

**HAMPSHIRE COUNTY COUNCIL****Report**

<b>Committee</b>	River Hamble Harbour Board
<b>Date:</b>	25 September 2015
<b>Title:</b>	Harbour Works Consent Application: Brooklands Quay Slipway Extension
<b>Reference:</b>	6904
<b>Report From:</b>	Director of Culture, Communities and Business Services

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**1. Summary**

- 1.1. This report sets out an application for Harbour Works Consent (HWC) made by Marina Projects Ltd on behalf of their client, owner of Brooklands Quay.
- 1.2. The proposal consists of an extension to an existing private slipway along with a mitigation package to recreate intertidal habitat. Construction is proposed for summer 2016.

**2. Background**

- 2.1 Brooklands Quay is a private residential property located on the eastern bank on the estuary just upstream of Universal Marina. The ownership boundary of the property extends out across the intertidal area as far as the Mean Low Water mark.
- 2.2 A private slipway currently exists within the property boundary but its current length limits its use to the time of High Water. The owner wishes to extend the slipway across his land as far as the Mean Low Water mark to increase the tidal window for private access to the river.

**3. Project Description**

- 3.1. The proposed extension is for a suspended wooden deck structure (3m by 53m) which would be supported on a concrete 'foot' at the river end and supported across the intertidal mud by wooden piles driven vertically into the foreshore.

- 3.2. The proposal also includes removal of the adjacent dilapidated dock head structure in order to restore an area of intertidal habitat in mitigation for the extended slipway.
- 3.3. The following plans and documents accompany this application (see Appendix 1) and reference must be made to these for a full understanding of the proposal:
  - a) Marina Projects Ltd Technical Note Revision 01, dated 16.06.2015.
  - b) Drawing No. MP215-01-P-101 'Proposed General Arrangement', dated 12.05.2015.
  - c) Drawing No. MP215-01-P-102 'Slipway Plan and Section Details' dated 12.15.2015.
  - d) Drawing No. MP215-01-P-103 'Slipway Mitigation', dated 12.15.2015.
  - e) Drawing No. MP215-01-P-1024 'Mitigation & Slipway Visual Representation', dated 12.15.2015.

#### **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 accordance 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 sections 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 and to members of the Hamble Estuary Partnership informing them of the application and requesting written comments by the deadline.
  - Direct liaison with the Environment Agency, Natural England, the Hampshire County Council Archaeologist and The Crown Estate.
  - Direct liaison with Universal Marina, which is adjacent to the development.
  - Direct liaison with Trinity House (TH), the body responsible for the approval of navigational aids.

## **6. Responses to Consultation**

- 6.1 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, combined with the mitigation package, 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. This advice is subject to the inclusion of NE's requested conditions within the HWC, which are set out within Section 9.

- 6.2 The Environment Agency has determined the application itself via its Flood Defence Consent process. Consent has been granted subject to certain conditions relating to pollution prevention and timing of piling works.
- 6.3 The Hampshire County Council archaeologist stated that whilst the site is not located in an area of noted archaeological potential, the dock located to the north east of the slipway is post-medieval in origin. The intertidal zone has some potential for an earlier phase of timber slipway to exist but, considering the scale of the proposal, the chance of exposing any archaeological features is limited. He therefore concluded that there would be no archaeological issues to raise.
- 6.4 The Crown Estate confirmed it does not own this area of foreshore and is not affected by the proposal.
- 6.5 The General Manager of Universal Marina has no concerns with the proposal and would be content for the slip not to be marked.
- 6.6 Trinity House has made it clear that no navigational marking is required .
- 6.7 No objections were raised in respect of the public consultation, however, two responses were received:
  - i. The River Hamble Mooring Holders' Association (RHMHA) is concerned that extending the quay to the low water mark could constitute a hazard to navigation at higher states of the tide and suggest that if approval is given, it is subject to the riverward end being marked and lit.
  - ii. Curdridge Parish Council, although not within the district of the proposal, has noted the RHMHA recommendations and stated to the RHHHA that it fully supports those recommendations. The Council approves the application, subject to the proposed jetty being marked and lit.

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

- 7.1. This section details the aspects of the application which are relevant to the consideration of Harbour Works Consent, namely the impacts of the proposal on safety and ease of navigation and on the environment, both during construction and once operational.
- 7.2. This proposal also requires permissions from other authorities (i.e. Local Planning Authority, Marine Management Organisation and the Environment Agency), and issues pertaining to their policies and regulations should be addressed with the appropriate organisation.
- 7.3. At the time of writing this report, the proposal has been granted Planning Permission by Fareham Borough Council and Flood Defence Consent by the Environment Agency.

