

NOTICE OF MEETING

Meeting	River Hamble Harbour Board
Date and Time	Friday, 10th July, 2020 at 10.00 am
Place	Remote meeting
Enquiries to	members.services@hants.gov.uk

John Coughlan CBE
Chief Executive
The Castle, Winchester SO23 8UJ

FILMING AND BROADCAST NOTIFICATION

This meeting is being held remotely and will be recorded and broadcast live via the County Council's website.

AGENDA

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

All Members who believe they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore all Members with a Personal Interest in a matter being considered at the meeting should consider, having regard to Part 5, Paragraph 4 of the Code, whether such interest should be declared, and having regard to Part 5, Paragraph 5 of the Code, consider whether it is appropriate to leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with the Code.

3. MINUTES OF PREVIOUS MEETING HELD ON 10 JANUARY 2020 (Pages 3 - 8)

To confirm the minutes of the previous meeting.

4. DEPUTATIONS

To receive any deputations notified under Standing Order 12.

5. CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

6. HARBOUR WORKS CONSENT APPLICATION - ELEVATED JETTY AT HOLLY HOUSE, SARISBURY GREEN, SO31 7AH (Pages 9 - 50)

To consider a report of the Director of Culture, Communities and Business Services setting out an application for Harbour Works Consent.

ABOUT THIS AGENDA:

On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.

ABOUT THIS MEETING:

The press and public are welcome to observe the public sessions of this remote meeting via the County Council's YouTube channel.

Agenda Item 3

AT A MEETING of the River Hamble Harbour Board of HAMPSHIRE COUNTY COUNCIL held at the RAF Yacht Club, Hamble on Friday, 10th January, 2020:

Chairman:

p. Councillor Keith Evans

p. Councillor Peter Latham
a. Councillor Keith House
p. David Jobson
p. Nikki Hiorns
p. Chris Moody
p. Jason Scott

106. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor House.

107. **DECLARATIONS OF INTEREST**

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3, Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

David Jobson declared personal interests including memberships of the Royal Southern Yacht Club; RAF Yacht Club; Royal Yachting Association and as a midstream mooring holder. Chris Moody declared a personal interest as a member of Warsash Sailing Club.

108. **MINUTES OF PREVIOUS MEETING**

The minutes of the last meeting were reviewed and agreed.

109. **DEPUTATIONS**

No deputations were received.

110. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

111. **MARINE DIRECTOR AND HARBOUR MASTER'S REPORT AND CURRENT ISSUES**

The Board received a report from the Director of Culture, Communities and Business Services summarising incidents and events in the Harbour and covering issues currently under consideration by the Marine Director.

An addendum was distributed at the meeting which outlined those events which had occurred since the publication of the papers. Collision events and the maintenance work conducted on the CCTV cameras was highlighted. It was noted that CCTV was used to take action on speeding.

The Board also heard that the Harbour Master had met with the Chairman of Hamble Parish Council to discuss the issues regarding the availability of showers. It was noted that the showers were subject to a sub-lease from Hamble Life Boat to Hamble Parish Council and liability for meterage, security and maintenance was discussed. The Board agreed that Hamble Life Boat & Hamble Parish Council had a moral obligation to make these facilities available as originally intended.

The Board also heard of work being undertaken on the RAF Yacht Club to safeguard the structural integrity and details of the new Harbour Management self service system introduced for commercial and leisure purposes.

RESOLVED: That the River Hamble Harbour Board supports the contents of the report.

112. **ENVIRONMENTAL UPDATE**

The Board received a report from the Director of Culture, Communities and Business Services providing an environmental update which included the following items;

- **Oil Spill Preparedness & Response** - The Board noted the details of the regular oil spill response and boom deployment exercise, required by the Maritime & Coastguard Agency. The exercise report concluded “a positive ability to respond to a pollution incident and awareness of some of the wider issues surrounding them”.
- **M27 Motorway Bridge Drainage & Pollution Risk** - The Board heard that the Environment & Development Manager(EDM) has received confirmation that the work to divert the M27 Bridge deck drainage outlets will be delivered as part of the ‘Smart Motorway Works’ by March 2021.
- **Water Quality** – The Board received an update of discussions on improvements that might be made to facilities in the Hamble, including pump-out provision and promotional/educational material to reduce the risk of pollution from discharges of ‘black water’ from vessel toilets.
- **Biodiversity & Enhancement Projects** – An update was provided in relation to Biodiversity Projects including; Beneficial Reuse of Dredging Projects, Research by Bournemouth University and a PhD project testing the efficacy of different settlement structures.

Officers also noted that the EDM had joined the project working group of the Solent Forum's new information hub; 'Building Biodiversity in the Solent', with the aim to share information to help meet future net gain requirements.

- **Partnership Working** – An overview of partnership working was provided including relevant work with Hampshire County Council's wider services, Hamble Estuary Partnership and the national Coastal Partnerships conference.

RESOLVED: That the River Hamble Harbour Board notes and supports the contents of this report.

113. **INCOME ADJUSTMENT OPTION PAPER**

The Board received a report from the Director of Culture, Communities and Business Services setting out options for income adjustments.

The Board noted that the options had all been approved at the previous meeting except for the dry-stacking proposal, for which a £100 flat rate had previously been proposed. It was added that operators did not object to the principle of a flat rate, it was a matter of the amount of the flat rate.

The Board noted the extent of the work that had been conducted into this issue to ensure that prices are comparable with those on the Solent. The Board also agreed that the approach needed to be understandable and so wanted to avoid multi-tiered calculations for the dry-stack charge.

Discussion was held over the amount of dry-stacking space available. It was noted that various methods might be applied to Harbour Dues calculation and that any method chosen would need to be simple and consistently applied.

The Board heard that work conducted by jointly by the Harbour Master and the Association of Marina and Boatyard Operators had suggested that around 4000 launches had been conducted over the past year. With a launch fee of £6 and around 380 dry stack spaces, this suggested that a figure of £65 per slot might be appropriate. The Board decided that this method was overly complex and further discussed selection of a charging option related to an average boat length of 6m, recognising that both larger and smaller vessels occupy stack spaces. It was agreed that any charge should be made annually and in advance to sustain the flexibility of the customer offer.

The recommendation of a charge of £65 per dry stack slot, less 10% was proposed. A vote was held with the following outcome;

For	1
Against	5

The recommendation of a charge of the six metre rate per dry stack slot, less 10% was proposed. A vote was held with the following outcome;

For	3
Against	2
Abstain	1

RESOLVED: That the River Hamble Harbour Board agrees that the following options are incorporated into next year's budget:

(i) To apply a flat rate charge for Harbour Dues in respect of all dry-stacked vessel berths for each berth per annum, enabling a flexible launching regime and ensuring that Harbour Dues are paid in respect of launches which are not currently captured. This figure will be the six metre rate, less 10%.

(ii) To apply the following annual Harbour Authority mooring rates for permanently moored fishing vessels at Warsash:

- <8m - £1000
- >8m - <9.5m - £1100
- >9.5m - £1200

(iii) To increase daily launching charges, payable according to length overall and power as follows:

- Under 6m and under 10hp – free;
- Under 6m and over 10hp - £5 (formerly £4);
- Over 6m and over 10hp - £8 (formerly £6).

And to increase Visitors' Rates to the following:

- Warsash Jetty
 - Short stay (up to 4 hours):
 - up to 12 metres length overall - £8 (£6);
 - over 12 metres length overall - £10 (£8);
 - overnight (after 5pm) - £3 (£2) per metre.
 - Weekly - £3 (£2) per metre per night.
- Hamble Jetty
 - Short stay (up to 4 hours):
 - up to 12 metres length overall - £8 (£6);
 - over 12 metres length overall - £10 (£8);
 - overnight (after 5pm) - £2.50 (£1.75) per metre.
 - Weekly - £2 per metre per night.
- Mid-stream Visitors' Pontoon.
 - Short stay (up to 4 hours):
 - up to 12 metres length overall – £5 (£4);
 - over 12 metres length overall – £8 (£6);
 - overnight (after 5pm) - £2 (£1.50) per metre.
 - Weekly - £2 (£1.50) per metre per night.

(iv) Providing that a surplus on revenue activities has been generated and the required contribution to the Asset Replacement Reserve has been met, to

transfer any additional balance that may be created as a result of these measures to the Asset Enhancement Reserve to take advantage of future opportunities.

114. **REVIEW OF FEES AND CHARGES**

The Board received a report from the Director of Culture, Communities and Business Services providing a review of fees and charges applicable to the River Hamble. It did not cover Harbour Dues for privately owned leisure vessels as that had been reviewed separately and increased by 5%.

RESOLVED: That the River Hamble Harbour Board approve the fees and charges set out within the report and to advertise them on the River Hamble website.

115. **RIVER HAMBLE 2019/20 FORECAST OUTTURN AND 2020/21 FORWARD BUDGET**

The Board received a report from the Director of Culture, Communities and Business Services setting out the River Hamble 2019/20 forecast outturn and 2020/21 forward budget.

The detailed revised budget for 2019/20, the 2019/20 outturn forecast and the proposed 2020/21 forward budget were included as appendices 1 & 2 to the report, with the reserve balance shown in appendix 3.

