

HAMPSHIRE COUNTY COUNCIL

Report

Committee	River Hamble Harbour Management Committee
Date:	23 June 2017
Title:	Harbour Works Consent Application: Proposed Pontoon at YMCA Fairthorne Manor
Report From:	Director of Culture, Communities and Business Services

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1. Summary

- 1.1. This report sets out an application for Harbour Works Consent (HWC) made by YMCA Fairthorne Manor, Curdridge, Southampton, SO30 2GH
- 1.2. The proposal is to install a 12x3 metre floating pontoon to an existing quay wall at the YMCA Fairthorne Manor water sports centre, located at National Grid Reference SU518 119. The application also proposes some mitigation through the removal of existing structures from the intertidal mud.

2. Background

- 2.1. YMCA Fairthorne Manor is a Hampshire County Council approved outdoor activity centre which borders the River Hamble. It offers a wide variety of activity programmes to help develop life skills, stimulate learning and improve confidence. The site hosts over 12,000 young people per year across the 111 acre park and woodland site. The small water sports centre offers raft building, kayaking, open canoeing and sailing at higher states of the tide during the summer months only. This is a private site for use by supervised YMCA clients only.

3. Project Description

- 3.1. The YMCA wish to improve the safety of access to the water for its clients by installing a 12x3 metre pontoon fixed by runners alongside an existing sheet pile quay wall. The pontoon will extend 3 metres from the quay wall and will sit on the mud at lower states of the tide. This will complement an existing pontoon (12x2.9) located 2 metres further downstream.

- 3.2. An old pontoon (4.5x5.5 metres) formerly located at the site, which extended 8m from the quay wall, has previously been removed.
- 3.3. It is proposed that 2 redundant timber piles which supported the old pontoon also be removed, to be cut off at bed level.
- 3.4. The removal of an old boat mould, washed up on the foreshore upstream, is also proposed in order to free-up the intertidal mud area underneath.
- 3.5. 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 Appendix 1a-c):
 - Appendix 1a
 - Project Description
 - Appendix 1b
 - Proposed Pontoon Drawing ref SOL-3273-SC01-000. Dated 01/09/2016.
 - Appendix 1c
 - Aerial photograph of location.
 - Location Plan (Ordinance Survey map).
 - Photograph showing proposed location.
 - Aerial photograph showing location of proposals.
 - Photograph of the old mould to be removed.

4. Harbour Authority's Responsibilities

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

the RHHA must ensure that, in the exercise of any of its powers or functions, it must have regard to both direct and indirect effects on interest features of the European Marine Site.

- 4.4 As a Section 28G Authority under the Wildlife and Countryside Act 1981 (as amended), the RHHA has a duty to take reasonable steps, consistent with the proper exercise of the Authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.
- 4.5 Under the Natural Environment and Rural Communities Act 2006, all public bodies, which include the Harbour Authority as statutory undertakers, have a duty to have regard, so far as is consistent with the proper exercise of their functions, to the purpose of conserving biodiversity.
- 4.6 The Harbour Authority addresses its responsibilities under the environmental regulations through consultation with Hampshire County Council, the Local Borough Councils, the Department for Environment, Food and Rural Affairs, Natural England and the Environment Agency. Specific issues relevant to this particular application are covered within the sections below.

5. Consultation process

- 5.1 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 interested parties and to members of the Hamble Estuary Partnership informing them of the application and requesting written comments by the deadline.
 - Direct liaison with the Natural England and the agent for The Crown Estate.

6. Responses to Consultation

- 3.6. The Crown Estate raised no objection to the proposed development.
- 3.7. Natural England raised no objection to the proposed development.
- 3.8. One response to the public consultation, a holding objection, was received from Eastleigh Borough Council. The objection was made on the grounds of

there being insufficient environmental information within the plan. Natural England raised no similar objection.

7. Harbour Master's Comments

- 3.9. 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.
- 3.10. This proposal also requires permissions from other authorities (Local Planning Authority, Environment Agency, Marine Management Organisation and The Crown Estate). Issues pertaining to their policies and regulations should be addressed with the appropriate organisation.
- 3.11. This proposal is targeted at improving safe access to the River. It delivers that.
- 3.12. There is no impact on navigation within the main channel of the River at that point. The removal of redundant piles which project further into the River will enhance the water space available at that point.
- 3.13. Use of the new pontoon will need to be subject to a new local Risk Assessment by the user to ensure that risks such as but not limited to entrapment are ameliorated.
- 3.14. No increase in the number of permanent River moorings is proposed.

