

NOTICE OF MEETING

Meeting	River Hamble Harbour Board
Date and Time	Friday, 19th March, 2021 at 3.30 pm
Place	Remote meeting
Enquiries to	members.services@hants.gov.uk

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

FILMING AND BROADCAST NOTIFICATION

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

3. MINUTES OF PREVIOUS MEETING (Pages 5 - 8)

To confirm the minutes of the previous meeting held on 8th of January 2021.

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. DRAFT MINUTES OF THE MEETING OF THE RIVER HAMBLE HARBOUR MANAGEMENT COMMITTEE (Pages 9 - 14)

To receive the minutes of the meeting of the River Hamble Harbour Management Committee held on 5 March 2021

7. MARINE DIRECTOR AND HARBOUR MASTER'S REPORT AND CURRENT ISSUES (Pages 15 - 24)

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.

8. ENVIRONMENTAL UPDATE (Pages 25 - 28)

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

9. HARBOUR WORKS CONSENT APPLICATION FOR ADDITIONAL BERTHING AT UNIVERSAL MARINA (Pages 29 - 102)

To consider a report of the Director of Culture, Communities and Business Services seeking Harbour Works Consent.

10. RIVER HAMBLE ASSET REGISTER (Pages 103 - 110)

To consider a report of the Director of Culture, Communities and Business Services with an overview of the asset register.

11. ANNUAL REVIEW OF BUSINESS PLAN (Pages 111 - 116)

To consider a report of the Director of Culture, Communities and Business Services with the business plan for annual review.

12. FORWARD PLAN FOR FUTURE MEETINGS 2021-22 (Pages 117 - 120)

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 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.

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Agenda Item 3

AT A MEETING of the River Hamble Harbour Board of HAMPSHIRE COUNTY COUNCIL held as a remote meeting on Friday, 8th January, 2021

- * Councillor Peter Latham
- * Councillor Keith House
- * Councillor Graham Burgess

Co-opted members

- * Nikki Hiorns
- * David Jobson
- * Chris Moody
- * Jason Scott

*Present

Councillor Peter Latham chaired this meeting.

134. APOLOGIES FOR ABSENCE

There were no apologies.

135. DECLARATIONS OF INTEREST

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

David Jobson declared personal interests as a member of both the RAF and Royal Southern Yacht Clubs, as a mid stream mooring holder and a member of the RYA. Chris Moody declared personal interests as a member of Warsash Sailing Club and as Chairman of Hamble River Boatyard and Marina Operators Association.

136. MINUTES OF PREVIOUS MEETING

The minutes of the previous meeting held on 25 September 2020 were agreed as a correct record.

137. DEPUTATIONS

There were no deputations.

138. **CHAIRMAN'S ANNOUNCEMENTS**

It was with much sadness that the Vice Chairman, in the chair for this meeting, announced the death of Councillor Keith Evans who had served as Harbour Board Chairman since 2010. Board Members and officers gave tributes to Councillor Evans and collectively expressed deepest sympathies to his family.

139. **DRAFT MINUTES OF THE MEETING OF THE RIVER HAMBLE HARBOUR MANAGEMENT COMMITTEE**

The Board received and noted the draft minutes of the River Hamble Harbour Management Committee meeting held on 4 December 2020.

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

The Board considered the report of the Director of Culture, Communities and Business Services regarding incidents and events in the Harbour.

In introducing the report, particular reference was made to section 5 and the routine inspection of the Marine Safety Management System which had taken place on 18 November 2020. With the Harbour Authority having been found to be compliant, this would enable the Duty Holder to write the three yearly letter of compliance with the Port Marine Safety Code to the Regulator (the Maritime and Coast Guard Agency) by the deadline of 31 March 2021.

In response to a Member question, it was confirmed that there was nothing further to add to the update in the report at section 8 regarding the Universal Marina Harbour Works Consent and it was anticipated that the application would come before the Board in the normal way for consideration at a future meeting.

RESOLVED:

That the River Hamble Harbour Board notes the content of the report, endorses the Marine Safety Plan for 2021-2024 and agrees to write to the Maritime and Coastguard Agency to confirm continued compliance with the requirements of the Port Marine Safety Code.

141. **ENVIRONMENTAL UPDATE**

The Board considered the report of the Director of Culture, Communities and Business Services with an update on environmental matters.

Members discussed section 9 of the report and the recent decision by the Highways Authority to re-allocate the funding that had previously been allocated to the drainage works as part of the M27 smart motorways scheme. Highways England had recently contacted the Harbour Authority explaining that its plan to deliver the drainage run off works within the wider scheme by March 2021 can no longer go ahead at this time. Members expressed their frustration at this development, particularly as the drainage works had been in the planning for several years.

In response to a Member question it was confirmed that Natural England had been in contact with the landowner regarding their unpermitted development. In the second instance referred to within the report, the Harbour Authority was in contact with the Local Planning Authority to determine whether local planning protocol had been broken.

RESOLVED:

That the River Hamble Harbour Board:

- (i) writes in the strongest terms to Highways England, and also to the Members of Parliament for Eastleigh, for Fareham and for Meon Valley strongly urging for their support in bringing about improvements to the M27 bridge drainage, and;
- (ii) notes and supports the remainder of the report.

142. RIVER HAMBLE 2020/21 FORECAST OUTTURN AND 2021/22 FORWARD BUDGET

The Board considered the report of the Directors of Corporate Services – Corporate Resources and Culture, Communities and Business Services outlining the 2020/21 forecast outturn and the 2021/22 forward budget for the Harbour Authority.

The Board noted the increase revenue figure for the current year of £87,000 of which £35,000 would be transferred to the Asset Replacement Reserve (ARR) and also top up the General Reserve. It was noted that there would be a minimal impact as a result of Covid on the outturn. In terms of the 21/22 forward budget, a surplus would allow the full ARR contribution alongside additional funds for other projects.

RESOLVED:

That the River Hamble Harbour Board:

- i) Note the projected outturn for the 2020/21 financial year.
- ii) Approve the proposed forward budget.
- iii) Note the balances held within the reserves and the improved position on the general reserve balance.
- iv) Approve the proposal to postpone the decision on the possible excess in the Revenue Reserve based on the proposed 2021/22 forward budget.

143. REVIEW OF FEES AND CHARGES

The Board considered a report of the Director of Culture, Communities and Business Services reviewing the fees and charges for the Harbour Authority.

The Board noted the proposal to increase the launching fee for Personal Water Craft/Jet Skis from £5 to £10 to bring charges into closer alignment with those levied elsewhere in the Solent (following research other authorities were charging between £10 and £14). This had also been brought about following the recent increase in Jet Ski activity on the River particularly throughout the 2020 summer months.

RESOLVED:

That the River Hamble Harbour Board approves the fees and charges set out below and to advertise them on the River Hamble website.

144. **FORWARD PLAN FOR FUTURE MEETINGS**

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

RESOLVED:

That the River Hamble Harbour Board notes the report.

Public Document Pack Agenda Item 6

AT A MEETING of the River Hamble Harbour Management Committee of
HAMPSHIRE COUNTY COUNCIL held as an online meeting on Friday, 5th
March, 2021

Chairman:

* Councillor Seán Woodward

* Councillor Roger Huxstep
Councillor Fred Birkett
* Councillor Mark Cooper
* Councillor Rod Cooper
Councillor Tonia Craig
Councillor Pal Hayre
* Councillor Rupert Kyrle

* Councillor Stephen Philpott
* Councillor Lance Quantrill
Councillor Andrew Gibson
Councillor Dominic Hiscock
Councillor Gary Hughes
Councillor Bruce Tennent

*Present

Co-opted members

* Rupert Boissier, River Hamble Boatyard and Marina Operators Association
* Trevor Bryant, Association of Hamble River Yacht Clubs
* Councillor Trevor Cartwright MBE, Fareham Borough Council
* Councillor Frank Pearson, Winchester City Council
Councillor Jane Rich, Eastleigh Borough Council
* John Selby, Royal Yachting Association
* Nicola Walsh, British Marine

*Present

130. APOLOGIES FOR ABSENCE

No apologies were received.

131. 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 Personal interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 5 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 Rod Cooper declared an interest as a mooring holder and as a member of the RAF Yacht Club; Councillor Cartwright declared interests as a member of the Royal Yachting Association; Mr John Selby declared interests as

a trustee of Warsash Sailing Club; a committee member of the Royal Yachting Association, of the River Hamble Combined Clubs and of the River Hamble Mooring Holders Association.

132. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 4 December 2020 were agreed as a correct record.

133. DEPUTATIONS

There were no deputations

134. CHAIRMAN'S ANNOUNCEMENTS

The Chairman held a few moments silence on behalf of former Chairman of the River Hamble Harbour Board Councillor Keith Evans, who had sadly recently passed away.

135. MARINE DIRECTOR AND HARBOUR MASTER'S REPORT AND CURRENT ISSUES

The Committee considered the report of the Director of Culture, Communities and Business Services regarding incidents and events in the Harbour.

The Committee was updated on the status of the M27 drainage into the Hamble and were told that Highways England no longer had the funding for the project. The Committee was told that in reply to letters sent to 3 local MP's the Director was informed that the matter would resolve, though Director did not express confidence in this reply.

The Director informed the Committee of incidences of anti-social behaviour including trespassing and swimmers putting themselves at risk.

RESOLVED:

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

136. ENVIRONMENTAL UPDATE

The Committee considered the report of the Director of Culture, Communities and Business Services with an update on environmental matters.

The Committee were informed that consents for the seawall repair had been obtained. Members were also informed that the oyster restoration project was ongoing.

RESOLVED:

That the River Hamble Harbour Management Committee supports the contents of this report to the Harbour Board and agrees to support the approval of arrangements for extending time limits on Harbour Works' Consent in exceptional circumstances.

137. **HARBOUR WORKS CONSENT APPLICATION FOR ADDITIONAL BERTHING AT UNIVERSAL MARINA**

It was confirmed that Natural England were satisfied with the proposed plan.

Regarding navigational safety, the Director affirmed his view that new berthing would make navigation safer. It was noted that concerns existed regarding if sufficient channels would exist to be safe for pilots, and Director affirmed that the 3 channels under the new plan were sufficient.

The Director recommended that on an environmental and navigational basis the approval should be recommended to the Harbour Board.

During questions, a member affirmed their view that plan should be withdrawn due to loss of mooring holders and would cause increased waiting time for certain categories of vessels as replacement mooring would have to be found. This member worried that this would potentially price people out of boating due to increased costs. This view was supported by several other members. The Director noted that the Crown Estate which owns the 42 berths was not going to hand over the berths for the development and has formally disagreed with the development.

The Chairman noted that this matter of the berths would be a matter for Local Authorities and for the Crown Estate and was not under the jurisdiction of the Harbour Authority. The Chairman re-emphasised the Committee's jurisdiction and warned of potential judicial review if the Committee voted based upon views of Crown Estate and not upon a navigational and environmental basis.

Another member noted a requirement for 10% net gain for biodiversity on any new development. An officer replied that this requirement was not yet in law as it was proposed legislation.

The recommendations were put to a vote. One member abstained from the vote. All other members voted for the recommendations contained within the report.

RESOLVED:

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 4 of his report and subject to the following conditions:

- a. The proposal is to be built in accordance with the details, plans and method set out in paragraph 4.
- b. The development is constructed in accordance with the guidance given in the industry Code of Practice for the design of marinas.

- c. Vibro-piling should be used as a standard rather than percussive piling. In the event that it is necessary to use percussive piling, soft-start procedures must be employed over a period of at least 20 minutes. Should piling cease for a period of greater than 10 minutes then the soft start procedure must be repeated.
- d. Percussive piling should only be permitted between 16 March and 29 November in any given year.
- e. The development must be completed within 3 years from the date of the approval granted by the Harbour Board.

138. **RIVER HAMBLE ASSET REGISTER**

The Committee considered the report of the Director of Culture, Communities and Business Services with an overview of the asset register

The Director noted that this report would be important in deciding future Harbour fares and dues and noted the commitment to having a healthy fund to meeting needs and upkeep.

The Director noted that assets were healthy and would not require wholesale replacement all at once and noted that in-house upkeep was ongoing and was helping team keep abreast of state of assets.

The Director expressed confidence that assets would be healthy for next 10-15 years.

A member expressed view that asset replacement reserve should be raised from the current £35,000. The Director replied that current rate had worked well for last 10 years and had been set due to need to lower harbour fees.

Another member expressed regarding raising reserve amount that perhaps a compromise amount should be reached by tying it to inflation, so it would not have to be suddenly increased a significant amount in later years. The Director reaffirmed the need to reassess soon once markets have resettled. The Chairman noted that regarding tying it to inflation an issue existed regarding which inflationary figure would be used.

A concern was raised regarding the current 4 year replacement cycle on engines for motorboats and why it was only 4 years. The Director replied that many modern engines had relatively short lifespans even when high quality, however the towing service they provided more than covered the cost of replacement. The Director expressed view that by setting replacement cycle at 4 years a balance between engine reliability and cost had been reached.

A member noted possibility for leasing engines as opposed to outright buying them. The Director replied that this was not practical, due to limited leasing market and due to heavy nature of work engines were involved in. The Committee noted that due to get money on engines back at end of cycle, the overall difference cost wise is very small.

RESOLVED:

That the River Hamble Harbour Management Committee recommend to the Board that this report be taken into account alongside the annual statutory accounts in setting Harbour Dues for 2021/22 at the June Board meeting.

139. **ANNUAL REVIEW OF BUSINESS PLAN**

The Committee considered the report of the Director of Culture, Communities and Business Services with the business plan for annual review.

RESOLVED:

The Business Plan was reviewed and agreed to without any revisions by the River Hamble Management Committee and is now sent on for consideration by the River Hamble Harbour Board.

140. **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.

It was noted by an officer that the meeting of the River Hamble Harbour Board that is noted on paper as taking place in April has in fact been moved to 19th of March.

RESOLVED:

That the River Hamble Harbour Management Committee notes the report.

Chairman,

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HAMPSHIRE COUNTY COUNCIL

Report

Committee:	River Hamble Harbour Board
Date:	19 March 2021
Title:	Marine Director and Harbour Master's Report and Current Issues
Report From:	Director of Culture, Communities and Business Services

Contact name: Jason Scott

Tel: 01489 576387

Email: Jason.Scott@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to record formally RHHA patrol operations and inform the Duty Holder of significant events and trends having a bearing on the Marine Safety Management System.

Recommendation

2. It is recommended that the River Hamble Harbour Board supports the contents of this report and agrees to support the approval of arrangements for extending time limits on Harbour Works' Consent in exceptional circumstances.

Executive Summary

3. This report summarises the incidents and events which have taken place in the Harbour and addresses any issues currently under consideration by the Harbour Master.

Contextual Information

Patrols

4. The Harbour has been patrolled by the Duty Harbour Master at various times between 0700 and 2230 daily. Mooring and pontoon checks have been conducted daily throughout the period.

Issues

6. **M27 Motorway Bridge** – The RHHA received notification that the drainage issue from the M27 Bridge would not be progressed under the Smart Motorways initiative in October. Disappointed at the lack of apparent will to take this forward, the Vice Chairman of the Harbour Board wrote in January to the Regional lead for Highways England to pursue the matter. The letter was copied to our three riparian Members of Parliament. The letter's receipt has been acknowledged and a further update will be provided in due course.

7. **Harbour Works' Consents – Exceptional extensions to three-year restrictions** – A small number of developments previously granted Harbour Works' Consent have not been completed within the three-year conditioned award. Where it is still the intent to complete these works and an application is made by the developer in question within the three-year permission period for exceptional extension, it is intended to bring the matter before the Board where a finite extension appropriate to the project will be considered on its merits. Approval may be granted subject to:
 - the plan being unchanged;
 - reasonable cause being given;
 - adjacent planned development being known about or under consideration by the Harbour Authority;
 - no change to statutory consultees' regulations or policies in place requiring a second consultation.
 - a clear plan from the developer on the length of extension required (this should not in any case be greater than three years from the date of any extension granted). No further extension will be granted.

Where the developer approaches the Harbour Authority after the three-year permission period has expired, it is recommended that a new full application be required.

Where the application is made to extend the Harbour Works' Consent, in view of the additional work required to bring the matter before the Board, a charge of £166 plus VAT is recommended.

Appendix 1 To Marine

Director Report

Dated 5 March 2021

Incidents and Events

- 7.1. 09 Jan. Moved a yacht with a fouled propeller from HM Pontoon to the scrubbing piles for defect rectification. Inspection and cockpit pump-out of a yacht low in the water. Assistance to Hampshire Ambulance and Fire Brigade mud rescue team to recover a person stuck in the mud off the Bunny Meadows footpath.
- 7.2. 10 Jan. Movement of pontoons to HM Jetty Warsash.
- 7.3. 11 Jan. Maintenance of Aids to Navigation.
- 7.4. 12 Jan. Assistance given to a Motor Cruiser in movement from the mid-stream Visitors' Pontoon to her proper mooring. Approached and advised three members of the public fishing off Bursledon regarding COVID regulations. Routine liaison with Hampshire Marine Police Unit.
- 7.5. 13 Jan. Boatyard liaison. Liaison with UK Border Force regarding a visiting yacht skippered by a foreign national.
- 7.6. 14 Jan. Marina liaison. Power wash of jetties at Warsash.
- 7.7. 15 Jan. Assistance given to a River user reporting a stolen outboard engine. Liaison with Hampshire Marine Police Unit. Continued power wash of pontoons at Warsash.
- 7.8. 16 Jan. Tow of three vessels to alternative moorings on behalf of the Crown Estate in order to facilitate pile iron repair.
- 7.9. 17 Jan. Liaison with River Users regarding COVID regulations. Routine liaison with Hampshire Marine Police Unit.
- 7.10. 18 Jan. Liaison with Hampshire Marine Police Unit and UK Border Force regarding the yacht at 7.5. Antifoul speed test. Advice given to two persons, swimming in the Main Channel. Patrol boat maintenance.
- 7.11. 19 Jan. Liaison with the Crown Estate mooring contractor regarding pile iron replacement. Patrol boat maintenance.
- 7.12. 20 Jan. Replaced worn mooring lines on a mid-stream moored yacht. Attended a yacht reported as shifting on her mooring – no issues.
- 7.13. 21 Jan. Enhanced mooring check following overnight high winds caused by Storm Christoph. Fenders re-positioned on a number of vessels.
- 7.14. 22 Jan. Maintenance of Aids to Navigation. Patrol boat maintenance.

- 7.15.23 Jan. Sector Light check (correct).
- 7.16.24 Jan. Inspection of a pontoon reported as being in poor condition. Liaison with owner. Maintenance of Aids to Navigation.
- 7.17.25 Jan. Patrol boat lift out and maintenance.
- 7.18.26 Jan. Pump out of a number of inundated tenders at Warsash. Maintenance of Aids to Navigation. Boatyard liaison.
- 7.19.27 Jan. Patrol boat re-launch and sea trials.
- 7.10.28 Jan. Maintenance of Aids to Navigation. Rescue of two kayakers in difficulty off Warsash. One kayaker had capsized in a strong ebb tide and suffered from an asthma attack. Ambulance called, PPE worn. Oxygen administered as individual was not carrying an inhaler. Hampshire Ambulance Service administered further first aid before releasing the individual.
- 7.11.29 Jan. Recovered a buoy adrift off Bursledon. Re-programming of Aids to Navigation. Liaison with River Users regarding COVID restrictions.
- 7.12.30 Jan. Liaison with Hamble Life Boat. Responded to a call from a member of the public of an individual in difficulty between the bridges. On arrival, the individual in question was found to not need assistance but had been recovering a loose pontoon float.
- 7.13.31 Jan. Maintenance of the mid-stream Visitors' Pontoon. Liaison with HM Coast Guard regarding a report of a red flare within the Solent.
- 7.14.01 Feb. Replaced two worn cleats on the mid-stream Visitors' Pontoon. Pontoon inspection River Hamble Country Park Jetty. Signage replacement.
- 7.15.02 Feb. Marina and boatyard liaison. Attended RHCP in response to a call from a member of the public reporting a swan in distress. RSPCA on site. No further RHHA involvement.
- 7.16.03 Feb. Yard fencing replacement. Maintenance of Aids to Navigation. Liaison with Hampshire Marine Police Unit regarding a stolen dinghy. Dinghy later located on the saltmarsh between the bridges and returned to owner.
- 7.17.04 Feb. Boat coding work. Mustering and checking of patrol boat Personal Protective Equipment. Liaison with Hampshire Police regarding the reporting of a gathering of people at Hamble. Pump out inundated tenders at Warsash. Liaison with the Crown Estate mooring contractor. Light Audit to confirm functionality of replaced Aids to Navigation.
- 7.18.05 Feb. Boatyard and Marina liaison. Yard fencing replacement.
- 7.19.06 Feb. Attended a small yacht on the 'M' run apparently low in the water. On inspection, some water found to be in the cockpit and also in the bilges. Pumped out and owner informed. Monitored for leaks but brackishness indicated rainwater.

