour Office staff and that external help will be required to progress this project and link it to the national curriculum for the different age groups.

2.4. **Project 4: Funding for SSSI enhancements:**

a. Photographic survey of the banks: This work is now largely complete and the photographs have been geo-referenced to an interactive web-based map of the River which includes layers of other relevant data. It is hoped that the mapping can be made available to a wider audience, initially through Hampshire County Council's internal website and, in due course, through the internet (subject to security). If possible, the same map will form the basis of the multi-layered map of the River required to support the Strategic Vision.

b. Maritime archaeology leaflet: This has now been re-printed at Harbour Authority expense.

3. Collection of Harbour Dues

3.1. Several Harbour Board members have asked, informally, for a full analysis of the arrangements for collecting Harbour Dues from the various categories of vessel which use the harbour, setting out any difficulties or shortcomings with the current system.

3.2. The analysis is at Appendix 3.

4. Staffing issues

4.1. The staffing structure of the manning of the Harbour Office was changed in 2010, primarily as a result of recommendations by the Select Committee. Since then, the new arrangements have had the chance to settle down and the division of roles and responsibilities at the management levels within the new structure have been thoroughly tested in practice. The outcome of this is that some minor changes to the Role Profile for the Deputy Harbour Master/Harbour Operations Manager role were deemed necessary. As a result, the role has been re-assessed by a job evaluation panel and has been regraded from Hampshire County Council Grade F to Grade G.

5. Recommendation

5.1. **It is recommended that the River Hamble Harbour Board:**

- a. Agrees to submit a planning application for the proposed extension to Hamble Jetty.**
- b. Considers whether the proposed tender storage at Warsash Jetty is cost-effective.**
- c. Notes the remainder of this report.**

CORPORATE OR LEGAL INFORMATION:

Links to the Corporate Strategy

Hampshire safer and more secure for all:	yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	no
Corporate Improvement plan link number (if appropriate):	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

Integral Appendix B

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

- 1.1. A full Equalities Impact Assessment for the River Hamble Harbour Authority's compliance with the Port Marine Safety Code has been carried out and this report does not raise any issues not previously covered by that Assessment.

2. Impact on Crime and Disorder:

- 2.1. This report does not deal with any issues relating to crime and disorder.

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption? The contents of this report have no impact on carbon footprint or energy consumption
- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? Not applicable to this report.

Mr D Evans
Harbour Masters Office
Shore Road
Warsash
Hampshire
SO31 9FR

Development Control
My ref Q/11/68991 & Q/11/68992
Your ref
Please ask for Andy Grandfield
Direct dial 023 8068 8267
Hours of Work Mon-Thurs 9-5 Fri 9-4.30
e-mail andy.grandfield@eastleigh.gov.uk

19 October 2011

Without Prejudice

Dear Sir/Madam

Pre App Enquiry:

**Q/11/68991 Replacement of, and extension to, existing pontoon
Q/11/68992 Extension to existing pontoons and addition of floating platform to
provide dingy storage facilities
Hamble Harbour Masters Jetty, The Shore, Hamble-Le-Rice, Southampton, SO31
4HB**

I am writing further to the submission of two variations of a scheme to extend the existing Hamble Jetty. I am extremely sorry that I have not been able to provide you with detailed pre-application advice prior to this letter. Following a reduction in our resources earlier this year we have found maintaining our usually high level of customer service difficult, often having to prioritise statutory functions and fee paying services over other desirable non-fee paying services.

However, I have reviewed the two proposals and carried out consultation with other units and the Parish Council so I can provide the following response.

In accordance with the designations of the Eastleigh Borough Local Plan Review (2001 – 2011), the site falls outside of the urban edge and is within the Hamble-le-Rice Conservation Area. Your consultants have already identified the nature conservation designations associated with this site and I note that the Proposals Map identifies the extension to the existing jetty as falling within a mooring restriction area.

The relevant policies within the Local Plan are summarised as;

1. CO states development outside the urban edge is not permitted unless (ii) it is for a genuine outdoor recreational use. This proposal clearly falls within an outdoor

recreational use, so the principle of such development is acceptable subject to detailed consideration set out below.

