

# Public Document Pack



## NOTICE OF MEETING

<b>Meeting</b>	River Hamble Harbour Management Committee
<b>Date and Time</b>	Friday, 8th September, 2017 at 10.00 am
<b>Place</b>	Warsash Sailing Club, SO31 9FS
<b>Enquiries to</b>	members.services@hants.gov.uk

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

## FILMING AND BROADCAST NOTIFICATION

This meeting may be recorded and broadcast live on the County Council's website. The meeting may also be recorded and broadcast by the press and members of the public – please see the Filming Protocol available on 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 the circumstances described in 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 Non-Pecuniary interest in a matter being considered at the meeting should consider whether such interest should be declared, and having regard to Part 5, Paragraph 2 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 (Pages 3 - 8)

To confirm the minutes of the previous meeting held on 23 June 2017.

### 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. MARINE DIRECTOR AND HARBOUR MASTER'S REPORT AND CURRENT ISSUES** (Pages 9 - 20)

To consider a report of 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.

**7. ENVIRONMENTAL UPDATE** (Pages 21 - 26)

To consider a report of the Director of Culture, Communities and Business Services summarising environmental management of the Harbour.

**8. HARBOUR WORKS CONSENT APPLICATION** (Pages 27 - 50)

To consider a report of the Director of Culture, Communities and Business Services seeking approval to a Harbour Works Consent application made by Marina Development Limited.

**9. FORWARD PLAN FOR FUTURE MEETINGS** (Pages 51 - 56)

To consider a report of the Director of Culture, Communities and Business Services anticipating future business items for the Committee and Harbour Board.

**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 attend the public sessions of the meeting. If you have any particular requirements, for example if you require wheelchair access, please contact [members.services@hants.gov.uk](mailto:members.services@hants.gov.uk) for assistance.**

County Councillors attending as appointed members of this Committee or by virtue of Standing Order 18.5; or with the concurrence of the Chairman in connection with their duties as members of the Council or as a local County Councillor qualify for travelling expenses.

# Agenda Item 3

AT A MEETING of the River Hamble Harbour Management Committee of  
HAMPSHIRE COUNTY COUNCIL held at Warsash Sailing Club on Friday, 23rd  
June, 2017

Chairman:

p. Councillor Seán Woodward

p. Councillor Roger Huxstep  
a. Councillor Fred Birkett  
a. Councillor Mark Cooper  
p. Councillor Rod Cooper  
a. Councillor Tonia Craig

p. Councillor Pal Hayre  
p. Councillor Rupert Kyrle  
p. Councillor Stephen Philpott  
p. Councillor Lance Quantrill

## **Co-opted members**

p. Councillor Trevor Cartwright  
p. Trevor Pountain  
p. Councillor Jane Rich  
p. John Selby  
p. Nicola Walsh  
p. Councillor Frank Pearson

## **1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Tonia Craig, Rupert Boissier and Dermod O'Malley.

## **2. 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.

Councillor Cooper declared an interest as a mooring holder; Cllr Rich declared an interest as a mooring holder; Ms Nicola Walsh declared a Disclosable Pecuniary Interest as an employee of Premier Marinas; Cllr Cartwright declared Personal Interests as a member of Warsash Sailing Club and the Royal Yachting Association; Mr John Selby declared Personal Interests as a trustee of Warsash Sailing Club; committee member of the Royal Yachting Association, of the River Hamble Combined Clubs and of the River Hamble Mooring Holders Association; Mr Trevor Pountain declared Personal Interests as the Chair of the Association

of River Hamble Yacht Clubs, a member of the Hamble River Sailing Club and the Royal Southern Yacht Club.

### **3. MINUTES OF PREVIOUS MEETING**

The Minutes of the Committee meeting held on 10 March 2017 were confirmed as a correct record and signed by the Chairman.

### **4. DEPUTATIONS**

No deputations were received.

### **5. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed newly appointed members to the Committee and announced that the annual familiarisation boat trip would follow at the close of the formal meeting.

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

The Committee considered the report of the Director of Culture, Communities and Business Services (Item 6 in the Minute Book) regarding incidents and events in the Harbour and updates from the Marine Director.

An addendum was distributed at the meeting which outlined those events which had occurred since the publication of the papers.

Discussion was held regarding an increase in incidents of verbal abuse towards officers from some groups of swimmers on the River. It was confirmed that Harbour Authority officers patrol the River regularly to deter this and had been working with the local Police Community Support Officer to address this issue.

RESOLVED:

That the River Hamble Harbour Management Committee:

- a) Notes paragraphs 3, 4, 5 and 6 of the report.
- b) Notes that the Asset review process as outlined in section 7 has revealed no evidence to support an increase in Harbour Dues for 2018.
- c) Recommends to the River Hamble Harbour Board that the proposals set out in Section 8, paragraphs a to e are supported.

## 7. ENVIRONMENTAL UPDATE

The Committee considered the report of the Director of Culture, Communities and Business Services (Item 7 in the Minute Book).

The report summarised environmental management of the Hamble Estuary from mid February to mid May 2017.

In response to members' questions, it was confirmed that the Harbour Authority liaise closely with the Environment Agency who, in turn, work with the local agricultural sector over environmental matters. It was noted that the environmental focus of the Harbour Authority was that of the tidal waters.

RESOLVED:

That the River Hamble Harbour Management Committee notes the report.

## 8. HARBOUR WORKS CONSENT APPLICATION: PROPOSED PONTOON AT YMCA FAIRTHORNE MANOR

The Committee considered the report of the Director of Culture, Communities and Business Services (Item 8 in the Minute Book).

The report outlined an application, made by the YMCA Fairthorne Manor, for Harbour Works Consent to install a floating pontoon to an existing quay wall at the Fairthorne Manor water sports centre.

RESOLVED:

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 the 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.

9. **RIVER HAMBLE STATUTORY ACCOUNTS 2016/17**

The Committee considered the report of the Directors of Corporate Resources and Culture, Communities and Business Services (Item 9 in the Minute Book).

An outline of the accounting structure for the Harbour Authority was provided for members including the requirement to prepare statutory accounts. Information regarding the Authority's reserves policy and reserve accounts, as outlined in section 5 of the report, was provided for the Committee.

In response to members' questions it was clarified that the variance between the budgeted and actual spend on IT charges, as listed on page 87, was due to the decision not to implement the e-harbours management system.

RESOLVED:

- a) That the report, the statutory accounts and management accounts be noted by the River Hamble Harbour Management Committee and submitted to the River Hamble Harbour Board for approval.
- b) That the Committee notes the level of the General Reserve as at 31 March 2017, at £88,062, and that whilst the balance is reducing, it remains in excess of the stated level in the reserves policy.

10. **REVIEW OF HARBOUR DUES**

The Committee considered the report of the Director of Culture, Communities and Business Services (Item 10 in the Minute Book).

The Committee considered options for setting the annual rate of Harbour Dues.

RESOLVED:

That the River Hamble Harbour Management Committee recommends to the River Hamble Harbour Board the approval of no increase in Harbour Dues for 2018.

11. **PROCEEDINGS OF THE ANNUAL FORUM**

The Committee considered the report of the Director of Culture, Communities and Business Services (Item 11 in the Minute Book) detailing the proceedings of the Annual Forum held on 28 March 2017.

It was noted that a synopsis of queries and responses arising from the Forum was appended to the report.

RESOLVED:

That the River Hamble Harbour Management Committee notes the content of the report.

12. **FORWARD PLAN FOR FUTURE MEETINGS**

The Committee 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 (Item 12 in the Minute Book).

RESOLVED:

That the River Hamble Harbour Management Committee notes the report.

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## HAMPSHIRE COUNTY COUNCIL

### Report

<b>Committee</b>	River Hamble Harbour Management Committee
<b>Date:</b>	8 September 2017
<b>Title:</b>	Marine Director and Harbour Master's Report and Current Issues
<b>Report From:</b>	Director of Culture, Communities and Business Services

**Contact name:** Jason Scott

**Tel:** 01489 576387

**Email:** Jason.Scott@hants.gov.uk

#### 1. Summary

- 1.1. This report combines the reports of the Harbour Master and Marine Director, summarises the incidents and events in the harbour and covers any issues currently under consideration by the Marine Director.

#### 2. Patrols

- 2.1. The harbour has been patrolled by the Duty Harbour Master at various times between 0700 and 2230 daily.

#### 3. Incidents and events

- 3.1 The reporting period has seen the following trends:

- a) Joint effort with Hampshire Constabulary to investigate swimming patterns, as well as to promote and maintain safety and reduce risk. General success of persuasive argument.
- b) Speeding events consistent with the time of year, with steps taken to both warn culprits and, where necessary evict them from the River using legal powers.
- c) A number of incidents involving the need to tow vessels with propulsion failure. Number not inconsistent with previous years.
- d) A number of relatively light diesel pollution events, none traceable, and consistent with those witnessed in earlier years.