- 7.20.07 Feb. Patrol to Upper River. Yard fencing replacement work continued.
- 7.21.08 Feb. Very little River activity and cold (-6 Deg C). Yard fencing replacement work.
- 7.22.09 Feb. Very little River activity and cold. Yard fencing replacement work.
- 7.23.10 Feb. Very little River activity and cold. Yard fencing replacement work.
- 7.24.11 Feb. Boatyard and Marina liaison.
- 7.25.12 Feb. Boatyard and Marina liaison.
- 7.26.13 Feb. Liaison with Hamble Life Boat. Preparations for forecast strong winds. Assisted a tender and occupants struggling under oars in strong tidal stream. Very cold.
- 7.27.14 Feb. Removal of a shredded tarpaulin from a vessel. Tarpaulin in danger of becoming a hazard to navigation. Owners informed. Re-positioned fenders on a number of mid-stream moored vessels.
- 7.28.15 Feb. Jet washed mid-stream Visitors' Pontoon. Liaison with an owner of a mid-stream moored yacht regarding an onboard alarm – traced to a faulty carbon dioxide monitor.
- 7.29. 16 Feb. Boatyard liaison. Boat coding work.
- 7.30. 17 Feb. Boat coding work. Further boatyard liaison. First aid review.
- 7.31. 18 Feb. Jetty measurement work. Liaison with Hampshire Marine Police Unit.
- 7.32. 19 Feb. Boat coding work. Marina liaison regarding dredging related boat movements.
- 7.33. 20 Feb. Replaced a parted bow line on a mid-stream moored yacht. Owner informed. Pumped out an inundated tender attached to a mid-stream mooring. Owner informed. Sailing Club liaison. Replaced small amount of worn decking on the mid-stream Visitors' Pontoon.
- 7.34. 21 Feb. Gave assistance to a yacht returning to her mooring. Towed a small yacht moored incorrectly on a private mooring the Harbour Master's Pontoon Warsash.
- 7.35. 22 Feb. Liaison with the Crown Estate mooring contactor. Attended and broke up a small film of diesel fuel in the area adjacent to the HM Pontoon Warsash. Patrol boat maintenance work.
- 7.36. 23 Feb. Nothing significant to report.

- 7.37. 24 Feb. Patrol craft anti-foul testing. Boatyard liaison. Supervised the disposal of a large tree trunk from Land's End slipway.
- 7.38. 25 Feb. Towed a small yacht to Stone Pier Yard for lift out. Pursued two small RIBs to Hamble Jetty and advised about speed. Compliant. Tide gauge maintenance. Boatyard liaison.
- 7.39. 26 Feb. Tow of a small yacht back to her proper mooring following line replacement. Attended Hamble Jetty in fine weather to advise three youths swimming from the Pontoon. Air gauge cleaning.
- 7.40. 27 Feb. Attended a mid-stream moored yacht at the request of her owner who had reported possible damage. Busy paddleboarding and kayak traffic. Responded to a call from a member of the public reporting a speeding jet ski off Crableck. Two craft located re-fuelling at Swanwick. Denied speeding but reminded of limits and Bye Laws. Compliant. Attended Warsash College jetty in response to a call from the College that youths were trespassing and swimming from the jetty. Departed by time of arrival. Towed a broken-down tender to Warsash slipway.
- 7.41. 28 Feb. Supported and advised a number of jet skis launching from Warsash slipway. Responded to several calls from members of the public regarding anti-social behaviour at Bursledon (A27 bridge) slipway. Non-compliant. Liaison with the affected marina. First Aid checks. Responded to a call from a member of the public reporting two kayaks apparently abandoned adjacent to Bunny Meadows. No-one in sight. Liaison with HM Coast Guard rescue team. Kayaks later recovered by owners.
- 7.42. 01 Mar. Responded to a number of calls from members of the public reporting youths jumping from the A27 Bridge. Police informed. On arrival, all had departed. Towed an abandoned tender to HM Pontoon Warsash. Liaison with HM Coast Guard.
- 7.43. 02 Mar. Patrol craft anti-foul testing. Attended A27 Bridge to dissuade a group of youths from jumping and anti-social behaviour in an adjacent marina. Reported to Police. Day into night light audit.
- 7.44. 03 Mar. Replaced pile lines on a mid-stream mooring.

**REQUIRED CORPORATE AND LEGAL INFORMATION:
Links to the Strategic Plan**

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

Section 100 D - Local Government Act 1972 - background documents

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

Document

Location

None

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

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

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) 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 protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are 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 in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

An EIA is not required as no negative impacts are anticipated.

Addendum to Agenda Item 6 of the Meeting of the River Hamble Harbour Management Committee on Friday 19 March 2021

- 7.45. 04 Mar. Patrol stopped and warned verbally a motor vessel for excessive speed and wash in the mouth of the River. Patrol boat maintenance.
- 7.46. 05 Mar. Maintenance of Aids to Navigation. Patrol investigated a report of 'red material' in the River near the M27 bridge. Nothing witnessed. Condemned a pontoon on a Crown Estate mid-stream mooring. Owner aware. Pontoon removed.
- 7.47. 06 Mar. Liaison with Hamble Life Boat. Marina liaison over a boat cover recovered from the River.
- 7.48. 07 Mar. Nothing significant to report.
- 7.49. 08 Mar. Slipway grading work, Warsash. Removed a number of lines from two mid-stream moorings pending maintenance work.
- 7.50. 09 Mar. Returned (towed) a vessel back to her proper mooring following maintenance work. Tow of a second vessel to her proper mooring following maintenance. Advice given regarding mooring conventions. Jetty maintenance work, Warsash.
- 7.51. 10 Mar. Inspected a mid-stream moored pontoon following reports of instability. Liaison with the owner of a mid-stream moored yacht whose owner had reported damage.
- 7.52. 11 Mar. Office maintenance work. Replaced fenders on a mid-stream moored yacht. Replaced the stern line on a mid-stream moored yacht. Assisted a 43 ft motor cruiser to the mid-stream Visitors' Pontoon for defect rectification.
- 7.53. 12 Mar. Sector light inspection.
- 7.54. 13 Mar. Attended a motor vessel on a mid-stream mooring opposite Warsash. Three male youths fishing adjacent to the vessel. Cockpit cover unzipped and individuals admitted they had been on board. No damage or signs of entry to the inside of the vessel witnessed. Youths moved on. Names and addresses taken and details passed to the Police. Owner informed. First Aid equipment checks.
- 7.55. 14 Mar. Liaison with HM Coast Guard and Hampshire Police reporting sight of a 'fluorescent jacket' under the water off Hamble. Area searched, nothing found. Informant updated. Received multiple reports from River Users and Members of the Public regarding a speeding jet ski above Hamble. Craft apprehended off Warsash. Owner not local – written warning given. Compliant. Re-secured loose cover on a mid-stream moored yacht.
- 7.56. 15 Mar. Gave assistance to a small classic yacht with propulsion difficulties at the mouth of the River. Towed to HM Pontoon Warsash for defect rectification. Patrol witnessed a speeding small Rigid Inflatable Boat with two

persons on board: and adult and a small child. Patrol stopped the craft above the M27 Bridge to advise of Bye Laws and then, having demonstrated insulting and anti-social behaviour, received verbal warning. Vessel followed to Swanwick where the vessel was recovered to a trailer.

7.57. 16 Mar. Maintenance of Aids to Navigation.

HAMPSHIRE COUNTY COUNCIL

Report

Committee:	River Hamble Harbour Board
Date:	19 March 2021
Title:	Environmental Update
Report From:	Director of Culture, Communities and Business Services

Contact name: Alison Fowler

Tel: 01489 576387

Email: Alison.fowler@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to summarise activities relating to the River Hamble Harbour Authority's (RHHA) environmental management of the Hamble Estuary between December 2020 and mid-February 2021.

Recommendation

2. It is recommended that the River Hamble Harbour Board notes and supports the content of this report.

Updates:

Harbour Office sea wall repair

3. Further to previous updates, a Marine Licence for the repair of the sea wall around the Harbour Master's Office has been granted by the Marine Management Organisation. The Environment Agency (EA) has confirmed that the licence covers its own requirements and conditions and so it will disapply the requirement for a separate application to be made to the EA for a Flood Risk Activity Permit. A harbour works maintenance consent has been granted to Hampshire County Council. Phase 1 of the repairs is expected during 2021 with Phase 2 in 2 or 3 years' time subject to budget.

Maintenance Works

4. Maintenance works consents have been granted for the following:
 - replacement of the existing pontoons at Quay Pontoon, Hamble Point Marina, expected April 2021.
 - replacement of the existing slipway sleepers and rails at Fairport, Lands End. Underway.

- maintenance dredging at Hamble Point Marina (completed)

Restoration of the European native oyster (*Ostrea edulis*)

5. The Hamble Estuary has been put forward as one of three Solent locations each to be used for the next phase of the Blue Marine Foundation's Solent Oyster Restoration Project. This is a result of research into suitable subtidal habitat and detailed discussion with RHHA and other stakeholders and authorities. A marine licence application is now underway for a five-year programme to deposit shells and gravel (cultch) along with juvenile oysters and spat-on-shell. If granted, this next phase will complement the existing programme of mature oyster brood stock cages already in place.

Secrets of the Solent project

6. The Harbour Master's Office has been selected as one of several prominent locations across the Solent (including other Harbour offices) to host a small mural depicting a significant Solent species, to be painted by a professional artist. This is part of the previously reported Hampshire & Isle of Wight Wildlife Trust's (HIOWWT) wider project objective to raise the profile of local native biodiversity among both river users and non-river users. The HIOWWT project team aims to engage local communities in the selection of the species for the murals. RHHA is a member of the project's stakeholder group.

M27 motorway bridge drainage update

7. Further to the update in the previous Environmental Update report, the Vice Chairman of the Harbour Board has written to Highways England, copied to local Members of Parliament (see adjacent Marine Director & Harbour Master's Report).

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

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

Section 100 D - Local Government Act 1972 - background documents

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

Document

Location

None

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

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

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) 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 protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are 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 in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

An EIA is not required as no negative impacts are anticipated.

HAMPSHIRE COUNTY COUNCIL

Report

Committee	River Hamble Harbour Board
Date:	19 March 2021
Title:	Harbour Works Consent Application for Additional Berthing at Universal Marina
Report From:	Director of Culture, Communities and Business Services

Contact name: Jason Scott or Alison Fowler

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

Recommendation

1. That the River Hamble Harbour Board approves Harbour Works Consent for the proposal set out in Section 4 of this report and subject to the following conditions:
 - a. The proposal is to be built in accordance with the details, plans and method set out in paragraph 4.
 - b. The development is constructed in accordance with the guidance given in the industry Code of Practice for the design of marinas.
 - c. Vibro-piling should be used as a standard rather than percussive piling. In the event that it is necessary to use percussive piling, soft-start procedures must be employed over a period of at least 20 minutes. Should piling cease for a period of greater than 10 minutes then the soft start procedure must be repeated.
 - d. Percussive piling should only be permitted between 16 March and 29 November in any given year.
 - e. The development must be completed within 3 years from the date of the approval granted by the Harbour Board.

Summary

2. This report outlines an application for Harbour Works Consent (HWC) made to the River Hamble Harbour Authority (RHHA). Points for consideration in the determination of the proposal are set out in relation to the Harbour Authority's statutory responsibilities and remit for safety and ease of navigation and the natural environment of the Hamble Estuary, both during construction and once operational.
3. This proposal will also require separate approvals from other regulatory authorities and from The Crown Estate.

Background

4. An application had been made by John Willment Marine Ltd. (via its agent Lymington Technical Services) for the rearrangement of marina berthing and for additional berths at Universal Marina, Crableck Lane, Sarisbury Green, SO31 7ZN

Project Description

5. The following plans and documents have been provided by the applicant's agent, Lymington Technical Services, and reference must be made to these for a full understanding of the proposal (see Appendices 1 to 3):
 - Drawing No 10764/MP/5A Rev A 23.9.2020, 'Proposed Berth Alterations'.
 - Supporting Statement, Document 10764/MP v2 Sept 2020
 - Environmental information to inform any required Habitats Regulations Assessment, Document 10764/ES v1 Oct 2020.
6. The documents above are also available for viewing, up to the point of determination, on the River Hamble Harbour Authority website at <https://www.hants.gov.uk/thingstodo/riverhamble/worksapplication/currentworks>
7. In addition, RHHA has undertaken the following:
 - A Habitats Regulations Assessment, including an Appropriate Assessment. This is provided at Appendix 4.

Harbour Authority's Responsibilities

8. 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.
9. 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.
10. The River Hamble is part of the Solent European Marine Sites and is afforded protection due to its international nature conservation value. The RHHA is a Relevant Authority under the Conservation of Habitats and Species Regulations 2017 as amended, commonly known as the Habitats Regulations. As a Relevant Authority the Harbour Authority has a duty to comply with the requirements of the Habitats Regulations. This means that the RHHA must ensure that, in the exercise of any of its powers or functions, it must have regard to both direct and indirect effects on interest features of the European Marine Sites.

11. 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.
12. 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.
13. All public bodies such as RHHA are required to make all authorisation and enforcement decisions which are likely to affect the marine areas in accordance with the South Inshore and Offshore Marine Plan which was published in July 2018 by the Marine Management Organisation (MMO). The plan provides a policy framework to shape and inform decisions over how the marine environment is developed, protected and improved over the next 20 years.
14. The Harbour Authority addresses its responsibilities under the environmental regulations through consultation with Hampshire County Council, the Local Borough Councils, the Department for Environment, Food and Rural Affairs, Natural England and the Environment Agency. Additional consultation is undertaken with other organisations as relevant. Specific issues relevant to this particular application are covered within the sections below.

Consultation process

15. 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>
 - Notification email sent to all members of the River Hamble Harbour Management Committee and the River Hamble Harbour Board of the proposed development.
 - Emails sent to registered interested parties and also 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.
 - Direct liaison with all mooring holders affected directly on the 'J' run of moorings as part of the Harbour Authority's remit to act on behalf of the Crown Estate.

Responses to Consultation

16. RHHA undertook a Habitats Regulations Assessment (HRA) on the proposal, including an Appropriate Assessment of the potential effects on the European designated sites, and consulted Natural England on the findings of the HRA. NE's statutory response raised no objection to the proposed development, although some conditions have been put forward. See Section 8 for more details.

17. 150 written responses were received as a result of the Harbour Authority's public consultation undertaken at the direction of and on behalf of the Crown Estate. This particular consultation has no bearing on the HWC but given the level of feeling merits reporting here. None were in favour, 150 were not in favour of the proposal, none were neutral. The principal concerns cited were:
- That the availability of affordable moorings would reduce;
 - That the Waiting List would be compromised but the return of 42 displaced mooring holders for whom no alternative Crown Estate berths are available;
 - That this might be viewed as a precedent for other commercial entities to target Crown Estate private moorings;
 - That the balance of private/commercial moorings would become too much in favour of the latter;
 - That pontoons bought by individuals for moorings they expected to keep would need to be disposed of at the owners' expense;
 - That River Users using the access channel would be displaced with a corresponding impact on navigational safety
18. TCE has determined its position separately on the matter.
19. 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.

Harbour Master's Comments

20. 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.
21. This proposal also requires approvals from other authorities including the Local Planning Authority, Environment Agency, Marine Management Organisation and from The Crown Estate. Issues pertaining to their policies and regulations should be addressed with the appropriate organisation.

Ease and Safety of Navigation:

22. The Harbour Master would make the following points regarding the safety of navigation:
- a. The section of the application documents which addresses navigation mentions that the access channel becomes busy because of an increase in dry stack launches. In reality, the dry stack launch facility can only launch one vessel at a time. It is also up to the skipper or master of the vessel proceeding to sea to judge whether it is safe to do so; this includes

any decision on how and when to enter the access channel. If more than one vessel has been launched and both or all set off simultaneously, the same is true. The Marina is also responsible under the Port Marine Safety Code for having appraised all the risks associated with its operations within the River Hamble to ensure compliance with all relevant legislation. This includes arrangements for ensuring that the risks involving dry-launched vessels from its curtilage entering the channel are reduced to levels that are as low as reasonably practicable and that this channel's use is safe.

b. The proposal makes referral to Annual Notice to River Users No 1 and its guidance on the use of access channels. This passage points out some of the risks associated with the use of the channel to inform mariners. It is not the case that to use it is 'bad navigation'. This depends on many factors. As the International Regulations for the Prevention of Collisions at Sea point out, *every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision (Rule 5) and Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action and be stopped within a distance appropriate to the prevailing circumstances and conditions.(Rule 6)*. Among the factors determining a safe speed are: *the state of visibility; the traffic density..; the manoeuvrability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions; at night the presence of background light... ; the state of wind, sea and current and the proximity of navigational hazards*. In summary, this channel is safe to use, provided mariners doing so navigate in a considerate manner. Its removal is not required other than to enable the proposed development.

c. The proposal would reduce the requirement for tenders to be used to access a number of mid-stream moorings. Tender incidents, including falling from them when climbing onto pontoons are one of the most frequently recorded incidents. It can be argued that this development would provide a net reduction in the number of mid-stream berths where this might be an issue.

d. The argument that this development would force smaller craft into the main channel has been made by a number of respondents to the consultation. Small craft, including paddleboarders, kayaks, tenders and others do use the access channel. The development will make it necessary for those craft to choose different routes up or down stream. This section of the River is unusually straight, affording a good level of visibility along its length. In the existing configuration, there are four channels: the access channel, the Main Channel, the channel between the 'L' and 'M' runs on the North side of the River and the waterspace between the 'M' run and Lincegrove and Hacketts' marshes. It is unusual to have this number of options for small craft traffic within the River. In the proposed development, three channels would remain. It cannot be argued safely that vessels will be forced into the Main Channel because two other usable northern inshore options are available. Next, those choosing to navigate those routes may cross at two areas affording good visibility both for themselves and for craft approaching them. These are the Swanwick and Crableck bends. Both offer good sightlines upstream and downstream and are safe places to cross

the River. At Swanwick, from the Slipway, one can immediately see upstream to the Elephant Boatyard and downstream, directly, to Mercury Yacht Harbour. The same goes for Crableck. where, crossing from the Eastleigh side, one has visibility as far as Swanwick upstream and, downstream, towards the Chinese Bridge (crossing the other way is admittedly restricted to the North by the curve of the bend but there is still two and a half cables of clear water, depending on where one chooses to cross. Taken together, that there will remain three channels and ample crossing safety, it is not reasonable to argue that the risks cannot be reduced to levels which are as low as reasonably practicable. Bye Laws, General Directions, paddleboarding guides, visitors' guides, the River Hamble Handbook and Patrols are all among the control measures which exist to maintain risks to a level that is as low as reasonably practicable.

Mid-stream Moorings:

- a. The following points relate to the proposed changes to mid-stream moorings. This is relevant because of the RHHA's formal appointment as the manager of The Crown Estate's mid-stream moorings and TCE's direction to consult on its behalf:
 1. The proposal would affect directly 42 mooring holders for whom no replacement berths could be guaranteed. Those not found berths would either re-join the Waiting List or chose to take up Universal Marina's offer of a berth within the marina.
 2. The element of the proposal to replace pile moorings J20 to J27 with a continuous pontoon is sited within a Mooring Restriction Area will be subject to separate scrutiny by Fareham Borough Council under its planning policies.

Environment:

- b. The application documents submitted provide information on the environmental pressures associated with this development. This information was used to help inform RHHA's Habitats Regulation Assessment of the proposal which assessed the significance of all the pressures (those during construction and once operational) likely to interact with the interest features for which the various nearby European Sites are designated. This is provided at Appendix 4.
- c. The proposal is sited within the Solent Maritime Special Area of Conservation (SAC) and the Solent and Dorset Special Protection Area (SPA). It is sited 50m to the nearest 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), and 70m to the nearest boundary of the Lincegrove & Hackett's Marshes SSSI.
- d. The 54 additional piles proposed are estimated to result in the direct and unavoidable permanent loss of an area of 5.43m² of seabed habitat. 12 of these additional piles will be driven outside the SAC boundary. The boundary of the SAC passes through part of the current berthing area of Universal Marina, following a line associated with the edge of a previous layout of berths at the time of the SAC designation.