It was noted that the £35,000 Asset Replacement Reserve (ARR) annual transfer had been met as agreed by the Board in 2007. This was made up of the £16,000 surplus, the £16,170 balance of the Revenue Reserve along with £2,830 from the Asset Enhancement Reserve.

RESOLVED:

- That the revised budget for the 2019/20 financial year is approved by the River Hamble Harbour Board.
- That the projected outturn for the 2019/20 financial year is noted.
- That the proposed forward budget is approved by the River Hamble Harbour Board.
- That the impact of the triennial actuarial pension valuation in removing the past service payments from 2020/21, and that this could change at the next valuation, is noted.
- That the balances held within the reserves and the impact of anticipated cost pressures on the general reserve balance are noted.

116. **FORWARD PLAN FOR FUTURE MEETINGS**

The Board considered the report of the Director of Culture, Communities and Business Services with regard to the future business items for the Committee and Harbour Board agendas.

RESOLVED: That the report be noted.

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HAMPSHIRE COUNTY COUNCIL

Report

Committee:	River Hamble Harbour Board
Date:	10 July 2020
Title:	Harbour Works Consent Application - Elevated Jetty at Holly House, Sarisbury Green, SO31 7AH
Report From:	Director of Culture, Communities and Business Services

Contact name: Jason Scott or Alison Fowler

Tel: 01489 576387 Email: jason.scott@hants.gov.uk
alison.fowler@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to set out an application received by the River Hamble Harbour Authority for its consideration to grant Harbour Works Consent.

Recommendations

2. That the River Hamble Harbour Board approves Harbour Works' Consent for the proposal set out in paragraph 5 of this report and subject to the following conditions:
 - a. The proposal is to be built in accordance with the details, plans and method set out in this application.
 - b. Harbour Dues must be paid on any qualifying vessel used in association with this jetty.
 - c. The jetty is not to be used as a resident berth for any vessel.
 - d. This consent does not permit the addition of any pontoon or docking system alongside the jetty.
 - e. The deck of the proposed jetty is to be open grid GRP to maximise light penetration and therefore significantly reduce the effects of shading.
 - f. Timing of the works to be outside the overwintering bird season which runs from October 1st to March 31st (inclusive) to ensure any adverse effects on the integrity of the Solent and Southampton Water SPA and Ramsar Site is sufficiently avoided.
 - g. A Construction Environmental Management Plan (CEMP) must be submitted to, and approved by Fareham Borough Council, and adhered to in order to avoid any accidental pollution events and therefore an adverse impact on the integrity of the SAC, SPA and Ramsar.

- h. The development must be completed within 3 years from the date of the approval granted by the Harbour Board.

Executive Summary

3. This report seeks to:
 - Set out an application for Harbour Works Consent (HWC) made by Lymington Technical Services on behalf of the owner of Holly House, Sarisbury Green, SO31 7AH, for the installation of a private raised jetty.
 - Consider the impacts of the proposal on the safety and ease of navigation and on the environment of the Hamble Estuary, both during construction and once operational. In considering the environmental impacts, it also takes into account the Appropriate Assessment undertaken by Fareham Borough Council under the provisions of the Habitats Regulations.

Project Description

4. The proposal is for the installation of a private elevated timber jetty to provide private access to the water for the site owner.
5. The following documents have been provided by the applicant to support this application, and reference must be made to these for a full understanding of the proposal (see Appendix 1a & 1b):
 - Appendix 1a: Drawing No. 10685/2 (Lymington Technical Services) dated Jan 2019.
 - Appendix 1b: Supporting Information Document.

Harbour Authority's Responsibilities

6. 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.
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.
8. The River Hamble forms part of the Solent European Marine Sites 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 2017 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 Sites.

9. 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.
10. 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.
11. All public bodies such as RHHA are required to make all authorisation and enforcement decisions which are likely to affect the marine areas in accordance with the South Inshore and Offshore Marine Plan which was published in July 2018 by the Marine Management Organisation (MMO). The plan provides a policy framework to shape and inform decisions over how the marine environment is developed, protected and improved over the next 20 years.
12. 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. Additional consultation is undertaken with other organisations as relevant. Specific issues relevant to this particular application are covered within the sections below.

Consultation process

13. Subsequent to receipt of the application for Harbour Works Consent the following actions were taken:
 - Project details and plans were entered on the Harbour Authority's webpage for the online viewing of applications at <https://www.hants.gov.uk/thingstodo/riverhamble/worksaplication> During the current coronavirus pandemic and resulting required closure of the Harbour Office to members the public, the plans and details of the application were not on this occasion made available in the Harbour Office for inspection by members of the public. It should, however, be noted that public notices were placed at the site and in local newspapers as part of the requirements for both the planning application and the Marine License application.
 - Notification email sent to all members of the River Hamble Harbour Management Committee and the River Hamble Harbour Board of the proposed development. Based on responses received from members of

the Management Committee, the Chairman is content to advise the Harbour Board to grant Harbour Works' Consent.

- Email sent to registered interested parties and to members of the Hamble Estuary Partnership informing them of the application and requesting any written comments by the deadline.
- Direct liaison with Natural England.

Response to Statutory Consultation

14. Natural England's (NE) statutory consultation response to RHHA is provided at Appendix 2. It states that, on the basis of the information supplied, the application may have a likely significant effect on the designated sites and as such requires an Appropriate Assessment in accordance with Regulation 63 of the Conservation of Habitats & Species Regulations 2017 (as amended). An Appropriate Assessment (AA) must be carried out by a competent authority under the provisions of the Habitats Regulations
15. Fareham Borough Council undertook the AA as part of its determination of the planning application for the same proposal. This is provided within Appendix 1b. The AA does not need to be repeated by RHHA for the Harbour Works Consent application for the same proposal.
16. The AA concluded that the proposal, including those measures proposed to mitigate for all identified potential adverse effects of the proposal, will not result in adverse effects on the integrity of any of the designated sites. Natural England is a statutory consultee on the Appropriate Assessment and concurs with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.
17. NE also advise that the proposal is not likely to damage the interest features for which the Lee-on-the Solent to Itchen Estuary SSSI site has been notified if undertaken in strict accordance with the details submitted and the mitigation measures it requests be conditioned in the permission (see paragraph 2e, 2f and 2g).

Responses to Non-Statutory Public Consultation

18. One response was received as a result of the Harbour Authority's public consultation. The principal concerns cited were:
 - Permitting this development may set a precedent for further such structures and consequential cumulative impacts.
 - A vessel settling on mudflat during the winter period will result in lost foraging habitat for overwintering birds which are known to use the site.

Harbour Master's Comments

19. 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.
20. All consultation responses received relating to the Harbour Authority's statutory and safety responsibilities have been taken into account in the preparation of this report.
21. This proposal also requires permissions from other authorities (e.g. Local Planning Authority, Marine Management Organisation). Issues pertaining to their policies and regulations should be addressed with the appropriate organisation.
22. Planning Permission has been granted, subject to the conditions set out in Appendix 1b.
23. The proposed structure is on private land and will not encroach on the RHHA's lease from the Crown Estate. However, this area inside the bridge between the footpath and the properties' gardens up to mean high water mark is within the jurisdiction of RHHA under its establishing Act for the purposes of navigational safety.
24. Use of the jetty will be subject to tidal constraints. The jetty is in confined waters East of a small access point from the main body of the River and traffic in the immediate vicinity negligible. No Aids to Navigation will be required to mark its presence.
25. The size of any craft using the jetty will be limited by the available depth and breadth of navigable water. Only a small, shallow draft vessel is suitable for use associated with the jetty due to the limited depth of the creek as well as the height constraint of the public footpath bridge which must be passed underneath to access the river.
26. The jetty is to be used when sufficient tidal height allows to prevent a vessel grounding on the intertidal zone and associated damage commensurate with the protected nature of the area. See below. Accordingly the jetty is not suitable for use as a permanent berth. See condition 2c.
27. The proposal is sited within the Solent & Southampton Water Special Protection Area (SPA), the Solent and Southampton Water Ramsar site, the Lee-on-the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent Maritime Special Area of Conservation (SAC) and is sited 60 metres outside the boundary of the Solent and Dorset Special Protection Area (SPA).

28. The jetty will be raised above the foreshore occupying an area over it of 15m², but it will be an open grid design to allow light penetration. The small piles (diameter of 10 to 15cm) will be driven into the foreshore, resulting in a direct loss of habitat totalling an area of 1.65m².
29. The application sets out mitigation methods to (i) reduce the impacts of construction on the adjacent foreshore, and to (ii) avoid disturbance of protected overwintering bird population by conducting construction outside of the overwintering bird season. The Appropriate Assessment concludes that *“that the disturbance during the construction phase on the Solent and Southampton Water SPA and Ramsar will be mitigated through the delivery of a CEMP and careful timing of the works”*. This Construction Environmental Management Plan (CEMP) is a condition of the planning application and will be approved by Fareham Borough Council.
30. The Appropriate Assessment concludes that the impact of the small increase in recreational disturbance on the SPA resulting from the use of the proposed private jetty and the associated over-wintering bird population is considered to be minimal.
31. The Appropriate Assessment, and subsequent conclusion, of the impacts of this proposal on the designated sites does not consider the additional impacts of a vessel being berthed alongside as a resident mooring, nor of a pontoon or docking system being in place on the foreshore. It is, therefore, important that the jetty is not to be used as a resident berth for any vessel nor for the addition of any pontoon or docking system alongside the jetty. See conditions at 2c and 2d.
32. No dredging of sub-tidal or inter-tidal habitat is required for this development.
33. NE is satisfied that RHHA may grant consent for the proposal providing that that conditions at paragraph 2e, 2g and 2f be added to the consent.
34. If the River Hamble Harbour Board decides to grant permission for this application, subject to the conditions in paragraph 2, it would be adhering to its responsibilities under environmental legislation.