- 3.2. 14 July. Routine patrol and moorings check. Hosted local school visit. Towed vessel with engine failure to mid-stream Visitors' Pontoon.
- 3.3. 15 July. Routine patrol and moorings check. In poor weather, assisted a motor boat in recovery onto Warsash Slipway. Routine liaison with Hamble Lifeboat. Fitted signage to Hamble Jetty as part of comprehensive plan to brief on swimming risks. Combined patrol with Hampshire Constabulary to promote swimming safety.
- 3.4. 16 July. Routine patrol and moorings check. Routine liaison with Hamble Lifeboat and Hampshire Marine Police Unit. Bait digging behavioural survey. Attended Hamble Jetty to manage swimmers. Attended RAFYC to assist in freeing a swan tangled in fishing line. Towed a broken-down RIB to preferred berth at the 'Jolly Sailor' Public House. Observed berthing collision between two yachts, one already berthed and unmanned, in good weather conditions on the midstream Visitors' Pontoon (VP). Statements taken and owners put in touch. Towed yacht with engine defect from the mouth of the River to her berth at a yacht club. Attended swamped RIB on HM Jetty Warsash – pumped out.
- 3.5. 17 July. Routine patrol and moorings check. Pattern of life work with Hampshire police and local community regarding swimming and associated anti-social behaviour. Assisted a member of the public in recovery of a set of keys dropped into the water off Hamble Jetty. Keys recovered using a magnet. Survey of 'J' moorings prior to routine and planned Crown Estate (CE) maintenance programme. Towed a yacht from HM Pontoon to a yard for maintenance. Further patrol to Hamble Jetty to support Hampshire Police in clearing swimmers. Liaison with Police regarding anti-social behaviour (slipping of Ferry mooring and misappropriation of Hamble Jetty lifebelt).
- 3.6. 18 July. Routine patrol and moorings check. Moved vessels on the midstream Visitors' Pontoon in preparation for routine CE maintenance programme on 'J' run. Commercial boat coding work. Patrol assisted a yacht with engine failure. Patrol conducted investigation a small patch of diesel oil near Land's End. Origin unclear. Broken up successfully with propeller wash. Patrol attended Hamble Jetty to disperse swimmers (30 +).
- 3.7. 19 July. Routine patrol and moorings check. Towed a yacht from the 'J run to the midstream VP prior to routine CE maintenance programme. Quarterly Operational and Safety Meeting. Assisted a yacht alongside at Warsash in strong winds. Patrol responded to a call from a member of the public regarding speeding PWCs in the vicinity of the Chinese Bridge. 5 jet skis apprehended subsequently near Badnam's Creek and evicted from the River. Liaison with Southampton HM patrol following close pass with container vessel in Southampton Water.
- 3.8. 20 July. Routine patrol and moorings check. Patrol assisted a vessel aground against Hook Spit. Vessel towed to safety. Assisted skipper of a visiting Australian yacht in meeting UK HMRC requirements. Patrol responded to a call

from a member of the public regarding 15 swimmers at Hamble Jetty. Patrol attended and swimmers dispersed. Patrol responded to a further call from a River User regarding swimmers vandalising tenders. On arrival, swimmers had dispersed. No apparent damage to tenders.

- 3.9. 21 July. Routine patrol and moorings check. Patrol moved a catamaran alongside on the Warsash HM Jetty in order to accommodate PRINCESS CAROLINE. Assisted a yacht alongside the Warsash scrubbing piles in a stiff breeze. Patrol further assisted a PhD acoustic project measuring sound across the Main Channel near the Warsash Maritime College. Patrol freed a small tender trapped under a Hamble Point pontoon. 3 children had been embarked but were safely on the pontoon on arrival. Parents afloat but not nearby on a RIB. Tender and children returned to their sailing club and parents re-briefed. Patrol attended a yacht caught fast on a mooring pick-up line.
- 3.10. 22 July. Routine patrol and moorings check. Patrol marshalled racing yachts exiting the River to ensure compliance with the International Regulations for the Prevention of Collisions at Sea. Patrol attended Hamble Jetty following a report from a member of the public regarding swimmers. On attendance, swimmers were clear of the prohibited area and safe. Patrol assisted a yacht in difficulty adjacent to the Hamble Jetty; yacht towed to safety.
- 3.11. 23 July. Routine patrol and moorings check. Patrol assisted two canoes in difficulty in strong tides North of the A27 bridge. Patrol towed a number of yachts from the 'J' run to the midstream VP prior to programmed CE maintenance work. Patrol supported a 50 tonne racing yacht with engine failure in returning to her berth.
- 3.12. 24 July. Routine patrol and moorings check. Patrol checked an audible alarm on a moored motor boat above the Bridges. Reported. Patrol moved a yacht secured to the hatched area at Hamble Jetty. Patrol attended a yard following a report from a River user of fibreglass sanding taking place by contractors to conduct an emergency afloat repair. Environment Officer warned contractor of environmental obligations and the environmental impact. Patrol observed a failed mooring horse rail and removed the occupant yacht to the midstream VP before informing the owner and CE contractor of the need for repair. Patrol assisted the Calshot Lifeboat in towing a motor boat with propulsion failure to the Warsash HM Jetty for defect rectification.
- 3.13. 25 July. Routine patrol and moorings check. Patrol recovered a loose pontoon float adjacent to a marina. Recovered and marina advised to check pontoons accordingly. Patrol recovered a large log from the River adjacent to the Port Hamble fuel berth. Patrol supported Adler and Allen Contractors in local oil spill training adjacent to the Warsash slipway. Patrol reunited the owner of a tender with his craft, recovered from the River and held in the Warsash HM yard. Patrol responded to a call from a River User regarding debris floating in the River. Nothing found despite search. Patrol responded to a call from a member of the public regarding swimmers jumping into the River from the A27 Bridge. Not witnessed on arrival although some swimmers were in attendance at Land's

End. No cause for concern. Patrol towed two yachts from the midstream VP to their proper mooring on completion of maintenance work. Patrol attended a catamaran with her engine running and a television switched on. No-one was embarked. Commenced an investigation into whereabouts of the owner; located following a report to the police. Yacht made secure.

- 3.14. 26 July. Routine patrol and moorings check. Routine liaison with UK Border Force (alongside Warsash HM Jetty).
- 3.15. 27 July. Routine patrol and moorings check. Routine liaison with Hampshire Marine Police Unit. Patrol liaised with 3 swimmers on an vacant 'V' pontoon at Land's End. Swimmers advised of risks and asked to vacate this private pontoon which they did with no disagreement.
- 3.16. 28 July. Routine patrol and moorings check. Patrol check and replenishment of First Aid equipment. Patrol attended Hamble Jetty where a berthing collision had taken place involving a mooring holder's yacht. The yacht had collided with the downstream jetty light stanchion, causing it to become dislodged. Light temporarily refixed and yacht owner's details taken.
- 3.13. 29 July. Routine patrol and moorings check.
- 3.14. 30 July. Routine patrol and moorings check. Patrol pumped out a motor boat alongside Warsash HM Jetty which had taken on water. Towed a yacht to her proper mooring from the midstream VP following completion of routine maintenance work. Attended Land's End slipway to inspect damage caused by heavy rain, reported by a member of the public. Patrol towed a yacht with engine failure from the mouth of the River to her proper mooring.
- 3.15. 31 July. Routine patrol and moorings check. Towed a yacht from the midstream VP to her proper mooring following completion of planned Crown Estate maintenance work on the 'J' run. Patrol towed a motor boat with engine failure to her proper mooring at Bursledon. Tender recovered adrift with Hamble Jetty sticker attached; returned to Hamble Jetty. Hamble Jetty light permanently refixed. Commercial boat coding work. Patrol conducted a routine check of Aids to Navigation post twilight.
- 3.16. 1 Aug. Routine patrol and moorings check. Towed two motor boats from their moorings to the midstream VP prior to planned Crown Estate maintenance work on the 'M' run. Returned two yachts from the midstream VP to their proper moorings following completion of planned CE maintenance on the 'J' run. Visiting Dutch motorboat advised of speed limit and need to minimise wash with assistance from hosting marina.
- 3.17. 2 Aug. Enhanced patrol and moorings check. Strong winds. Replaced a number of failed and failing lines and re-positioned fenders where practicable.

Assisted a yacht in picking up her mooring. Recovered a tender adrift off Mercury bend and returned same to her proper berth.

- 3.18. 3 Aug. Routine patrol and moorings check. Re-secured a yacht with loose mooring lines in high winds. Advice given to a visiting Dutch motor boat creating excessive wash. Recovered an abandoned Dory with no markings and awash adjacent to the 'L' run.
- 3.19. 4 Aug. Routine patrol and moorings check. Investigated a light sheen of diesel near the Bursledon bend but not traceable. Broken up effectively with propellor wash.
- 3.20. 5 Aug. Routine patrol and moorings check. Moved 3 vessels from the 'M' run to the midstream VP prior to planned CE maintenance work. Assisted in moving a yacht to the scrubbing piles at Warsash. Routine liaison with Hampshire Constabulary as part of planned pattern of life work with swimming. Towed two more yachts from the 'M' run to the midstream VP in advance of planned Crown Estate maintenance work. Assisted a catamaran with a torn sail to the midstream VP for defect rectification.
- 3.21. 6 Aug. Routine patrol and moorings check. Moved two more yachts from moorings on the 'M' run to the midstream VP prior to planned CE maintenance work. Assisted a yacht with a broken throttle cable in returning to her proper mooring. Stood by another yacht with engine failure as she proceeded up River to her mooring and assisted her in picking up. Rendered assistance to a yacht aground in the vicinity of the A27 Bridge. Yacht freed, Gave assistance to two members of the public who had arranged to meet with friends arriving in a motor boat. Arrival overdue. Liaison with Her Majesty's Coast Guard (HMCG) revealed the motor boat had been beached at Lee-on-the-Solent. Crew safe. Boat recovered by RNLi to Warsash Slipway later.

#### **4. Swimming**

- 4.1 The Harbour Board's Strategic Vision recognises that the River is popular for swimming<sup>1</sup>. The primary supporting objective of the Vision is the safety of all River users. This includes, equally, swimmers and also other River users whose own activities may be impacted upon by conflict with those who choose to swim in busy boating areas as well as more broadly. The Board seeks to establish the most appropriate and pro-active approach to the management of swimming to ensure that the risks associated with it are reduced to a level that is as low as reasonably practicable (ALARP).
- 4.2. Swimming takes place in the River throughout the year. Some of it, such as open water swimming in the River Hamble Games, is organised and some of it is not. Organised swimming events are assessed on their merits and

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<sup>1</sup> RHHB Strategic Vision 2015 5.2.1.

appropriate control measures applied to ensure that the risks are as low as reasonably practicable. Promotion of such events is consistent with the Board's ambition but they will not be considered further here because they are managed in a bespoke manner. In contrast, the shaping of Board policy within the Vision towards the management of uncontrolled swimming merits further consideration. In terms of scope, this note will not address the matter of Anti-Social Behaviour, which can accompany swimming; that is a matter for the Police.