18. CO states development that fails to respect or has and adverse impact on the intrinsic character of the landscape will be refused.

21. NC, 22.NC and 25.NC seek to protect European nature conservation sites, SSSIs and habitat or feature of importance for wild fauna and flora for inappropriate development.

32. ES seeks to prevent development that may generate water pollution. I would not expect the development to be harmful to the water quality.

The remaining relevant policies all seek to protect the character of the river, the conservation area and the use of the river by all interested parties.

36. ES seeks to prevent inappropriate or disturbing lighting.

39. ES seeks to prevent development in river corridors that (ii) adversely effects the scenic or ecological interest or (vi) jeopardises safety and ease of navigation of the river.

59. BE is a generic design policy that promotes good development in the right location.

155. OS restricts new moorings on the river within certain areas.

156. OS supports extensions to pontoons only when they are within existing boatyards or within built up areas of the river frontage and provided they do not impede the movement of craft along the river, or areas where there is currently public access.

169. LB is a generic policy that supports development in conservation areas provided it (i) preserves or enhances the conservation area and (vii) does not generate excessive traffic, car parking or cause detriment to the character of the local environment.

Nature Conservation

The two schemes do not result in a loss of intertidal mudflats but do require the replacement of some piles and provision of a new pile. The Council's biodiversity raises no objection to the scheme, but advises any application is supported by a biodiversity statement that systematically addresses all the nature conservation issue within this part of the Hamble. This should include good mitigation/methods of working and provides you good opportunity to promote best practice for development along the riverside. The views of statutory Agencies, Natural England and the Environment Agency, should be sought as well.

Moorings

Both proposals appear to increase the moorings in the restricted area. Whilst the supporting statement advises there would be 6no. additional berths, the plans indicate 10no. berths but with potential for further berths as vessels moor side-by-side. The RHHM will need to be satisfied the moorings do not exceed the 3,261 maximum.

Navigational Safety

The new pontoon projects in to the river by over 10m and would appear to have an impact on the navigation of vessels in to the adjoining pontoons at the RSYC. I note your comments regarding best practice requiring a minimum of 20m, but as part of the application process we would consult with the RSYC to ensure the pontoon did not cause operational issues to their members. The configuration of existing and proposed pontoons appears to restrict direct access in to the secondary channel currently available to the RSYC.

The proposed pontoon extension would result in vessels and small craft having to move closer to the centre of the river. During the appeal for linking the pontoons at Hamble Yacht Services, the Inspector was concerned about navigational safety for small craft moving closer to the busier centre of the channel. He also raised concerns over the loss of areas available for public use on the river. The development may not restrict public access, but I would need any application submitted to demonstrate the safety of other users of the river is not harmed. Engagement with other organisations that use the river would be extremely useful to ensure their enjoyment/safety is not compromised.

Character and Appearance

The nature of the river at this location is relatively open with vessels moored in within centrally within the river, unlike the boatyards on either side that have multiple pontoons and moorings. This open nature contributes the character and appearance of the conservation area and is significantly different to the appearance of the formal marinas. However, the jetty is within the built up river frontage by virtue of its village location and a small extension to the existing jetty would not significantly undermine this existing character of this part of the river.

I do have strong reservations about the dingy storage and the visual impact that this will have. Such storage arrangements are not a feature on this part of the built up river frontage and would be more commonly found within boatyards or commercial marinas. The supporting structures would be 1.8m high with dinghies presumably being taller than this once upright. I would discourage you from submitting a planning application with this element.

Furthermore, the provision of 30no. dinghies would undoubtedly increase visitors to the jetty, which in turn will put pressure on existing limited car parking provision within the village. The Head of Transportation and Engineering has raised concerns should the scheme impact on long term parking spaces available within the village. An application would need to demonstrate how the land based activities associated with the development i.e. parking, servicing, lighting would comply with the aforementioned policies.

