

HAMPSHIRE COUNTY COUNCIL

Report

Committee	River Hamble Harbour Board
Date:	11 January 2019
Title:	Harbour Works Consent Application - Relocation of Existing Access Bridge and Installation of New Public Access Pontoon at Deacons Marina
Report From:	Director of Culture, Communities and Business Services

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1. Recommendation

- 1.1. That the River Hamble Harbour Board approves Harbour Works Consent for the proposal set out in Section 4 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 paragraph 4.1.
 - b. Vibro-piling to be used as a standard. Percussive piling must only be used if needed to drive a pile to its design depth. If percussive piling is necessary, then soft-start procedure must be used to ensure incremental increase in pile power over a set time period until full operational power is achieved.
 - c. All equipment, temporary structures, waste and/or debris associated with the licensed activities must be removed upon completion of the licensed activities.
 - d. Only coatings and treatments that are suitable for use in the marine environment to be used in accordance with best environmental practice. All reasonable precautions must be undertaken to ensure no pollutants enter the waterbody.
 - e. Dean and Reddyhoff to take such reasonable steps as may be necessary to ensure free access to the additional attraction delivered by the pontoon and control parking on the slipway.
 - f. The development must be completed within 3 years from the date of the approval granted by the Harbour Board.

2. Summary

- 2.1. This report sets out an application for Harbour Works Consent (HWC) made by Dean & Reddyhoff Ltd. for works at Deacons Marina, Bridge Road, Bursledon, SO31 8AZ.
- 2.2. The proposal is for the relocation of the existing access bridge from C, D & E jetties to alongside the existing crane area, and the installation of new public access pontoon adjacent to slipway at north end of site.

3. Background

- 3.1. Harbour Works Consent was granted by the Harbour Board in 2011 for Deacons to extend what is now the existing pontoon configuration out to the mid-stream pontoon location, creating a marina style layout. This remains valid. The planning application related to the same design has recently been granted by Eastleigh Borough Council (EBC) following an appeal by the applicant. A Marine Licence has also been granted by the Marine Management Organisation. These latter two permission have also included (i) the proposed bridge relocation and (ii) the proposed public pontoon. The applicant now seeks Harbour Works Consent for these two elements.

4. Project Description

- 4.1. The following plans and 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 Appendices 1a, 1b and 1c):
 - Drawing No. 10667/1
 - Project description “Proposed Access Bridge Relocation and Public Access Pontoon. Supporting Statement for Harbour Works Consent. Includes Method Statement, WaFD & WFD Assessments”
 - Correspondence between Natural England and the Marine Management Organisation

5. Harbour Authority’s Responsibilities

- 5.1. Consent may be granted by the River Hamble Harbour Board permitting harbour works in the River Hamble in accordance with Section 10 of the Southampton Harbour Act 1924 and Section 48 of the Southampton Harbour Act 1949 as amended by the River Hamble Harbour Revision Orders 1969 to 1989. Within the River Hamble Harbour Board’s statutory duties lies the responsibility to ensure that all matters concerning navigational safety and responsibilities under the Habitat Regulations are addressed. This area of responsibility includes the proposed development.
- 5.2. Navigational safety issues are addressed through the Port Marine Safety Code and the Harbour’s Safety Management System. Specific issues relevant to this particular application are covered within the Harbour Master’s comments below.
- 5.3. The River Hamble is part of the Solent European Marine Site and is afforded protection due to its international nature conservation value. The RHHA is a Relevant Authority under the Conservation of Habitats and Species Regulations 2010 as amended, commonly known as the Habitats Regulations. As a Relevant Authority the Harbour Authority has a duty to comply with the requirements of the Habitats Regulations. This means that the RHHA must ensure that, in the exercise of any of its powers or functions,

it must have regard to both direct and indirect effects on interest features of the European Marine Site.

- 5.4. 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.
- 5.5. 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.
- 5.6. All public bodies such as the 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.
- 5.7. The Harbour Authority addresses its responsibilities under the environmental regulations through consultation with Hampshire County Council, the Local Borough Councils, the Marine Management Organisation, 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.

6. Consultation process

- 6.1. Subsequent to receipt of the application for Harbour Works Consent the following actions were taken:
 - Project details and plans entered on the Harbour Authority's webpage for the online viewing of applications at <https://www.hants.gov.uk/thingstodo/riverhamble/worksapplication>
 - The plans and details of the application were made available in the Harbour Office for inspection by members of the public.
 - Notification email sent to all members of the River Hamble Harbour Management Committee and the River Hamble Harbour Board of the proposed development.
 - Email sent to 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 the Natural England.