- 4.3 While uncontrolled swimming can take place anywhere in the River, in practice, it takes place mostly in four areas<sup>2</sup>. In each of these, there is significant opportunity for interaction other River Users, most notably boats. There are also other significant risks to swimmers including but not limited to drowning, cold water shock, entrapment, strong tidal streams and impact with submerged objects.
- 4.4. Recognising the Board's desire to be 'forward-leaning' where swimming is concerned, the legal implications of sanctioning formally an activity over which it can have little practical control have been sought. The following legal advice applies:
- a) There would be concern if any stretch of the River were to be labelled as being 'safe' for swimming as the whole of the harbour area is accessible to vessel traffic, as well as local hazards including cold water and strong tidal streams etc.
  - b) In addition to responsibilities under the Port Marine Safety Code to vessels which may be placed at risk by the consequences of the action of uncontrolled 'ad-hoc' swimmers, the other relevant legislation is contained in the Occupiers Liability Acts from 1957 and 1984. The 1957 act sets out a duty for those in charge of premises to ensure that persons using the area for acceptable purposes (and with permission) are reasonably safe. This covers ordinary visitors and those swimming with permission (or who have been encouraged to swim). The 1984 Act deals with trespassers or those using the premises without permission or for purposes which are specifically not permitted.
  - c) The erection of advisory notices informing members of the public of what they can and cannot do at the access points, would make it clear that anyone undertaking one of the prohibited activities was covered by the 1984 Act as a trespasser rather than the 1957 one as a visitor. This is important because the 1984 Act includes specific provisions giving landowners some protection where warning signs have been put up covering known hazards.

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<sup>2</sup> From North to South: River Hamble Country Park Jetty, Bursledon/Swanwick Bend, Hamble Jetty and Warsash.

- d) Case law exists which says that if the risk is connected to the activity and not to the condition of the premises (so, for example, choosing to dive off a jetty into otherwise safe water) the usual Occupiers' Liability Acts do not apply and so in the event of a claim following an accident any claimant would have to prove that RHHA had been negligent in some way. The only point where this would not be the case would be where there was a known source of danger. In those circumstances, it might be the condition of the premises as well as the activity which could raise the level of risk and so the expectation would be that the effect of the known source of danger would be limited as far as possible or appropriate warning signs put up. Therefore, each area where there are known to be issues should be assessed for risks and signs erected or access limited accordingly.
- e) A combination of general advisory safety information (at access points, on the website and in promotional material), risk assessments covering known dangers and associated warning signs might give some protection from liability in the event of a claim.
- f) Any promotion should be low-key and focussed on specific events and swimming being possible, but also warn of the risks. Investment in appropriate signage and fencing should be made and also recognition given that the Board has a duty to those that they may encourage to swim which requires it to ensure that they are reasonably safe when doing so by implementing measures to achieve that e.g by providing a lifeguard. If the Board cannot do that then it is putting themselves at risk of receiving claims in the future.

4.5. In summary, any indication that swimming is "safe" or encouraged in a particular location will impose a liability on the Authority to ensure swimmers are safe to swim and provide a lifeguard. As the Authority is aware that swimming does take place, mitigation of risk is key. Appropriate signage, which should include relevant warnings and educate must have in mind the most vulnerable users, such as unsupervised children who might not take much notice of signage or even be attracted to the dangers the signs represent.

4.6 RHHA policy regarding swimming should therefore:

- a) Not encourage actively swimming within the River but acknowledge that it will always take place;
- b) Put in place Risk Assessments particular to each of the four sites where swimming takes place routinely;
- c) From these Risk Assessments, derive appropriate signage which will inform, educate and alert potential swimmers to the particular risks at each swimming site and also prohibition warning signs at each local hazard site;
- d) Put in place and maintain reasonable life saving equipment at or near those sites where swimming is known to take place frequently, recognising that equipment will, from time to time go missing;
- e) Use the RHHA website, Social Media and school briefing programmes to highlight the risks inherent in swimming in a busy boating and tidal environment;

- f) Highlight to visiting yachtsmen the need to be wary of the potential presence of swimmers at particular sites within the River by amending the Visitors' Guide.

## **5. Recommendations**

5.1. It is recommended that the River Hamble Harbour Management Committee:

- a) Notes paragraphs 1, 2 and 3.
- b) Agrees to recommend to the Board endorsement of the recommendations made at paragraph 4.6 a-f.



**CORPORATE OR LEGAL INFORMATION:**

**Links to the Strategic Plan**

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

Document

Location

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.

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## HAMPSHIRE COUNTY COUNCIL

### Report

<b>Committee</b>	River Hamble Harbour Management Committee
<b>Date:</b>	8 September 2017
<b>Title:</b>	Environmental Update
<b>Report From:</b>	Director of Culture, Communities and Business Services

**Contact name:** Alison Fowler

**Tel:** 01489 576387

**Email:** Alison.fowler@hants.gov.uk

#### 1. Summary

- 1.1. This report summarises activities relating to the River Hamble Harbour Authority's (RHHA) environmental management of the Hamble Estuary in June and July 2017.

#### 2. Updates

- 2.1. 'River Hamble Safeguarding Agreement' – ABP Southampton Water Capital Dredge.

The River Hamble Safeguarding Agreement (RHSA) is now closed, although any subsequent outstanding dredging activity in the same area will trigger its re-establishment.

In 2011 Associated British Ports (ABP) Southampton agreed to enter into a contract with RHHA titled 'The River Hamble Safeguarding Agreement' (RHSA). This was designed to protect the Harbour Authority and other River Hamble stakeholders from any adverse effects of significant excess sedimentation relating to ABP's pending capital dredge to deepen and widen Southampton Water during 2014.

As part of the agreement, ABP was required to carry out a baseline monitoring programme of depths in the River and of the levels of suspended sediment. This commenced six months before dredging started and continued until six months after the dredge was completed. In addition, many sites took RHHA's advice to undertake their own hydrographic surveys. Detailed data analyses were undertaken by Lymington Technical Services (LTS) and ABP both throughout and following the dredging works, at cost to ABP.

The impacts of excess sedimentation were only seen at one location. Under the terms of the Agreement, ABP has now reimbursed the owner the cost of the additional dredging that was required.

Although ABP has no plans to undertake the widening element of the dredge in the foreseeable future, the Safeguarding Agreement will be re-established should this become the case.

The harbour authority is delighted that the Agreement has fulfilled its purpose and it has been able to continue to safeguard the river and its users as a result.

- 2.2. Anode Research

Members will be aware that the Board has part-funded a PhD study into the:

*'Evaluation of spatial variation in the dissolution of sacrificial anodes in the Solent and implications for management'*.

The study, by Mr Aldous Rees of Southampton Solent University has been jointly conducted with Plymouth University. Initial results were presented to the Hamble Estuary Partnership on 29 June 2017 (see 2.3), to the Harbour Board on 14 July 2017, and discussed with Harbour Authority staff at a meeting to determine using the research to benefit River Users.

The study investigated anecdotal evidence that suggested anodes corrode quicker on the Hamble compared to elsewhere. Various theories have been investigated, as well as the composition of anodes. A survey of boat owners was conducted to determine anode decay rates and theories. Additionally, in-situ and laboratory anode experiments were carried out, along with water and sediment collection to determine Hamble zinc concentrations.

Hamble estuary's average total dissolved zinc resulting from the PhD sampling between June 2015 and November 2016 was 8.07ug/l, although single variations ranged from 2.28- 29.09ug/l. These samples were focused in areas of high boat density where zinc levels are higher. It should be noted that the formal Environmental Quality Standard (EQS) sampling undertaken by the Environment Agency across the estuary falls within the EQS requirement. This is set for estuarine environments at 7.9ug/l. Research into the species on the Hamble judges impacts to be minimal. Low levels of zinc within the sediments suggest that zinc is flushed from the estuary in suspension.

The main conclusions are that:

- stray currents and salinity are likely to be a reason for anode decay rates;
- there is a lack of awareness about correct anode use and effectiveness;
- varied anode corrosion is likely to occur beyond just the Hamble;
- anodes are the largest source of zinc to the Hamble.

Future work is likely to include:

- provision of advice for boat owners on anode use;
- determination of better management strategies to ensure estuary meets EQS;
- modelling of zinc inputs to estuary.

### 2.3. Hamble Estuary Partnership

A well attended meeting of the Hamble Estuary Partnership was held on 29 June 2017.

- A presentation was given summarising key points from the PhD investigating the dissolution of anodes on vessels. (see 2.2).
- The Environment Agency introduced the Seaview Project, aimed at improving the estuary's environment. The presentation highlighted possible 'mitigation measures' relating to ecology and habitat. Members are now helping to identify any constraints or current uses of features as an initial step to help narrow down a suitable list.
- Each HEP member gave an update on their organisation's work that is relevant to the Hamble Estuary.

Members are encouraged to view the minutes and presentations at <http://www3.hants.gov.uk/hambleestuarypartnership/hep-members.htm>

**3. Recommendations**

- 3.1 It is recommended that the River Hamble Harbour Management Committee notes the contents of this report.**

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

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

## HAMPSHIRE COUNTY COUNCIL

### Report

<b>Committee</b>	River Hamble Harbour Management Committee
<b>Date:</b>	8 September 2017
<b>Title:</b>	Harbour Works Consent Application
<b>Report From:</b>	Director of Culture, Communities and Business Services

Contact name: Jason Scott or Alison Fowler

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[alison.fowler@hants.gov.uk](mailto:alison.fowler@hants.gov.uk)

#### 1. Summary

1.1. This report sets out an application for Harbour Works Consent (HWC) made by Marina Development Limited (MDL) to extend five piers at Hamble Point Marina, School Lane, Hamble SO31 4NB.

#### 2. Background

2.1. MDL wishes to meet demand for additional berthing by extending the marina within its own curtilage. MDL has undertaken pre-application consultation with the Harbour Master regarding aspirations for the site over a number of years, including attendance at a Consent Advice Panel meeting.