42 new piles will be driven within the SAC boundary and result in an estimated unavoidable loss of 4.23m² with the SAC. The feature of the Solent Maritime SAC impacted subtidal mixed sediment. Any loss of such habitat is deemed as having a Likely Significant Effect on the SAC. This required RHHA, in accordance with the provisions of the Habitats Regulations, to undertake an Appropriate Assessment of the effect on the designated features of the site, and to then consult NE on its conclusions. The current extent of subtidal mixed sediment within the Solent Maritime site is 2,619.08 hectares (26,190,000 m²). The proposed loss of 4.2m² equates to 0.000423 hectares which is 0.000016%.

- e. The applicant has proposed best practice measures in the use of vibro-piling, and also the implementation of a Construction Environment Management Plan for managing construction risks including pollution prevention and waste management.
- f. The Appropriate Assessment took into consideration the conservation objectives of the protected site and the significance of the habitat loss on the characteristics of the qualifying feature effected (subtidal mixed sediment) in terms of its rarity, sensitivity location, distribution, and ecological function. RHHA concluded that the proposal will have no adverse effect on the integrity of a European Site, either individually or in combination with other plans or projects. Natural England concurred with this conclusion, and its comments are provided at the end of the HRA (Appendix 4).
- g. Natural England's consultation response also stated, in respect of the Wildlife and Countryside Act 1981 (as amended) that "*Natural England advises that the proposal, if undertaken in strict accordance with legislation the details submitted, is not likely to damage the interest features for which the SSSI site has been notified*". However, NE recommends that the following conditions are added to the consent to ensure that the activity is undertaken as per the application and therefore compliant with the above legislation:
 - "i. Condition: Use of vibrational piling rather than percussive piling. In the event that it is necessary to use percussive piling, soft-start procedures must be employed over a period of at least 20 minutes. Should piling cease for a period of greater than 10 minutes then the soft start procedure must be repeated.*
 - Reason: To minimise disturbance to any overwintering or breeding bird features of the SPA/SSSI, that may be using the area, and to minimise environmental impacts on marine habitats and species and allow any marine and terrestrial wildlife in the area to move away.*
 - ii. Condition: Percussive piling should only be permitted between 16 March and 29 November in any given year.*
 - Reason: To minimise disturbance to any overwintering or breeding bird features of the SPA/SSSI that may be using the area."*
- h. If the River Hamble Harbour Board decides to grant permission for this application, subject to the conditions at 1.1c and 1.1d, it would be adhering to its statutory environmental responsibilities.

Strategic Vision

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

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

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

Section 100 D - Local Government Act 1972 - background documents

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

DocumentLocation

None

IMPACT ASSESSMENTS:

1. Equality Duty

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

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

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

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

1.2. Equalities Impact Assessment:

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

2. Impact on Crime and Disorder:

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

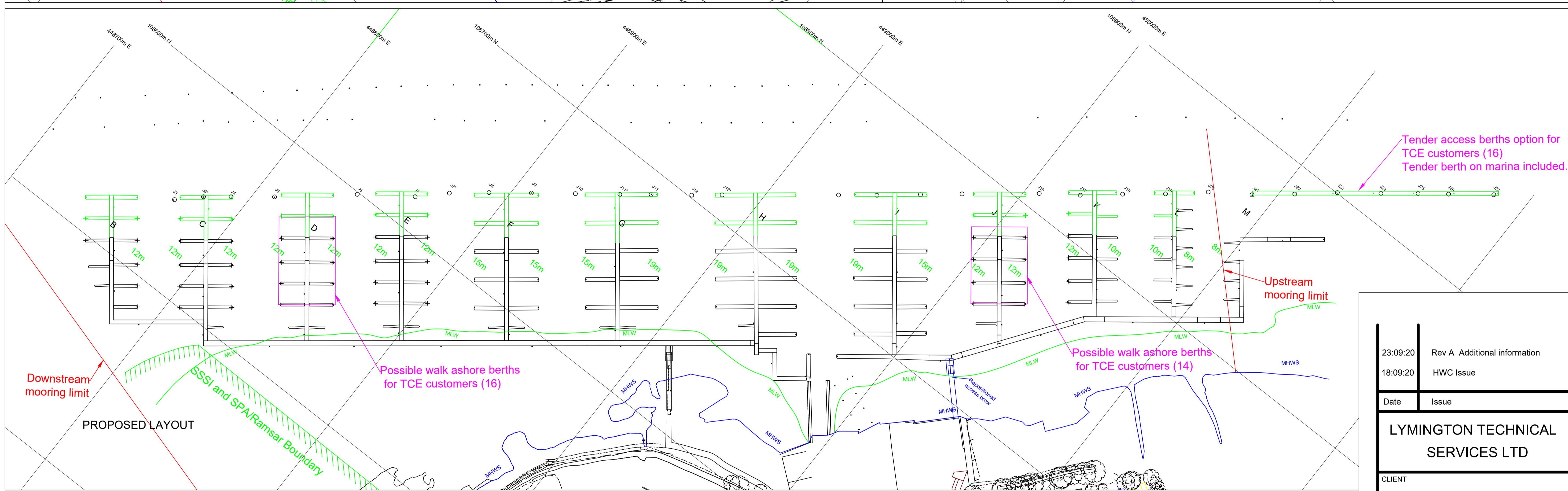
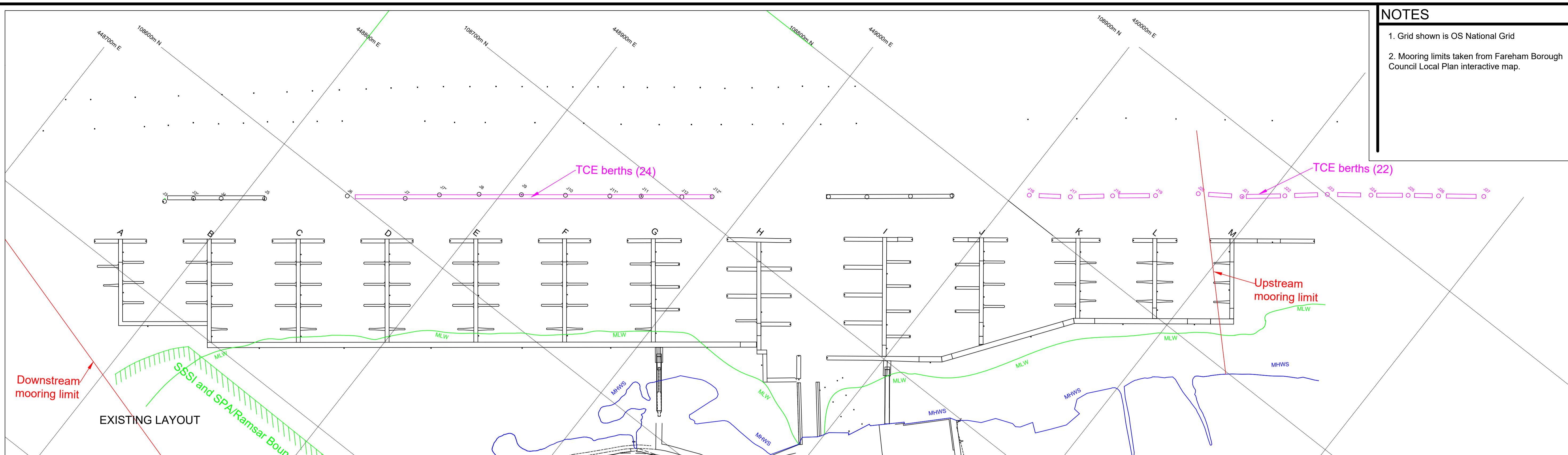
3. Climate Change:

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

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

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NOTES
 1. Grid shown is OS National Grid
 2. Mooring limits taken from Fareham Borough Council Local Plan interactive map.



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Berth Numbers		
Berth type	Existing Layout	New Layout
Walk ashore	257	312
Tender JML	14	16
Tender TCE	46	0
Jet ski	25	25
Total	342	353

- Existing tender berths based on JML berths only. JML will no longer offer tender access to non berthholders.
- Existing TCE berths will be available in the new layout as 30 walk ashore and 16 tender berths (with tender storage).
- TCE berths numbers based on Google Earth counts.

Piles	
Existing no change	24
Existing relocated	85
Existing replaced	12
New	54

23:09:20	Rev A Additional information
18:09:20	HWC Issue
Date	Issue

LYMINGTON TECHNICAL SERVICES LTD

CLIENT
JOHN WILLMENT MARINE LTD

SITE
UNIVERSAL MARINA

TITLE
PROPOSED BERTH ALTERATIONS

SCALE 1:1000 @ A1

DRAWN P.Tosswell	DATE Sept 2020
---------------------	-------------------

DRG No 10764/MP/5A

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John Willment Marine Ltd

Universal Marina – Additional Berthing Pontoons

Harbour Works Consent
Environmental information to inform any required Habitats
Regulations Assessment by the Competent Authority

Compiled by Dr P Tosswell, Lymington Technical Services Ltd

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1. Introduction

John Willment Marine Ltd (JWM) operate Universal Marina on the River Hamble. The marina has undergone significant improvements since 2006 and is now a prestigious marina operation on the river.

It is proposed to alter the existing marina layout by removing one jetty and increasing the available berth lengths. The marina will also extend out to the J line (over the full length).

JWM have applied to the River Hamble Harbour Authority (RHHA) for a Harbour Works Licence to undertake the works.

As the works are not directly connected with, or necessary for, the conservation management of a habitat site, consideration is required as to whether the works are likely to have a significant effect on the habitat site. This is known as 'LSE' and is determined under a Habitats Regulations Assessment (HRA).

The HRA process can be divided into 3 main stages –

Stage 1 – Screening for likely significant effects (LSEs) – whether the works will have a significant effect on a European Site

Stage 2 – Appropriate Assessment (AA). This applies if a LSE is identified in Stage 1

Stage 3 – Mitigation and alternative solutions. If adverse effects are identified during the AA then alterations and mitigation must be provided to fully cancel any adverse effects.

The well documented Court of Justice of the European Union (CJEU) decision in the People Over Wind (Sweetman vs Coillte Teoranta) case (C323/17) determined that inclusion of any mitigation measures for the works (at the application stage) presupposed that there would have been a LSE. As such, a full HRA would have been required.

In practical terms, this has meant that applications can no longer include potential mitigation at the initial application stage. This has caused general frustration and wider concern regarding the legality of many strategic mitigation projects designed to protect existing habitats.

Stage 1 Screening is undertaken by the applicant and this information is presented in this document.

Stage 2 Appropriate Assessment by a 'Competent Authority', for this application the RHHA (as part of Hampshire County Council) is the Competent Authority.

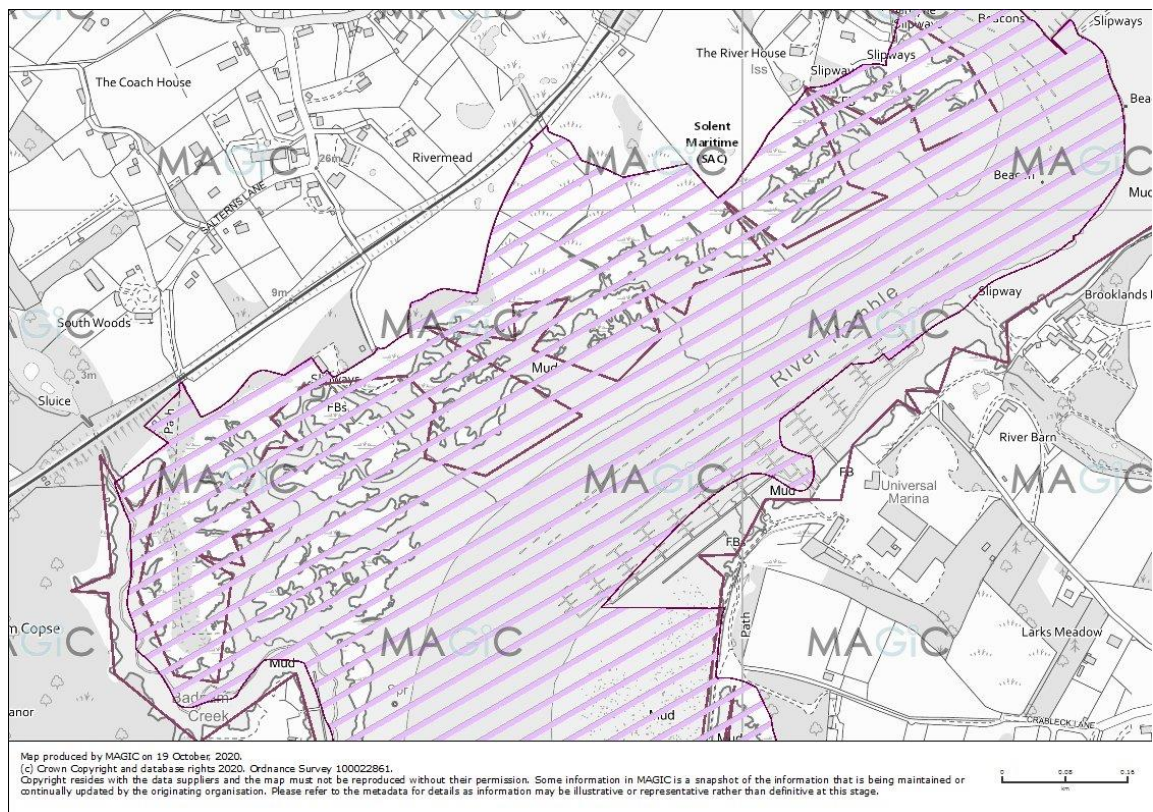
For marine works (such as this application) The Conservation of Habitats and Species Regulations 2017, Provision 103 Marine Works, states:

(1) The assessment provisions apply in relation to the granting of a licence, consent or other approval for marine works.

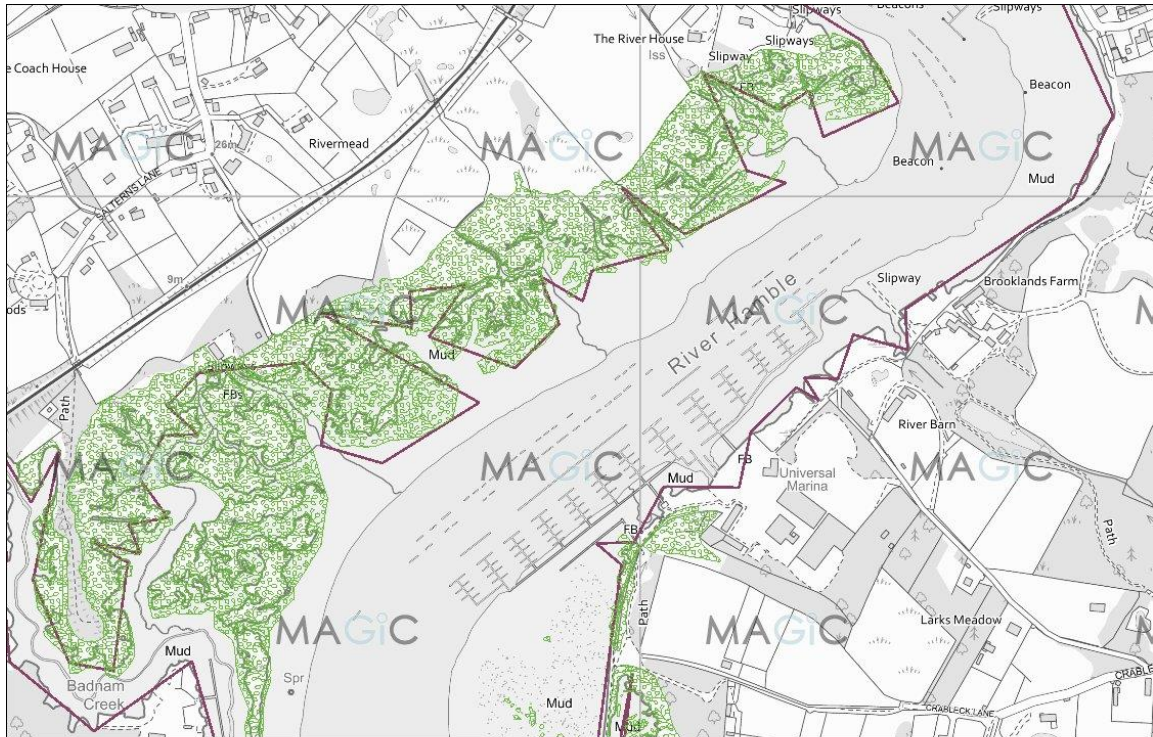
(2) Where the assessment provisions apply, the competent authority may, if it considers that any adverse effects of the plan or project on the integrity of a European site or a European offshore marine site would be avoided if the licence, consent or other approval were subject to conditions or requirements, grant the licence, consent or other approval subject to those conditions or requirements.

2. European Sites Potentially Impacted

Solent Maritime Special Area of Conservation (SAC) – Solent Maritime (UK0030059)

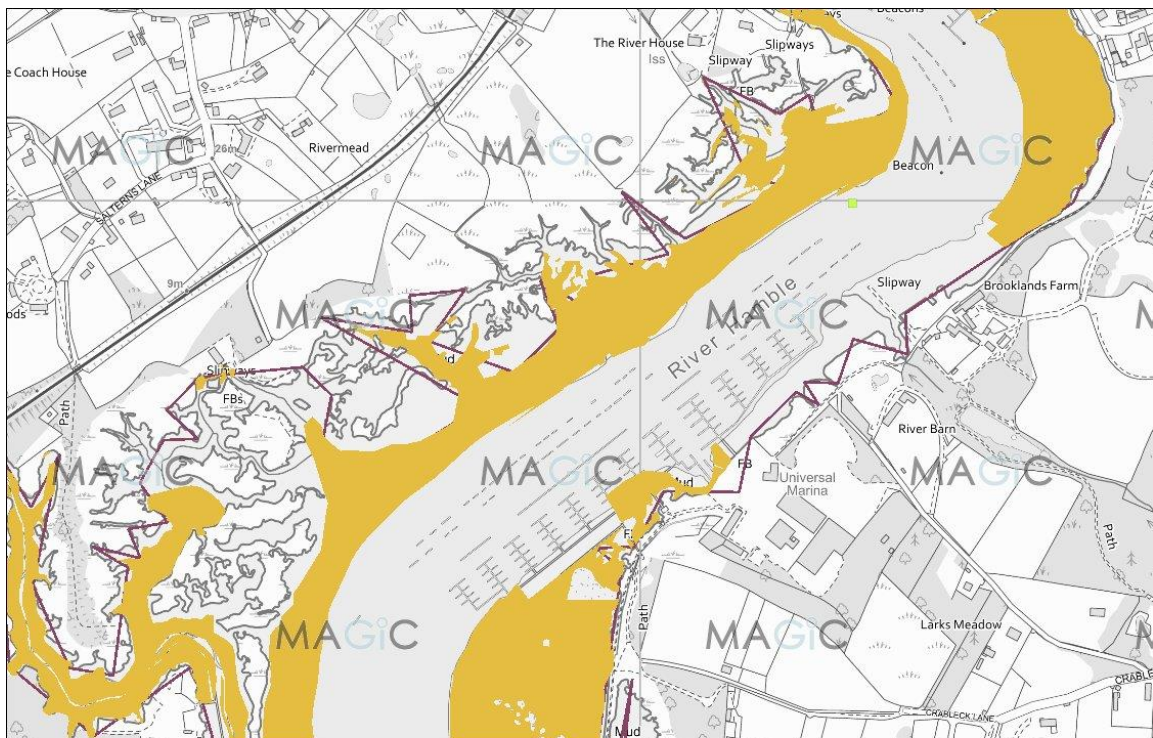


SAC Extents



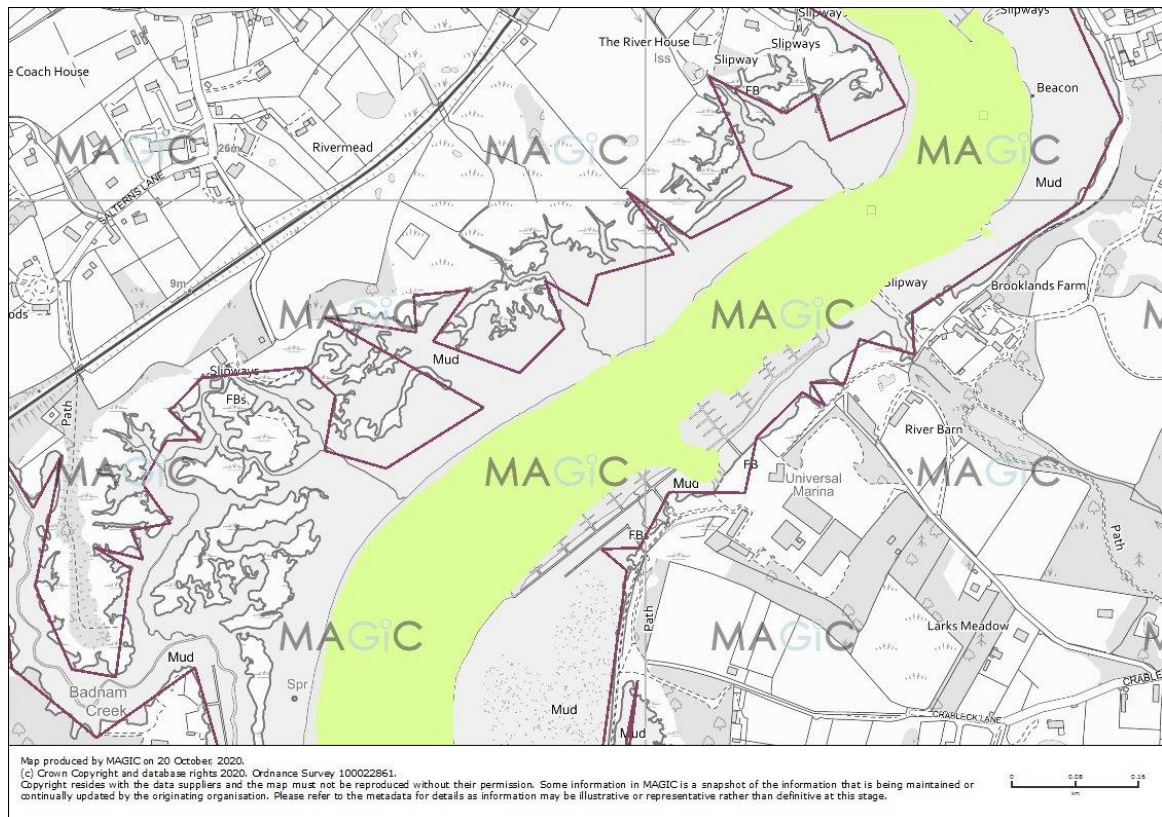
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SAC supporting habitats – Saltmarsh (also applies to SPA)



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SAC supporting habitats - Mudflats



SAC supporting habitat - Subtidal

It is important to understand that the SAC site boundary largely excludes the marinas in the river but has not been updated for some years. The indicated boundary at the site follows an area of berthing/mooring which was altered in 2005/6. It would therefore be reasonable to consider the boundary as that of the current layout. However, whilst this makes some difference in terms of assessment, it will be assessed on the published boundary.