I hope this advice is of assistance to you. However, should you have any queries, please do not hesitate to contact Andy Grandfield on the above number.

Yours faithfully

A handwritten signature in black ink, appearing to read 'C Thomas'.

Caroline Thomas
Head of Development Control

REFERENCE: [Q/0420/11](#)

ADDRESS: Harbour Masters Office Shore Road Warsash Hants SO31 9FR

DESCRIPTION: Proposed Construction Of Additional Pontoons

Dear Mr Evans,

Thank you for your planning enquiry regarding the above proposed development. I apologise for the delay in providing you with a response.

The works proposed appear to be fairly modest in scale and effectively comprise the extension and alteration of an existing pontoon to accommodate dinghy storage and more convenient access. I can confirm firstly that planning permission from the council should be sought for this development. Details of how to apply can be found at the council's website - www.fareham.gov.uk.

Your planning application would be considered in relation to the relevant policies of the borough development plan. Policy C7 (New Moorings) of the Fareham Borough Local Plan Review offers useful guidance in this instance.

Policy C7: New Moorings

New moorings will be permitted provided that:

(A) they are not located in the Mooring Restriction Areas:

- (i) Fareham Lake, other than at Upper Quay under Policy R8;*
- (ii) south of Warsash Sailing Club Jetty;*
- (iii) between Warsash Ferry and Hamble Village;*
- (iv) south of Crableck;*
- (v) south of Swanwick Public Hard; and*
- (vi) the Upper Hamble and Curbridge Creek.*

(B) the River Hamble Harbour Authority's limit on the total number of moorings is not exceeded; and

(C) there is no adverse impact on nature conservation and other environmental interests.

Since the proposed site falls outside of any designated Mooring Restriction Area part (A) of the policy would be satisfied as would, I presume, part (B) since the proposal is being put forward by the Harbour Authority. With regards part (C) of the policy I have sought advice from our Ecologist who has provided the following comments:

The site is within the Solent Maritime SAC and mudflat habitat. Any application will need to be submitted with ecological information to demonstrate that through construction and the operational phase the proposal will have no likely significant effect on this European designated site, or the nearby Solent and Southampton Water SPA and Ramsar (Lee-on Solent to Itchen Estuary SSSI), in particular birds associated with those sites.

Ecological information should address the current nature of the site, the impacts of the proposals, and any mitigation required to ensure the proposal's acceptability. This should address construction and operational impacts (including use of the pontoons

and aspects such as the proposed lighting). Natural England and the Environment Agency will need to be consulted and must be satisfied regarding the proposals. The applicant may wish to contact them directly for advice.

I have not consulted Natural England, the Environment Agency (EA) or the Maritime Management Organisation (MMO) since you have indicated to me when we spoke on the phone that you would be carrying out consultation with these bodies separately from your enquiries with the council. The only other advice I have sought is that of the council's Transport Development Control Officer on highway safety and parking provision matters. Given the modest scale of the proposal he has no concerns over any potential increase in vehicle movements to and from the site as a result or in regards to available parking provision.

To summarise, subject to the receipt of detailed ecological and environmental impact information with your application and the satisfactory response of our Ecologist and other statutory bodies in regards these details, I think it likely that officers would support this proposal with a recommendation that planning permission be granted. You will appreciate however that this is my informal opinion given without prejudice to a formal determination of your application once submitted.

If you would like to discuss this matter with me further please do not hesitate to contact me.

Kind regards,

Richard Wright
Planner (Development Management)
Fareham Borough Council
www.fareham.gov.uk
Tel: 01329 236100 x2356