Strategic Vision

35. 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.

CORPORATE OR LEGAL INFORMATION:**Links to the Strategic Plan**

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

IMPACT ASSESSMENTS:

1. Equality Duty

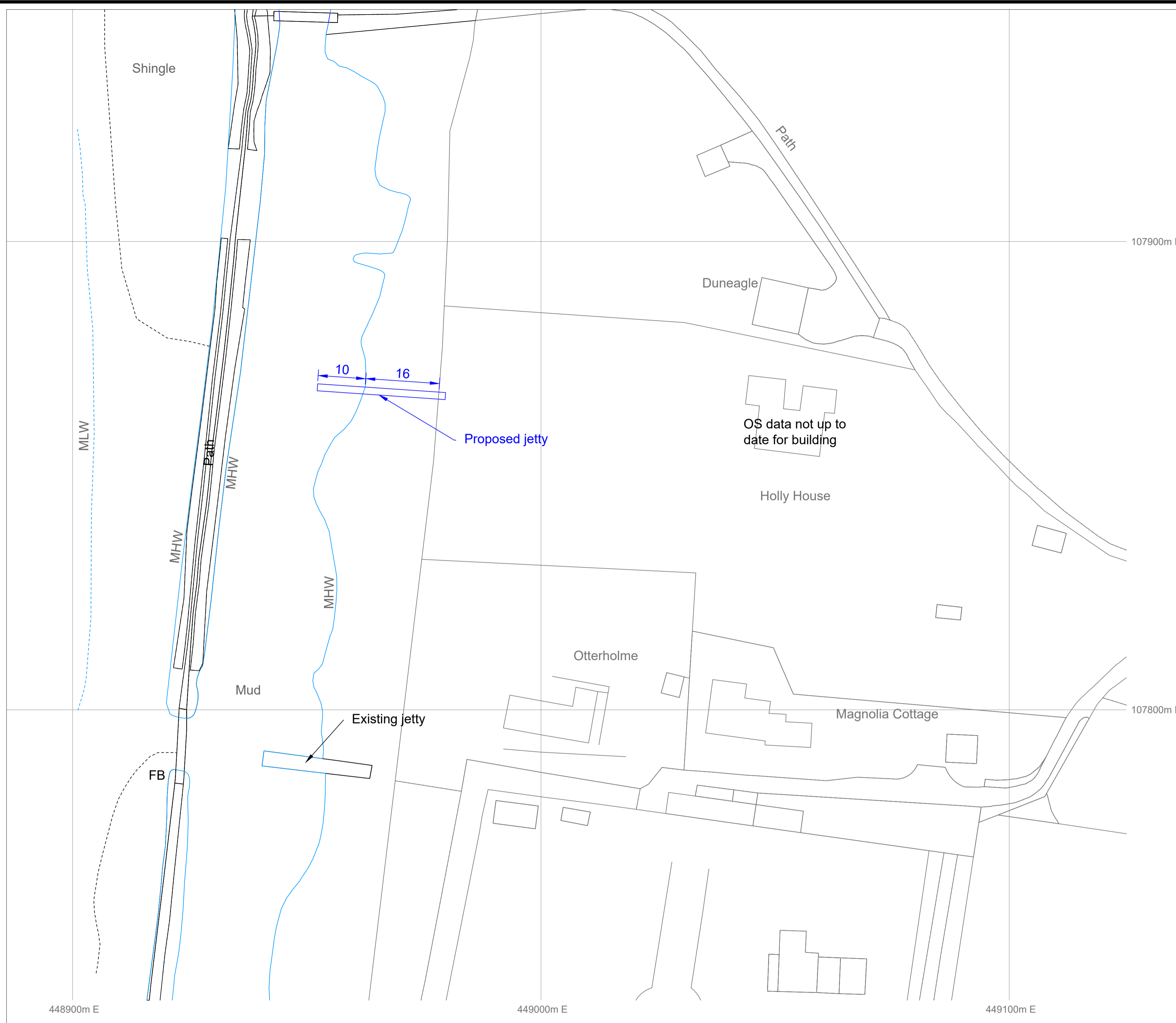
- The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between 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:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) 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.

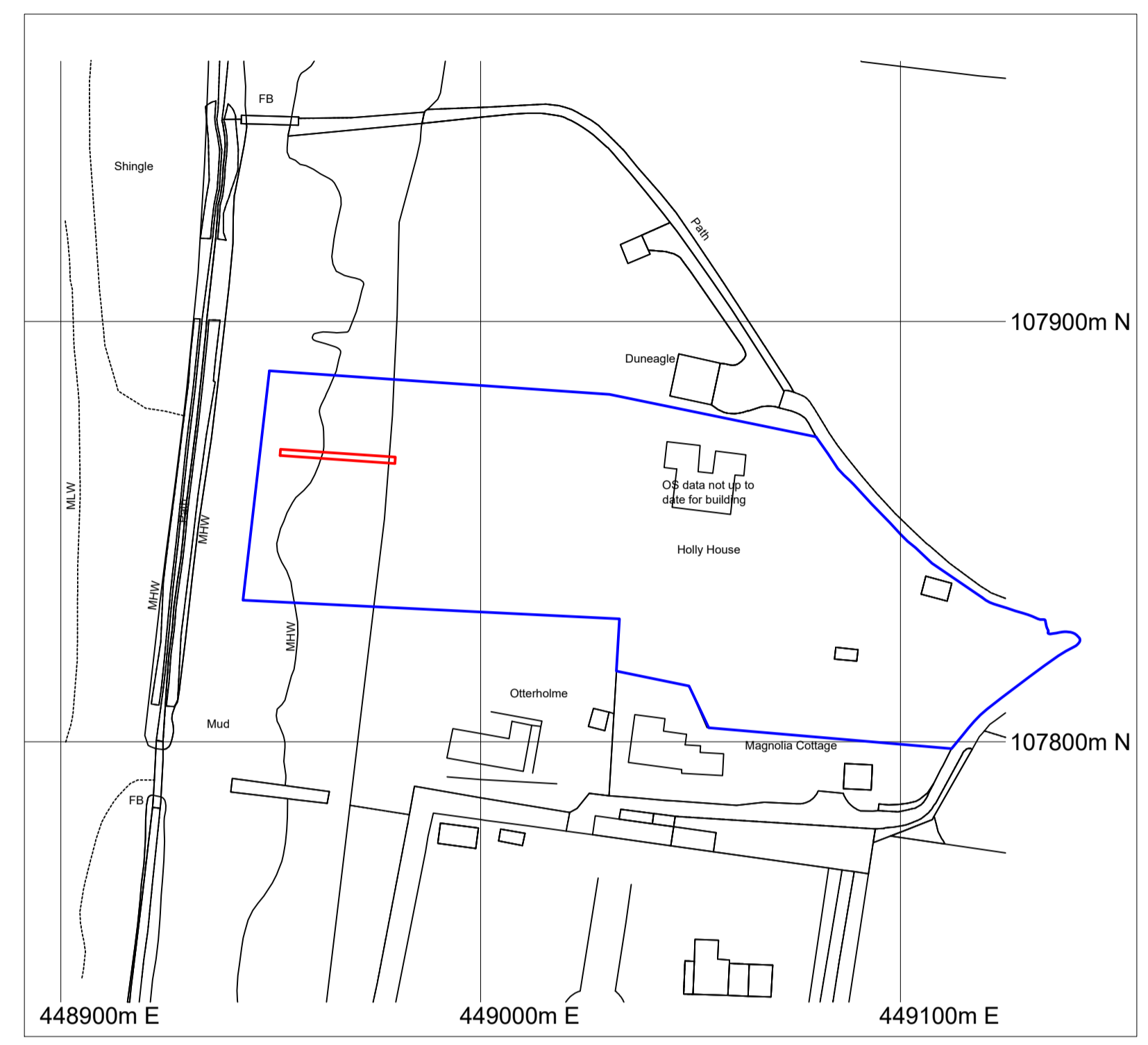
2. Equalities Impact Assessment:

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.