For the River Hamble the relevant qualifying features for the SAC are listed as follows:

- Atlantic salt meadows (Glauco-Puccinellietalia maritimae)*
- Estuaries*
- Mudflats and sandflats not covered by seawater at low tide*
- Sandbanks which are slightly covered by sea water all the time*
- Spartina swards (Spartinion maritimae)*

The Solent Maritime SAC estuaries comprise the following sub-features: subtidal coarse sediment, subtidal sand, subtidal mixed sediments, subtidal seagrass beds, intertidal coarse sediment, intertidal sand and muddy sand, intertidal mud, intertidal mixed sediment, intertidal seagrass beds, Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*), *Salicornia* and other annuals colonising mud and sand and *Spartina* swards (*Spartinion maritimae*).

The SAC targets are:

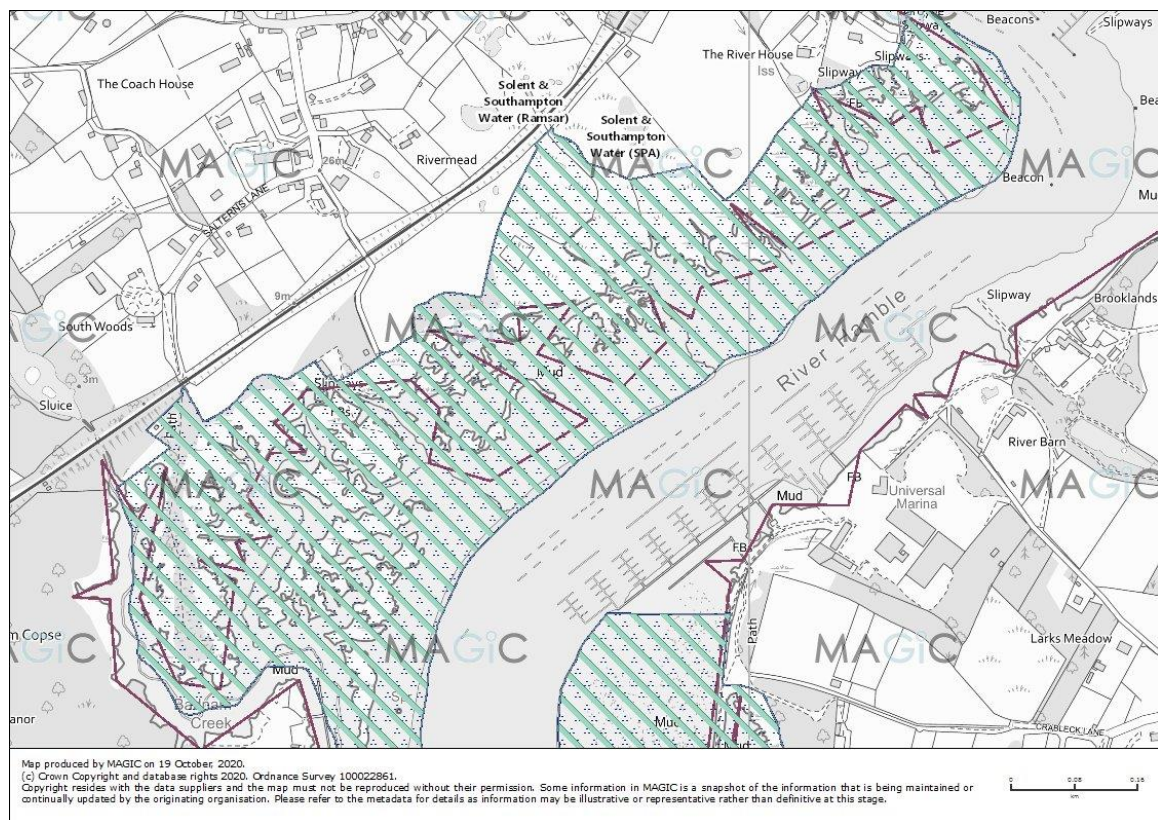
Restore the presence and spatial distribution of estuary communities.

Restore the sediment regime and budget within the estuary, including sediment sources, sinks and movement.

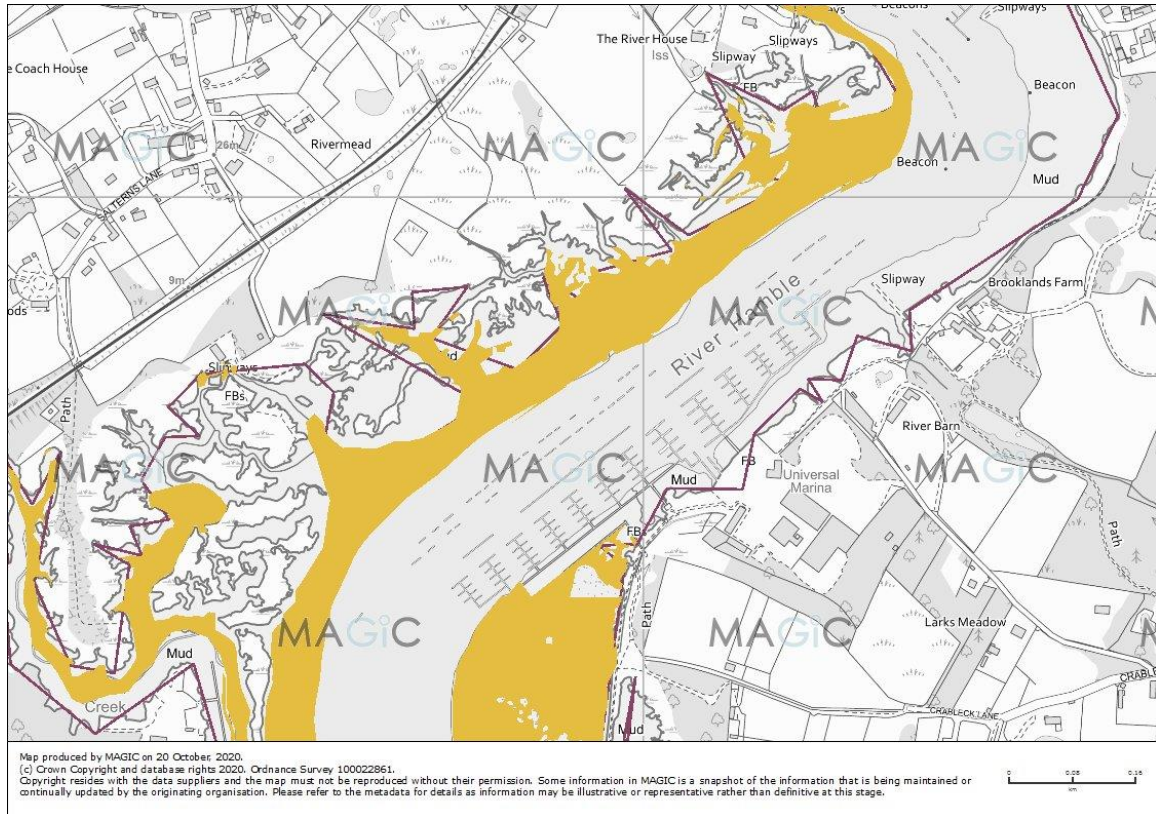
Maintain the tidal range, currents and circulation patterns across the feature (and each of its subfeatures).

Solent and Southampton Water Special Protection Area (SPA) and Ramsar – Solent and Southampton Water (UK11063).

The proposed works are not within this site but adjacent to.



SPA and Ramsar Sites



SPA supporting habitat - Mudflats

The site qualifies as an SPA for breeding and overwintering bird species. Breeding species include Common tern (*Sterna hirundo*), Little tern (*Sternula albifrons*), Mediterranean gull (*Ichthyaeus melanocephalus*), Roseate tern (*Sterna dougallii*), and Sandwich tern (*Thalasseus sandvicensis*). Overwintering birds include Black-tailed godwit (*Limosa limosa islandica*), Dark-bellied brent goose (*Branta bernicla bernicla*), Ringed plover (*Charadrius hiaticula*), Teal (*Anas crecca*).

Under the Ramsar designation the criteria are:

Supporting wetland habitats such as saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.

Supporting an important assemblage of rare plants and invertebrates.

Supporting avian assemblages of international importance

Regularly supporting 1% of the individuals in a waterbird assemblage (dark-bellied Brent goose).

Conservation Objectives

Reduce the frequency, duration and / or intensity of disturbance affecting roosting, foraging, feeding, moulting and/or loafing birds so that they are not significantly disturbed.

Bird numbers for breeding and overwintering birds for Southampton Water:

This contains Wetland Bird Survey (WeBS) data from Waterbirds in the UK 2018/19 © copyright and database right 2020. WeBS is a partnership jointly funded by the BTO, RSPB and JNCC, in association with WWT, with fieldwork conducted by volunteers. WeBS data 2013-2018.

	2014/15 Annual peak	2015/16 Annual peak	2016/17 Annual peak	2017/18 Annual peak	2018/19 Annual peak	Month	5 year moving average
Common tern	(35)	3	94	4	3	Sept	28
Little tern	0	4	0	0	0	-	1
Mediterranean gull	92	135	28	219	(68)	Mar	119
Roseate tern	0	0	0	0	0	-	0
Sandwich tern	(2)	5	24	15	5	Apr	12
Black-tailed godwit	571	443	(416)	750	(387)	Mar	588
Dark-bellied brent geese	3355	1893	1592	2183	2150	Mar	2235
Ringed plover	(112)	205	149	115	97	Oct	142
Teal	1352	1139	(1333)	1238	1173	Dec	1247

WeBS Alerts:

Black-tailed godwit – despite a short-term reduction, the numbers in the long term are stable. The variation in numbers is within the typical range of fluctuation. Numbers in the region are increasing.

Dark-bellied brent goose – numbers within this SPA have remained relatively stable in the long term, this suggests that the environmental conditions remain favourable.

Ringed Plover – numbers have been decreasing long term and appears to be tracking the British trends, suggesting that this is following a wider population change.

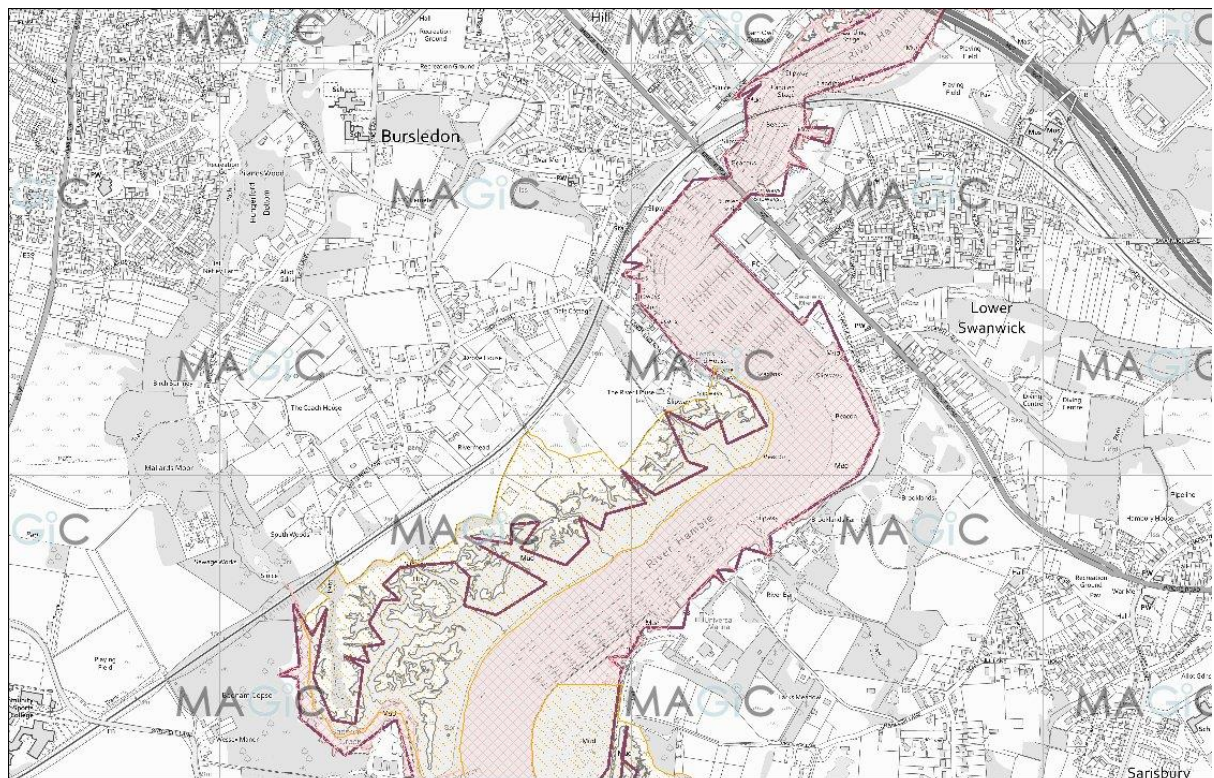
Teal – numbers have remained relatively stable with no alerts triggered. This also supports the view that that the environmental conditions remain favourable.

Birds and human activity –

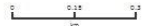
Human activities can result in bird disturbance. Disturbance is defined as any human-induced activity sufficient to disrupt normal behaviours at a level that may substantially affect their behaviour. This can have an important affect if suitable habitat is impacted.

Disturbance is significant if a population of species is impacted by a change in local distribution or abundance.

Potential Solent and Dorset Coast SPA (pSPA)



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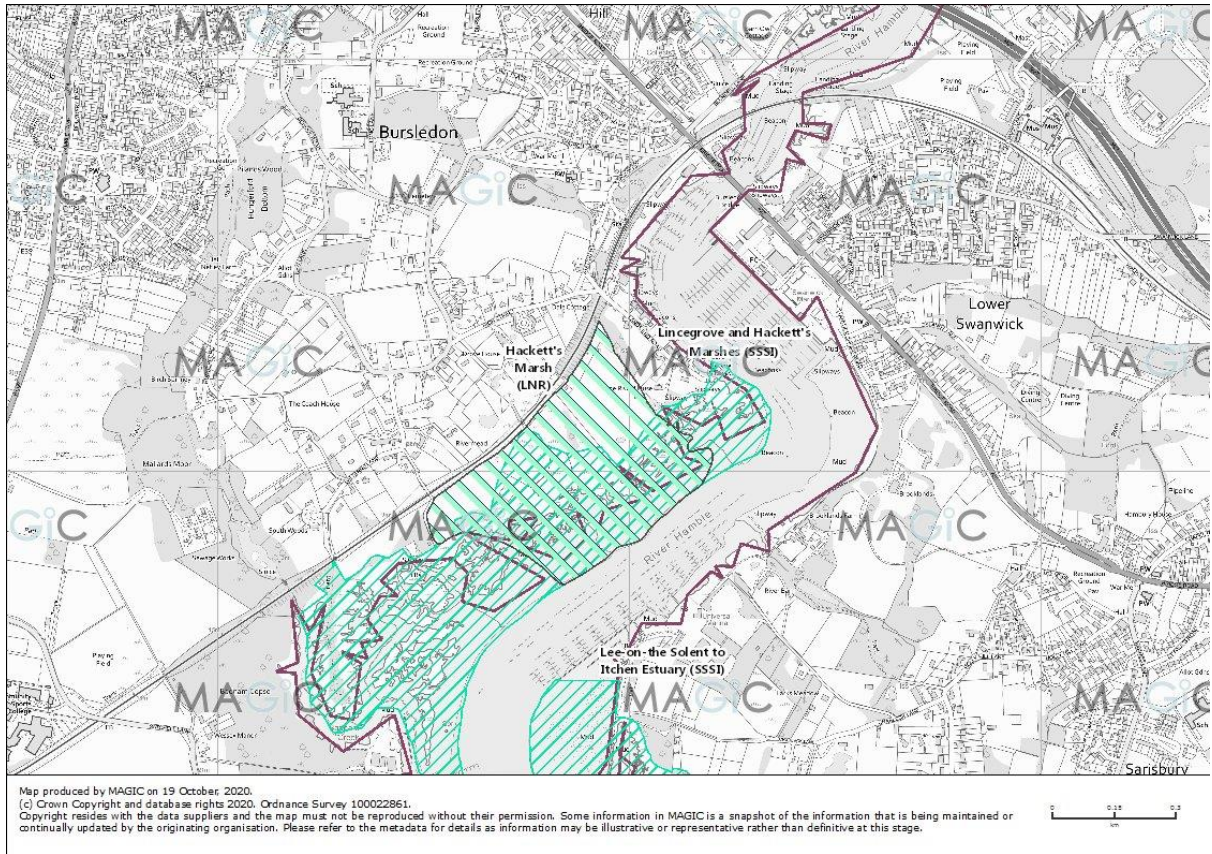


This proposed SPA is intended to protect the foraging areas utilised by the Sandwich Tern, Common Tern & Little Tern. The proposed boundaries in this area extend those of the Solent & Southampton Water SPA such that the application site and all other operational sites on the river are covered.

Nearby protected areas –

Local Nature Reserve (LNR) – Hackett’s Marsh (1009285) and SSSI – Lincegrove & Hackett’s Marshes (1080733). These areas are located on the opposite side of the river to the works site. The existing main channel and associated tidal flows mean that the works area is physically separated from the LNR.

SSSI – Lee-on-the-Solent to Itchen Estuary (1000802). This overlays the SPA and the condition is reported as unfavourable, no change.



Shellfish Waters – Approaches to Southampton Water (36). No possible impact.

Coastal Sensitive Areas – Eutrophic – Hamble Estuary (UKENCA123), nitrate sensitivity. The nature of the works is such that they can have no impact on the level of nitrates.

The following sites are all distant from the works and no likely significant effect alone or in combination is anticipated.:

- Portsmouth Harbour SPA.
- Chichester and Langstone Harbours SPA.
- Chichester and Langstone Harbours Ramsar site.
- Portsmouth Harbour Ramsar site.