#### 3. Project Description

3.1. MDL proposes to extend five of Hamble Point Marina's main piers in order to increase berthing capacity. The extension will allow installation of one additional finger pontoon on each side of these piers. This will create four extra berths per pier, totalling twenty new berths.

3.2. New floating pontoon walkway sections and finger pontoons will be installed in line with existing infrastructure. In order to ensure the piers remain stable some walkway sections and finger pontoons will require additional piles, and some existing piles will be relocated.

3.3. This proposal will not require any dredging.

3.4. This proposal is sited within the title boundary of MDL's Hamble Point Marina.

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 Detail & Method Statement

- Appendix 1b
  - Supporting Information
- Appendix 1c - Plans
  - Site Layout - Existing and Proposed Layouts. Rev 0.
  - Pier A & B Extension. Rev 0.
  - Pier C & D Extension. Rev 0.
  - Pier E & F Extension. Rev 0.
  - Pier G & H Extension. Rev 0.
  - Pier I & J Extension. Rev 0.

#### **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. Additional consultation is

undertaken with other organisations as relevant. 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/workapplication>
  - 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 any written comments by the deadline.
  - Direct liaison with the Natural England.

## **6. Responses to Consultation**

- 6.1. Natural England's statutory response raised no objection to the proposed development. See Section 7.
- 6.2. Nine responses were received as a result of the Harbour Authority's public consultation. Eight were not in favour of the proposal, one was neutral. The principal concerns cited were:
  - Loss of open water space.
  - Navigational safety.
- 6.3. A notable feature in a number of the responses was the constructive nature of the suggestions made for control measures to render the risks of the development to be as low as reasonably practicable.
- 6.4. All the responses given which relate to the Harbour Authority's statutory and safety responsibilities have been taken into account in the preparation of this report.

## **7. Harbour Master's Comments**

- 7.1. 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.
- 7.2. This proposal also requires permissions from other authorities (e.g. Local Planning Authority, Environment Agency, Marine Management Organisation). Issues pertaining to their policies and regulations should be addressed with the appropriate organisation.

### 7.3. Navigational Safety Considerations.

- Hamble Point Marina wishes to extend a number of existing pontoon arms and create new Hammerheads to optimise the opportunity afforded by the limits of its own existing curtilage. The effect of this extension will be to narrow the adjacent access channel immediately to the East of the Marina, which is bounded in turn on its own eastern side by a number of existing and occupied piled moorings which are not the property of the Marina. These piled moorings are 'broken' and therefore offer access at intervals to the adjacent channel, the only nominated Secondary Channel in the River and then, beyond that, the Main Channel.
- The number of channels into the Marina is not being increased. The number of vessels which are likely to depart from the marina into the access channel at any one time will not change appreciably. The amount of traffic in the area will remain at a manageable level, although certain considerations regarding safety, below, will need to be taken into account.
- In 'painting a picture' of the area in question, the proposal does not reduce the number of perpendicular adjacent channels for vessel traffic in the vicinity. Rather, it narrows the width of the access channel immediately next to the Marina by approximately 13.5 metres (taking into account the beam of the vessels to be allowed berths on the newly created Hammerheads and the beam of those yachts already on the existing midstream piled moorings). The result is a channel that will be 26.6 metres wide at its narrowest point in the event that moorings on both side of the channel are occupied. Whereas this channel is made narrower by the modifications proposed, the width of the channel will continue to conform to the minimum standards set out in the Yacht Harbour Code of Practice to enable safe manoeuvring. For example, provided the size of the craft moored on the outer edge of these hammerheads is restricted to the 4.7 metres in beam indicated, the indicative maximum length of the craft using the channel where it is 26.6 metres in width would be 17.72 metres. The risks associated with this arrangement can be reduced to a level that is as low as reasonably practicable provided certain control measures are applied.
- The management of risks associated with marina operations within the Marina is a matter for the marina owner and operator. The River Hamble Harbour Authority requires that all marinas on the River self-certify that they operate a risk-based Safety Management System (SMS). A pre-requisite therefore for any prospective development will be the reassurance that Hamble Point Marina has amended its existing SMS to reflect the changes brought about by the change in layout of berths and addressed the risks associated with vessels leaving and entering the Marina from the access channel. The SMS developed by Hamble Point Marina should meet in all respects the guidance set out in Chapter 2 sections 1 and 2 of the Code of Practice for the Design, Construction and Operation of Coastal and Inland Marinas and Yacht Harbours.

- The SMS developed by the Marina must further specifically and robustly deal with the management of risk of vessels entering and particularly leaving the Marina and conflicting with other vessels (especially small vessels including dinghies, kayaks and canoes) using the access channel. This will include signage requiring vessels leaving the Marina to give way to other vessels navigating in the access channel, written advice to all Marina berth holders and inclusion in the terms of berth-holders' lease of the requirement to give way coupled with the right of termination in the event of non-compliance. Suitable advice must also be made available for visiting vessels.
- Specifically, the applicant's Risk Assessment for traffic entering or exiting the Marina must continue to consider *inter alia* visibility as a factor for the proposed development as it must do for the existing configuration. It must also continue to give full consideration to the reduction in manoeuvrable space brought about by the narrower access channel when allocating berths so that the risk of collision is maintained at a level that is as low as reasonably practicable. An important factor is that the proposal recognises the need to limit the size of vessels occupying the outer hammerhead in terms of breadth and also in terms of height to maximise visibility of relevant traffic for the benefit of other River Users in the vicinity. The Harbour Master recognises that the narrower channel will reduce the water space available in the access channel but, in the light of the maintained width of the adjacent and parallel Secondary and Main Channels and associated breaks in the mid-stream pontoons for small craft into the former, he is content that the risks to safe navigation in the narrower access channel can be maintained at a level that is as low as reasonably practicable.
- In the event that the proposal is approved, the existing Aids to Navigation (lighting) marking the end of each finger pontoon should be adjusted Riverwards as appropriate. No additional Aids to Navigation would be deemed necessary by the Harbour Master.
- Finally, everyone who proceeds afloat has a responsibility for his or her own safety. This is particularly true for those in charge of vessels and those responsible for children. Skippers of vessels have a responsibility to plan their passage from berth to berth and everyone should think about and plan what they want to do. While training, skill and experience all assist in maintaining safety, common sense will always be a pre-requisite. Skippers of vessels using Hamble Point Marina will have a responsibility to keep out of the way of vessels using the access channel. Those in small craft also have a responsibility to look after themselves. The RHHA and the Marina have a responsibility to regulate, guide and inform but this can never remove the duty from all who go afloat to act within the law and take reasonable precautions to avoid a close-quarters situation.

7.4. The proposal is sited 50 metres outside the boundary of the Solent & Southampton Water Special Protection Area (SPA), the Solent and Southampton Water Ramsar site and the Lee-on-the Solent to Itchen

Estuary Site of Special Scientific Interest (SSSI). It is located between 0 and 15 metres within the boundary of the Solent Maritime Special Area of Conservation (SAC) and the Solent and Dorset potential Special Protection Area (pSPA).

- 7.5. No dredging of sub-tidal or inter-tidal habitat is required for this development.
- 7.6. The applicant has proposed measures to mitigate environmental impacts of piling works on fisheries, and measures to prevent pollution from plant during construction.
- 7.7. The ongoing activities resulting from the development i.e. vessel movement and marina berthing are consistent with those already associated with the marina and surrounding areas of the Hamble.
- 7.8. Natural England's (NE) consultation response is provided at Appendix 2. Natural England state that "*providing the works are carried out in strict accordance with the details of the application which have been submitted, it can be excluded that the application will have a significant effect on any SAC, SPA or Ramsar site, either individually or in combination with other plans or projects*". It is NE's view that "*an Appropriate Assessment of the implications of this proposal on the site's conservation objectives should not be required*". NE also advise that the proposal "*is not likely to damage the interest features for which the SSSI site has been notified*".
- 7.9. NE is satisfied that RHHA may grant consent for the proposal, and recommends that conditions at 9.1b, 9.1c, 9.1d, 9.1e and 9.1f be added to the consent.
- 7.10. NE add an advisory note (in addition to conditions) that "*due to the sensitive nature of the overwintering birds, it would be preferable if the works are not carried out within the months of January and February. If piling needs to be completed in winter, piles nearest the mudflats should be completed as early as possible at the beginning of winter or as late as possible at the end of the winter, to avoid the most sensitive times.*"
- 7.11. If the River Hamble Harbour Board decides to grant permission for this application, subject to the conditions at 9.1g, 9.1h and 9.1i, 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 River Hamble 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. The proposal is to be built in accordance with the details, plans and method set out in paragraph 3.5.
- b. The development is constructed in accordance with the guidance given in the industry Code of Practice for the design of marinas.
- c. Hamble Point Marina conducts a revised Risk Assessment within its own Safety Management System to reflect and manage the risks of the changes made and provides self-certification that it has done so prior to any construction taking place. That risk assessment will in particular address the management of risk of vessels entering and particularly leaving the Marina and conflicting with other vessels (especially small vessels including dinghies, kayaks and canoes) using the access channel. This will include the following control measures being put in place prior to berths being allocated:
  - i. The affixing of appropriately visible signage (at least 1m in height and 1.5m width, with the wording 'GIVE WAY TO TRAFFIC USING THE ACCESS CHANNEL') at the exit of each Marina channel to show that vessels leaving the Marina are required to give way to those vessels using the access channel.
  - ii. written advice to all Marina berth holders and inclusion in the terms of berth-holders' lease of the requirement to give way as at 9.1c.i above, coupled with the right of termination in the event of non-compliance.
  - iii. Suitable advice must also be made available for visiting vessels.
- d. The beam of craft moored on the new Hammerheads will be limited to 4.7m with no double berthing or rafting allowed. The concomitant impact of the narrower width of the channel will be to limit the length of craft using it to 17.7m (53ft) at this narrowest point, which may affect the overall berthing plan within the Marina.
- e. The freeboard height of any vessel moored on the hammerheads shall be such as not to prevent adequate visibility of craft, particularly small craft, using the access channel and, in turn, to afford the necessary visibility to craft exiting the Marina.
- f. The existing Aids to Navigation marking the end of each finger pontoon should be adjusted Riverwards by MDL as appropriate and the necessary facts reported to Trinity House and UKHO, keeping the RHHA informed. No additional lighting to be placed on the pontoons to effect or impact on the visibility or characteristics of Aids to Navigation.
- g. Vibro-piling should 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.