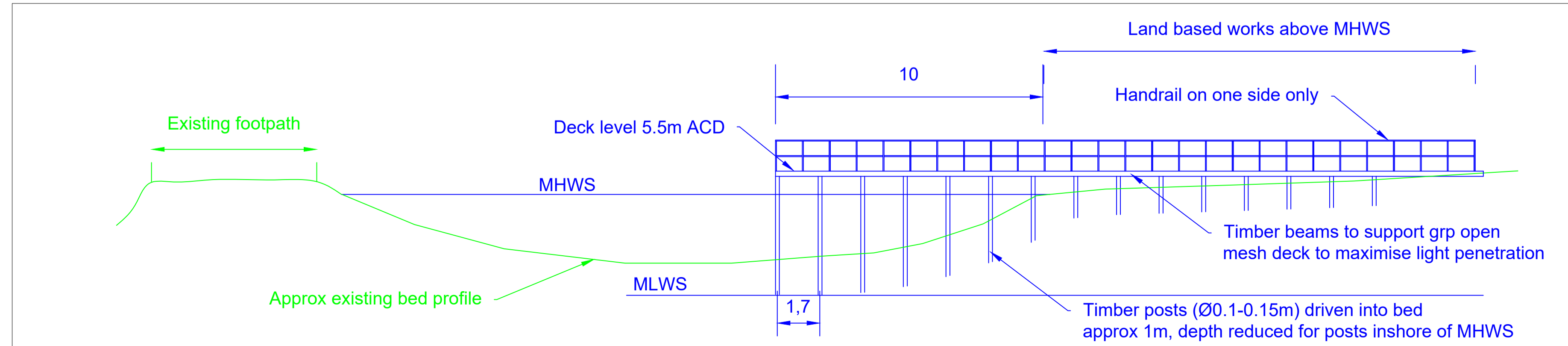
SITE PLAN - SCALE 1:500

- NOTES**
1. Grid shown is OS National Grid
 2. Background data from OS Data © Crown Copyright 2018. Streetwise Licence No. 100047474

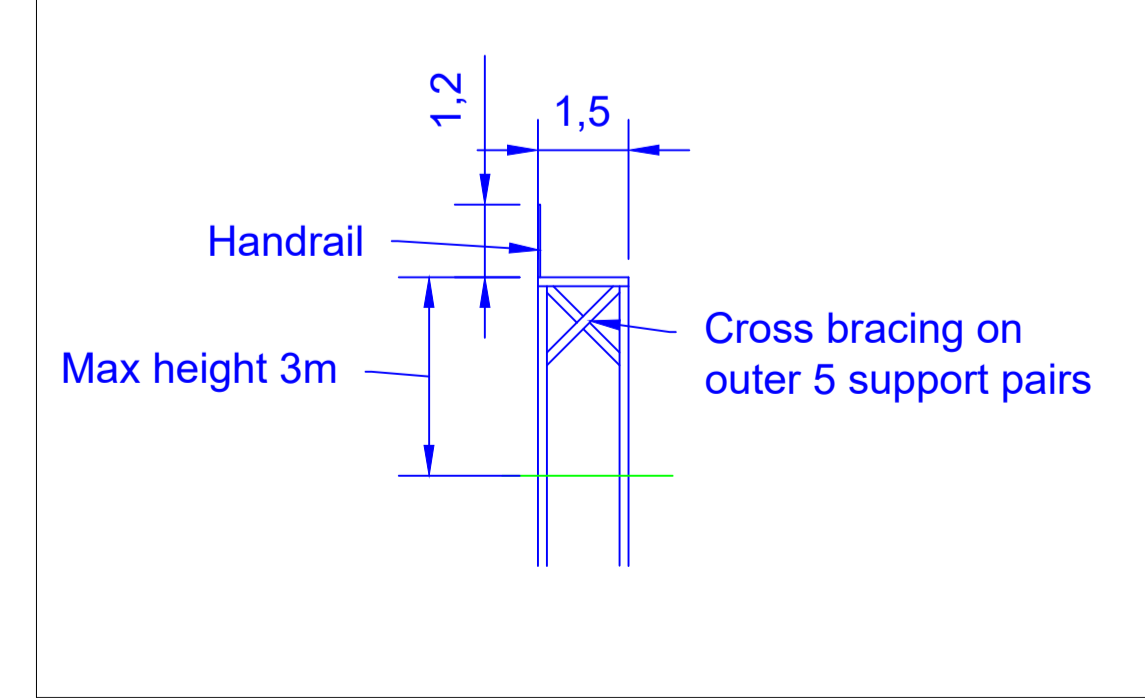


LOCATION PLAN - SCALE 1:1250

Original LTS print only with Red Stamp



SIDE ELEVATION OF JETTY - SCALE 1:125



END ELEVATION OF JETTY - SCALE 1:125

04:01:19 LPA Application

Date Issue

LYMINGTON TECHNICAL SERVICES LTD

CLIENT
Mr S WOODHAMS

SITE
HOLLY HOUSE, SARISBURY GREEN, SOUTHAMPTON

TITLE
SITE PLANS

SCALE AS SHOWN @ A1

DRAWN *P.Toswell* DATE *Jan 2019*

DRG No 10685/2

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S Woodhams

Holly House, Sarisbury Green,
SO31 7AH

Installation of Elevated Jetty

RHHA Harbour Works Consent Application

Supporting Statement, WaFD and WFD Assessments
for Jetty Installation

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Appendices

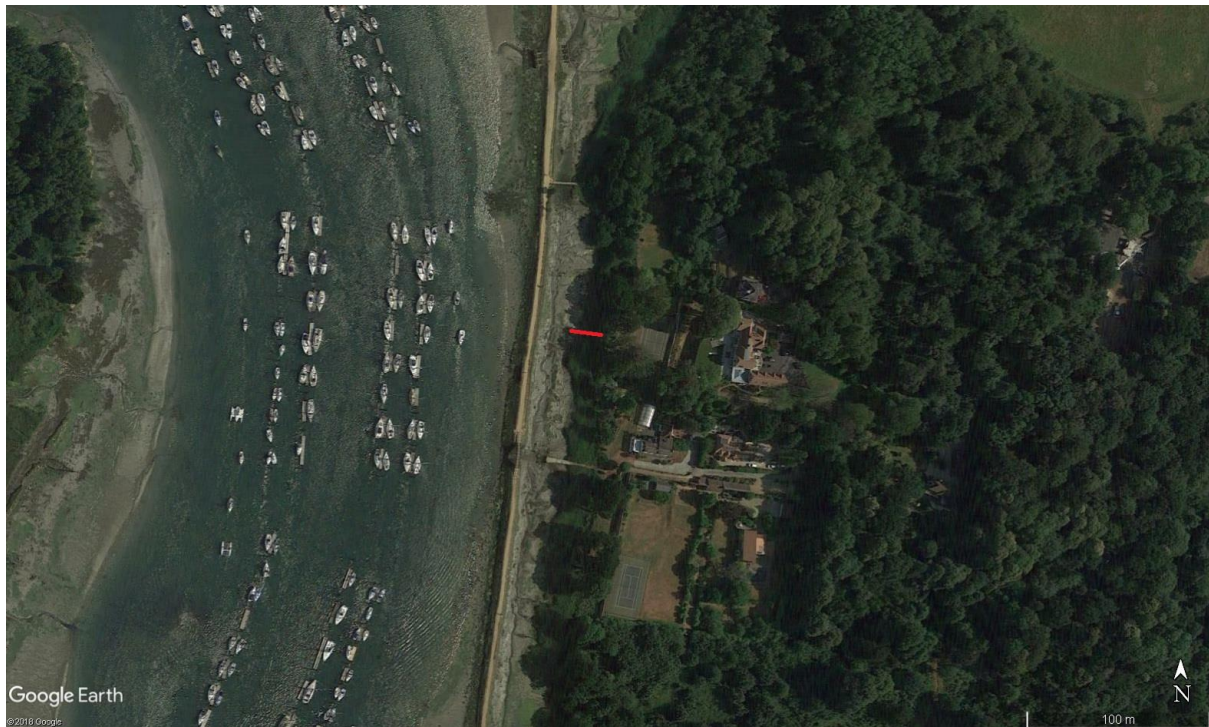
Appropriate Assessment

NE Response

Planning Consent

1. Location

The works location is shown on drawing 10685/2 and in red on the image below:



2. Proposal

It is proposed to construct a small jetty to provide access to the water for the site owner.

The jetty would be constructed from timber as shown on drawing 10685/2.

As can be seen on the image above (and on drawing 10685/2) there is an existing jetty south of the proposal.

Planning consent for the works has been granted for the works by Fareham Borough Council, application reference P/19/0031/FP.

As part of this planning application a Habitats Regulations Assessment (HRA) was undertaken by Fareham Borough Council. This assessment has been agreed with Natural England.

Documents relating to the planning decision and the HRA are included with this application and listed below:

Planning Decision Notice – PKN-191009- FINAL DECISION NOTICE –(CASEID-310344-85).PDF

Appropriate Assessment (HRA) - PKN-191008- APPROPRIATE ASSESSMENT –(CASEID-310344-80).PDF

3. Design Details & Usage

The proposed structure is of timber and full details are shown on drawing 10685/2.

The jetty will be used for small craft as all vessels will need to be small with shallow draft as the access to the river is constrained by the bridge over the public footpath. The largest practical vessel would be a small rib. Mention is often made regarding pollution from such craft, but this is not substantiated by the available evidence. Modern outboards are very efficient and meet the relevant legislation. The most common spillage is from fuelling and no refuelling will occur on the jetty.