3. Piling and Pontoons

The proposed works require the relocation of 85 piles, the replacement of 12 piles, the retention of 24 piles, and the addition of 54 piles. Total number of piles 175.

The construction aspect consists of driving the piles and connecting pontoons. The pontoon section is assembled on shore and lifted into the water to be floated into position. No specific marine plant is required for this part of the works. The pontoons are moved using small workboats,

typical of the common marina workboat size. Such movements are no different from normal vessel movements and can have no additional environmental impact.

The relocation works will be a temporary impact on the habitat.

The new 54 piles will occupy a total area of 5.43m² and this will be a permanent loss of habitat.

Taking the SAC boundary as currently defined, only 42 new piles are within this area. This is equivalent to 4.23m².

Piling will penetrate the substratum of the seabed. This is unavoidable but necessary as seen in other nearby similar piling works.

All the piles are tubular steel with marine friendly coatings.

It is proposed that vibro-piling methods will be employed with percussion piling only being employed to attain design levels. It is considered highly unlikely that percussion piling will be required as modern vibro-hammers can cope with most seabed types. Soft-start methods will be used in the event of any percussion piling.

The piling will be undertaken from a spud-legged crane barge.

The pile is lifted into position by the crane (pitched). It is restrained by placing through the pontoon pile guide and its self-weight into the seabed provides temporary stability. The crane then lifts the vibro-hammer and engages with the top of the pile. The pile is then checked for verticality and the vibro-hammer started (driving). The actual piling takes around 10-15min.

It takes time for the process to be repeated as the barge may have to relocate. In practical terms it is likely that there will be intervals of at least 20mins between each pile being driven. Such piling operations usually result in no more than 6 piles be driven (or removed) in a single day.

This is a standard approach in all similar estuaries.

It is important to understand that the driving of tubular steel piles is vastly different to that required for sheet piling and the impact significantly less.

Marine piling can theoretically raise the level of suspended solids locally to the pile. However, this is exceedingly small and difficult to measure. It is substantially less than that generated by regular maintenance dredging in the river.

Piling will only be undertaken during daylight hours, 1000-1600 is a common period.

In the River Hamble both construction and dredging are regular occurrences. The plant employed is similar in terms of noise, the piling plant creating less sediment disturbance.

In terms of timing during the year there are a range of previous windows on this River:

For piling works at Swanwick Marina (upstream of the site) vibro-piling was standard with no timing restrictions. For methods other than vibro-piling (percussion piling) then piling

between 16 March and 29 November only. If percussion methods were required outside of this period, then a noise impact assessment was required.

For piling works at Deacons Marina (further upstream of the site) vibro-piling was standard with no timing restrictions. For methods other than vibro-piling (percussion piling) then piling between 16 March and 29 November only

For piling works at Hamble Point Marina (downstream of the site) there were no timing restrictions, only a requirement for soft-start for any percussion piling. Another licence for hoist dock repairs percussion piling was restricted to between 1 Nov and 15 March (for salmonids).

For construction works just downstream of the site (but within the SSSI) a timing restriction to avoid the overwintering bird season (1 Oct to 31 March) was required.

In the case of this application the Swanwick Marina works are similar in piling numbers. Both sites are similar distances from MPAs.

As is evidenced by the existing and recent licensed activities there is no clear consensus of timing. In most cases the preferred timing is between October and March as this reduces the impact on other vessel movements in the area. It is this period that is the current dredging window.

With this uncertainty in mind JWM are flexible in the timing of the works.

4. Berthing

As the length of vessels requiring marina berths has altered over the last few years it is proposed to revise the marina layout to accommodate vessels of a slightly larger size. The marina currently has a large number of 10m finger berths. The customer demand is for slightly longer berths of 12m, with an increase in 15m berths. To accommodate this within the current layout we are removing one of the jetties (from 13 to 12).

An additional concern is the current access channel (approx. 12m in width) between the J line and the marina hammerheads. With increasing use of dry stack vessels this channel provides some navigational difficulties and the proposal also includes extending out to the J line. This allows all vessels to exit directly into the main channel. For information, this is the same as recently undertaken at Deacons Marina further upstream.

This rearrangement results in an additional 11 berthed vessels.

The River Hamble is a major centre for recreational boating with many marinas and moorings. At Universal Marina only about 20% of the vessels are regularly used on average, this reduces significantly for the larger vessels.

5. Hydrodynamics

It is important to consider how this development will impact on the current hydrodynamic system.

When Universal Marina was redeveloped in 2006, capital and maintenance dredging was undertaken. The dredge area was designed with flared and sloping ends at the upstream and downstream sections to smooth the tidal flow. This is very different to the more common right-angled edge of a marina dredge. Additionally, the inshore section of the dredge area was sloped to minimise impact on the intertidal areas.

This has proved to be highly effective with no major dredging being required since 2006. The only dredging that has been necessary is around the hoist dock area where the tidal flows have been interrupted by the inshore dredge. This area allows sediment accumulation requiring maintenance.

The proposed works make no difference to the sediment flow behaviour as they are all at least 50m seawards of MLW.

In terms of the moored vessels, these are all aligned with the tidal flow. Theoretically, a vessel will provide an obstruction to the flow, but this is offset by limited localised flow acceleration. There is no evidence that such flow changes affect the riverbed in this river.

6. Pressures on Protected Areas

6.1 Solent Maritime Special Area of Conservation (SAC)

From the Natural England Designated Sites View the following features are relevant in this application:

Atlantic salt meadows (Glauco-Puccinellietalia maritimae)

Estuaries

Mudflats and sandflats not covered by seawater at low tide

Sandbanks which are slightly covered by sea water all the time

Spartina swards (Spartinion maritimae)

From the Natural England Designated Sites View the following features cover the above:

Atlantic salt meadows

Spartina swards

Intertidal mud

Subtidal seagrass beds

Subtidal mixed sediment

6.1.1 Construction

Piling & Pontoon Installation – advice on operations from Natural England’s Designated Sites View.

Advice on Operations for Piling, Construction & Maintenance of port and harbour structures					
Pressure Name	Atlantic salt meadows	Spartina swards	Intertidal mud	Subtidal sea grass	Subtidal mixed sediment
Abrasion/disturbance of the substrate on the surface of the seabed	SC/SP	SC/SP	SC/SP	SC/SP	SC/SP
Barrier to species movement	SC/SP	SC/SP	NS	-	NS
Changes in suspended solids (water clarity)	SC/SP	SC/SP	SC/SP	SC/SP	SC/SP
Emergence regime changes	SC	SC	SC	SC	SC
Habitat structure changes – removal	SC	SC	SC	SC	SC
Introduction of light	-	-	NA	SC/SP	IE
Penetration and/or disturbance to the substratum below the surface of the seabed including abrasion	SC/SP	SC/SP	SC/SP	SC/SP	SC/SP
Physical change to another seabed type	-	-	-	-	-
Physical change to another sediment type	SP	SP	SP	SP	SP
Physical loss – to land or freshwater habitat	SC/SP	SC/SP	SC/SP	SC/SP	SC/SP
Removal of non-target species	SC	IEC	SC	SC	SC
Smothering and siltation rates – heavy	SC	SC	SC	SC	SC
Smothering and siltation rates – light	NS	NS	SC/SP	SC/SP	SC/SP
Underwater noise changes	-	-	-	-	NSC
Vibration	IE	IE	-	-	-
Visual disturbance	-	-	-	-	NS
Water flow and sediment changes	NS	NS	NS	SC/SP	NS
Wave exposure changes	NS	NS	NS	SC/SP	NS
Deoxygenation	NSC	NSC	NSC	NSC	NSC
Hydrocarbon and PAH contamination	NA	NA	NA	NA	NA
Introduction of other substances	NA	NA	NA	NA	NA
Invasive non-indigenous species	SC/SP	SC/SP	SC/SP	SC/SP	SC/SP

Nutrient enrichment	NSC	NSC	NSC	NSC	NSC
Synthetic compound contamination	NA	NA	NA	NA	NA
Transition elements and organo-metal contamination	NA	NA	NA	NA	NA

Key to table – Sensitivity

SP – sensitive - piling

SC – sensitive - construction

IE – insufficient evidence

NA – not assessed

NS - not sensitive

NSC – not sensitive construction

Risk assessment of pressures (from Natural England’s Designated Sites View) -

Abrasion/disturbance of the substrate on the surface of the seabed

Risk is medium-high and refers to piles of 1m diameter and larger.

Barrier to species movement

Risk is medium-high and refers to physical obstructions, noise, light, and water quality

Changes in suspended solids (water clarity)

Risk is medium-high and refers to highly localised and temporary increases in suspended solids in the direct vicinity of the works.

Emergence regime changes

Risk is medium-high and refers to large scale port and harbour developments

Habitat structure changes – removal

Risk is medium-high and refers to large scale sediment removal.

Introduction of light

Risk is low for piling and medium-high for construction. This refers to construction and vessel lighting.

Penetration and/or disturbance to the substratum below the surface of the seabed including abrasion

Risk is medium-high and refers to piles larger than 1m diameter and dredging.

Physical change to another seabed type

Risk is low for major piling works, and medium-high for construction deposit leading to permanent excavation or smothering of habitat.

Physical change to another sediment type

Risk is low for major piling works, and medium-high for construction leading to permanent excavation or smothering of habitat by deposit of materials.

Physical loss – to land or freshwater habitat

Risk is medium-high and refers to structures such as barrages that that reclaim land and/or change the habitat to freshwater.

Removal of non-target species

Risk is medium-high and refers to large construction and dredging activities.

Smothering and siltation rates – heavy

Risk is medium-high and refers to large construction and dredging activities, not piling.

Smothering and siltation rates – light

For piling the risk is medium-high and refers to highly localised and temporary increases in suspended solids in the direct vicinity of the works. Dredging and disposal can also cause such changes.

Underwater noise changes

Risk is medium-high and refers to piling and construction. Impulsive/impact sound (from percussion piling) is of most concern to mobile species.

Vibration

Risk is medium-high and refers to piling and construction.

Visual disturbance

Risk is medium-high and refers to people and vessel movements.

Water flow and sediment changes

Risk is low for piling and medium-high for construction. This refers to flow changes caused by underwater structures. These are generally large works sufficient to have an impact on flow.

Wave exposure changes

Risk is low for piling and medium-high for construction. This refers to structures such as breakwaters and quay walls of a size sufficient to affect wave action.

Deoxygenation

The risk is low and refers to construction.

Hydrocarbon and PAH contamination

The risk is low and refers to Polycyclic aromatic hydrocarbons (PAHs).

Introduction of other substances

The risk is low and refers to release of substances and potentially the re-mobilisation of contaminants.

Invasive non-indigenous species

The risk is low and refers to biofouling from vessels.

Nutrient enrichment

The risk is low and refers to dredging and disposal activities and works where high levels of sediment mobilisation occur.

Synthetic compound contamination

The risk is low and refers to commercial spillages, typically from large shipping tankers and cargo ships.

Transition elements and organo-metal contamination

The risk is low and refers to vessel oils, fuel, TBTs, and PAHs.

6.1.2 Operation - advice on operations from Natural England’s Designated Sites View.

<p>Advice on Operations for Berthing, powerboating/sailing without engine. No anchoring</p> <p>Pressure Name</p>	Atlantic salt meadows	Spartina swards	Intertidal mud	Subtidal sea grass	Subtidal mixed sediment
Abrasion/disturbance of the substrate on the surface of the seabed	S	S	S	S	S

Changes in suspended solids (water clarity)	S	S	S	S	S
Introduction of light	-	-	NS	S	IE
Penetration and/or disturbance to the substratum below the surface of the seabed including abrasion	S	S	S	S	S
Underwater noise changes	-	-	-	-	-
Vibration	NS	NS	NS	NS	NS
Visual disturbance	-	-	-	-	NS
Water flow and sediment changes	NS	NS	S	S	NS
Hydrocarbon and PAH contamination	NA	NA	NA	NA	NA
Introduction of other substances	NA	NA	NA	NA	NA
Invasive non-indigenous species	S	S	S	S	S
Synthetic compound contamination	NA	NA	NA	NA	NA
Transition elements and organo-metal contamination	NA	NA	NA	NA	NA
Litter	-	-	S	S	S

Key to table – Sensitivity

S – sensitive

IE – insufficient evidence

NA – not assessed

NS - not sensitive

6.2 Solent and Southampton Water Special Protection Area (SPA) and Ramsar Sites Water

The proposed works do not directly fall within these sites, but any potentially relevant links are included in the following sections.

6.2.1 Construction

Piling & Pontoon Installation - advice on operations from Natural England’s Designated Sites View.

Advice on Operations for Piling, Construction & Maintenance of port and harbour structures									
Pressure Name	Black-tailed godwit	Common tern	Dark-bellied brent geese	Little tern	Mediterranean gull	Ringed plover	Roseate tern	Sandwich tern	Teal
Above water noise	S	S	S	S	S	S	S	S	S
Barrier to species movement	S	NS	S	S	NS	S	NS	NS	S
Changes in suspended solids (water clarity)	-	S	-	S	NS	-	S	S	-
Introduction of light	S	IE	S	IE	IE	S	IE	IE	S
Visual disturbance	S	S	S	S	S	S	S	S	S
Collision above water with objects	S	S	S	S	S	S	S	S	S
Collision below water with objects	-	S	-	S	S	-	S	S	-

Key to table – Sensitivity

S– sensitive

IE – insufficient evidence

NS - not sensitive

Risk assessment of pressures -

Above water noise

Risk is low and depends upon the special/temporal scale and intensity

Collision above water with objects

Risk is low and depends upon the special/temporal scale and intensity

Collision below water with objects

Risk is low and depends upon the special/temporal scale and intensity

6.2.2 Operation – advice on operations from Natural England’s Designated Sites View.

Advice on Operations for Boating and Berthing	Black-tailed godwit	Common tern	Dark-bellied brent geese	Little tern	Mediterranean gull	Ringed plover	Roseate tern	Sandwich tern	Teal
Pressure Name									
Above water noise	S	S	S	S	S	S	S	S	S
Barrier to species movement	S	NS	S	S	NS	S	NS	NS	S
Changes in suspended solids (water clarity)	-	S	-	S	NS	-	S	S	-
Introduction of light	S	IE	S	IE	IE	S	IE	IE	S
Visual disturbance	S	S	S	S	S	S	S	S	S
Collision above water with objects	S	S	S	S	S	S	S	S	S
Collision below water with objects	-	S	-	S	S	-	S	S	-

7. Summary Assessment of Potential Impacts on Designated Sites.

This section includes the SAC, SPA and Ramsar sites. Note that the works are not within the SPA or Ramsar sites but adjacent to.

7.1 Construction

Abrasion/disturbance of the substrate on the surface of the seabed

This type of damage is usually associated with large diameter piles, heavy construction, anchoring, and similar type moorings. There will be minimal impact due to the spud legs of the crane barge, but this is unavoidable. However, it will be short in duration and is less than the disturbance associated with regular maintenance dredging conducted on the river. All such impacts are within the SAC only. None of the works are in the intertidal areas.

Barrier to species movement

This primarily applies to physical obstructions, noise, light, and water quality. Whilst there will be some physical obstructions during construction these are small and sufficient avoidance room for mobile species is available. This also applies to noise, light, and water quality. Such physical disturbances are no different to the regular maintenance dredging undertaken on the river. This applies directly to the SAC but is also of relevance to the SPA & Ramsar sites.

Changes in suspended solids (water clarity)

Piling can raise suspended solids locally, but this is highly localised and temporary. The necessary slow start to the operation enables any receptor species to move away. The levels of suspended solids generated are significantly less than that generated by existing dredging on the river. This only affects the SAC.

Emergence regime changes

This applies to large scale port and harbour developments, the works proposed in this application do not trigger any such concerns. Whilst this applies to the SAC, it also confirms no such change to the SPA and Ramsar sites.

Habitat structure changes – removal

This refers to excavation and dredging. There is no habitat removal involved in this application. Whilst this applies to the SAC, it also confirms no such change to the SPA and Ramsar sites.

Introduction of light

Apart from the necessary navigation lighting no additional lighting is proposed. Construction plant often works outside daylight hours with the use of floodlights. However, in this case all works will be undertaken during daylight hours. There will be no additional lighting. This is within the SAC but has potential implications to the SPA & Ramsar site. As the levels of lighting will not be increased no negative impacts result.

Penetration and/or disturbance to the substratum below the surface of the seabed including abrasion.

The additional piling (typically 400mm in diameter) will result in the direct loss of 4.23m² of Solent Maritime SAC habitat. Due to the nature of the proposed works this is unavoidable. In terms of the SAC (and considering that the boundary does not exclude this marina, as it does others), this area of loss is considered too small in comparison to the total available area to be a concern. This loss is not within the Ramsar site, nor the SPA site.

Physical change to another seabed type

In terms of this application there is no change to another seabed type. This applies to the SAC and is not related to the SPA or Ramsar sites.

Physical change to another sediment type

In terms of this application there is no change to another sediment type. This applies to the SAC and is not related to the SPA or Ramsar sites.

Physical loss – to land or freshwater habitat

This refers to structures such as barrages that reclaim land and/or change the habitat to freshwater. There is no such change in this application. This applies to the SAC and is not related to the SPA or Ramsar sites.

Removal of non-target species

This refers to large construction and dredging activities. For this application there is no such removal. Whilst this applies to the SAC, it also confirms no such change to the SPA and Ramsar sites.

Smothering and siltation rates – heavy

This refers to large construction and dredging activities, not the level of piling proposed in this application. No such impacts due to the works. This applies to the SAC.

Smothering and siltation rates – light

Piling can increase the level of suspended solids in the water column. However, this is highly localised and temporary in the direct vicinity of the works. The regular dredging on this river causes larger levels of change. The impact on the SAC is therefore considered negligible.

Underwater noise changes

Mobile receptors can be sensitive to underwater noise. Variations in the underwater noise climate will potentially occur during marine piling works. All piling will be undertaken using vibro-piling as standard with percussion piling (with soft-start procedures) only being used to attain design level if necessary. The use of percussion piling is considered highly unlikely on the basis that all similar piling in the area has only required vibro-piling. As these are singular tubular steel piles the piling operation is not continuous, and the process is well established as best practice. It is important to understand that the existing underwater noise climate is generated by regular vessel traffic in the area and the addition of a piling rig is unlikely to have a significant impact.

Vibration

Use of vibro-piling will introduce vibration into the water column and the seabed. This will be temporary, localised, and non-continuous. This only affects the SAC.

Visual disturbance

From the SW and NE, the current access channel (a narrow strip of water approximately 12m in width) will alter from vessels transiting to vessels moored and there is unlikely to be any visual difference. No changes to heights are proposed. Views from most other directions will appear the same. Many of the yachts in the boatyard are higher than the proposed works. Views from the NW and SE will appear more open as the existing fairways will be fully open. Many marinas employ bird scaring devices to reduce fouling of vessels (JWM does not). There will be some temporary

changes during construction, but this is no different to the regular dredging undertaken during the overwintering bird nesting period.

This applies to the SAC, SPA & Ramsar sites.

Water flow and sediment changes

The existing marina layout dredging was designed to encourage smooth flow throughout to minimise sediment deposition. There may be some very minor alterations to surface flows whilst the crane barge is in position, but this is no different to current dredging plant that operates in the river. Any such change will be localised and temporary. This only applies to the SAC.

Wave exposure changes

This refers to structures such as breakwaters and quay walls of sufficient size to affect wave action. None of these are proposed in this application so there will be no changes to wave exposure. This applies directly to the SAC.

Deoxygenation

The risk is low and primarily refers to anthropogenic emissions and eutrophication. Due to the intermittent periods of piling no such oxygenation is anticipated. This applies to all sites.

Hydrocarbon and PAH contamination

The proposed plant and methods have no link to any such potential contamination. This applies to all sites.

Introduction of other substances

This refers to release of substances and potentially the re-mobilisation of contaminants. No substances are to be released and re-mobilisation of contaminants is highly unlikely. This is supported by the permitted regular dredging on the river. This applies to all sites.

Invasive non-indigenous species

The risk is low and refers to biofouling from vessels. The plant employed regularly works along the south coast and no such species have been identified as a concern. This applies to all sites.

Nutrient enrichment

The risk is low and refers to dredging and disposal activities and works where high levels of sediment mobilisation occur. No such works are proposed in this application.

Synthetic compound contamination

The risk is low and refers to commercial spillages, typically from large shipping tankers and cargo ships. No such vessels are connected with the proposed works.

