

HAMPSHIRE COUNTY COUNCIL**Report**

Committee	River Hamble Harbour Board
Date:	8 April 2011
Title:	Harbour Works Consent – Warsash Jetty
Reference:	2769
Report From:	Director of Culture, Communities and Business Services

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1. Summary

- 1.1. This report details the application for Harbour Works Consent to install a new section of pontoon on the Harbour Master's Jetty at Warsash. A new storage and workshop facility will be constructed upon this pontoon section.

2. Contextual information

2.1. Project Description

This Harbour Works Consent is for the installation of a new section of pontoon (8 m x 3.5 m) on the Harbour Master's Jetty, Warsash. A new storage and workshop facility will be constructed upon the new pontoon section. The workshop will allow River Hamble Harbour Authority staff to carry out small maintenance tasks and also provide a convenient storage area for emergency equipment such as that needed in the event of an oil spill. The proposal may require a pile to be installed in order to secure the new pontoon to the existing pontoon structure. This application assumes that an additional pile will be required but engineering advice is awaited.

A location map is provided as Annex A, a plan view is provided as Annex B and an elevation plan is provided as Annex C.

2.2. Harbour Authority's Responsibilities

- 2.2.1 Consent may be granted by the River Hamble Harbour Board permitting harbour works in the navigation of the River Hamble to accord with Section 10 of the Southampton Harbours Act 1924 and Section 48 of the Southampton Harbour Act 1949, as amended by the River Hamble Harbour Board 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 at the Harbour Master's Jetty, Warsash.

- 2.2.2 The River Hamble Harbour Authority (RHHA) is a Relevant Authority under The Conservation of Habitats and Species Regulations 2010, commonly known as the Habitats Regulations. As a Relevant Authority, the Harbour Authority has a duty to secure compliance with the requirements of the Habitats Regulations and to ensure that in the exercise of any of its powers or functions it will have regard to both direct and indirect effects on the interest features of the European Marine Site (EMS).
- 2.2.3 The River Hamble is part of the Solent EMS and is afforded protection due to its international nature conservation value. The majority of the Eastern and Western banks fall within the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site. The whole river lies within the Solent Maritime Special Area of Conservation (SAC).
- 2.2.4 As a Section 28G Authority under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), 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.
- 2.2.5 Under the Natural Environment and Rural Communities Act 2006, all public bodies have a duty to have regard , so far as is consistent with the proper exercise of their functions, to the purpose of conserving biodiversity.
- 2.2.6 The Harbour Authority addresses its responsibilities under the environmental regulations through consultation with Hampshire County Council, the Borough Councils, the Department for the Environment, Food and Rural Affairs, Natural England, the Environment Agency and English Heritage. Specific issues relevant to this particular application are covered within the Harbour Masters comments below.
- 2.2.7 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.

2.3 Consultation

On receipt of this application, a consultation exercise was commenced on 17 January 2011. After receiving an objection to the planning application,

the application was withdrawn and the plans were revised. A subsequent consultation exercise based on the revised plans was commenced on 15 February 2011 which involved the following actions:

- 2.3.1. Details of the application was uploaded onto our website
- 2.3.2. Notification to all members of the River Hamble Management Committee and River Hamble Harbour Board of the proposed development.
- 2.3.3. An email sent to all interested parties on 17 January 2011 informing them of the application and requesting comments. The original plans and details of the application were made available in the Harbour Office for inspection by members of the Public. The plans were viewed by 4 people, 1 person expressed their support for the project, the other 3 made no comment.
- 2.3.4. A further email was sent on 15 February 2011 to all interested parties to inform them that the plans had been revised and were available in the Harbour Office for inspection. No-one requested to view the revised plans.
- 2.3.5. Liaison with the Environment Agency, Natural England, Hampshire County Council's archaeologist and Hampshire and Wight Trust for Maritime Archaeology regarding the environmental impacts of the revised proposal. Environmental comments arising from these liaisons are summarised with the Harbour Master's comments.
- 2.3.6. On completion of the consultation, no communications had been received.

2.4 Harbour Master's Comments

- 2.4.1 The proposal does not require a statutory Environmental Impact Assessment (EIA) under the Marine Works (Environmental Impact Assessment) Regulations 2007.
- 2.4.2 The proposal lies within the Solent Maritime Special Area of Conservation (SAC), adjacent to the Solent and Southampton Water Special Protection Area and Ramsar site (SPA/Ramsar) and adjacent to the Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). Natural England have provided advice under the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). They have advised that the proposal in its current form is unlikely to have to have a significant effect upon the designated sites provided that vibro piling is used. The Environment Agency have requested that the works take place between 1 November and 15 March 2011, if piling is required.

- 2.4.3 The Hampshire County Council archaeologist did not raise any concerns in respect of this application.
- 2.4.4 No other concerns have been raised with respect to this revised proposal.
- 2.4.5 At the time of writing, Hampshire County Council had applied for but not yet received planning permission from Fareham Borough Council. The requirement for a marine consent from the Marine Management Organisation under the Food and Environmental Protection Act 1985 will depend on the requirement for a pile.
- 2.4.6 The addition of a new section of pontoon and workshop facility is required as a result of the termination of the lease for the previous workshop and store. The workshop will provide a convenient storage area for emergency equipment located near the patrol boats. This will improve the Harbour Authority's response times in an emergency situation. The workshop will also provide an area for small maintenance jobs to be carried out.
- 2.4.7 Detailed design work and costings have not yet been carried out, pending planning approval and Harbour Works Consent. Full specifications, together with an analysis of the costs and benefits, will be presented in due course.

3. Recommendation

It is recommended that the River Hamble Harbour Board grants Harbour Works Consent subject to the following conditions:

- 3.1 All other consents are to be obtained prior to commencement of the works.**
- 3.2 A vibro piling methodology is to be used.**
- 3.3 Piling works to occur between 1 November and 15 March in any year only to avoid the salmonid migration window.**

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	no
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.)

DocumentLocation

None