- h. Due to the sensitivity of the summer fish migration season, piling works are best undertaken outside of the summer migration period. Natural England suggests that further advice is sought from the Environment Agency with regard to timing restrictions.
- i. All equipment, temporary structures, waste and/or debris associated with the licensed activities are removed upon completion of the licensed activities.
- j. 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 Strategic Plan**

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

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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:

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- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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- 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.

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# Harbour Works Consent – Project Detail & Method Statement

## Hamble Point Marina

### Pier Extension

#### **Project Detail**

Hamble Point Marina is located east of Southampton at the mouth of the Hamble river. The marina currently has a waiting list, and there is generally a high demand for berths on this stretch of the river, therefore it is planned to redevelop the existing marina to improve berth availability.

The marina consists of eight piers in total, and this reconfiguration aims to extend five of these piers by adding an additional walkway extension to each and moving the hammerhead pontoons farther out. Single finger pontoons will be added on either side of the extended walkway to provide four new berths on each of the five piers. The newly created berths will be of a similar size to the existing berths on each side of the pier.

The length of the additional walkway sections are variable depending on the width required to allow new berths to be created, but range from 9m to 16m. The pier extensions and associated berths will remain entirely within MDL's title boundary.

New piles will be required to secure some of the finger pontoons and main walkways, the expected diameter of which is in the region of 400mm – 450mm. Some existing piles will also require extracting and re-driving in new locations. It is expected that there will be no more than three new piles to install, and ten existing piles to extract and re-drive.

This project will not require any dredging.

#### **Method**

##### **Timeframe for work: September to December 2017**

The works will be phased to minimise the disruption to the marina, and boats moored within the works area will be relocated to other MDL sites on the river if they cannot be relocated within the marina itself.

The existing pontoons and associated equipment will be temporarily removed to allow the new pontoon sections to be installed. Once the existing hammerheads have been removed, any piles requiring relocation will be extracted and re-driven. The new pontoon sections will arrive by flatbed lorry and be assembled on-site prior to installation.

The work barge is held in position with spud legs to prevent movement during the piling operation, and the piles will be pitched and driven by onboard crane and piling equipment. The new piles are 16m long, and are to be embedded to a depth of 7 to 8 metres. Existing piles will be extracted and re-driven in their new locations by the same method as the new piles.

Once the new piles have been installed and existing piles re-driven in their new locations, the assembled pontoon sections will be craned into the water using the on-site mobile crane. These pontoon sections will then be towed round to their new locations by a small dory boat and fixed into place by attachment to the existing pontoon sections and installed piles.

All redundant materials will be disposed of at a suitable licensed facility.

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# Harbour Works Consent – Supporting Information

## Hamble Point Marina

### Pier Extension

#### **Increase in Berth Numbers**

Yacht berths on the Hamble River are limited and in extremely high demand. The pier extension will help provide improved access to the water for recreational boaters in the Solent area.

The proposed pier extension would add four berths for each of the five piers to be extended, resulting in a total of 20 extra berths in the marina. This would result in an 8.5% increase in berth capacity in the marina (up to 250 wet berths, from 230 currently).

#### **Navigational Impacts**

1. The pier extension narrows the fairway between the end of the marina pontoons and the river moorings owned and operated by third parties.
  - MDL Marina berth holders, visitors, and any other person entering the marina are expected to adhere to the Marina Regulations found on the MDL website, particularly in relation to speed and control of the vessel. Additionally, they are expected to adhere to the water speed limit of 4 knots within the marina, as described in the Marina Regulations for Hamble Point Marina.
  - The fairway between the marina pontoons and the river moorings is an access channel, and boats exiting the marina are separated from the main channel by the river moorings. Considering this, it is assumed that river users will be aware of this, and will comply with COLREGS (MSN 1781) with regards to providing a look-out and determining safe speed within the channel (speed limits apply within the marina, as above).
  - The resulting fairway width between the marina pontoons and the river moorings will remain greater than the minimum width suggested by The Yacht Harbour Association (TYHA) guidelines for fairways in yacht marinas. TYHA recommends a minimum fairway of 1.5 times the boat length; the minimum fairway for the access channel would be 1.7 times the proposed boat lengths (for boats berthed on the pontoon hammerheads), up to 2.7 times boat length along the wider parts of the channel. This is in keeping with the marina as a whole, which is designed to TYHA guidelines.
  - The marina will limit the size of the boats on each hammerhead, in keeping with others berthed on the same pier, in order to ensure the fairway between the marina pontoons and river moorings is as wide as possible. In this way, we maintain a fairway of at least 26.6m along the entire channel, and with a fairway of >30m for the majority of the length of the access channel.
2. Large boats berthed on the hammerheads may obscure visibility down the fairways.
  - It is proposed that the maximum length and width of the boats to be berthed on the hammerhead berths is limited to be in line with the berths inside the hammerhead along the piers. This will result in two small berths, as opposed to a single large berth, which will prevent any loss of visibility and will remain consistent with the existing berths.

3. There may be disruption to marina berth holders and other river users.
  - Disruption will be minimised to berth holders and other river users through limited working hours and a phased approach (see Method Statement).

### **Environmental Impacts**

The development consists of floating infrastructure similar to existing, the installation of a small number of additional piles to secure the walkway sections, and the relocation of existing hammerhead piles. The extension is expected to have a minor, temporary effect on water quality whilst the piling works are undertaken, but there are not expected to be any long term negative impacts on the marine environment.

The marina site is located adjacent to the following designated sites however it is considered that they will not be detrimentally affected by the project:






- SAC (Solent Maritime) UK0030059
- SPA (Solent & Southampton Water) UK9011061
- RAMSAR (Solent & Southampton Water) UK11063
- Lee-on-Solent to Itchen Estuary SSSI

These sites have been designated for their ornithological importance, protection of wetland bird species, and for the protection of saltmarsh and mudflat habitats. The installation of floating infrastructure should not interfere with these habitats in terms of water quality or water levels. The relocation and installation of piles is unlikely to have an effect on these sites, due to the use of vibratory piling methods rather than percussive methods wherever possible to prevent disturbance to bird species utilising the sites.

1. It is possible that the piling activity would impact on marine life.
  - Due to the sensitive nature of the environment at the site, it is proposed to install the piles with a vibro-hammer. However, if the piles cannot be driven to their design depth using vibratory methods alone, percussive techniques may be utilised. A soft-start approach will be adopted for all percussive piling works to allow any marine life to vacate the area in sufficient time to avoid harm.
2. There may be possible fuel spills from the marine plant.
  - All fuel/lubricating fluids etc. used on marine plant will be stored in a suitable bunded container to prevent spillage into the marine environment.
  - The fuel tank on the workboat will be bunded with a capacity of not less than 110% of the tank volume to prevent any spillage.
  - In the event that fuel should spill outside of the bunded area around the tank, the marina is equipped with spill kits to combat the spillage and works to the PPG5 Pollution Prevention Guidelines.
  - The MMO would be informed immediately and necessary action would be taken to minimise the impact and prevent further spills.

EXISTING

PROPOSED

KEY	
	Title boundary
	Pontoons - retained
	Pontoons - new
	Piles - retained & relocated
	Piles - new

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**MARINA DEVELOPMENTS LIMITED**

Marina Developments Ltd.  
 Outlook House  
 Hamble Point  
 School Lane  
 Hamble  
 Southampton  
 Hampshire  
 SO31 4NB



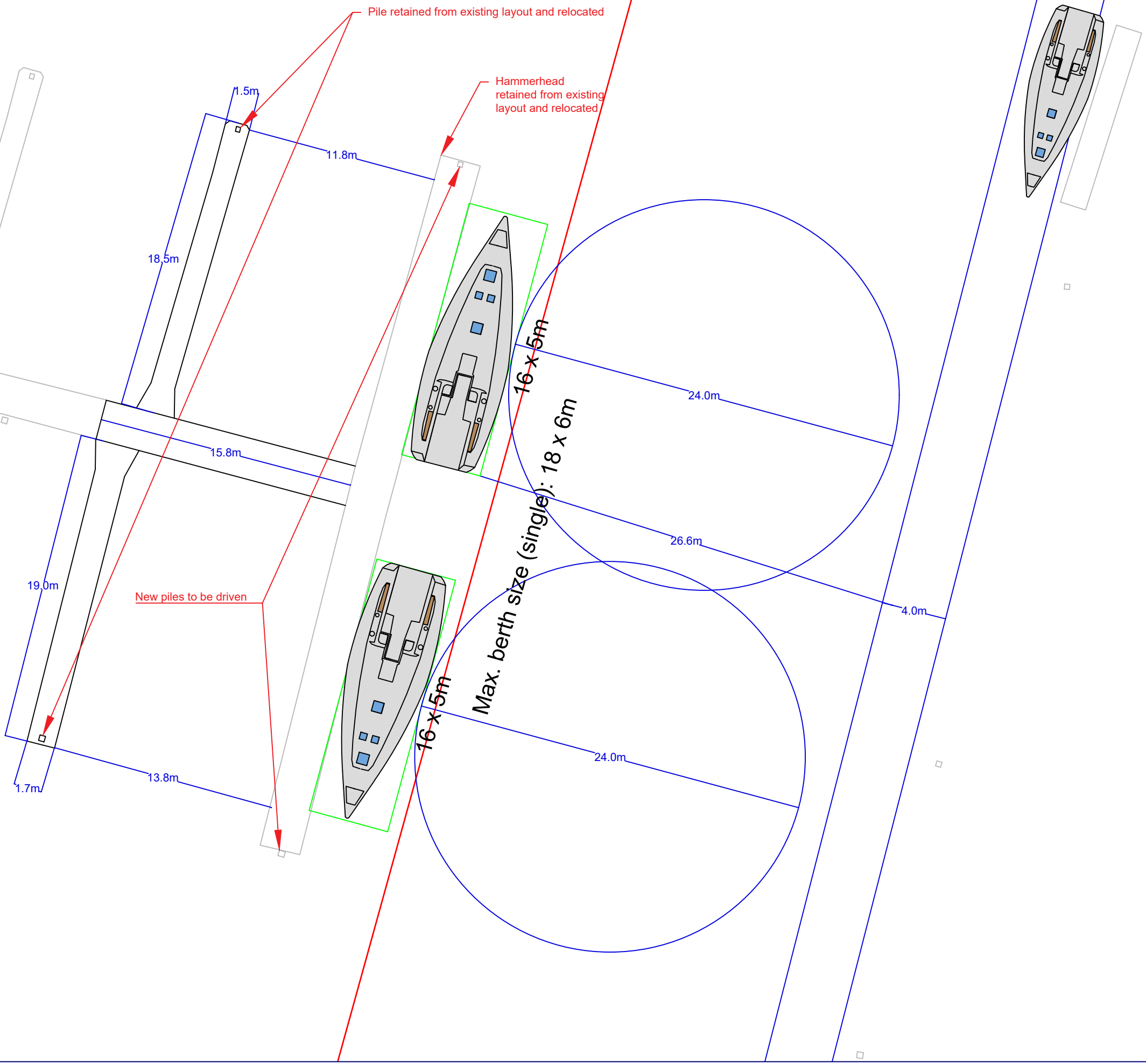
Telephone: 023 8045 0200  
 Fax: 023 8045 7154

