

HAMPSHIRE COUNTY COUNCIL**Report**

Committee	River Hamble Harbour Board
Date:	15 January 2016
Title:	Harbour Works Consent Application: Installation of a mid-stream pontoon on Royal Air Force Yacht Club moorings
Reference:	7146
Report From:	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 the Royal Air Force Yacht Club (RAFYC).
- 1.2. The proposal is to install a single mid-stream pontoon to connect four existing mid-stream mooring piles (Pile F59, F60, F61 and F62). No additional moorings are proposed.

2. Background

- 2.1 The RAFYC currently leases piles F59 to F62 directly from The Crown Estate. These moorings do not fall under the management of the Harbour Authority.
- 2.2 Piles F59-62 provide the RAFYC with 6 pile moorings, however, RAFYC members wish to enhance the ease and safety of mooring in this location by installing one pontoon to connect the four piles.

3. Project Description

- 3.1. The following plans and documents have been submitted by RAFYC to accompany this application (see Appendix 1) and reference must be made to these for a full understanding of the proposal:

- a) Project Description
- b) Site Plan
- c) Current Configuration
- d) Proposed Configuration
- e) Walcon Drawing M1354/SK/101 dated August 2015.
- f) Pontoon Description
- g) Method Statement

3.2. Piles F59 to F62 are located mid-stream, in the vicinity of the 'Chinese Bridge', and to the West of the main channel between Port Hamble Marina and Mercury Yacht Harbour. See Figure 1 below.

Figure 1: Aerial photo showing location of piles F59-62.



- 3.3. The proposed pontoon is 34.5 metres long and 2 metres wide and of a design regularly used in the Hamble.
- 3.4. No relocation of piles is required. Piling works do not form part of this application. The existing piles are however due for replacement by the

Crown Estate during this coming winter period. Section 7 gives further information.

- 3.5. No change to the number of moorings is proposed.

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. This means that the RHHA must ensure that, in the exercise of any of its powers or functions, it must have regard to both 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 Natural England and the agent for The Crown Estate.

6. Responses to Consultation

- 6.1. The Crown Estate raised no objection to the proposal.
- 6.2. Natural England raised no objection to the proposed development.
- 6.3. No objections were received in response to the public consultation and no comments or viewpoints were raised.

7. Harbour Master's Comments

- 7.1. This section details the aspects of the application relevant to the consideration of Harbour Works Consent. These are 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 Crown Estate). 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 Eastleigh Borough Council and a Marine Licence by the Marine Management Organisation.
- 7.4. No increase to the number of moorings is proposed, however, a continuous pontoon will allow useful flexibility regarding the length of vessels which the RAFYC can moor at the piles. I would not wish to see the width of the access channel at this point reduced overly. Accordingly, no multihulls should be moored on the pontoon arrangement.
- 7.5. No reconfiguration of the pile locations is required. Piling works do not form part of this application. The existing piles are due for routine replacement by The Crown Estate during this coming winter period, however.

Maintenance consent for like-for-like pile replacement works has been granted by the Harbour Master. However, given that the current piles are nearing end of their structural life, a condition is proposed to ensure that the pontoon only be fitted to the new piles (see Section 9).

- 7.6. The proposal is within the Solent Maritime Special Area of Conservation (SAC). It lies 50 metres from the nearest boundary of the Solent & Southampton Water Special Protection Area (SPA) and Ramsar Site, and the Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). There will be no loss of habitat from the above designated sites, and there will be no change to the type or frequency of activities that occur in this location as a result of this proposal.
- 7.7. Natural England's view is "that, either alone or in combination with other plans or projects, this proposal would not be likely to have a significant effect on any international site or SSSI". NE is satisfied that RHHA may grant consent for the proposal subject to the addition of the condition at Section 9.1e.
- 7.8. 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 That the Harbour Board approves Harbour Works Consent for the proposal set out in Section 3 of this report and subject to the following conditions:

- a. That the proposal is to be built in accordance with the details, plans and method set out in paragraph 3.1.
- b. That replacement of piles F59, F60, F61 and F62 must be undertaken prior to the installation of the pontoon, and with written confirmation of the completed piling works to be given to the Harbour Master.
- c. That no multihull vessels are moored on the pontoon run.
- d. That 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.

- e. 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. Environment Agency guidelines should be followed and all reasonable precautions undertaken to ensure no pollutants enter the water body.
- f. That the development must be completed within 3 years from the date of the approval granted by the Harbour Board.¹

¹ Section 17(1) of the Southampton Harbour Act 1939 (re-validated in Schedule 2 of the 1969 Harbour Act) allows the Harbour Board to give consent subject to such terms and conditions as it may think fit to impose. This restriction is applied in order to retain a degree of control over the works which are de facto only safe from a navigation perspective once complete. Extensions can be granted if necessary on a case by case basis.

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.