

## HAMPSHIRE COUNTY COUNCIL

### Report

<b>Committee</b>	River Hamble Harbour Management Committee
<b>Date:</b>	24 June 2011
<b>Title:</b>	Harbour Works Consent – Warsash Sailing Club
<b>Reference:</b>	3042
<b>Report From:</b>	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 replace Warsash Sailing Club's existing dolphin.

#### 2. Contextual information

##### 2.1. Project Description

2.1.1 Warsash Sailing Club is located on the eastern bank of the River Hamble.

2.1.2 The project under consideration consists of removal of the existing timber dolphin structure and replacement with a new steel structure (plan shown in Appendix 1).

##### 2.2 Harbour Authorities Responsibilities

2.2.1 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 at Warsash Sailing Club.

2.2.2 The 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 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.

2.2.3 The River Hamble is part of the Solent European Marine Site and is afforded protection due to its international nature conservation value.

2.2.4 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.

2.2.5 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.

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 Environment, Food and Rural Affairs, Natural England, English Heritage and the Environment Agency. Specific issues relevant to this particular application are covered within the Harbour Master's 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 the application a consultation exercise was commenced on 31 May 2011. The consultation involved the following actions:

2.3.1 Details of the application entered on the Harbour Authority's website, plans and documents were uploaded onto the site on 06 June.

2.3.2 Notification to all members of the River Hamble Harbour Management Committee and the River Hamble Harbour Board of the proposed development.

2.3.3 Email sent to all interested parties informing them of the application and requesting comments.

- 2.3.4 The plans and details of the application were made available in the Harbour Office for inspection by members of the public.
- 2.3.5 Liaison with the Environment Agency and Natural England regarding the environmental impacts of the proposal.

#### 2.4 Harbour Master's Comments

- 2.4.1 This 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), the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site and 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 is unlikely to have a significant effect upon the designated sites.
- 2.4.3 The Hampshire County archaeologist was consulted but did not raise any concerns.
- 2.4.4 No comments were received during the consultation.
- 2.4.5 At the time of writing, the RHHA has not been consulted by the Marine Management Organisation (MMO) regarding the issuing of marine consents. The RHHA has been consulted for planning permission by Fareham Borough Council.

### 3. Recommendation

**It is recommended that the River Hamble Harbour Management Committee advises the Harbour Board to grant Harbour Works Consent for the proposed works at Warsash Sailing Club with the following conditions:**

- 3.1 Vibro piling is to be used as standard with percussive piling only used if needed to drive piles to their design depth.**
- 3.2 Piling to occur between 30 November and 31 March. Works can commence between 16 September and 30 November but must stop if the Environment Agency informs the Harbour Master that the autumn salmon run has commenced.**
- 3.3 Should there be an incident outside Harbour Office hours and the Harbour Master not be contactable, the Coastguard should be contacted. The Coastguard hold all contact details if required in an emergency.**

- 3.4 All relevant consents should be obtained prior to commencing works and copies are to be lodged with the Harbour Office.**

**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

Appendix 1