PROJECT  
**Hamble Point Marina Pier Extension**

TITLE  
**Site Layout  
 Existing and Proposed Layouts**

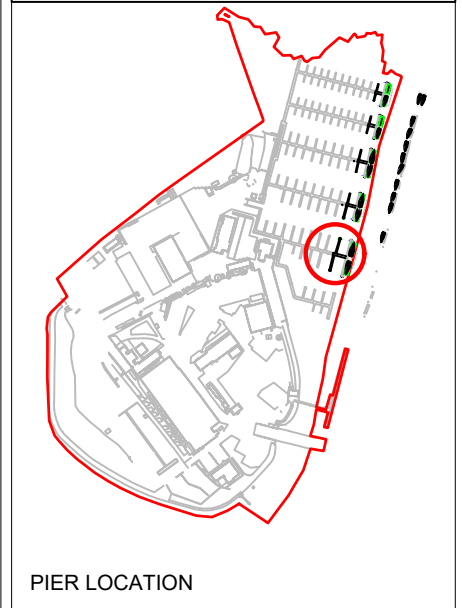
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	DRAWING TYPE <b>GA</b>	DRAWING No.	



**KEY**

	Title boundary
	Pontoons - retained
	Pontoons - new



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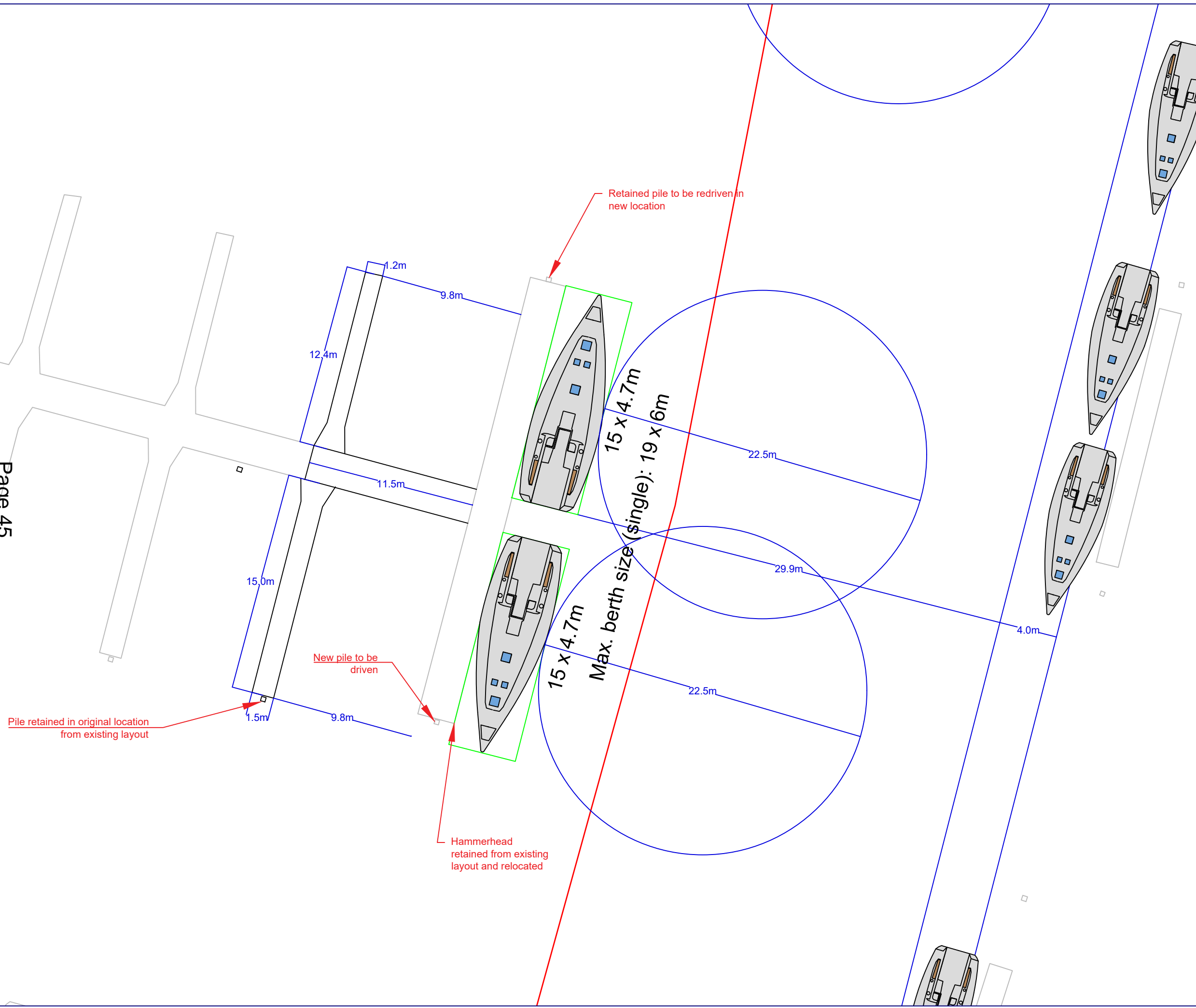
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**Hamble Point Marina Pier Extension**

TITLE  
**Pier A & B Extension**

REVISIONS

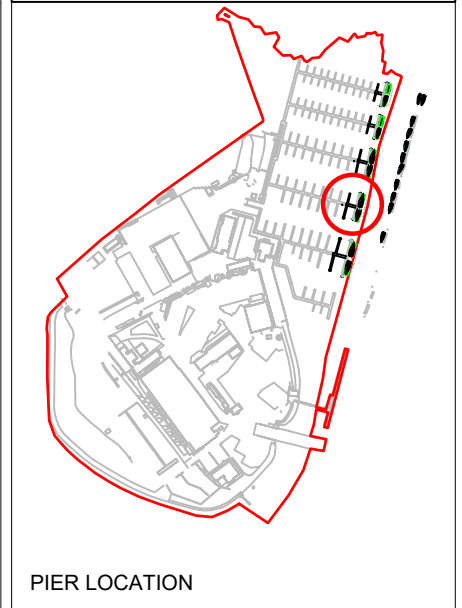
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**KEY**