Transition elements and organo-metal contamination

The risk is low and refers to vessel oils, fuel, TBTs, and PAHs. To prevent any possible impact all plant will carry oil spill kits in accordance with standard Marine Management Organisation licences.

Above water noise

During piling there will be some additional noise, but this will be short lived and localised. This is a busy waterway with similar noise level plant regularly operating (dredgers and split hoppers). Piling will only be undertaken during daylight hours, typically 1000-1600. This affects all sites.

Collision above water with objects not naturally found

During construction, a crane barge will be operating, and this will potentially be higher than some of the yacht masts. If considered of benefit and safe, the crane can be lowered at night so that it is not higher than the existing masts. This is already an operational marina with many vessels. The proposed alterations will not enlarge or intensify the existing area. This applies to the SPA & Ramsar sites.

Collision below water with objects not naturally found

During construction piles will be driven within the existing marina area so this will be a potential change. However, the distribution of existing piles and vessels is such that there is no greater risk. This applies to the SPA & Ramsar sites.

Pollution

With all marine plant there is a risk of pollution, as there is with any vessel. A common spillage is during refuelling, and no refuelling of the plant will be permitted at the site. In addition, all marine plant carries oil spill kits to deal with any spillage. This is a standard requirement of the Marine Management Organisation's Marine Licence. This applies to all sites.

7.2 Operation

Abrasion/disturbance of the substrate on the surface of the seabed

This will not apply during normal marina operations.

Barrier to species movement

This primarily applies to physical obstructions, noise, light, and water quality. Whilst there will be some alterations to the physical layout these are small compared to the existing environment. Sufficient avoidance room for mobile species will remain as it is in other nearby similar sites. There will be no changes to noise, light, and water quality. This applies directly to the SAC but is also of relevance to the SPA & Ramsar sites.

Changes in suspended solids (water clarity)

This will not apply during normal marina operations.

Emergence regime changes

This will not apply during normal marina operations.

Habitat structure changes – removal

This will not apply during normal marina operations.

Introduction of light

Apart from the necessary navigation lighting no additional lighting is proposed. There will be no additional lighting. This is within the SAC but has potential implications to the SPA & Ramsar site. As the levels of lighting will not be increased no negative impacts result.

Penetration and/or disturbance to the substratum below the surface of the seabed including abrasion.

This will not apply during normal marina operations.

Physical change to another seabed type

This will not apply during normal marina operations.

Physical change to another sediment type

This will not apply during normal marina operations.

Physical loss – to land or freshwater habitat

This will not apply during normal marina operations.

Removal of non-target species

This will not apply during normal marina operations.

Smothering and siltation rates – heavy

This will not apply during normal marina operations.

Smothering and siltation rates – light

The regular dredging on this river causes large levels of change. At Universal there is minimal maintenance dredging, and the proposed rearrangement will not increase this. No change to current situation.

Underwater noise changes

The existing underwater noise climate is generated by regular vessel traffic in the area and the alterations to the marina will not change the current situation.

Vibration

No vibration is likely during normal marina operations. No change to current situation.

Visual disturbance

In terms of visual impact to birds this is not a new development but rather a rearrangement. The increase in berth numbers, and hence human activity is slight.

Following the works the marina layout will be slightly different, but when the existing overall view is taken the site will not appear visually different. No changes to heights are proposed. Views from the NW and SE will appear more open as the existing fairways will be fully open. Many marinas employ bird scaring devices to reduce fouling of vessels (JWM does not).

It is concluded that the proposed works are not a significant disturbance to birds. This applies to all sites in general terms, but the works are not within the SPA/Ramsar sites.

Water flow and sediment changes

The existing marina layout dredging was designed to encourage smooth flow throughout to minimise sediment deposition. There is no change to this arrangement in the new layout.

Wave exposure changes

No change to current situation.

Deoxygenation

No likelihood of deoxygenation occurring during normal marina operations. No change to current situation.

Hydrocarbon and PAH contamination

No likelihood of such contamination during normal marina operations. No change to current situation.

Introduction of other substances

No likelihood of such introduction during normal marina operations. No change to current situation.

Invasive non-indigenous species

The risk is low and refers to biofouling from vessels. The risk remains as low as practical and is no different from any other moored vessel in the river. No change to current situation.

Nutrient enrichment

No risk from normal marina operations. No change to current situation.

Synthetic compound contamination

No likelihood of any such spillage during normal marina operations. No change to current situation.

Transition elements and organo-metal contamination

The risk remains low during normal marina operations. No change to current situation.

Above water noise

The River Hamble is a major centre for recreational boating with many marinas and moorings. The proposed marina rearrangement adds 11 vessels. At Universal Marina only about 20% of the vessels are regularly used, this reduces significantly for the larger vessels. No significant increase during marina operation.

Collision above water with objects not naturally found

This is already an operational marina with many vessels. The proposed alterations will not enlarge or intensify the existing area. In terms of collision risk above water there will be more piles, but these are lower in height than most of the masts within the marina. The increase in moored vessels is small compared to the existing. This is not a new development and the risk of collision is unlikely to be any different.

This applies to the SPA & Ramsar sites.

Collision below water with objects not naturally found

This is already an operational marina with many vessels. The proposed alterations will not enlarge or intensify the existing area. In terms of collision risk below water the presence of additional piles is insignificant compared to the existing vessel hulls below water. This is not a new development and the risk of collision is unlikely to be any different.

This applies to the SPA & Ramsar sites.

Pollution

With all marine vessels there is a risk of pollution. This risk is unchanged for the current situation. The marina holds suitable oil spill kits.

8. Construction Environmental Management Plan

To ensure protection of the environment during construction a management plan will be produced.

As a minimum, this will include the following:

- Site establishment – as the works are undertaken from marine plant there is only a small onshore requirement. This will be established within the existing car parking and fenced off.
- Waste – larger components that are no longer required (typically damaged piles) will remain on the floating plant and recycled. Smaller items will use the existing site disposal arrangements.
- Pollution – floating plant will not be refuelled on site and will carry oil spill kits. No additional land-based plant (other than the boatyard existing plant) will be employed.
- Access – delivery of piles is expected to be by water, with pontoon components delivered by road. As the works entail a large rearrangement there will be minimal additional road deliveries.
- Noise & vibration – for the piling works a vibro-piling method is to be employed. Operation will only be in daylight hours.
- Air quality – all proposed plant will meet current emission regulations. The works entail the assembly of components (manual fastenings) and the levels of airborne dust will be negligible.
- Materials – all materials are designed and manufactured specifically for marine use.
- Communication & Management – JWM Ltd staff will oversee the works to ensure compliance.

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HABITATS REGULATIONS ASSESSMENT

This is a record of the Habitats Regulations Assessment ('HRA') undertaken by the River Hamble Harbour Authority in its role as competent authority and in accordance with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended), known as the 'Habitats Regulations'.

A plan or project requires RHHA as a statutory regulator to decide whether to license, permit, assent or authorise the proposal. Where such a proposal might affect a European Site, the Habitats Regulations require a competent authority to make an assessment of the proposal. In undertaking this HRA, the RHHA (as the competent authority in this case) may only give consent, permission, assent or authorisation to the plan or project where it is able to ascertain either:

a) that the proposal will not have a likely significant effect on a European site (either alone or in combination with other plans and projects), or;

b) that the proposal will have no adverse effect on the integrity of a European Site following an Appropriate Assessment.

If such effects cannot be ruled out, the proposal cannot proceed unless the further tests given in the Habitats Regulations can be satisfied.

Contents:

1. Project Information
2. Requirement for HRA
3. Details of Sites
4. Assessment of Likely Significant Effect (LSE)
5. Conclusion of LSE
6. Appropriate Assessment
7. Conclusions
8. Natural England's comments

1. Project Information:

<i>Application Type</i>	Harbour Works Consent Application to River Hamble Harbour Authority
<i>Project Title</i>	Rearrangement of marina berthing and additional berths at Universal Marina
<i>Location</i>	River Hamble: Universal Marina, Crableck Lane, Sarisbury Green, SO31 7ZN
<i>Applicant</i>	John Willment Marine Ltd
<i>Agent</i>	Lymington Technical Services Ltd.

2. Requirement for HRA:

<i>European site(s) potentially impacted by proposed plan or project:</i>	<ul style="list-style-type: none"> • Solent Maritime Special Area of Conservation (SAC) (UK0030059) • Solent & Southampton Water Special Protection Area (SPA) (UK9011061) and Ramsar (UK11063) • Solent and Dorset Coast SPA
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Is the proposal directly connected with, or necessary to the management of a European site for the purpose of conserving the habitats or species for which the site is designated?	No
Is it necessary to carry out an HRA?	Yes. Proposal within or close to the above sites

3. Details of Sites:

Solent Maritime Special Area of Conservation (SAC) (UK0030059)	
Proximity of proposal	The proposal is within this SAC
Conservation advice package used:	NE Conservation Advice Package Solent Maritime SAC
Qualifying features:	<ul style="list-style-type: none"> • Annual vegetation of drift lines • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) • Coastal lagoons • Desmoulin's whorl snail (<i>Vertigo moulinsiana</i>) • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Perennial vegetation of stony banks • <i>Salicornia</i> and other annuals colonising mud and sand • Sandbanks which are slightly covered by sea water all the time • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("White dunes") • Spartina swards (<i>Spartinion maritimae</i>)
Conservation objective(s):	<p>The objectives are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the Favourable Conservation Status of its qualifying features, by maintaining or restoring:</p> <ul style="list-style-type: none"> • the extent and distribution of qualifying natural habitats and habitats of the qualifying species • the structure and function (including typical species) of qualifying natural habitats • the structure and function of the habitats of the qualifying species • the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely • the populations of each of the qualifying species • the distribution of qualifying species within the site

Solent & Southampton Water SPA (UK9011061) and Solent and Southampton Water Ramsar (UK11063)	
Proximity of proposal	Approx. 50m from the closest boundary of this SPA
Conservation advice package used:	<p>For both SPA & Ramsar Site https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9011061&SiteName=Solent&SiteNameDisplay=Solent%20and%20Southampton%20Water%20SPA&countyCode=&responsiblePerson=&NumMarineSeasQuality=9&HasCA=1 For Ramsar sites, Natural England considers the Conservation Advice packages for the overlapping European Marine Site designations sufficient to support the management of the Ramsar interests.</p>
Qualifying features:	<ul style="list-style-type: none"> • Black-tailed godwit (<i>Limosa limosa islandica</i>), Non-breeding

	<ul style="list-style-type: none"> • Common tern (<i>Sterna hirundo</i>), Breeding • Dark-bellied brent goose (<i>Branta bernicla bernicla</i>), Non-breeding • Little tern (<i>Sternula albifrons</i>), Breeding • Mediterranean gull (<i>Ichthyaetus melanocephalus</i>), Breeding • Ringed plover (<i>Charadrius hiaticula</i>), Non-breeding • Roseate tern (<i>Sterna dougallii</i>), Breeding • Sandwich tern (<i>Thalasseus sandvicensis</i>), Breeding • Teal (<i>Anas crecca</i>), Non-breeding • Waterbird assemblage, Non-breeding
<i>Conservation objective(s):</i>	<p>The objectives are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p> <ul style="list-style-type: none"> • the extent and distribution of the habitats of the qualifying features • the structure and function of the habitats of the qualifying features • the supporting processes on which the habitats of the qualifying features rely • the populations of each of the qualifying features • the distribution of qualifying features within the site

Solent and Dorset Coast SPA	
<i>Proximity of proposal</i>	The proposal is within this SPA
<i>Conservation advice package used:</i>	<p>Natural England is currently in the process of developing a Conservation Advice package for this SPA. There are, however, published conservation objectives for the site available at http://publications.naturalengland.org.uk/publication/5294923917033472</p> <p>This site extends the boundary of the Solent & Southampton Water SPA and so the advice on operations component of the Solent and Southampton Water SPA have been used as a reference, on the advice of NE, to help filter the relevant pressures for the 3 tern species.</p>
<i>Qualifying features:</i>	<ul style="list-style-type: none"> • Common tern, <i>Sterna hirundo</i> • Little tern, <i>Sterna albifrons</i> • Sandwich tern, <i>Sterna sandvicensis</i> <p>N.B. this SPA is classified for ‘foraging terns’ and therefore the relevant supporting habitat is the water column.</p>
<i>Conservation objective(s):</i>	<p>The objectives are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p> <ul style="list-style-type: none"> • the extent and distribution of the habitats of the qualifying features • the structure and function of the habitats of the qualifying features • the supporting processes on which the habitats of the qualifying features rely • the populations of each of the qualifying features • the distribution of qualifying features within the site

4. Assessment of Likely Significant Effect (LSE):

Information to help inform this assessment of LSE has been taken from the following documents submitted by the applicant:

- Environmental information to inform any required Habitats Regulations Assessment by the Competent Authority, Document 10764/ES v1, Lymington Technical Services.
- Supporting Statement for Harbour Works Consent. Includes Method Statement, WaFD & WFD Assessments. Document 10764/MP v2, Lymington Technical Services.
- Lymington Technical Services drawing DRG No 10764/MP/5A titled 'Proposed Berth Alterations, Universal Marina' dated 23.9.2020.

This LSE Assessment has been undertaken by RHHA using the Natural England Conservation Advice Package for each site, including reference to the Advice on Operations Matrix which identifies pressures associated with the marine activities relevant to the project, and provides a detailed assessment of the feature/sub feature or supporting habitat sensitivity to these pressures. Reference has also been made to Defra's Magic Map.

CATEGORIES ASSESSED:

Relevant to Construction:

- PORTS AND HARBOURS (construction)
 - *Piling.*
 - *Construction of port and harbour structures (includes "expansion/redevelopment of existing marinas, plus associated work vessels"). Assessed for pontoon extension element only.*

Relevant to Operations:

- PORTS AND HARBOURS (operation)
 - *Berths/moorings.*
- RECREATION
 - *Powerboating or sailing with an engine: launching and recovery, participation.*
 - *Powerboating or sailing with an engine: mooring and/or anchoring.*
 - *Sailing without an engine: launching and recovery, participation.*
 - *Sailing without an engine: mooring and/or anchoring.*

The following points have been applied in RHHA's assessment of LSE:

- a. Medium and High-risk pressures - Features identified in the Advice on Operations Matrix as being sensitive to medium and high risk pressures for both direct and indirect pathways have been taken forward into the LSE assessment.
- b. Low risk pressures - unless there is evidence or site-specific factors that increase the risk, or uncertainty on the level of pressure on a receptor, this pressure generally will not occur at a level of concern and has not required additional consideration as part of the assessment.
- c. Individual pressure/ feature interactions - those categorised as 'Not Sensitive' at the benchmark have not been taken forward into the LSE assessment. RHHA considers that the impacts on these features, as a result of the activities, will be less than the benchmarks specified for these pressure/ feature interactions.
- d. A significant effect should be considered likely if it cannot be excluded on the basis of objective information and it might undermine a site's conservation objectives. A risk or a possibility of such an effect is enough to warrant the need for an appropriate assessment.
- e. The judgment of the European Court of Justice in the case of People Over Wind and Sweetman v Coillte Teoranta (C-323/17) clarified that competent authorities must not take into account any mitigation measures when determining whether or not a plan or project will have a LSE on a European site.

Solent Maritime Special Area of Conservation (SAC) (UK0030059)

Some SAC features have been screened out of the LSE assessment as there will be no interaction between these features and the identified pressures. These are: Annual vegetation of drift lines, Coastal lagoons, Perennial vegetation of stony banks, Shifting dunes along the shoreline with *Ammophila arenaria*, Sandbanks which are slightly covered by sea water all the time, Desmoulin's whorl snail (*Vertigo moulinsiana*).

PRESSURE	Qualifying Feature or Species (inc. sub features and supporting habitats).	Potential for LSE during construction and/or operation? (potential for an effect and a pathway for effect)	Take forward to AA?
Abrasion / disturbance of the substrate on the surface of the seabed	<ul style="list-style-type: none"> • Atlantic salt meadows (<i>Glauco- Puccinellietalia maritima</i>) • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Salicornia and other annuals colonising mud and sand • Spartina swards (<i>Spartinion maritima</i>) <p style="margin-left: 20px;">Subfeatures of above:</p>	<p>Construction: Use of spud-legged piling barge is likely to disturb the seabed and the associated sub-tidal feature of subtidal mixed sediment, but the duration of the spud-leg barge use will be short and temporary and not alter the total extent (2,619 hectares) and spatial distribution of subtidal mixed sediment. NE Supplementary Advice refers to evidence from survey or monitoring that shows this feature to be in a good condition and/or currently un-impacted by anthropogenic activities which include similar piling works and approved maintenance dredging. No LSE identified.</p> <p>Operation: All berths to be subtidal, and are of pontoon/pile design i.e. no scour from mooring chains or anchoring activity. No LSE identified.</p>	No
Barrier to species movement	<p>Spartina swards Salicornia & other annuals colonising mud & sand Atlantic salt meadows Spartina swards Intertidal seagrass beds Intertidal coarse sediment</p>	<p>Construction: The installation of piles and pontoons within the SAC has potential to create a physical obstruction to the movement of species and seeds, including those that need access to saltmarshes. Species affected are mostly highly mobile birds, fish, and mammals. The scale of the proposed work falls below the pressure benchmark of 'Permanent or temporary barrier to species movement $\geq 50\%$ of water body width or a 10% change in tidal excursion'. The evidence base suggests the features are not sensitive to the pressure at the levels proposed by the project. No LSE identified.</p>	No
Changes in suspended solids (water clarity)	<p>Intertidal mixed sediments Intertidal mud Intertidal sand and muddy sand Subtidal seagrass beds</p>	<p>Construction: Removal and installation of piles has potential to mobilise sediment and organic particulate matter into the water column during construction, but any occurrence will be localised, temporary and in the direct vicinity of the works within the tidal estuary. Benchmark of 'a change in one Water Framework Directive (WFD) ecological status class for one year within site'. No LSE identified.</p>	No
Introduction or spread of invasive non-indigenous species (INIS)	<p>Subtidal coarse sediment Subtidal mixed sediments Subtidal sand.</p>	<p>Operation: Marina boats well maintained and therefore hull fouling not considered to be at a significant risk level. The risk of this pressure may increase if there is non-compliance to legislation, codes of conduct or best practice. No LSE identified.</p>	No
Penetration and/or disturbance of the substratum below the surface of the seabed, including abrasion		<p>Construction: No piling proposed in areas of intertidal mud or saltmarsh, however, the relocation of 85 piles, the replacement of 12 piles and the addition of 54 new piles (with retention of 24 piles) is proposed. The majority of the additional piles are within the SAC boundary. This installation and removal of piles will disturb substratum below the seabed i.e. the associated subtidal features. Permanent loss of 5.43m² of subtidal habitat through the installation of 54 new piles. 42 of the new piles are within the SAC boundary equating to 4.23m² permanent loss of subtidal mixed sediment habitat within the SAC. POTENTIAL FOR LSE.</p> <p>Operation: No LSE - proposed berths are subtidal and dry launch vessels are not launched so this removes risk of trampling and scour. No LSE identified.</p>	Yes
Litter		<p>Operation: The Annex 1 saltmarsh habitats of the SAC are sensitive to ecological, chemical, or biological effects associated with material discarded from anthropogenic activities, in which powerboating and sailing participation</p>	No

		are included. The River Hamble's compliance with the Hamble Port Waste Management Plan including the marina's provision of waste facilities for customers using the proposed walk-ashore berths reduces the risk. No LSE identified.	
Physical loss (to land or freshwater habitat)		Construction: Proposal will not result in land reclamation or a change to a freshwater habitat. No LSE identified.	No
Smothering and siltation rate changes (Light)		Construction: Piling work has potential to cause increases in siltation levels in the direct vicinity of the works due to the deposition of suspended sediments created as a result of seabed disturbance but any occurrence at the scale of this proposal will be highly localised and temporary. No LSE identified.	No
Water flow (tidal current) changes, including sediment transport considerations		(Included for clarity, although this pressure is not at risk level medium nor high). Construction: The pressure is associated with activities that will change the form/profile of an area of seabed or an estuary resulting in changes to flow rates and tidal regime due to changes in speed and direction in flow round, past, or across new structures. Examples are leeward of tidal energy generation devices, capital dredging, canalisation &/or structures that may alter flow speed and direction. The pressure benchmark is 'a change in peak mean spring bed flow velocity of between 0.1m/s to 0.2m/s for more than 1 year'. The piling and new pontoons associated with the proposed marina expansion are not considered to be at a level that would modify hydrological energy flows in the tidal Hamble to impact the SAC habitats. No LSE identified.	No