- 7.4. The RHHA was approached at the pre-application stage. Staff have also attended a site meeting to discuss the proposal in addition to visits by land and water at various states of the tide.
- 7.5. The proposed slipway lies on private land in an area of shallow water, little-used for navigation and lying immediately 50m to the north east of Universal Marina. It is well clear of the main channel. With the exception of a few kayaks, there is very little boat traffic in the area.
- 7.6. The General Manager of Universal Marina has no concerns with the proposal and would be content for the slip not to be marked.
- 7.7. Trinity House has confirmed its verbal recommendation that there is no need for the slipway to be marked from a navigational danger standpoint.
- 7.8. The proposed slipway works will extend as far as the Mean Low Water mark, some 53 metres from the sea wall and well clear of the main channel. The river end of the slipway is not intended to stand proud of the riverbed and will not, therefore, form an additional hazard. However, the gradient of the slipway means that it will stand slightly proud of the riverbed along a portion of its length along a shallow incline towards the bank. When the tide rises above mid-height, the proposal will therefore create a new navigational hazard nearer to the bank. This hazard notwithstanding, TH has no requirement to mark the slipway, given that the end of the slipway will be flush with the riverbed. TH's view is that placing a mark at the river end will create an additional and unnecessary navigational hazard in that position whether that mark is lit or not. That this is in the approaches to a berth at Universal Marina must also be considered. The Harbour Master agrees with the TH position and does not recommend that the slipway be marked.
- 7.9. A Local Notice to River Users will be issued to highlight the existence of the new slipway and a Hydrographic Note will be passed to the Hydrographic Office to ensure that the feature is charted.
- 7.10. The Harbour Master has no other concerns regarding the impacts of this proposal on ease or safety of navigation.
- 7.11. The proposal is adjacent to, but not within, the Solent Maritime Special Area of Conservation (SAC). It lies 150 metres from the nearest boundary of the Solent & Southampton Water Special Protection Area (SPA) and Ramsar Site, and from Lincegrove & Hacketts Marsh Site of Special Scientific Interest (SSSI). There will be no loss of habitat from the above designated sites.
- 7.12. The intertidal area over which the slipway will extend is classified as non-statutory Site of Importance for Nature Conservation (SINC) and as Priority Habitat under the UK Post-2010 Biodiversity Framework. In line with duties set out on Section 4, RHHA, Natural England and the applicant held discussions during pre-application stages to seek opportunities to mitigate for the loss of 35 m<sup>2</sup> of intertidal mudflat priority habitat.
- 7.13. The mitigation package to remove the dock head structure and surrounding rubble to a profile that will recreate natural intertidal habitat is set out in the applicant's Technical Note at Appendix 1. This package will ensure no net

loss of the priority habitat, with potential for some gain. It is recommended that the HWC attaches a condition (see Section 9) restricting use of the slipway until after the removal of dock head and rubble to ensure the full mitigation package is provided.

- 7.14. The applicant has proposed additional mitigation during the construction phase, however, further information will be required as to the detailed method of construction specifically; (i) the construction of the concrete base to reduce potential for release of pollutants, and (ii) details of constructing the slipway, particularly in the event that it is found that the excavator cannot work from the slipway as it builds. It is recommended that RHHA sign off of the detailed methodology be a condition of this HWC (see Section 9).
- 7.15. The advice of Natural England regarding minimising any impact on the environment has been incorporated through the conditions set out in Section 9.
- 7.16. If the River Hamble Harbour Board decides to grant permission for this application it would be adhering to its responsibilities under environmental legislation.

## **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. Recommendation**

### **9.1 It is recommended that the River Hamble Harbour Board approves Harbour Works Consent for the proposal set out in paragraph 3.3 and subject to the following conditions:**

- a. A detailed method statement must be submitted by the applicant and approved by the Harbour Master in advance of any work commencing.
- b. A minimum of 7 days advance notice of the start of the works must be given to the Harbour Master in order that a Notice to River Users can be issued.
- c. The dock-head structure must be removed prior to commencing construction of the slipway.
- d. Vibro-piling must be used as standard, percussive piling should only be used if needed to drive a pile to its design depth. A soft-start procedure should be used if percussive piling is required. No

percussive piling to be used during the sensitive period for overwintering birds, 1st October to 31st March inclusive.

- e. In accordance with Environment Agency guidelines, all reasonable precautions must be undertaken to ensure no pollutants enter the water-course. Ensure that any coatings/treatments on the materials used are suitable for use in the marine environment and are used in accordance with best environmental practice. All equipment and debris associated with the works must be removed from the area within 24 hours upon completion of the works.
- f. That works must be completed within 3 years from the date of the approval granted by the Harbour Board.

**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

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

#### **Due regard in this context involves having due regard in particular to:**

The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;

Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;

Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

#### **Equalities Impact Assessment:**

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

### **1. Impact on Crime and Disorder:**

1.1. This report has no impact on crime and disorder.

### **2. Climate Change:**

2.1. 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.

2.2. 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.