Leaving a small vessel to dry out alongside a higher jetty is fraught with risk (damage, vandalism etc) and is not proposed.

4. Appearance

The appearance is entirely in keeping with the river environment.

5. Method Statement

In order to ensure that no damage to the intertidal will occur during the construction phase it is planned that the works will be constructed from the shore working out along the jetty itself. This will avoid the necessity for plant on the mudflat. Some works (bolting beams to piles etc) may be from a small boat (dory type) but this will only be at high waters.

The intention is not to remove any trees but just some of the vegetation for access (a gap of say 2m). The idea being to minimise impact.

For the jetty below MHWS the footprint is 15m². This is a plan area of the deck which will be open grid grp to maximise light penetration. The piles occupy a total area of 1.65m².

For the jetty above MHWS the footprint is 24m² but much of this is in the owner's garden. Again, an open grid grp deck will be used. The piles occupy a total area of 1.89m².

In order to avoid bird disturbance issues the works will be conducted outside of the overwintering bird season (Oct 1st to 31st March).

6. Waste Framework Directive

This section follows the guidance contained in the Guidelines on the interpretation of key provisions of Directive 2008/98/EC on waste.

The waste hierarchy sets out 5 methods of dealing with waste – Prevention, Preparing for re-use, Recycling, Other recovery and Disposal.

6.1 Prevention

Article 3(12) WaFD defines ‘prevention’ as:

‘Measures taken before a substance, material or product has become waste that reduce:

- the quantity of waste, including through the re-use of products or the extension of the life span of products;
- the adverse impacts of the generated waste on the environment and human health; or
- the content of harmful substances in materials and products.

Whilst prevention is not technically a waste management operation it does trigger whether the material becomes waste.

The works are a new installation so there is no prevention option.

6.2 Recovery

Recovery is part of the definition of ‘waste treatment’ (Article 3(14) WaFD). Waste treatment can only be a recovery operation or a disposal operation.

The result of a recovery operation is defined as: ‘waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy’ (see Article 3(15) WaFD).

Recovery consists of three sub-categories: preparing for re-use, recycling and other recovery.

There are no existing components but, as is common in such construction, there will be some material remnants (off-cuts etc) and these will be recycled by the contractor.

The works therefore comply with the Directive.

7. WFD Assessment

The assessment uses the online EA tables which are reproduced in the following pages.

Data is taken from the Catchment Data Explorer dated 16 Oct 2019.

Screening & Scoping Stage - WFD Tables for activities in estuarine and coastal waters

Works take place in or affect more than one water body, complete a template for each water body – *single water body*

Works include several different activities or stages as part of a larger project, complete a template for each activity as part of your overall WFD assessment – *single activity*

Activity	Description, notes or more information
Applicant name	<i>S Woodhams</i>
Application reference number (where applicable)	<i>n/a</i>
Name of activity	<i>Installation of elevated jetty</i>
Brief description of activity	<i>New jetty for private use</i>
Location of activity (central point XY coordinates or national grid reference)	<i>448964, 107868</i>
Footprint of activity (ha)	<i>0.0039 ha</i>
Timings of activity (including start and finish dates)	<i>Dependent upon Marine Licence and plant availability.</i>
Extent of activity (for example size, scale frequency, expected volumes of output or discharge)	<i>Single campaign</i>
Use or release of chemicals (state which ones)	<i>No</i>

Water body ¹	Description, notes or more information
WFD water body name	<i>Southampton Water</i>
Water body ID	<i>GB520704202800</i>
River basin district name	<i>South East</i>
Water body type (estuarine or coastal)	<i>Transitional Water (Estuarine in summary table)</i>
Water body total area (ha)	<i>3091.3</i>
Overall water body status	<i>Moderate</i>
Ecological status	<i>Moderate</i>
Chemical status	<i>Good by 2017</i>
Target water body status and deadline	<i>Moderate by 2015</i>
Hydromorphology status of water body	<i>Supports Good</i>
Heavily modified water body	<i>Yes – navigation, ports & harbours, flood defence</i>

WFD protected areas within 2km	Yes – SPA, SAC, Shellfish, Coastal sensitive (eutrophic)
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Specific risk to receptors -

Section 1: Hydromorphology

Consider if hydromorphology is at risk from your activity.

Use the water body summary table to find out the hydromorphology status of the water body, if it is classed as heavily modified and for what use.

Consider if your activity:	Yes	No	Hydromorphology risk issue(s)
Could impact on the hydromorphology (for example morphology or tidal patterns) of a water body at high status	Requires impact assessment	Impact assessment not required	No
Could significantly impact the hydromorphology of any water body	Requires impact assessment	Impact assessment not required	No
Is in a water body that is heavily modified for the same use as your activity	Requires impact assessment	Impact assessment not required	Yes

Record the findings for hydromorphology and go to section 2: biology.

Section 2: Biology

Habitats

Consider if habitats are at risk from your activity.

Use the water body summary table and Magic maps, or other sources of information if available, to find the location and size of these habitats.

Higher sensitivity habitats ²	Lower sensitivity habitats ³
chalk reef	cobbles, gravel and shingle
clam, cockle and oyster beds	intertidal soft sediments like sand and mud
intertidal seagrass	rocky shore
maerl	subtidal boulder fields
mussel beds, including blue and horse mussel	subtidal rocky reef
polychaete reef	subtidal soft sediments like sand and mud (not indicated on MAGIC).
saltmarsh	
subtidal kelp beds	

subtidal seagrass

² Higher sensitivity habitats have a low resistance to, and recovery rate, from human pressures.

³ Lower sensitivity habitats have a medium to high resistance to, and recovery rate from, human pressures.

Consider if the footprint ⁴ of your activity is:	Yes	No	Biology habitats risk issue(s)
0.5km ² or larger	Yes to one or more – requires impact assessment	No to all – impact assessment not required	No
1% or more of the water body's area			No
Within 500m of any higher sensitivity habitat			Yes
1% or more of any lower sensitivity habitat			No

⁴ Note that a footprint may also be a temperature or sediment plume. For dredging activity, a footprint is 1.5 times the dredge area.

Fish

Consider if fish are at risk from your activity, but only if your activity is in an estuary or could affect fish in or entering an estuary.

Consider if your activity:	Yes	No	Biology fish risk issue(s)
Is in an estuary and could affect fish in the estuary, outside the estuary but could delay or prevent fish entering it or could affect fish migrating through the estuary	Continue with questions	Go to next section	No
Could impact on normal fish behaviour like movement, migration or spawning (for example creating a physical barrier, noise, chemical change or a change in depth or flow)	Requires impact assessment	Impact assessment not required	No
Could cause entrainment or impingement of fish	Requires impact assessment	Impact assessment not required	No

Record the findings for biology habitats and fish and go to section 3: water quality.

Section 3: Water quality

Consider if water quality is at risk from your activity.

Use the water body summary table to find information on phytoplankton status and harmful algae.

Consider if your activity:	Yes	No	Water quality risk issue(s)
Could affect water clarity, temperature, salinity, oxygen levels, nutrients or microbial patterns continuously for longer than a spring neap tidal cycle (about 14 days)	Requires impact assessment	Impact assessment not required	No.
Is in a water body with a phytoplankton status of moderate, poor or bad	Requires impact assessment	Impact assessment not required	No
Is in a water body with a history of harmful algae	Requires impact assessment	Impact assessment not required	No

Consider if water quality is at risk from your activity through the use, release or disturbance of chemicals.

If your activity uses or releases chemicals (for example through sediment disturbance or building works) consider if:	Yes	No	Water quality risk issue(s)
The chemicals are on the Environmental Quality Standards Directive (EQSD) list	Requires impact assessment	Impact assessment not required	No
It disturbs sediment with contaminants above Cefas Action Level 1	Requires impact assessment	Impact assessment not required	No

If your activity has a mixing zone (like a discharge pipeline or outfall) consider if:	Yes	No	Water quality risk issue(s)
The chemicals released are on the Environmental Quality Standards Directive (EQSD) list	Requires impact assessment ⁵	Impact assessment not required	No

⁵ Carry out your impact assessment using the Environment Agency's surface water pollution risk assessment guidance, part of Environmental Permitting Regulations guidance.

Record the findings for water quality go on to section 4: WFD protected areas.

Section 4: WFD protected areas

Consider if WFD protected areas are at risk from your activity. These include:

- special areas of conservation (SAC)
- special protection areas (SPA)
- shellfish waters
- bathing waters
- nutrient sensitive areas

Use Magic maps to find information on the location of protected areas in your water body (and adjacent water bodies) within 2km of your activity.

Consider if your activity is:	Yes	No	Protected areas risk issue(s)
Within 2km of any WFD protected area ⁶	Requires impact assessment	Impact assessment not required	Yes

⁶ Note that a regulator can extend the 2km boundary if your activity has an especially high environmental risk.

Record the findings for WFD protected areas and go to section 5: invasive non-native species.

Section 5: Invasive non-native species (INNS)

Consider if there is a risk your activity could introduce or spread INNS.