	Title boundary
	Pontoons - retained
	Pontoons - new



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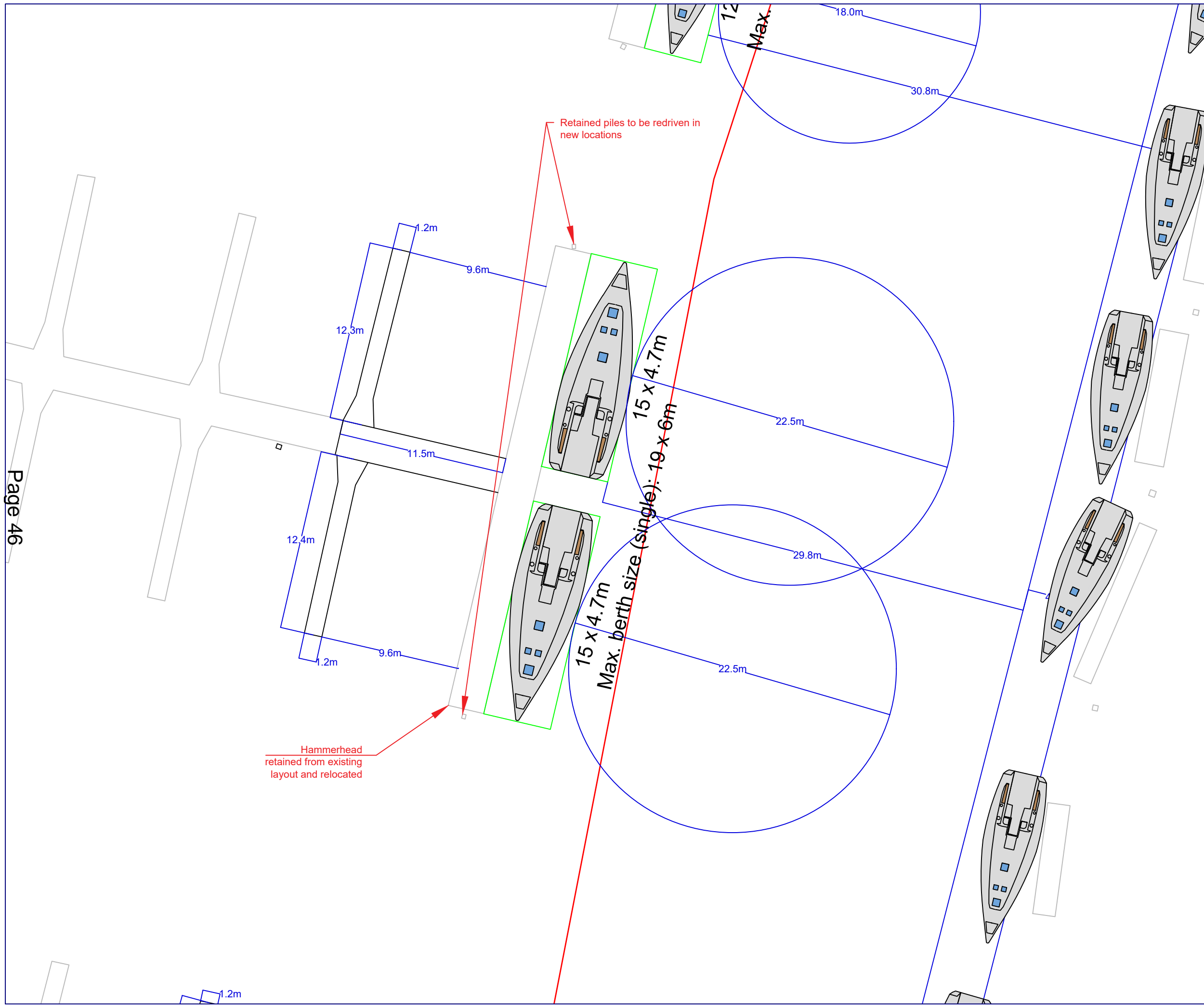
PROJECT  
**Hamble Point Marina Pier Extension**

TITLE  
**Pier C & D Extension**

REVISIONS

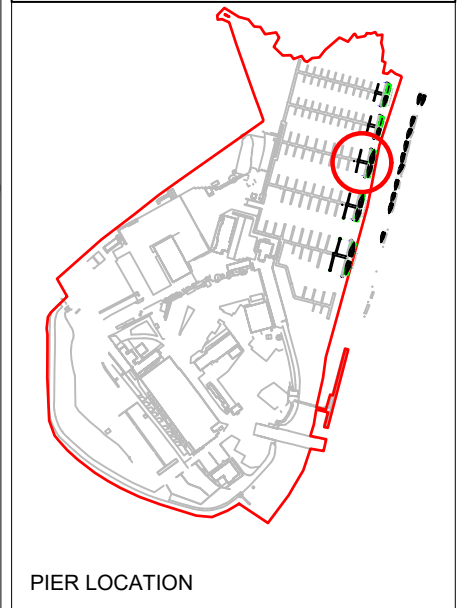
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**KEY**

	Title boundary
	Pontoons - retained
	Pontoons - new



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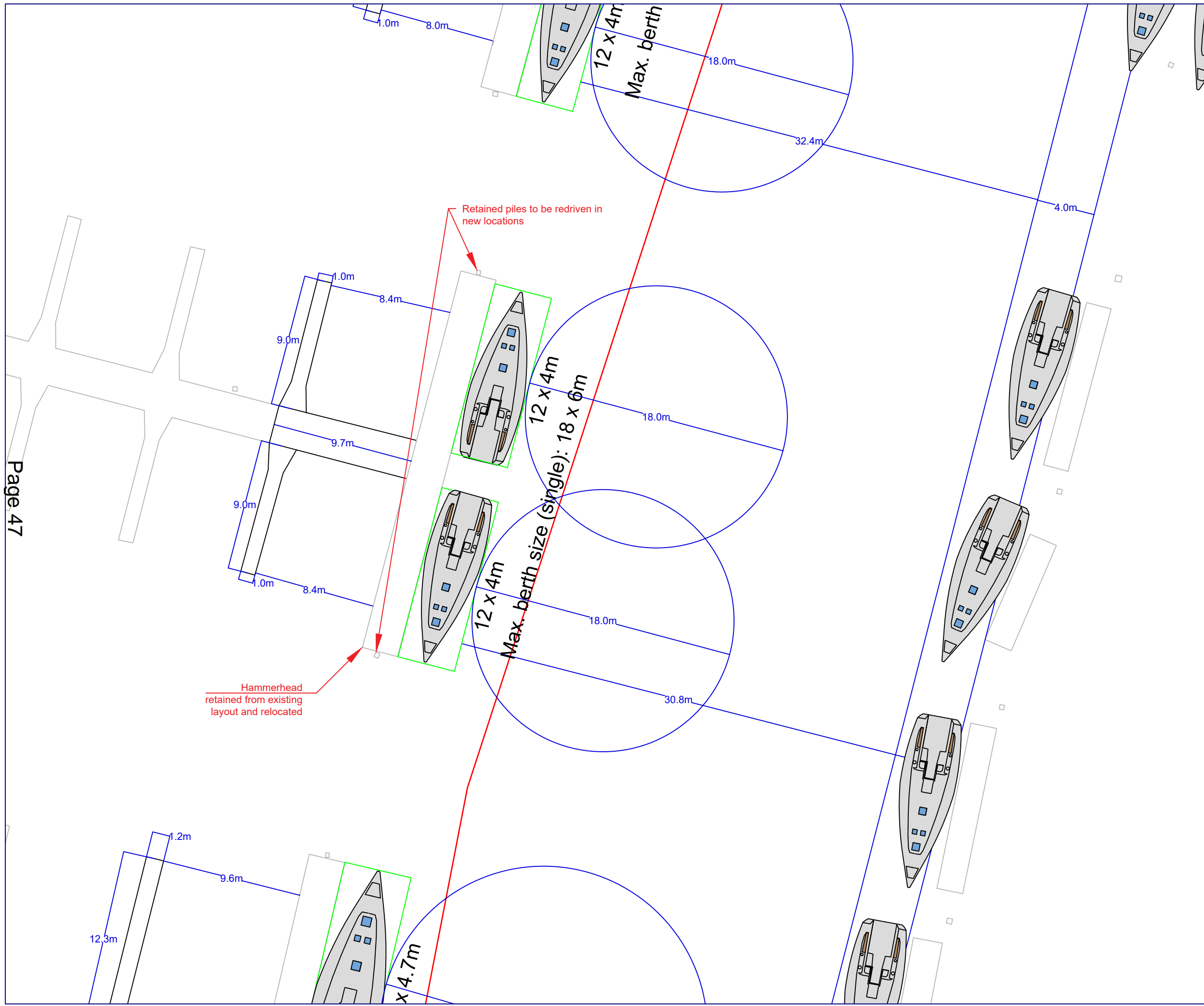
**PROJECT**  
 Hamble Point Marina Pier Extension

**TITLE**  
 Pier E & F Extension

**REVISIONS**

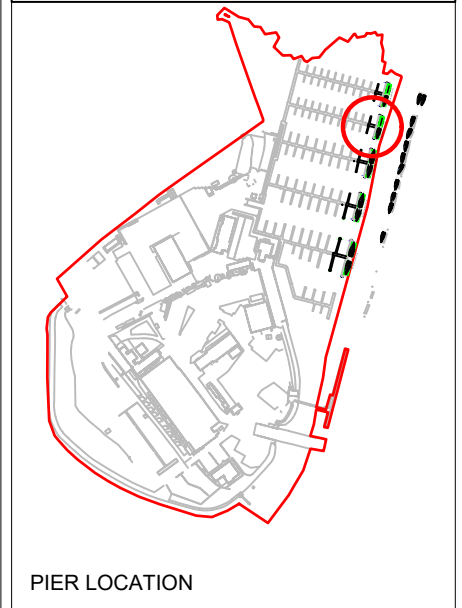
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**KEY**