Analysis of arrangements for collecting Harbour Dues

1. **Mid-stream Crown Estate moorings:** Paid annually in advance by individual mooring holders, direct to the Harbour Office (invoice date 1st October of the preceding year). Dues levied are based on the maximum size of boat which can be accommodated on each mooring. A 10% surcharge, over and above the basic rate of Harbour dues, is payable to cover the costs of invoicing on an individual basis, and dealing with bad debt. 100% collection rate. A 50% rebate is allowed for newly allocated moorings taken up after 1 July each year. Those who surrender moorings part way through the year receive a pro-rata refund of Harbour Dues from the date that the mooring is re-allocated.
2. **Mid-stream club and commercial moorings:** Paid *en bloc* annually by Clubs and commercial operators, direct to the Harbour Office (invoice date 1st January each year). Dues levied are based on the maximum size of boat which can be accommodated on each mooring. 100% collection rate. Refunds and rebates are a matter for the Club or commercial operator. The Harbour Authority does not refund Harbour Dues for moorings which are left empty for all or part of the year.
3. **Temporary licences for Crown Estate moorings (sub-lets):** Temporary licence fees include an element for Harbour Dues. 100% collection rate for sub-lets arranged through the Harbour Office. (Any sub-let of a Crown Estate mooring arranged without the approval of the Harbour Office constitutes a breach of The Crown Estate's mooring licence).
4. **Boatyards and marinas:** Paid *en bloc* annually by boatyards and marinas, direct to the Harbour Office (invoice date 1st January each year). 100% collection rate. Dues are levied on the basis of the maximum capacity of the boatyard or marina, calculated using a formula originally developed by The Yacht Harbours Association for a different purpose, but agreed and adopted for this purpose by the River Hamble Marina and Boatyard Operators Association. Refunds and rebates are a matter for the Club or commercial operator. The Harbour Authority does not refund Harbour Dues for berths which are left empty for all or part of the year.
5. **Boatyard and marina visitors:** Harbour Dues are not levied separately for vessels visiting boatyards and marinas. The visitor fees which are collected by the boatyards and marinas include an element for Harbour Dues but this is not passed on to the Harbour Authority because Dues for the berth have already been paid for (see above). In theory, each yacht visiting a boatyard or marina should be required to pay Harbour Dues at the daily rate, but the additional administrative effort required would be out of proportion to the amount raised. Boatyards and marinas should issue visiting yachts with a 'temporary' Harbour Dues label upon payment, but this means that a visiting yacht arriving in the River and bound for one of

the marinas has no means of indicating that Harbour Dues have been paid until after it arrives in the marina and the owner has paid.

6. **Harbour Authority visitors:** Visitor fees for visitors using Harbour Authority visitor moorings include an element for Harbour Dues. Some visiting yachts (typically those arriving late at night) have been known to moor on vacant privately owned pontoons throughout the River. If they depart early enough in the morning, they can avoid payment altogether, but the Harbour Authority has the powers to charge at three times the normal visitor fee where deliberate evasion is involved.
7. **Slipway launched boats:** Trailer launched boats from public slipways may pay daily, weekly or annual Dues. Those which elect to pay daily are expected to do so at the Harbour Office or via a Patrol Officer afloat. To a large extent, this depends on the honesty and goodwill of the individual. In practice, a fairly high percentage (probably 75%) of those using the Warsash slipway do pay. The percentage is significantly lower for those using Hamble and Swanwick slipways. If the Patrol is on scene at the time of launch, collection of Dues is straightforward, but once a trailer launched boat is underway on the River, collecting monies is virtually impossible.
8. **Dry sailed boats – from Clubs:** Yacht clubs which offer a dry-sailing option, whether launched from a crane or slipway, have agreed to collect Harbour Dues from their members on an annual basis. In return for collecting Dues on behalf of the Harbour Authority, the boatyards and marinas receive 20% of the total collected each year. There is no requirement for a dry-sailed vessel to pay Harbour Dues whilst it is kept ashore, but payment becomes due as soon as a vessel is launched. Alternatively, members may elect to pay daily or weekly, whenever their vessel is launched, direct to the Harbour Office or a Patrol Officer. The Harbour Authority has no jurisdiction to check vessels ashore in Club pounds to ascertain whether or not they have paid Harbour Dues.
9. **Dry sailed and dry-stacked boats – from boatyards and marinas (including marina slipway launches):** Boatyards and marinas which offer a dry-sailing option, whether launched from a crane, fork-lift system or slipway, have agreed to collect Harbour Dues from their clients on an annual, weekly or daily basis, depending on how frequently each boat is used. In return for collecting Dues on behalf of the Harbour Authority, the boatyards and marinas receive 20% of the total collected each year. There is no requirement for a dry-sailed or dry-stacked vessel to pay Harbour Dues whilst it is kept ashore, but payment becomes due as soon as a vessel is launched. The Harbour Authority has no jurisdiction to check vessels ashore to ascertain whether or not they have paid Harbour Dues.
10. **'In-out' without stopping:** For practical reasons, vessels which enter the River but do not secure alongside or anchor are not charged Harbour Dues. This does not apply to commercial vessels (such as sight-seeing boats), which are charged commercial rates for each visit.