Risks of introducing or spreading INNS include:

- materials or equipment that have come from, had use in or travelled through other water bodies
- activities that help spread existing INNS, either within the immediate water body or other water bodies

Consider if your activity could:	Yes	No	INNS risk issue(s)
Introduce or spread INNS	Requires impact assessment	Impact assessment not required	No

Summary

Receptor	Potential risk to receptor?	Note the risk issue(s) for impact assessment
Hydromorphology	Yes	HMWB for same use assumed
Biology: habitats	Yes	saltmarsh
Biology: fish	No	
Water quality	No	

Protected areas	Yes	<i>SPA, SAC, Shellfish, Coastal sensitive (eutrophic)</i>
Invasive non-native species	No	

8. WFD Impact Assessment and Mitigation

The assessment has identified potential risks to the following:

Hydromorphology –

The works relate to a small-scale. There is no additional risk.

Biology, Habitats –

There is saltmarsh nearby. The works have a very low impact and the proposed method and construction minimise any potential impact. This has all been agreed with the LPA ecologists and Natural England.

Protected areas -

Any impact on these sites has been assessed by the LPA under an HRA which has been agreed with Natural England. See later.

The works will therefore have no negative impact on the protected sites.

By following EA guidance, it is concluded that the proposal will not have a negative impact on the water body nor any protected area.

9. Protected Areas

The site is covered by the following protected areas:

Special Area of Conservation – Solent Maritime - Estuaries, Spartina swards and Atlantic salt meadows.

Special Protection Area – Solent and Southampton Water – primarily birds

Potential SPA – Solent and Dorset Coast – for Terns

Ramsar Site – Solent & Southampton Water – for birds

Site of Special Scientific Interest – Lee-on-the Solent to Itchen Estuary – intertidal habitat (primarily birds)

10. Potential Impacts

11.1 Operational

In terms of potential impacts the main concern is with birds. Whilst an increase in human activity within a protected area is naturally a concern it must be considered in relation to the existing environment.

The jetty will be used by the site owner and family with the potential for use of small craft (due to access depths) at high waters. It is therefore expected that the main occupation of the jetty will be at times when the area is covered by water.

The existing causeway immediately to the west of the proposed works forms a public footpath. This footpath is heavily used by dog walkers, cyclists, joggers etc at all states of the tide.

It is therefore apparent that the existing levels of activity in the area are orders of magnitude greater than those anticipated from the use of the proposed works.

11.2 Construction

With regard to the construction of the works there is likely to be some potential disturbance. It is therefore proposed that the construction works are undertaken outside of the overwintering bird season.

11. Environmental Assessment

The location within a designated area has been considered in some detail with the Local Authority and their advisors (HCC and NE). The Appropriate Assessment undertaken concluded the following:

The Authority has concluded that the adverse effects due to the direct loss of a small proportion of the SPA, Ramsar and SAC habitat could not be avoided, mitigated or compensated due to the nature of the proposals. However, this loss is so minimal that is not considered to be significant.

The Authority has also concluded that the disturbance during the construction phase on the Solent and Southampton Water SPA and Ramsar will be mitigated through the delivery of a CEMP and careful timing of the works. Furthermore, the small increase in recreational disturbance on SPA and pSPA birds is considered to be minimal, and the potential level of disturbance already exists by the existing occupiers of the associated residential property.

Therefore, there will be no adverse effect on the integrity of the Solent & Southampton Water SPA and Ramsar, Solent Maritime SAC and Solent and Dorset Coast pSPA.

Natural England have stated to the LPA:

We note that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal in accordance with Regulation 63 of the Regulations.

Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Mitigation Measures

The deck of the proposed jetty will be open grid GRP to maximise light penetration and therefore significantly reduce the effects of shading.

Careful timing of the works to outside overwintering bird season which runs from October 1st to March 31st (inclusive) will ensure any adverse effects on the integrity of the Solent and Southampton Water SPA and Ramsar Site is sufficiently avoided.

Implementation of an appropriate Construction Environmental Management Plan (CEMP) is considered to sufficiently avoid any accidental pollution events and therefore an adverse impact on the integrity of the SAC, SPA and Ramsar.

Wildlife and Countryside Act 1981 (as amended)

We can confirm that the proposed works are located within Lee-on-the-Solent to Itchen Estuary SSSI.

Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to damage the interest features for which the site has been notified. However we recommend that the mitigation measures above are attached to the marine licence to ensure that the activity is undertaken as per the application and therefore compliant with the above legislation.

12. Flood Risk

The proposed structure is fully water compatible and will have no impact on flood risk.

Appendices –

Appropriate Assessment

NE Response

Planning Consent

Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA drafting date:	27 August 2019
HRA completion date:	11 September 2019
Application reference:	P/19/0031/FP
Application address:	Holly House Holly Hill Lane Sarisbury Green Southampton SO31 7AH
Application description:	Elevated Jetty
Lead Planning Officer:	Peter Kneen
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.	

Stage 1 - details of the plan or project	
European site(s) potentially impacted by planning application, plan or project:	<ul style="list-style-type: none"> • Solent and Southampton Water Special Protection Area (SPA); • Portsmouth Harbour SPA; • Chichester and Langstone Harbours SPA; • Solent Maritime Special Area of Conservation (SAC); • Chichester and Langstone Harbours Ramsar site; • Solent and Southampton Water Ramsar site; • Portsmouth Harbour Ramsar site; • Potential Solent and Dorset Coast SPA (pSPA). <p>The three Ramsar sites listed above are not European sites subject to the Habitats Directive, the Wild Birds Directive or the Habitats Regulations. However, a similar assessment has been undertaken for the purposes of the Ramsar Convention, the NPPF and policy DSP13.</p>

	The Solent and Dorset Coast pSPA is not (presently) a European site subject to the Habitats Directive, the Wild Birds Directive or the Habitats Regulations. However, a similar assessment has been undertaken for the purposes of the NPPF and policy DSP13.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of a new elevated jetty, which is neither connected to nor necessary to the management of any European site or other sites listed above
Are there any other projects or plans that together with the planning application being assessed could affect the site(s) (Applicant to provide details to allow an 'in combination' effect to be assessed)?	There is not considered to be any other projects or plans that together with the planning application are likely to have a significant effect on the other European sites or other sites listed above.

Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar/pSPA.

For the reasons given below, there is considered to be a likely significant effect on the Solent and Southampton Water Special Protection Area and Ramsar site, Solent Maritime SAC and the Solent and Dorset Coast pSPA as a result of the proposed works.

Solent and Southampton Water SPA/Ramsar

Solent and Southampton Water qualifies as a SPA for its breeding and wintering bird species. As breeding species, the site contains Common Tern, Little Tern, Mediterranean Gull, Roseate Tern and Sandwich Tern. Over wintering birds include Black-tailed Godwit, Dark-bellied Brent Goose, Ringed Plover and Teal.

Solent and Southampton Water also qualifies as a Ramsar site under four criteria, including:

- Supporting many wetland habitats such as saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.
- Supporting an important assemblage of rare plants and invertebrates.
- Supporting avian assemblages of international importance
- Regularly supporting 1% of the individuals in a population of one species or subspecies of water bird (in this case, dark-bellied Brent goose).

Conservation objectives

Subject to natural change, ensure that the integrity of the SPA site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring the extent and distribution, the structure and function of the habitats of the qualifying features and the population of each of the qualifying features.

SPAs classified under the EU Birds Directive and SACs designated under the EU Habitats Directive together form the Natura 2000 network. The Habitats Directive establishes the need to properly protect these sites and identifies that this should be carried out having regard to defined 'conservation objectives'. Ramsar sites were established as part of a global convention on important wetland areas; as such, on their own, they are not part of the EU protected sites. Therefore, Ramsar sites do not have agreed conservation objectives as a requirement of EU legislation. However, Ramsar sites are generally contiguous with a number of wetland SPAs and their underlying SSSIs.

While Ramsar sites do not have defined (per EU Habitats Directive) conservation objectives, it is a requirement that any protection and management measures in place for SSSIs, SPAs, and SACs that are contiguous with Ramsar sites adequately cover Ramsar interests where those interests are wider than other underlying UK / EU designation or classification. (<https://publications.parliament.uk/pa/cm199900/cmhansrd/vo001113/text/01113w12.htm> para 12)

The key way in which this is secured through UK planning policy is through NPPF 2018 paragraph 176 which explicitly states that Ramsar sites must be considered in the same way as EU sites.

Portsmouth Harbour SPA/Ramsar

Portsmouth Harbour qualifies as a SPA by supporting internationally or nationally important wintering populations of migratory water fowl, including Dark-bellied Brent goose, Red breasted merganser, Black-tailed and Dunlin.

Portsmouth Harbour qualifies as a Ramsar site for its intertidal mudflat areas supporting extensive beds of narrow-leaved and dwarf eelgrass, which in turn support the grazing dark bellied Brent goose populations.

Conservation objectives

Maintain or where appropriate, restore habitats and species populations of European importance to favourable conservation status.

Chichester & Langstone Harbours SPA/Ramsar

The SPA qualifies by supporting breeding populations of European importance including little tern, common tern and sandwich tern and overwintering populations of European importance of bar-tailed godwit, along with overwintering populations of European importance of a number of regularly occurring migratory species such as dark bellied Brent goose, dunlin, grey plover, red shank, etc. The Ramsar qualifies for comprising two large estuarine basins linked by the channel, supporting an internationally important assemblage of species.