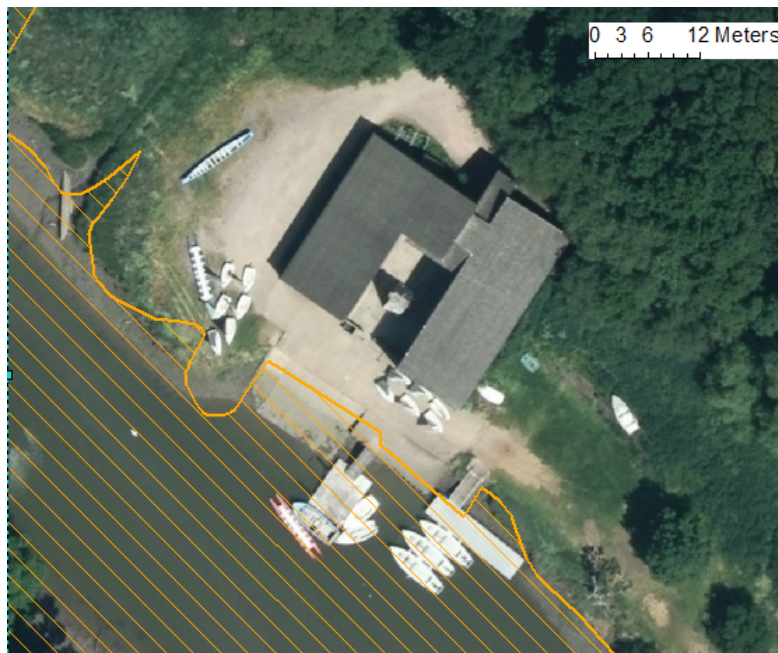


Figure 1: Boundary of SAC, SPA, SSSI & Ramsar sites (yellow hatched area)

- 3.15. Minimal environmental information has been submitted to support this application. The proposal is sited within an inter-tidal section of the Solent Maritime Special Area of Conservation (SAC), the Solent & Southampton

Water Special Protection Area (SPA) and Ramsar Site, and the Upper Hamble Estuary & Woods Site of Special Scientific Interest (SSSI). See figure 1 above.

- 3.16. No piling work is necessary as the pontoon will be fixed to runners on the quay wall. Two redundant piles will be removed, cut off at bed level.
- 3.17. No dredging of sub tidal or inter-tidal habitat is required for this development, however, the proposed pontoon (36m²) will sit on the intertidal mud during half of the tidal cycle, resulting in direct loss of designated intertidal habitat. The left hand pontoon in figure 1 (occupying 30m²) has already been removed from the intertidal area and, in addition, an old mould of about 6m² (which has been washed up in the creek upstream for at least 5 years) will also be removed to release an area of the intertidal.
- 3.18. Natural England's (NE) consultation response is provided at Appendix 2. NE confirms that the proposal will not have a likely significant effect on the designated sites *"due to the proposed mitigation for the minor loss of intertidal habitat and the pontoon's location is within an area that is currently used to launch small craft. In particular, the pontoon will be installed parallel to the existing wall and won't significantly protrude into the channel compared to existing infrastructure. The pontoon will therefore not increase the area of disturbance or lead to a further fragmentation of the habitat available to birds"*.
- 3.19. NE is satisfied that RHHA may grant consent for the proposal and recommend that condition at 9.1b and 9.1c be added to the consent.
- 3.20. If the River Hamble Harbour Board decides to grant permission for this application it would be adhering to its responsibilities under environmental legislation.

8. Strategic Vision

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

9. Recommendation

- 9.1 **That the River Hamble Harbour Management Committee recommends to the Harbour Board to approve Harbour Works Consent for the proposal set out in Section 3 of this report and subject to the following conditions:**

- a. That the proposal is to be built in accordance with the details, plans and method set out in paragraph 3.5.
- b. That all reasonable precautions are undertaken to ensure no pollutants enter the water-course.
- c. That all equipment and debris associated with the works should be removed from the area upon completion of the works and the area returned to its previous condition.
- d. That the user completes a full Risk Assessment for the new pontoon arrangement to ensure that all risks to those are reduced to a level that is as low as reasonably practicable.
- e. That the development must be completed within 3 years from the date of the approval granted by the Harbour Board.

CORPORATE OR LEGAL INFORMATION:

Links to the Corporate Strategy

Hampshire safer and more secure for all:	yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	no
Corporate Improvement plan link number (if appropriate):	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

IMPACT ASSESSMENTS:

1. Equality Duty

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

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

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

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

Equalities Impact Assessment:

1.2 A full Equalities Impact Assessment for the River Hamble Harbour Authority's compliance with the Port Marine Safety Code (including environmental responsibilities) has been carried out and this report does not raise any issues not previously covered by that Assessment.

1. Impact on Crime and Disorder:

1.1. This report has no impact on crime and disorder.

2. Climate Change:

2.1. How does what is being proposed impact on our carbon footprint / energy consumption? The contents of this report have no impact on carbon footprint or energy consumption.

2.2. How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? Not applicable to this report.