	Title boundary
	Pontoons - retained
	Pontoons - new



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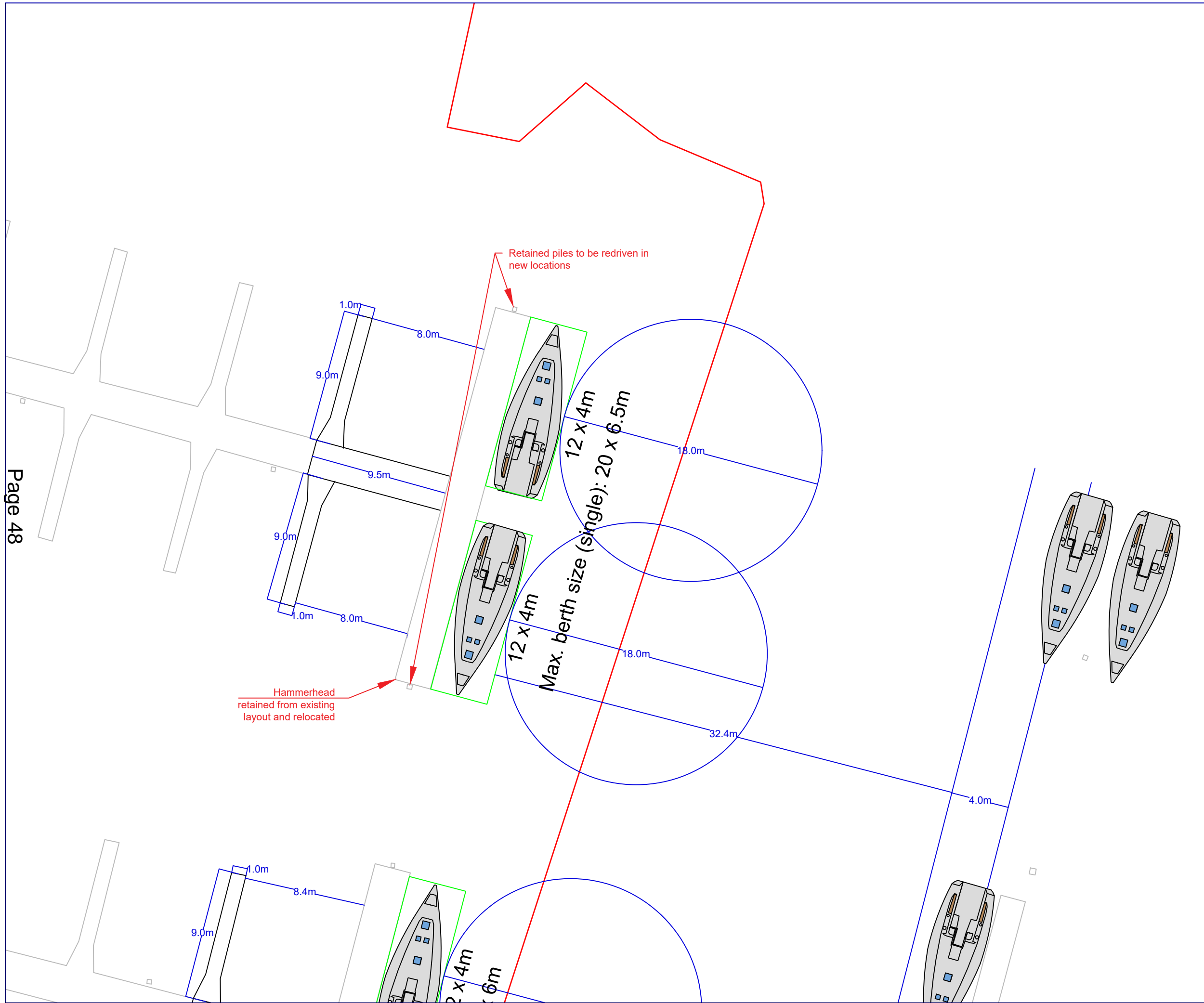
PROJECT  
**Hamble Point Marina Pier Extension**

TITLE  
**Pier G & H Extension**

REVISIONS

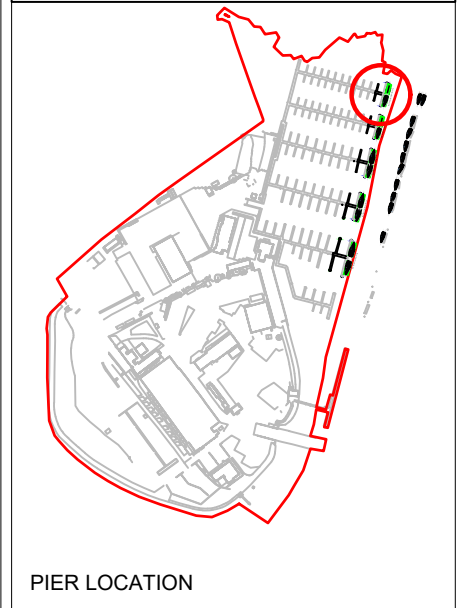
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	DRAWING TYPE <b>GA</b>	DRAWING No. <b>0</b>



**KEY**

	Title boundary
	Pontoons - retained
	Pontoons - new



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 Fax: 023 8045 7154



PROJECT  
**Hamble Point Marina Pier Extension**

TITLE  
**Pier I & J Extension**

REVISIONS

No.	DATE	DETAILS

DRAWN BY <b>OW</b>	CHECKED BY <b>AB</b>	SCALE <b>1:250 @ A3</b>
	DRAWING TYPE <b>GA</b>	DRAWING No. <b>0</b>



Date: 27 July 2017  
Our ref: 219680  
Your ref: Proposed pier extension at Hamble Point Marina



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

15 Andover Road  
Winchester  
SO23 7BT

T 02082 258585

## VIA WEBSITE ONLY

Dear Alison

Pontoon Reconfiguration and Piling, Hamble Point Marina, Hamble

Solent and Dorset potential Special Protection Area (pSPA)  
Solent Maritime Special Area of Conservation (SAC)  
Solent and Southampton Water Special Protection Area (SPA)  
Lee-on-the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI)  
Solent and Southampton Water Ramsar

Thank you for your consultation dated 28 June 2017. The following constitutes Natural England's formal statutory response.

### **Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)**

It is our advice, on the basis of the material supplied by the applicant that in respect of statutory designated sites, seascapes and protected species an Environmental Impact Assessment (EIA) is not required for this application.

### **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.

### **The Conservation of Habitats and Species Regulations 2010 (as amended) and The Offshore Marine Conservation (Natural Habitats, & c.) Regulations 2007 (as amended)**

We can confirm that the proposed works are located within Solent Maritime SAC and Solent and Dorset pSPA, and near to the Solent and Southampton Water SPA and Solent and Southampton Water Ramsar. Natural England advises that providing the works are carried out in strict accordance with the details of the application which have been submitted, it can be excluded that the application will have a significant effect on any SAC, SPA or Ramsar site, either individually or in combination with other plans or projects. Therefore it is our view that an Appropriate Assessment of the implications of this proposal on the site's conservation objectives should not be required. We recommend that the following conditions are attached to the harbour works consent to ensure that the activity is undertaken in accordance with the details of the application which have been submitted and therefore compliant with the above legislation:

#### **Condition 1**

Vibro-piling should 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.

Reason

To reduce the effect of acoustic disturbance upon over wintering birds and migratory fish, and to allow mobile sensitive receptors to move away from the source of acoustic disturbance in order to reduce the risk of injury.

Condition 2

Due to the sensitivity of the summer fish migration season, piling works are best undertaken outside of the summer migration period. Natural England suggests that further advice is sought from the Environment Agency with regard to timing restrictions.

Reason

To avoid impacts upon migratory fish from piling.

Condition 3

The applicant should ensure that all equipment, temporary structures, waste and/or debris associated with the licensed activities is removed upon completion of the licensed activities.

Reason

To minimise impacts to the marine environment and other users of sea/seabed.

**Wildlife and Countryside Act 1981 (as amended)**

We can confirm that the proposed works are located adjacent to Lee-on-the Solent to Itchen Estuary Site of 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 above conditions are attached to the harbour works consent to ensure that the activity is undertaken as per the application and therefore compliant with the above legislation.

If the Harbour Authority is minded to grant consent for this application without applying the conditions contained in this letter, we refer you to Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon the Harbour Authority, requiring that you;

- Provide notice to Natural England of the permission, and of its terms. This notice should include a statement of how (if at all) the Harbour Authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

**Other Relevant Matters**

Advisory note – due to the sensitive nature of the overwintering birds, it would be preferable if the works are not carried out within the months of January and February. If piling needs to be completed in winter, piles nearest the mudflats should be completed as early as possible at the beginning of winter or as late as possible at the end of the winter, to avoid the most sensitive times.

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

Yours sincerely

Jenny Murray  
Marine Adviser  
E-mail: [jenny.murray@naturalengland.org.uk](mailto:jenny.murray@naturalengland.org.uk)  
Telephone: 02082 258585

## HAMPSHIRE COUNTY COUNCIL

### Report

<b>Committee:</b>	River Hamble Harbour Management Committee
<b>Date:</b>	8 September 2017
<b>Title:</b>	Forward Plan for Future Meetings
<b>Report From:</b>	Director of Culture, Communities and Business Services

**Contact name:** Jason Scott

**Tel:** 01489 576387

**Email:** Jason.Scott@hants.gov.uk

#### 1. Summary

- 1.1 This report sets out the key issues which it is anticipated will appear on the River Hamble Harbour Management Committee and Harbour Board agendas in the forthcoming months. The Forward Plan is attached at Appendix 1.

#### 2. Recommendation

- 2.1. That the report be noted.

**CORPORATE OR LEGAL INFORMATION:**

**Links to the Strategic Plan**

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

Document

Location

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.

<b>Management Committee Date</b>	<b>Agenda Item</b>	<b>Harbour Board Date</b>
8 September 2017	<ul style="list-style-type: none"> <li>• Marine Director and Harbour Master's Report and Current Issues</li> <li>• Environmental Update</li> <li>• Harbour Works Consent – Hamble Point Marina Pier Extension.</li> <li>• Forward Plan for Future Meetings</li> <li>• Briefing (Man Cttee only) – Induction for New Members as well as Refreshing of Responsibilities for Existing Members</li> </ul>	6 October 2017
N/A	<ul style="list-style-type: none"> <li>• Marine Director and Harbour Master's Report and Current Issues</li> <li>• Environmental Update</li> <li>• Harbour Works Consent (if applicable)</li> <li>• Forward Plan for Future Meetings</li> </ul>	17 November 2017
8 December 2017	<ul style="list-style-type: none"> <li>• Marine Director and Harbour Master's Report and Current Issues</li> <li>• Environmental Update</li> <li>• Harbour Works Consent (if applicable)</li> <li>• River Hamble Budget 2017/18</li> <li>• Review of Fees and Charges</li> <li>• Forward Plan for Future Meetings</li> </ul>	19 January 2018
9 March 2018	<ul style="list-style-type: none"> <li>• Marine Director and Harbour Master's Report and Current Issues</li> <li>• Environmental Update</li> <li>• Harbour Works Consent (if applicable)</li> <li>• Forward Plan for Future Meetings</li> <li>• Asset Register Review</li> <li>• Annual Review of Business Plan</li> <li>• Briefing (Man Cttee only)</li> </ul>	6 April 2018
June/July 2018	<ul style="list-style-type: none"> <li>• Marine Director and Harbour Master's Report and Current Issues</li> <li>• Environmental Update</li> <li>• Harbour Works Consent</li> <li>• River Hamble Final Accounts 2016/17</li> <li>• Review of Harbour Dues</li> <li>• Proceedings of the Annual Forum</li> <li>• Forward Plan for Future Meetings</li> <li>• Annual Familiarisation Boat Trip</li> </ul>	June/July 2018

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