Conservation objectives

Maintain or where appropriate, restore habitats and species populations of European importance to favourable conservation status.

The following section discusses the potential effects that can arise from development activity (both during construction and operation/occupation) at the application site, considers the potential for impact pathways to be present between the application site, and the potential impacts on these SPAs and Ramsar sites of the identified effect via any identified pathway.

Assessment of likely significant effect

Table 1. Solent SPAs (Solent & Southampton Water SPA, Portsmouth Harbour SPA, Chichester & Langstone Harbours SPA) & corresponding Ramsar sites – assessment of likely significant effects

Potential Impacts	Comments
Habitat Loss	<p>Due to the distance between the site and Portsmouth Harbour SPA, Chichester & Langstone Harbours SPA and their corresponding Ramsar sites, no loss of habitat at these designations is anticipated. Therefore, no likely significant effect alone or in combination is anticipated at Portsmouth Harbour SPA, Chichester & Langstone Harbours SPA and their corresponding Ramsar sites.</p> <p>As the proposed elevated jetty is located within the Solent & Southampton Water SPA and Ramsar, there will be a direct loss of SPA and Ramsar habitat. Whilst the footprint of the jetty is understood to be 15m², it is elevated and therefore no direct loss of mudflats is anticipated. However, the piles of the jetty measures 1.65m². Therefore, there will be direct loss of 1.65m² of SPA mudflat and subsequent decrease in available habitat for SPA birds. Therefore, the proposals will result in a likely significant effect on Solent and Southampton Water SPA and Ramsar site is anticipated</p>
Increased Recreational Disturbance	<p>Due to the localised nature of the proposed development and its purpose (access to the water for the site owner and his family) and the distance between the site and Portsmouth Harbour SPA, Chichester & Langstone Harbours SPA and their corresponding Ramsar sites, there will be no increase in the level of recreation and disturbance of bird species, either alone or in combination with other projects/plans. However, as the application site is located within Solent & Southampton Water SPA and Ramsar, the installation of a new elevated jetty will result in a very small increase in human presence in this area and therefore a likely significant effect alone or in combination on Solent and Southampton Water SPA and Ramsar site is anticipated.</p>
Disturbance from construction activities	<p>Birds utilising SPA or Ramsar sites or associated supporting habitats can be disturbed during the construction phase of a development, for example though noisy construction activities, vibration, or visual disturbance.</p> <p>The site is located within the Solent & Southampton Water SPA and corresponding Ramsar site. Therefore, there is a likely significant effect on the Solent and Southampton Water SPA and Ramsar Site, alone. No in-combination effects are anticipated due to the small scale and localised nature of the proposed works.</p> <p>Due to the distance between the site and Portsmouth Harbour SPA, Chichester & Langstone Harbours SPA and their corresponding Ramsar sites, no likely significant effect alone or in combination is anticipated.</p>

Solent Maritime Special Area of Conservation (SAC)

Qualifying Features

- **Estuaries** - The Solent encompasses a major estuarine system on the south coast of England. The Solent and its inlets are unique in Britain and Europe for their hydrographic regime of four tides each day, and for the complexity of the marine and estuarine habitats present within the area.
- **Spartina swards** - The Solent contains the second-largest aggregation of Atlantic salt meadows in south and south-west England.
- There are also a number of Annex I habitats and Annex II species (qualifying feature, but not a primary reason for selection of this site) such as mudflats and sandflats not covered by seawater at low tide, coastal lagoons, Desmoulin's whorl snail etc.

Conservation objectives

Subject to natural change, maintain the qualifying natural habitats and habitats of qualifying species in favourable condition.

Table 2. Solent Maritime SAC – assessment of likely significant effects

Potential Impacts	Comments
Habitat Loss	As the proposed elevated jetty is located within the Solent Maritime SAC, there will be a direct loss of SAC habitat. The footprint of the jetty is understood to be 15m ² , with the piles measuring 1.65m ² . Therefore, there will be direct loss of 1.65m ² of SAC mudflat habitat, along with an indirect impact of shading of 15m ² of the mudflat below. Therefore, the proposals will result in a likely significant effect alone on the Solent Maritime SAC.
Pollution from construction activities	As the site is located within the Solent Maritime SAC, the risk of water pollution incidents from construction activities could not be discounted. Therefore, there is a likely significant effect on the Solent Maritime SAC from construction activities.

Solent and Dorset Coast pSPA

Qualifying Features

Solent and Dorset Coast pSPA proposes to protect important foraging areas at sea used by qualifying interest features from colonies within adjacent, already classified SPAs. These qualifying interest features are three species of tern: common tern, Sandwich tern and little tern, all during breeding.

Conservation objectives

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

The Solent and Dorset Coast pSPA is located 60m west of the proposed site. As the proposals are for an elevated jetty which will result in an increase in recreational boating activities within the pSPA, a likely significant effect as a result of increased recreational disturbance cannot be scoped out.

Would the proposal lead to a likely significant effect on European site?

Yes – Stage 2 of the HRA of the planning application has concluded that the development would have a likely significant effect on the Solent and Southampton Water SPA and the Solent and Southampton Water Ramsar site, alone or in-combination with other plans/projects.

(If yes, continue to Stage 3).

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long-term management, maintenance and funding of any solution.

The project being assessed will result in direct loss of approximately 1.65m² of Solent and Southampton Water SPA and Ramsar and Solent Maritime SAC habitat. Due to the nature of this development which entails the installation of an elevated jetty, the loss of habitat is inevitable. However, the area of loss is considered to be too small in comparison to the total area of available SPA, Ramsar and SAC habitat. Therefore, it could be concluded that this loss will not adversely affect the integrity of the designated sites. Furthermore, the deck of the proposed jetty will be open grid GRP to maximise light penetration and therefore significantly reduce the effects of shading.

As the proposals are for the installation of a small jetty, noise, vibration, and visual disturbance during construction activity is considered to be very low. Therefore, careful timing of the works to outside overwintering bird season which runs from October to March will ensure any adverse effects on the integrity of the Solent and Southampton Water SPA and Ramsar Site is sufficiently avoided (the application would be subject to a condition requiring noisy works to be carried out outside the over-wintering bird period). Similarly, the implementation of an appropriate Construction Environmental Management Plan (CEMP) is considered to sufficiently avoid any accidental pollution events and therefore an adverse impact on the integrity of the SAC, SPA and Ramsar. This will ensure that the development is appropriately managed and adequate measures are in place to prevent any pollution incidents.

Due to the nature of the proposal, a very small increase in the level of recreational disturbance on the Solent and Southampton Water SPA and Ramsar and the Solent and Dorset Coast pSPA is likely. Whilst funding as a result of new housing development could be provided to the Solent Recreation Mitigation Partnership to mitigate for the impact of increased recreational pressure, no such financial contribution has been set for non-residential developments. The increase in the level of recreational disturbance as a result of the new jetty is however considered to be too small to be significant and therefore there will be no adverse effects on the integrity of the SPA, Ramsar and pSPA sites.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the Solent and Southampton Water SPA, Solent & Southampton Water Ramsar, Solent Maritime SAC and Solent and Dorset Coast pSPA. This represents the Authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the Natural Environment and Rural Communities Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s and potential Special Protection Areas is a matter of government policy set out in the National Planning Policy Framework 2018.

The Authority has concluded that the adverse effects due to the direct loss of a small proportion of the SPA, Ramsar and SAC habitat could not be avoided, mitigated or compensated due to the nature of the proposals. However, this loss is so minimal that is not considered to be significant. The Authority has also concluded that the disturbance during the construction phase on the Solent and Southampton Water SPA and Ramsar will be mitigated through the delivery of a CEMP and careful timing of the works. Furthermore, the small increase in recreational disturbance on SPA and pSPA birds is considered to be minimal, and the potential level of disturbance already exists by the existing occupiers of the associated residential property. Therefore, there will be no adverse effect on the integrity of the Solent & Southampton Water SPA and Ramsar, Solent Maritime SAC and Solent and Dorset Coast pSPA.

Natural England Officer:

Date: 08 October 2019
Our ref: 290131
Your ref: P/19/0031



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BY EMAIL ONLY

Dear Peter

Elevated Jetty Holly House Holly Hill Lane Sarisbury Green Southampton SO31 7AH

Thank you for your consultation dated 11 September 2019 The following constitutes Natural England's formal statutory response.

We can confirm that the proposed works are located within Solent and Southampton Water Special Protection Area (SPA) Solent Maritime Special Area of Conservation (SAC) Solent and Southampton Water Ramsar site, Potential Solent and Dorset Coast SPA (pSPA) and Lee-on-the Solent to Itchen Estuary SSSI.

Assessment of likely significant effect

Natural England's advice is that this proposed development may contain (or require) measures intended to avoid or reduce the likely harmful effects on a European Site, which cannot be taken into account when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment (noting the recent People Over Wind Ruling by the Court of Justice of the European Union).