Solent & Southampton Water SPA (UK9011061) and Ramsar (UK11063)			
PRESSURE	Qualifying Feature or Species (inc. sub features and supporting habitats)	Potential for LSE during construction and/or operation? (potential for an effect and a pathway for effect)	Take forward to AA?
		<i>N.B. Advice on Operations matrix identifies the pressures associated with the categories of marine activities assessed. Where 'construction' or 'operation' are not listed below, this is where the pressure associated with the construction or operational activity is either not identified in the Advice on Operations matrix for the other activity or is of a sufficiently low risk not to warrant further consideration.</i>	
Above water noise	<ul style="list-style-type: none"> Black-tailed godwit (<i>Limosa limosa islandica</i>), Non-breeding. Common tern (<i>Sterna hirundo</i>), Breeding Dark-bellied brent goose (<i>Branta bernicla bernicla</i>), Non-breeding Little tern (<i>Sternula albifrons</i>), Breeding Mediterranean gull (<i>Ichthyaeetus melanocephalus</i>), Breeding Ringed plover (<i>Charadrius hiaticula</i>), Non-breeding Roseate tern (<i>Sterna dougallii</i>), Breeding 	<p>Construction: Loud noise that might be made by construction vessels and/or some piling techniques may have potential to disturb birds and reduce time spent in feeding or breeding areas. However, in considering this pressure for this specific proposal, the location is around a working marina with background levels of operational plant working landside and vessel movements occurring on the water throughout the day. Vessels not associated with the marina itself also transit in close proximity to it. Piling will be conducted at a distance of at least 50 metres outside the nearest boundary of this SPA. All piling will be undertaken using vibro-piling as standard with percussion piling (with soft-start procedures) only being used to attain design level if necessary. The use of percussion piling is considered highly unlikely on the basis that all similar piling in the area has only required vibro-piling. The piling operation for singular tubular steel piles is not continuous. This piling process is well established as best practice for the Hamble Estuary. No LSE identified.</p> <p>Operation: Categorised as a low-risk pressure for operational activity (berthing/recreation). The proposed location, scale and intensity of the activity proposed does not increase the magnitude of this pressure and there would be no relative increase in noise above the existing background noise levels or the type of noise generated. No LSE identified.</p>	No
Barrier to species movement	<ul style="list-style-type: none"> Sandwich tern (<i>Thalasseus sandvicensis</i>), Breeding Teal (<i>Anas crecca</i>), Non-breeding 	<p>Construction: Proposed additional marina pontoons and piles create an extension of the existing physical obstruction within the estuary but the scale of work, the location and the available surrounding water space means this will not form a complete barrier nor significant diversion of travel distance to species' local or migratory movements. (Benchmark is a permanent or temporary barrier to species movement $\geq 50\%$ of water body width or a 10% change in tidal excursion). No LSE identified.</p>	No

Changes in suspended solids (water clarity)	<ul style="list-style-type: none"> Waterbird assemblage, Non-breeding <p>Supporting habitats:</p> <p>Coastal lagoons</p>	<p>Construction:</p> <p>Piling work has potential to disturb sediment which could cause a change in water clarity and affect species that rely on underwater vision for hunting. The proposed piling will be short lived and within a small spatial area so will not reach the benchmark of a change in one Water Framework Directive (WFD) ecological status class for one year within site. No LSE identified.</p>	No
Litter	<p>Coastal reedbeds</p> <p>Freshwater and coastal grazing marsh</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows</p> <p>Spartina swards</p>	<p>(Included for clarity, although this pressure is not at the risk level medium nor high).</p> <p>Operation:</p> <p>The uptake of microplastics, entanglement or accumulation of chemicals from litter is categorised as a low-risk pressure from recreational boating. The River Hamble's compliance with the Hamble Port Waste Management Plan including the marina's existing provision of waste facilities for customers further reduces risk. No LSE identified.</p>	No
Underwater noise changes	<p>Intertidal seagrass beds</p> <p>Intertidal rock</p> <p>Intertidal coarse sediment</p> <p>Intertidal mixed sediments</p> <p>Intertidal mud</p> <p>Intertidal sand and muddy sand</p> <p>Infralittoral rock</p> <p>Subtidal seagrass beds</p> <p>Cirralittoral rock</p> <p>Water column</p>	<p>Construction:</p> <p>Changes in underwater noise made by piling works and construction vessels can have potential to directly affect birds through disturbance and/or reducing time spent in a feeding area. In considering this specific proposal, however, the location is around a working marina with background levels of vessel movements occurring on the water throughout the day. Also, vessels not associated with the marina also transit in close proximity to it. Piling will be conducted at a distance of at least 50 metres from the nearest boundary of this SPA. All piling will be undertaken using vibro-piling as standard with percussion piling (with soft-start procedures) only being used to attain design level if necessary. The use of percussion piling is considered highly unlikely on the basis that all similar piling in the area has only required vibro-piling. As these are singular tubular steel piles the piling operation is not continuous. This piling process is well established as best practice for the Hamble Estuary. No LSE identified.</p> <p>Operation:</p> <p>Categorised as a low-risk pressure for operational activity (berthing/recreational boating). The proposed location, scale and intensity of the activity proposed does not increase the magnitude of this pressure and there would be no relative increase in operational noise above the existing background noise levels or the type of noise generated. No LSE identified.</p>	No
Visual Disturbance		<p>Construction:</p> <p>Vessel movements associated with piling and pontoon works have potential to evoke a visual disturbance response in SPA bird species, however the scale and type of the proposed works, the location within an area of background levels of vessel movement and distance from the potential supporting habitats used at lower states of tide reduce this pressure. No LSE identified.</p> <p>Operational:</p> <p>Categorised as a low-risk pressure for operational activity (berthing/recreational boating). The location, scale, intensity of the activity proposed within an area of background levels of vessel movement, and its distance from the supporting habitats will not cause a relative increase in visual disturbance above the existing background. No LSE identified.</p>	No
Water flow (tidal current) changes, including sediment transport considerations		<p>Construction:</p> <p>The pressure is associated with activities that will change the form/profile of an area of seabed or an estuary resulting in changes to flow rates and tidal regime due to changes in speed and direction in flow round, past, or across new structures. Examples are leeward of tidal energy generation devices, capital dredging, canalisation &/or structures that may alter flow speed and direction. The pressure benchmark is 'a change in peak mean spring bed flow velocity of between 0.1m/s to 0.2m/s for more than 1 year'. The piling and new pontoons associated with the proposed marina expansion are not considered to be at a level that would modify hydrological energy flows in the tidal Hamble to impact the SPA birds or supporting habitats. No LSE identified.</p>	No
Vibration		<p>Construction:</p> <p>Relevant supporting feature is 'water column'. Most vibration transmitted into the water column will radiate as underwater noise (see 'Underwater Noise' above). Advice on Operations matrix justification states that vibrations, as particle motion, do not travel well under water and thus this pressure can be assessed as underwater sound given that sound is a combination of particle motion and pressure. No LSE identified.</p>	No
Abrasion/disturbance of substrate		<p>Construction:</p> <p>These pressures are relevant to supporting habitats only (not the bird species themselves) and no piling is to take place within in the SPA</p>	No

on surface of seabed Penetration and/or disturbance of substratum below surface of seabed. Physical loss (to land or fresh water habitat)		boundary or within these habitats. The listed pressures will not have a pathway to these habitats. No LSE identified. Operation: All berths to be subtidal and of a pontoon/pile design i.e. no scour/abrasion from operational activity as there will be no mooring chains or anchoring activity. No LSE identified.	No
Collision ABOVE water with static or moving objects not naturally found in the marine environment		(Included for clarity, although this pressure is not at risk level medium nor high). Construction: A low risk category associated primarily with seabird mortality at wind turbines, offshore platforms, large vessels, or attraction to artificial light sources within marine environment. The scale and location of the additional mooring piles or vessel type proposed at the existing marina does not increase this risk. No LSE identified.	No
Collision BELOW water with static or moving objects not naturally found in the marine environment		(Included for clarity, although this pressure is not at risk level medium nor high). Construction: Categorised as low risk. Although a lack of information exists regarding collision risk of birds with underwater structures, the risk to diving terns is likely be increased if the structure alters the characteristics of the current, affecting underwater manoeuvrability of birds. The scale and location of the additional mooring piles proposed at the existing marina does not increase this risk. No LSE identified. Operation: Categorised as a low-risk pressure from recreational boating, with little evidence relating to underwater bird collisions with recreational vessels. The proposal will not alter the nature of vessel use in this location. No LSE identified.	No No

Solent and Dorset Coast SPA

Natural England is currently in the process of developing a Conservation Advice package, to include Advice on Operations Matrix, for this SPA. This site extends the boundary of the Solent & Southampton Water SPA and so the advice on operations component of the Solent and Southampton Water SPA have been used as a reference, on the advice of NE, to help filter the relevant pressures for the 3 tern species.

PRESSURE	Qualifying Feature or Species (inc. sub features and supporting habitats)	Potential for LSE? (i.e. potential for an effect and a pathway for effect)	Take forward to AA?
Above water noise	<ul style="list-style-type: none"> • Common tern, <i>Sterna hirundo</i> • Little tern, <i>Sterna albifrons</i> • Sandwich tern, <i>Sterna sandvicensis</i> <p>This SPA is classified for 'foraging terns' and therefore the relevant supporting habitat is the water column</p>	<p><i>N.B. Advice on Operations matrix identifies the pressures associated with the categories of marine activities assessed. Where 'construction' or 'operation' are not listed below, this is where the pressure associated with the construction or operational activity is either not identified in the Advice on Operations matrix for the other activity or is of a sufficiently low risk not to warrant further consideration.</i></p> <p>Construction: Loud noise that might be made by construction vessels and/or some piling techniques may have potential to reduce time spent foraging i.e. performing shallow plunge dives. However, in considering this pressure for this specific proposal, the location is not a key foraging area for terns within this large SPA, and is around a working marina with background levels of vessel movements occurring on the water throughout the day. Vessels not associated with the marina itself also transit in close proximity to it. All piling will be undertaken using vibro-piling as standard with percussion piling (with soft-start procedures) only being used to attain design level if necessary. The use of percussion piling is considered highly unlikely on the basis that all similar piling in the area has only required vibro-piling. The piling operation for singular tubular steel piles is not continuous. This piling process is well established as best practice for the Hamble Estuary. No LSE identified.</p> <p>Operation: Categorised as a low-risk pressure for operational activity (berthing/recreation). The proposed location, scale and intensity of the activity proposed does not increase the magnitude of this pressure and</p>	No No

		there would be no relative increase in noise above the existing background noise levels or the type of noise generated. No LSE identified.	
Barrier to species movement		Construction: Proposed additional marina pontoons and piles create an extension of the existing physical obstruction within the water column but the scale of work, the location and the available surrounding water space means this will not form a complete barrier nor significant diversion of travel distance to species' local or migratory movements. (Benchmark is a permanent or temporary barrier to species movement $\geq 50\%$ of water body width or a 10% change in tidal excursion). This location is not a key foraging area for terns in the SPA. No LSE identified.	No
Changes in suspended solids (water clarity)		Construction: Piling work has potential to disturb sediment which could cause a change in water clarity and affect terns that rely on underwater vision for hunting. The proposed piling will be short lived and within a small spatial area so will not reach the benchmark of a <i>change in one Water Framework Directive (WFD) ecological status class for one year within site</i> . This location is not a key foraging area for terns in the SPA. No LSE identified. No LSE identified	No
Litter		(Included for clarity, although this pressure is not at the risk level medium nor high). Operation: The uptake by terns of microplastics, entanglement or accumulation of chemicals from litter is categorised as a low-risk pressure from recreational boating. The River Hamble's compliance with the Hamble Port Waste Management Plan including the marina's existing provision of waste facilities for customers further reduces risk. No LSE identified.	No
Underwater noise changes		Construction: The location of the proposed piling area is not a key foraging site for terns within this large SPA, and is around a working marina with background underwater noise levels from vessel movements occurring throughout the day. All piling will be undertaken using vibro-piling as standard with percussion piling (with soft-start procedures) only being used to attain design level if necessary. The use of percussion piling is considered highly unlikely on the basis that all similar piling in the area has only required vibro-piling. The piling operation for singular tubular steel piles is not continuous. This piling process is well established as best practice for the Hamble Estuary. No LSE identified.	No
		Operation: Categorised as a low-risk pressure for operational activity (berthing/recreational boating). The proposed location, scale and intensity of the activity proposed does not increase the magnitude of this pressure and there would be no relative increase in operational noise above the existing background noise levels or the type of noise generated. No LSE identified.	No
Visual Disturbance		Construction: Vessel movements associated with piling and pontoon works have potential to evoke a visual disturbance response in SPA bird species, however the scale and type of the proposed works, the location within an area of background levels of vessel movement and that this is not a key foraging area for terns in the SPA reduce the risk of this pressure. No LSE identified.	No
		Operation: Categorised as a low-risk pressure for operational activity (berthing/recreational boating). The location, scale, intensity of the activity proposed within an area of background levels of vessel movement, and its distance from the supporting habitats will not cause a relative increase in visual disturbance above the existing background. No LSE identified.	No
Collision ABOVE water with static or moving objects not naturally found in the marine environment		(Included for clarity, although this pressure is not at the risk level medium nor high). Construction: A low-risk category associated primarily with seabird mortality at wind turbines, offshore platforms, large vessels, or attraction to artificial light sources within marine environment. The scale and location of the additional mooring piles or vessel type proposed at the existing marina does not increase this risk. In addition, this location is not a key foraging area for terns in the SPA. No LSE identified.	No
Collision BELOW water with static or		(Included for clarity, although this pressure is not at the risk level medium nor high).	

moving objects not naturally found in the marine environment	Construction: Categorised as low risk. Although a lack of information exists regarding collision risk of birds with underwater structures, the risk to diving terns is likely be increased if the structure alters the characteristics of the current, affecting underwater manoeuvrability of birds. The scale and location of the additional mooring piles proposed at the existing marina does not increase this risk, and this location is not a key foraging area for terns in the SPA. No LSE identified.	No
	Operation: Categorised as a low-risk pressure from recreational boating, with little evidence relating to underwater bird collisions with recreational vessels. The proposal will not alter the nature of vessel use in this location. This location is not a key foraging area for terns in the SPA. No LSE identified.	No

In-Combination Effects

The potential effects of the project must also be considered in terms of how these may interact in combination with any other plans or projects known to be approved for development or undergoing licencing determination and which may have a pathway, in terms of time and location, to interact with the effects of the proposal being assessed.

Licensed routine maintenance dredging projects occur in the Hamble Estuary every winter at one or more marina locations, few of which are within the Solent Maritime SAC boundary and all are within or close to the 2 SPA sites). The River Hamble Maintenance Dredging Baseline Document is used to support all Marine Licence applications and has been signed off by Natural England (Habitat Regulations) and by the Environment Agency (Water Framework Directive). Examples of pressures exerted by maintenance dredging include changes in suspended solids (water clarity) and changes in siltation rates. Whilst maintenance dredging alters the physical level below chart datum of subtidal sediment it does not permanently remove this habitat sub-feature from the SAC. Whilst there is potential for maintenance dredging to occur at the same time as the proposed project at Universal Marina, the pressures generated by both activities at the same time are unlikely to combine to have a significant effect on the interest features or the integrity of the sites. **No in-combination likely significant effect identified.**

Other projects that may yet come forward for licence/consent approval will be subject to their own HRA which will include an assessment of in-combination effects with this proposed project at Universal Marina if the timescales or locations are relevant.

5. Conclusion of Likely Significant Effect:

RHHA's assessment, as qualified in section 4 a-e and summarised in the tables above, concludes that the proposed project alone will have a Likely Significant Effect in relation to the following pressure on the site listed below. No in-combination likely significant effects have been identified:

LSE of the following pressure:	Justification	Site (feature affected):
<i>"Penetration and/or disturbance of the substratum below the surface of the seabed, including abrasion".</i>	Permanent loss of subtidal habitat.	Solent Maritime SAC: Estuaries - subtidal mixed sediment

Any plan or project which will result in the lasting and/or irreparable loss of habitat (regardless how small), will mean that the project is likely to have a significant effect on a European site and as such must be subject to an Appropriate Assessment.

6. Appropriate Assessment

This proposed project is considered likely to have a likely significant effect on a European Site and therefore an Appropriate Assessment of the implications for the site, in view of the site's conservation objectives, has been undertaken.

The Appropriate Assessment determines whether an adverse effect on the integrity of the site (AEOI) can be ruled out. The integrity of a site is the coherence of its ecological structure and function, across its whole area that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified.

Pressure : Penetration and/or disturbance of the substratum below the surface of the seabed, including abrasion (resulting in permanent loss of subtidal habitat).
Site: Solent Maritime SAC
Qualifying feature or species affected: Estuaries (Subtidal mixed sediments) - Permanent loss of subtidal habitat.
Can RHHA conclude there will be no adverse effect on site integrity? (This includes taking any mitigation measures into account). The piling works associated with the proposal to reconfigure and expand Universal Marina will require 85 tubular steel piles to be relocated, 12 piles to be replaced in-situ, and 54 new piles to be added. 24 existing piles will be retained in place. The lifting and redriving to relocate 85 existing piles will disturb the subtidal mixed sediment but this will not result in a net loss of the extent or distribution of the SAC subtidal mixed sediment nor have an adverse impact on the integrity of the Solent Maritime SAC site i.e. on the coherence of its ecological structure and function. The 54 additional piles proposed are estimated to result in the direct and unavoidable permanent loss of an area of 5.43m ² of seabed habitat. 12 of these additional piles will be driven outside the SAC boundary. The boundary of the SAC passes through part of the current berthing area of Universal Marina, following a line associated with the edge of a previous layout of berths at the time of the SAC designation. 42 new piles will be driven within the SAC boundary and result in an estimated unavoidable loss of 4.23m ² with the SAC. The feature of the Solent Maritime SAC impacted is Estuaries - subtidal mixed sediment. The current extent of subtidal mixed sediment within the Solent Maritime site is 2,619.08 hectares (26,190,000 m ²). The proposed loss of 4.2m ² equates to 0.000423 hectares which is 0.000016%. The Conservation Objectives for the site (summarised in Section 3 above) are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the Favourable Conservation Status of its qualifying features. Evidence from survey and monitoring shows the Solent Maritime SAC estuary feature of subtidal mixed sediment to be "in a good condition and/or currently un-impacted by anthropogenic activities" (ref. Natural England, designatedsites.naturalengland.org.uk ' <i>Supplementary Advice on Conservation Objectives for Solent Maritime SAC - Subtidal mixed sediment</i> '). It is considered that the proposed loss of 0.000016% will not significantly or adversely affect the total extent and spatial distribution of subtidal mixed sediment. Extent is the presence and total area of the habitat across the site as a whole. The distribution relates to the more detailed locations and pattern of habitat across the site. Also, there will be no reduction to an extent that would alter the biological and physical functioning of the subtidal mixed sediment.

Taking into consideration the conservation objectives of the protected site and the significance of the effect (the habitat loss) on the characteristics of the qualifying feature effected (Estuaries – subtidal mixed sediment) in terms of its rarity, sensitivity and vulnerability to potential change, location, distribution, ecological function, the RHHA concludes that the proposal will have no adverse effect on the integrity of the Solent Maritime SAC.

7. Conclusions

An assessment of likely significant effect (LSE) concluded that there will be no LSE on the Solent & Southampton Water SPA and Ramsar Site, or on the Solent and Dorset Coast SPA. A LSE was, however, found in relation to the proposed loss of habitat within the SAC and so an Appropriate Assessment was then undertaken. The subsequent AA concluded that there would be no adverse effect on the integrity of the Solent Maritime SAC.

This HRA of the proposed rearrangement and addition of marina berths at Universal Marina concludes that the proposal will have no adverse effect on the integrity of a European Site, either individually or in combination with other plans or projects.

8. NE comments

RHHA, as the competent authority undertaking the HRA, is required to consult Natural England on the information above and have regard to its view of the consequent conclusion of the Appropriate Assessment. This has been undertaken and NE's comments are below.

Letter to RHHA dated 15.02.2021 from James McClelland, NE Marine & Coastal Lead Adviser.

"The following constitutes Natural England's formal statutory response.

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

We can confirm that the proposed works are located within Solent Maritime Special Area of Conservation (SAC) and Solent and Dorset Coast Special Protection Area (SPA) and adjacent to Solent and Southampton Water SPA and Ramsar site.