11. **‘In-out’ for pick up/drop off or very short stay:** Use of Harbour Authority berthing facilities is free of charge for the first 30 minutes for those vessels displaying a valid annual Harbour Dues sticker, provided that the vessel is attended throughout its stay. Other vessels which stay for less than 30 minutes are required to pay a short stay visitor’s fee, which includes an element for Harbour Dues. Enforcement of this is difficult, particularly for very short stays to pick-up or drop-off crew or stores.
12. **Vessels anchored in upper Hamble:** Vessels are only permitted to anchor in the River above the M27 road bridge. The very few visiting craft which do anchor should pay Harbour Dues, but collection is difficult unless a Patrol is on station in the upper Hamble at the time.
13. **Vessels launched from yards for sea trials/demos etc:** Many of the boatyards and marinas have business tenants within their curtilage who have a requirement to launch boats for sea trials or demonstration purposes. Such vessels are deemed to have paid Harbour Dues by virtue of the fact that they are using boatyard or marina facilities which have been paid for *en bloc*.
14. **Visitors for events – racing:** Vessels visiting the River to take part in racing events must pay Harbour Dues (normally at the daily or weekly rate). Such vessels have a number of berthing options. They can either use Harbour Authority, boatyard or marina facilities, in which case normal visitor fees apply, or they can berth at the organising Club’s facilities, in which case Harbour Dues may be levied separately (normally as part of the event entry fee), but see paragraph 16 below.
15. **Visitors for events – rallies:** Vessels visiting Harbour Authority facilities as a part of an organised rally pay an element of Harbour Dues as part of their visitor fees.
16. **Visitors using Club facilities:** Those Club’s with permanent alongside berths which are normally occupied by vessels belonging to Club members may choose to make temporarily vacant berths available to visiting yachts. The Clubs are not required to levy additional Harbour Dues for these vessels because the Dues for the berths have already been paid *en bloc*. However, if berths which are normally used for a single vessel (ie without rafting) are used for two or more visiting vessels (ie with rafting), Harbour Dues are payable for the additional vessels.
17. **Visitors using maintenance piles:** Vessels displaying a valid annual Harbour Dues sticker may use the maintenance piles free of charge for the first 24 hours (2 tides). Thereafter, use of the piles is charged at £25 (inc VAT) per 24 hours. Vessels which are not displaying a valid Harbour Dues sticker do not get the initial 24 hours free of charge.

18. **Fishermen:** Commercial fishing vessels with Crown Estate moorings in the River pay Harbour Dues as part of their annual mooring fees. Visiting fishing vessels pay Harbour Dues as an element of their visitor fees. Some fishing vessels use boatyard and marina facilities and pay Harbour Dues as part of their berthing fee.

19. **Jetties which do not have permanent moorings:** Some jetties in the River do not have consent for use as permanent moorings but are occasionally used for short stays and overnights, particularly where the jetty belongs to a Club. In most case, these jetties are used by members of the Club and their guests, but some members may not keep their vessel permanently in the River Hamble and will not, therefore, have paid annual Harbour Dues. To overcome this, Clubs and others which allow occasional berthing for non-Harbour Dues payers on their facilities pay an agreed annual sum, based on the capacity of their jetty, in lieu of paying Harbour Dues for each visiting vessel.