For this reason, we advise that on the basis of the information supplied that the application may have a likely significant effect on these sites. The application requires an appropriate assessment in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Appropriate assessment

We note that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal in accordance with Regulation 63 of the Regulations.

Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Mitigation Measures

- The deck of the proposed jetty will be open grid GRP to maximise light penetration and therefore significantly reduce the effects of shading.
- Careful timing of the works to outside overwintering bird season which runs from October 1st to March 31st (inclusive) will ensure any adverse effects on the integrity of the Solent and Southampton Water SPA and Ramsar Site is sufficiently avoided.
- Implementation of an appropriate Construction Environmental Management Plan (CEMP) is considered to sufficiently avoid any accidental pollution events and therefore an adverse impact on the integrity of the SAC, SPA and Ramsar.

Wildlife and Countryside Act 1981 (as amended)

We can confirm that the proposed works are located within Lee-on-the Solent to Itchen Estuary SSSI. Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to damage the interest features for which the site has been notified. However we recommend that the mitigation measures above are attached to the marine licence to ensure that the activity is undertaken as per the application and therefore compliant with the above legislation:

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely

Milly Fellows
Solent Team
E-mail: Milly.Fellows@naturalengland.org.uk

FAREHAM

BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY (DEVELOPMENT MANAGEMENT
PROCEDURE) ORDER 2015

Planning Decision Notice

Planning Application Reference: P/19/0031/FP

Decision Date: 9 October 2019

Fareham Borough Council, as the Local Planning Authority, hereby **PERMIT** the **Elevated jetty** at **HOLLY HOUSE, HOLLY HILL LANE, SARISBURY GREEN, SOUTHAMPTON, SO31 7AH** as proposed by application **P/19/0031/FP** subject to the following conditions:

1. The development shall begin before 9 October 2022.
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.
2. The development shall be carried out in accordance with the following approved documents:
 - a) Site Plans and Jetty Specifications (Drawing: 10685/2).
REASON: To avoid any doubt over what has been permitted.
3. The jetty's finished surface will be completed with a GRP open mesh deck, in accordance with the approved plans. There shall be deviation from this finish unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of protecting the biodiversity of the area.
4. The development hereby permitted shall only take place between 1 April and 30 September (inclusive). No works at all shall take place outside this time.
REASON: In prevent disturbance to overwintering birds within the river environment.
5. No development shall commence on site until a Construction Environment Management Plan (CEMP) has been submitted to and

approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CEMP (unless otherwise agreed in writing by the local planning authority) which shall include (but shall not necessarily be limited to):

- a) Details of how provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
- b) The measures the developer will implement to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- c) Arrangements for the routing of lorries and details for construction traffic access to the site;
- d) The arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway;
- e) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
- f) Measures to control vibration in accordance with BS5228:2009 which prevent vibration above 0.3mms-1 at the boundary of the SPA;
- g) Provision for storage, collection, and disposal of rubbish from the development during construction period;
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- i) Temporary lighting;
- j) Protection of pedestrian routes during construction;
- k) No burning on-site;
- l) Scheme of work detailing the extent and type of piling proposed;
- m) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surrounding marine environment.

REASON: To ensure that the occupiers of nearby residential properties and the wider environment are not subjected to unacceptable noise and disturbance during the construction period; In the interests of protecting protected species and their habitat; In the interests of protecting nearby sites of ecological importance from potentially adverse impacts of development. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

6. At no time shall additional pontoons or boat docks be fixed to the jetty hereby approved without the submission of a further planning application for that purpose to the Local Planning Authority.

REASON: In the interests of protected the biodiversity of the area.

Informatives:

- i) Before any development is commenced on site, the granting of a Harbour Works Consent is required from the River Hamble Harbour Authority. The Harbour Authority can be contacted on 01489 576387 (harbour.office@hants.gov.uk)



Notes to Accompany Planning Decision Notice

Planning Application Ref: P/19/0031/FP

Decision Date: 9 October 2019

General Notes for Your Information:

- The approved documents can be obtained by viewing the submitted application online at www.fareham.gov.uk/planning
- The Council worked positively and proactively with the applicant and their agent to address any issues which came up during the course of the application being considered. A report has been published on the Council's website to explain how a decision was made on this proposal.
- Please contact the officer who handled this application Peter Kneen on 01329 824363 or at pkneen@fareham.gov.uk if:
 - You would like clarification about this notice
 - You would like to make changes to your permission
 - You are unhappy with this decision or the way it has been reached

Right of appeal:

- The person who made this application has the right to appeal to the Secretary of State against the imposition of any of the conditions this permission is subject to.
- The Secretary of State may decide he will not consider an appeal if it seems to him that, due to statutory requirements, the local planning authority could not have granted permission without the conditions being imposed.
- Appeals must be made within 6 months of the date of this decision notice.
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- Appeals are handled by the Planning Inspectorate on behalf of the Secretary of State. Appeals must be made using a form which you can get from:
 - Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN;
 - Or submit online at The Planning Inspectorate website at
 - www.gov.uk/planning-inspectorate
- There is no third party right of appeal for neighbours or objectors.

- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices:

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land.

What to do next:

- Please take note of the conditions this permission is subject to. If these conditions are not met, for example if works are not carried out in accordance with the approved documents, the Council has the ability to take enforcement action where necessary.
- This permission relates to town planning. It does not grant other forms of consent which you may need, for example:

Building Regulations consent

- Building Regulations legislation sets out technical standards required for the design and construction of buildings.
- For advice please contact The Building Control Partnership:
 - Telephone 01329 824 823
 - Email bcpartnership@fareham.gov.uk
 - Website www.buildingcontrolpartnershipants.gov.uk

Consent for works in the vicinity of a public sewer

- A minimum distance of three metres (for apparatus up to three metres deep) must be maintained between any building and the public sewer. In some cases however, Southern Water will allow buildings to encroach on the public system.
- For further information please contact Southern Water:
 - Telephone 0845 278 0845
 - Website www.southernwater.co.uk

Works affecting neighbours

- Where proposals involve work on party walls or excavations near neighbouring properties, there may be measures required under the Party Wall Act 1996. Fareham Borough Council is not responsible for enforcing the Party Wall Act.
- For further information please see the following guidance:
 - Website www.gov.uk/party-wall-etc-act-1996-guidance.

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Date: 30 March 2020
Our ref: 312782
Your ref: P/19/0031/FP



Alison Fowler
River Hamble Harbour Authority
Harbour Master's Office
Shore Road,
Warsash,
SO31 9FR

Sterling House
Dix's Field Exeter
EX1 1QA

T 0300 060 3900

BY EMAIL ONLY

Dear Alison

Consultation: Elevated Jetty Holly House Holly Hill Lane Sarisbury Green Southampton SO31 7AH

Thank you for your consultation dated 23 March 2020. The following constitutes Natural England's formal statutory response.

We can confirm that the proposed works are located within Solent and Southampton Water Special Protection Area (SPA), Solent Maritime Special Area of Conservation (SAC), Solent and Southampton Water Ramsar site, Solent and Dorset Coast SPA (SPA) and Lee-on-the-Solent to Itchen Estuary SSSI.

The Conservation of Habitats and Species Regulations 2017 (as amended) and The Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)

Assessment of likely significant effect

Natural England's advice is that this proposed development may contain (or require) measures intended to avoid or reduce the likely harmful effects on a European Site, which cannot be taken into account when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment (noting the recent People Over Wind Ruling by the Court of Justice of the European Union).

For this reason, we advise that on the basis of the information supplied that the application may have a likely significant effect on these sites. The application requires an appropriate assessment in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Appropriate assessment

As per our response to Fareham Borough Council on 08 October 2019 (Natural England ref: 290131; Fareham Borough Council ref: P/19/0031), we note that Fareham Borough Council, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal in accordance with Regulation 63 of the Regulations.

Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment conducted by Fareham Borough Council concludes that they, as competent authority, are able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are

appropriately secured in any permission given.

Mitigation Measures

- The deck of the proposed jetty will be open grid GRP to maximise light penetration and therefore significantly reduce the effects of shading.
- Careful timing of the works to outside overwintering bird season which runs from October 1st to March 31st (inclusive) will ensure any adverse effects on the integrity of the Solent and Southampton Water SPA and Ramsar Site is sufficiently avoided.
- Implementation of an appropriate Construction Environmental Management Plan (CEMP) is considered to sufficiently avoid any accidental pollution events and therefore an adverse impact on the integrity of the SAC, SPA and Ramsar.

Marine and Coastal Access Act 2009

The works, as set out in the information supplied by the applicant, are not sited within or near to a Marine Conservation Zone. Natural England have not identified a pathway by which impacts from the development would affect the interest features of the site(s). We are therefore confident that the works will not hinder the conservation objectives of such a site.

Wildlife and Countryside Act 1981 (as amended)

We can confirm that the proposed works are located within Lee-on-the Solent to Itchen Estuary SSSI. Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to damage the interest features for which the site has been notified. However we recommend that the mitigation measures above are attached to any licence to ensure that the activity is undertaken as per the application and therefore compliant with the above legislation.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely



Jessica Taylor
E-mail: Jessica.Taylor@naturalengland.org.uk
Telephone: 0208 225 8234