7. Responses to Consultation

- 7.1. Natural England's statutory response raised no objection to the proposed development (see Appendix 2).
- 7.2. Two responses were received as a result of the Harbour Authority's public consultation. One was in favour, and one was not in favour of the proposal, the principal concerns cited were:

- In relation to the available access and encouragement given by the development to additional parking on the slipway.
 - In relation to parking on the access road to Dean and Reddyhoff's Marina.
 - The condition of the existing 'hard', owned by Dean and Reddyhoff.
 - A reduction in the usable waterline space at the slip as a result of the addition of the pontoon.
- 7.3. All responses given which relate to the Harbour Authority's statutory and safety responsibilities have been taken into account in the preparation of this report.

8. Harbour Master's Comments

- 8.1. This section details the aspects of the application relevant to the consideration of Harbour Works Consent. These are the impacts of the proposal on safety and ease of navigation and on the environment, both during construction and once operational.
- 8.2. This proposal has obtained the required permissions from other authorities including Eastleigh Borough Council, Environment Agency, Marine Management Organisation.
- 8.3. Comments given here relating to navigational safety focus on the differences between this plan and that which has already been granted Harbour Works' Consent. The altered position of the access bridge does not cause concern. The addition, gratis, of a pontoon controlled by Dean and Reddyhoff at the foot of the public-access slipway owned by them, on balance, offers River Users more options in accessing the water at that point. It is recognised that the positioning of the pontoon will reduce slightly the available length of the waterline at the foot of the slipway perpendicularly from the shore. However, a launching area which offers those wishing not to use the pontoon will still be available at the end of the slip.
- 8.4. This area of the River is prone to strong tidal streams. With that in mind, it will always remain the responsibility of those who navigate in or on any craft to plan their voyage responsibly and take into account the prevailing conditions and other factors, including the handling characteristics of the craft in question and the experience and/or ability of the skipper/craft user.
- 8.5. A number of comments were received which reflected on the restricted nature of the access to the slipway and a degree of inconsiderate parking which restricted access to the slipway and the water. The River Hamble Harbour Authority is refreshing its public information signage at every public access slipway. For Bursledon, this will include a statement reminding those who use the slipway to do so considerately. The slipway is not within the Harbour Authority's control and any signage it erects will therefore be advisory. It is recommended that the landowner, Dean and Reddyhoff, takes such action as will best maintain access to the water at the slipway and puts in place such measures as may be necessary to control inconsiderate parking on the slipway.
- 8.6. The proposal is sited 10 metres outside the boundary of the Solent Maritime Special Area of Conservation (SAC) and 500 metres outside the nearest

boundary of the Solent & Southampton Water Special Protection Area (SPA), the Solent and Southampton Water Ramsar site and the Lincegrove & Hackett's Marshes Site of Special Scientific Interest (SSSI). The proposal lies within the new Solent and Dorset potential Special Protection Area (pSPA) which is a 255 square nautical mile area extending from the Isle of Purbeck to Bognor Regis and encompasses the Hamble Estuary. This large designation is to protect foraging tern populations which breed in neighbouring coastal SPAs.

- 8.7. No dredging of sub-tidal or inter-tidal habitat is required for this development.
- 8.8. The applicant has proposed measures to mitigate environmental impacts i.e. vibropiling as the piling method.
- 8.9. The proposal will not result in any loss of intertidal foreshore. The relocated bridge and public pontoon will cover 85m² of the intertidal, and the removal of the existing bridge and associated mud berths will release 120m², resulting in a net gain of 35m² of intertidal habitat.
- 8.10. The ongoing activities resulting from the development i.e. vessel movements, marina berthing and launching from an existing slipway are consistent with those already associated with the site and surrounding areas of the Hamble.
- 8.11. Natural England's (NE) consultation response is provided at Appendix 2. NE is satisfied that RHHA may grant consent for the proposal and recommends that best practice be adhered to through inclusion of the conditions set out in section 1.1.
- 8.12. If the River Hamble Harbour Board decides to grant permission for this application, subject to the conditions at 1.1, it would be adhering to its responsibilities under environmental legislation.

9. Strategic Vision

- 9.1. Before reaching a decision regarding this application, it is important to consider it within the context of the Harbour Board's Strategic Vision. The non-statutory Strategic Vision 'seeks to meet the aspirations of all those users who have a stake in the future prosperity of the River Hamble, whether their interests are commercial, recreational or environmental' but should be read in its entirety before reaching any conclusions with regard to this specific application.

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

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

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- 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.

1.2. 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.

2. Impact on Crime and Disorder:

2.1. This report does not deal with any issues relating to crime and disorder.

3. Climate Change:

- 3.1. How does what is being proposed impact on our carbon footprint / energy consumption? The contents of this report have no impact on carbon footprint or energy consumption
- 3.2. How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? Not applicable to this report.