

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Committee	River Hamble Harbour Board
Date:	8 April 2016
Title:	Harbour Works Consent Application: Warsash Link Pontoon
Reference:	7384
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 River Hamble Harbour Authority.
- 1.2. The proposal is to install a 31 metre pontoon extension on the Harbour Master's Jetty at Warsash, SO31 9FR (SU 488 061, NGR 448826/106088). This extension will create a link to the Fishermen's Pontoon downstream, and will provide additional berths for tenders and a small increase in the space available for small visiting boats to berth. There will be no increase in the number of permanent moorings.

2. Background

- 2.1 The River Hamble Harbour Authority currently manages approximately 640 mid-stream moorings (on behalf of The Crown Estate) which can only be reached by water taxi or tender. RHHA's annual ballot for the 8 tender spaces on Warsash jetty is always vastly oversubscribed. Increasing tender berthing at Warsash has previously been identified through public consultation as being one of the main enhancements that could be made on the River. The proposal would at least double the number of tender berths available at Warsash and also provide a small increase in visitor berths for vessels such as RIBs and small craft wishing to access Warsash's services and facilities. It would also allow for new public access to the linked section of the Fishermen's Pontoon.

3. Project Description

3.1. The following plans and documents support this application and reference must be made to these for a full understanding of the proposal (see Appendix 1):

- Project Description
- Site Plan MP168-00-P-450 rev B.
- Proposed layout drawing M0637/480 rev B.
- Visual representation high water. MP168-00-P-451 rev C.
- Visual representation low water. MP168-00-P-452 rev C.
- General Design Drawing. Pontoon WW4 System 21.S21.WW4-ga.
- General Design Drawing. Pontoon WWF1 Waliflote. WWF1-ga.
- Pontoon Description WW4 System 21.
- Pontoon Description WWF1 Waliflote.

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 The proposal to link the Harbour Master's Warsash Jetty and Fishermen's Pontoon was outlined to the members of the RHHA Management Committee in June 2014 and the idea was approved in principle by the Harbour Board in July 2014.
- 5.2 Prior to submitting any of the applications required for this development, RHHA undertook pre-application consultation with those local residents and businesses with an immediate view of the location of the proposal, and with members the local fishing fleet. See 'Project Description' for further details (Appendix 1).
- 5.3 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, The Environment Agency and the agent for The Crown Estate.

6. Responses to Consultation

- 6.1. The Crown Estate raised no objection to the proposed development.

- 6.2. Natural England raised no objection to the proposed development.
- 6.3. No objections were received in response to the public consultation. Bursledon Parish Council has asked for its support to be recorded.

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 (Local Planning Authority, Environment Agency, 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, Flood Defence Consent and approval from The Crown Estate. The Marine Management Organisation are currently processing the Marine Licence application.
- 7.4. Installing the link pontoon will require access by tenders to be via the Northern access bridge under the Harbour Master's jetty. The jetty is lit by white lights along its length, and coxswains must be vigilant to the height of the jetty during high spring tides. Appropriate signage will be required to indicate the existence of the hazard. Tenders will enter the Main Channel North of the existing Harbour Master's jetty and to the South of Warsash Sailing Club's Lobster Quay jetty. There will be a small increase in the number of small craft entering the Main Channel here which will not affect unduly the ease or safety of navigation.
- 7.5. The new works do not impinge directly upon the main channel, contained as they are by existing pontoon works.
- 7.6. No increase in the number of permanent moorings is proposed.
- 7.7. The proposal is sited within a sub-tidal section of the Solent Maritime Special Area of Conservation (SAC). It does not lie within any other sites designated for nature conservation, and it is 45 metres from the nearest boundary of a section of the Solent & Southampton Water Special Protection Area (SPA) and Ramsar Site, and part of the Lee-on-the-Solent to Itchen Estuary SSSI.
- 7.8. The pontoons will remain afloat at all states of the tide so there will be no loss of intertidal habitat. No dredging of sub tidal or inter-tidal habitat is required for this development. Vibro piling will be used, in keeping with best practice, to install 2 new piles and relocate 1 pile to mitigate impacts on fish and to reduce noise levels.
- 7.9. Natural England's (NE) consultation response is provided at Appendix 2. NE is satisfied that RHHHA may grant consent for the proposal and recommend the condition at 9.1b be added to the consent.

- 7.10. 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 River Hamble 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 vibro-piling should 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.
- c. That the development 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.