

**HAMPSHIRE COUNTY COUNCIL**

**Report**

<b>Committee</b>	River Hamble Harbour Management Committee
<b>Date:</b>	7 June 2013
<b>Title:</b>	Harbour Works Consent Application: Cabin Boatyard Quay Wall
<b>Reference:</b>	4872
<b>Report From:</b>	Director of Culture, Communities and Business Services

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**1. Summary**

1.1 This report details an application for Harbour Works Consent (HWC) made on behalf of Cabin Boatyard, Bursledon, by their agent Lymington Technical Services, to repair the quay wall.

**2. Background**

2.1 The quay wall at Cabin Boatyard is currently in very poor condition (see photograph below) and has been of concern to the Harbour Master for some time.



### **3. Project Description**

- 3.1 The proposed development consists of installation of sheet piling at the base of the wall, and the installation of king piles in-filled with horizontal planks then backfilled with inert material up to a height of 5.5 metres above chart datum.
- 3.2 The full application is at Appendix 1, and contains the following documents:
- Project Design & Method Statement
  - Plan of Existing & Proposed Wall (Drawing Ref. 10236/1A dated November 2012)

Reference must be made to these documents for a full understanding of the proposal.

- 3.3 The site is 20 metres from the edge of the Solent Maritime Special Area of Conservation. It is over 500 metres from Solent & Southampton Water Special Area of Conservation Lincegrove & Hacketts Marsh SSSI and Upper Hamble Estuary & Woods SSSI.

### **4. Harbour Authority's Responsibilities**

- 4.1 Consent may be granted by the River Hamble Harbour Board permitting harbour works in the River Hamble in accord with Section 10 of the Southampton Harbour Act 1924 and Section 48 of the Southampton Harbour Act 1949 as amended by the River Hamble Harbour Revision Orders 1969 to 1989. Within the River Hamble Harbour Board's statutory duties lies the responsibility to ensure that all matters concerning navigational safety and responsibilities under the Habitat Regulations are addressed. This area of responsibility includes the proposed development.
- 4.2 Navigational safety issues are addressed through the Port Marine Safety Code and the Harbour's Safety Management System. Specific issues relevant to this particular application are covered within the Harbour Master's comments below.
- 4.3 The River Hamble is part of the Solent European Marine Site and is afforded protection due to its international nature conservation value. The RHHA is a Relevant Authority under the Conservation of Habitats and Species Regulations 2010 as amended, commonly known as the Habitats Regulations. As a Relevant Authority the Harbour Authority has a duty to comply with the requirements of the Habitats Regulations and to ensure that in exercise of any of its powers or functions to have regard to direct and indirect effects on interest features of the European Marine Site.
- 4.4 As a Section 28G Authority under the Wildlife and Countryside Act 1981 (as amended), the RHHA has a duty to take reasonable steps, consistent

with the proper exercise of the Authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.

- 4.5 Under the Natural Environment and Rural Communities Act 2006, all public bodies, which include the Harbour Authority as statutory undertakers, have a duty to have regard, so far as is consistent with the proper exercise of their functions, to the purpose of conserving biodiversity.
- 4.6 The Harbour Authority addresses its responsibilities under the environmental regulations through consultation with Hampshire County Council, the Local Borough Councils, the Department for Environment, Food and Rural Affairs, Natural England and the Environment Agency. Specific issues relevant to this particular application are covered within the Harbour Master's comments below.

## **5. Consultation process**

- 5.1 Subsequent to receipt of the application for Harbour Works Consent the following actions were taken:
- Project details and plans entered on the Harbour Authority's webpage for the online viewing of applications at <http://www3.hants.gov.uk/hambleharbour/harbour-works.htm>
  - The plans and details of the application were made available in the Harbour Office for inspection by members of the public.
  - Notification email sent to all members of the River Hamble Harbour Management Committee and the River Hamble Harbour Board of the proposed development.
  - Email sent to interested parties informing them of the application and requesting written comments by the deadline.
  - Liaison with the Environment Agency, Natural England, Eastleigh Borough Council and the Hampshire County Council Archaeologist.

## **6. Responses to Consultation**

- 6.1 No responses were received in respect of the public consultation.
- 6.2 Natural England's response to the Harbour Authority is at Appendix 2 and has confirmed no objection to the proposal, In summary, Natural England advises that the proposal, if undertaken in strict accordance with the details and method statement submitted, is not likely to have a significant effect on the interest features of the nearby sites that are designated for nature conservation, either alone or in combination with other plans or projects.
- 6.3 The Environment Agency (EA) stated they have no concerns with RHHA granting Harbour Works Consent. The EA view this application as fairly

low risk and have granted their own consent with a strong recommendation for the applicant to use timber cladding on the vertical wall. They do not envisage any impacts upon migratory salmonids and so do not request timing conditions on the piling works.

- 6.4 The Hampshire County Council archaeologist stated that there are no archaeological issues to raise given the small scale of the project and that it will be entirely within areas of previous disturbance.

## **7. Harbour Master's Comments**

- 7.1 This proposed development has no implications for the safety and ease of navigation on the River.

- 7.2 The Harbour Master and EDM met with the applicant, the Agent and officers from Eastleigh Borough Council (EBC) on site. Discussions were held regarding the nature of the fill material to be used, and the stability of the top of the area of the newly filled bank. These areas lie above mean high water and so outside the jurisdiction of the RHHA; EBC has placed conditions relating to both these aspects into the already approved planning consent.

- 7.3 If the River Hamble Harbour Board decides to grant permission for this application it would be adhering to its responsibilities under environmental legislation.

- 7.4 This proposal has received planning permission from Eastleigh Borough Council (ref C/13/72134), and also received Flood Defence Consent approval from the Environment Agency.

## **8 Strategic Vision**

- 8.1 Before reaching a decision regarding this application, it is important to consider it within the context of the Harbour Board's Strategic Vision. The non-statutory Strategic Vision 'seeks to meet the aspirations of all those users who have a stake in the future prosperity of the River Hamble, whether their interests are commercial, recreational or environmental' but should be read in its entirety before reaching any conclusions with regard to this specific application.

## **9 Recommendations**

- 9.1 It is recommended that the River Hamble Harbour Management Committee advises the Harbour Board to grant Harbour Works Consent subject to the following condition:**

- i) the development is to be carried out in accordance with the design & method statement and Drawing Ref. 10236/1A submitted at Appendix 1.

**CORPORATE OR LEGAL INFORMATION:**

**Links to the Corporate Strategy**

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

## **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 No known impact.

### **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.