Appropriate assessment

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

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

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

John Willment Marine Ltd

Universal Marina – Additional Berthing Pontoons

Supporting Statement for Harbour Works Consent.
Includes Method Statement, WaFD & WFD Assessments

Compiled by Dr P Tosswell, Lymington Technical Services Ltd

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1. Background

John Willment Marine Ltd operate Universal Marina on the River Hamble. The marina has undergone significant improvements since 2006 and is now a prestigious marina operation on the river.

Vessel access to the marina berths is achieved by entering through one of the 3 gaps in the J line of river pontoons and along the marina access channel to the berth.

Access to the mid-stream moorings on the J line of piles is by small tender.

2. Proposal

The increase in vessel activity at the marina has raised concerns regarding the access channel. A previous suggestion to extend H jetty out to the J line was rejected due to the use of the access channel by the J line mooring holders.

The marina has also seen an increase in vessel sizes over the last few years. This trend is expected to continue with less requirements for small length berths.

As a result, it is proposed to alter the existing marina layout by removing one jetty and increasing the available berth lengths. It follows that the access channel will become more of a concern. It is therefore also proposed that the marina extends out to the J line (over the full length). Drawing 10764/MP/5A shows the existing and proposed layouts.

The marina already operates the berthing between J3-J5 and J13-J15 and those customers have tender access from the marina.

For operational reasons, Universal Marina will no longer allow tender storage or access to non-berthholder customers with mid-stream moorings. The existing customers on the J line will be provided with berths in the new layout.

The remaining J line vessels can be accommodated in the new layout or upstream section. If the upstream section is chosen, then dinghy access will be provided from the marina.

The access brow and pontoon for the upstream section will also be moved.

The existing layout has 257 marina berths, 14 midstream moorings (tender access) & 25 jet ski berths. The Crown Estate (TCE) moorings on the J line represent 46 berths (from Google Earth counts). Total number of vessels 342.

The proposed layout has 312 marina berths, 16 midstream moorings (upstream) & 25 jet ski berths. This includes the TCE J line berths. Total number of vessels 353.

In terms of vessel numbers, the proposal represents an increase of 11 vessels.

Discussions are currently underway with The Crown Estate, but these require both navigation and environmental consultation at this stage.

The increased berth lengths will require piles at the ends of the pontoons so there will be an increase in the number of piles.

24 piles will remain in their current location, 85 piles will be relocated, 12 piles will be replaced, and 54 new piles will be installed.

3. Navigation

Currently, vessels entering or leaving the marina must pass through one of the 3 gaps in the J line and along the access channel.

With the increase in dry stack vessels this can lead to a busy access channel.

The channel is also used by vessels moored on the J line who access their berth by tender. The vessels berthed between J3-J5 and J13-J15 are existing customers of Universal Marina and have tender access from the marina.

The River Hamble Notice to Mariners No1 of 2020 states:

13. Access Channels

There are a number of channels on the River Hamble which run parallel to the Main and Secondary Channels and give access to pontoons, moorings, jetties and slipways. These access channels are frequently used by operators of small craft (sailing dinghies, tenders etc) who wish to remain clear of the main channel. However, the access channels are also used by larger vessels to gain access to moorings and facilities. This can lead to potentially dangerous situations, particularly where head-on encounters occur between vessels in narrow channels. Operators of all vessels which use these access channels should be aware of these dangers and navigate with due caution.

In navigation terms, the extension to the J line would only affect small craft passing through the busy access channel. Currently this is used by tenders to the J line and marina vessels. Using the channel as a through passage is not good navigation.

The proposed works are considered an improvement in navigation.

4. Mooring Restriction Areas

The drawing shows the mooring restriction area boundaries which are taken from the current Fareham Borough Council interactive map. Note that the upstream mooring limit crosses the existing layout.

The proposed development does not connect the existing layout beyond this boundary. The existing J line moorings upstream of this point are currently pontoons between piles and these would be replaced by a continuous length of pontoon as is common practice on the river.

5. Method Statement

A spud-legged crane barge will be employed for the works. Preassembled pontoons and piles will arrive by sea. The piles will arrive pre-coated in a marine friendly paint.

At each location, the procedure will be to remove the existing piles and pontoons where necessary (these are reused in the new layout). The pontoons will be towed to an area within the marina and rafted until required. Removed piles will be stored on a barge until required.

The piles will then be located using the crane barge and driven using vibro-piling methods. In the unlikely event that percussion piling is required to attain design level, then soft-start procedures will be employed.

All works will be conducted in daylight hours only.

6. Waste Framework Directive

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

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

5.1 Prevention

Article 3(12) WaFD defines 'prevention' as:

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

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

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

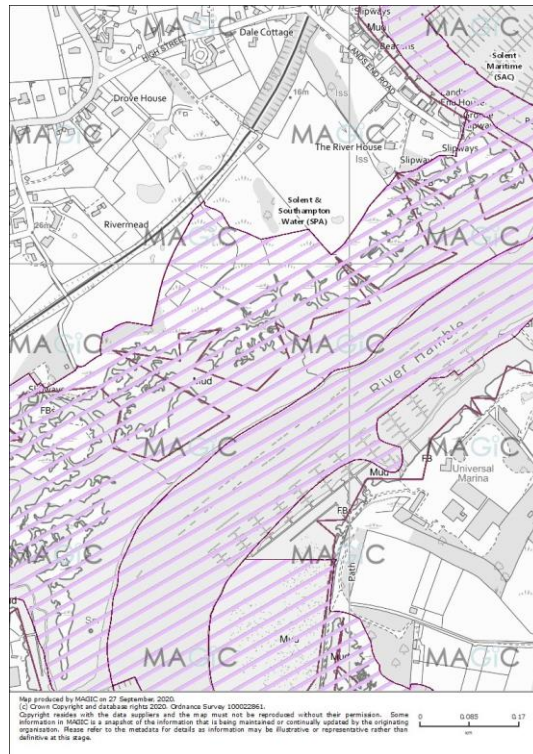
The works are new works so there is no prevention option. Apart from the piles to be replaced (which can be recycled) all materials are new to the works and no waste will be generated on site.

The works therefore comply with the Waste Framework Directive.

7. Protected Areas

The site is within an existing area of high vessel activity. It is not within or near a MCZ (whether designated, proposed or recommended).

SAC – Solent Maritime (UK0030059). The primary reasons for designation of this site are Estuaries, Spartina swards and Atlantic salt meadows. There are no Spartina swards or Atlantic salt meadows within the works area so there will be no negative impact on these habitats. The boundary largely excludes the marinas in the river, but has not been updated at this particular site. There will have no measurable impact on the protected site.

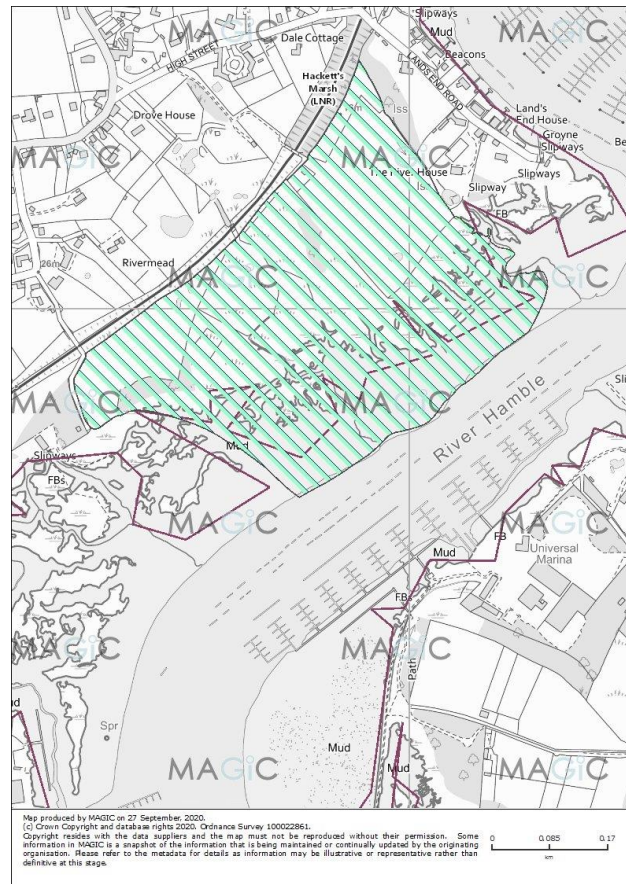


pSPA – Solent and Dorset Coast. This proposed SPA is intended to protect the foraging areas utilised by the Sandwich Tern, Common Tern & Little Tern. The proposed boundaries in this area extend those of the Solent & Southampton Water SPA such that the application site is covered. This pSPA does not currently appear on the MAGIC website but is included here for completeness.

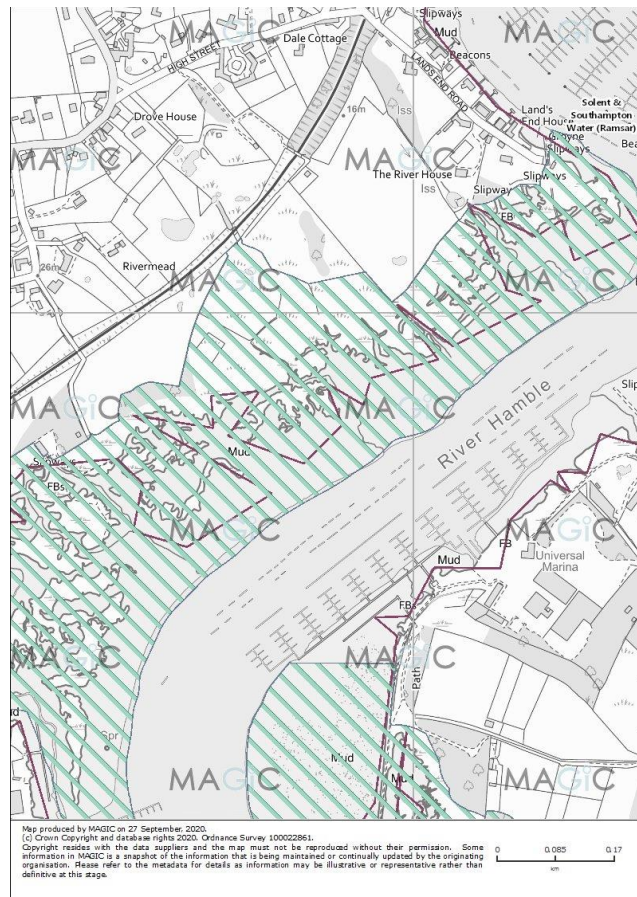
In construction terms the proposed works are within existing areas of high activity. In operational terms there is no difference.

Nearby protected areas –

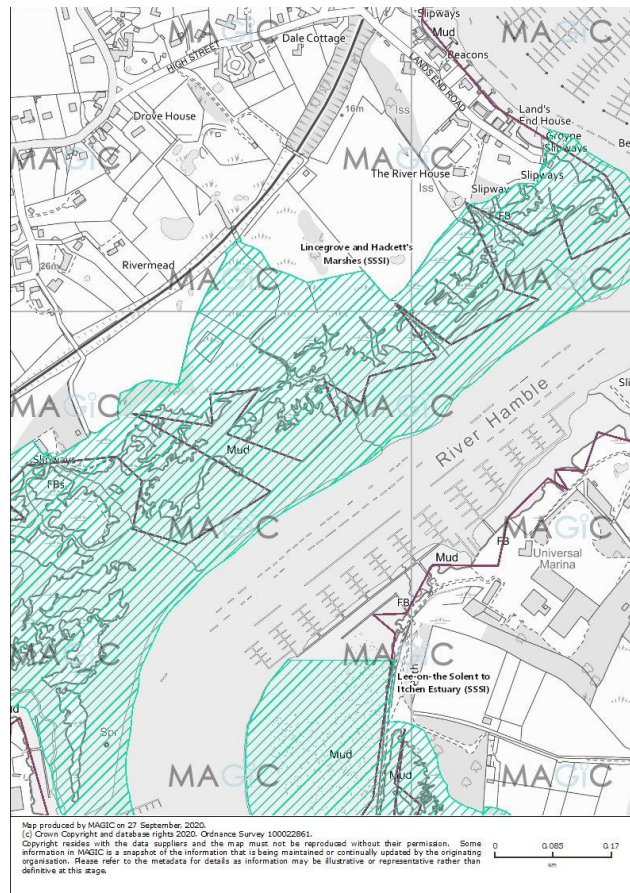
Local Nature Reserve (LNR) – Hackett’s Marsh (1009285). This area is located on the opposite side of the river to the works site. The existing main channel and associated tidal flows mean that the works area is physically separated from the LNR. The reserve is therefore unaffected by the proposed works.



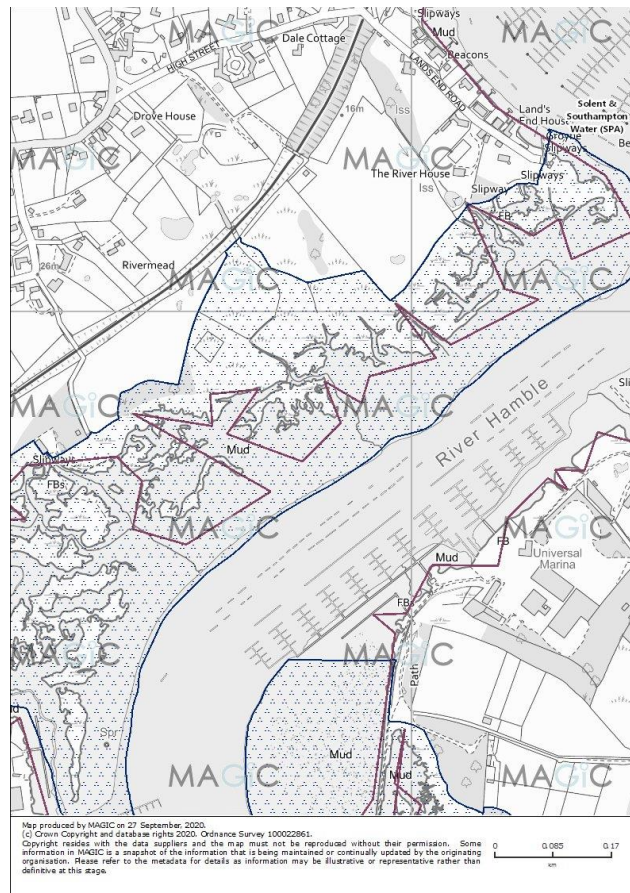
Ramsar – Solent and Southampton Water (UK11063). This has a similar coverage to the LNR and there will be no impact from the proposed works on the protected area.



SSSI – Lincegrove & Hackett’s Marshes (1080733). This also overlays the LNR and similarly the proposed works will have no impact.



SPA – Solent & Southampton Water (UK9011061). This overlays the above sites and is similarly unaffected by the proposal.



Shellfish Waters – Approaches to Southampton Water (36). No possible impact.

Coastal Sensitive Areas – Eutrophic – Hamble Estuary (UKENCA123), nitrate sensitivity. The nature of the works is such that they can have no impact on the level of nitrates.

Best practice is being employed with the use of the most appropriate plant.

WFD Estuarine and Coastal Water Bodies Cycle 2 GB5207040202800 Southampton Water

WFD Habitats – higher sensitivity – saltmarsh (unaffected by the proposed works)

WFD Habitats – lower sensitivity – subtidal soft sediment (unaffected by the proposed works)

8. Background to Water Framework Directive Assessment

The purpose of a Water Framework Directive (WFD) assessment is to determine whether the proposed works will compromise the attainment of a WFD objective or result in the deterioration of the current ecological status of the relevant waterbodies.

The process consists of 3 stages –

Stage 1 – The Screening Stage

This stage is used to identify activities which need to be considered further (i.e. excludes those which do not require further assessment). Activities conducted between 2009-2014 are excluded as they would have been covered by the River Basin Management Plan (RBMP) evidence collection process. This typically applies to maintenance activities including dredging.

Stage 2 – The Scoping Stage

This stage identifies the potential risks to the following receptors:

- Hydromorphology
- Biology – fish habitats
- Biology – fish
- Water quality
- Protected areas

Stage 3 – Impact Assessment

This stage examines whether the activity will have a significant non-temporary effect on each receptor.

9. WFD Assessment

The assessment uses the new (Dec 2016) online EA tables which are reproduced in the following pages.

The Catchment Data Explorer provides data updated 17:09:20.

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

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

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

Activity	Description, notes or more information
Applicant name	<i>John Willment Marine Ltd</i>
Application reference number (where applicable)	<i>n/a</i>
Name of activity	<i>Universal Marina additional berths</i>

Brief description of activity	<i>Installation of berthing pontoons and piles</i>
Location of activity (central point XY coordinates or national grid reference)	<i>449020,108700</i>
Footprint of activity (ha)	<i>4.3 ha</i>
Timings of activity (including start and finish dates)	<i>Dependent upon contractor availability. Works anticipated to take 15-20 weeks.</i>
Extent of activity (for example size, scale frequency, expected volumes of output or discharge)	<i>Works anticipated to be conducted in phases.</i>
Use or release of chemicals (state which ones)	<i>None</i>

Water body¹	Description, notes or more information
WFD water body name	<i>Southampton Water</i>
Water body ID	<i>GB520704202800</i>
River basin district name	<i>South East</i>
Water body type (estuarine or coastal)	<i>Transitional Water (Estuarine in summary table)</i>
Water body total area (ha)	<i>3091.3</i>
Overall water body status (2019)	<i>Moderate</i>
Ecological status	<i>Moderate</i>
Chemical status	<i>Fail</i>
Target water body status and deadline	<i>Moderate by 2015</i>
Hydromorphology status of water body	<i>Supports Good (summary table)</i>
Heavily modified water body and for what use	<i>Yes – navigation, ports & harbours, flood defence</i>
Higher sensitivity habitats present	<i>Yes – saltmarsh – unaffected by proposal</i>
Lower sensitivity habitats present	<i>Yes – subtidal soft sediment – unaffected by proposal</i>
Phytoplankton status	<i>High from summary table</i>
History of harmful algae	<i>No from summary table</i>
WFD protected areas within 2km	<i>Yes</i>

Specific risk to receptors -

Section 1: Hydromorphology

Consider if hydromorphology is at risk from your activity.

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

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

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

Section 2: Biology

Habitats

Consider if habitats are at risk from your activity.

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

Higher sensitivity habitats ²	Lower sensitivity habitats ³
chalk reef	cobbles, gravel and shingle
clam, cockle and oyster beds	intertidal soft sediments like sand and mud
intertidal seagrass	rocky shore
maerl	subtidal boulder fields
mussel beds, including blue and horse mussel	subtidal rocky reef
polychaete reef	subtidal soft sediments like sand and mud
saltmarsh	
subtidal kelp beds	
subtidal seagrass	

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

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

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

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

Fish

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

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

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

Section 3: Water quality

Consider if water quality is at risk from your activity.

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

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

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

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

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

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

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

Section 4: WFD protected areas

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

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

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

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

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

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

Section 5: Invasive non-native species (INNS)

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

Risks of introducing or spreading INNS include:

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

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

Summary

Receptor	Potential risk to receptor?	Note the risk issue(s) for impact assessment
Hydromorphology	Yes	Within an HMWB for same use
Biology: habitats	Yes	Subtidal sediment
Biology: fish	No	
Water quality	No	
Protected areas	Yes	Saltmarsh upstream & downstream of works
Invasive non-native species	No	

10. WFD Impact Assessment & Mitigation

The assessment has identified potential risks to the following:

Hydromorphology -

The works relate to pontoon installation covering some existing moorings. There is no additional risk.

Biology: habitats –

Subtidal habitats cover the whole riverbed. The proposed work that interacts with this is the piling. Such piling is short in duration with significant periods between each pile. This is no different to the maintenance that occurs on the river and significantly less disturbing than the regular dredging that occurs annually on the river. There is therefore no significant impact.

Protected areas -

SAC – Solent Maritime (UK0030059). The primary reasons for designation of this site are Estuaries, Spartina swards and Atlantic salt meadows. There are no Spartina swards or Atlantic salt meadows within the works area so there will be no negative impact on these habitats.

Local Nature Reserve (LNR) – Hackett’s Marsh (1009285). This area is located on the opposite side of the river to the works site. The existing main channel and associated tidal flows mean that the works area is physically separated from the LNR. The reserve is therefore unaffected by the proposed works.

Ramsar – Solent and Southampton Water (UK11063). The works are sufficiently removed from this area and there will be no impact from the proposed works on the protected area.

SSSI – Lincegrove & Hackett’s Marshes (1080733), Lee-on-the-Solent to Itchen Estuary (1000802). This overlays the Ramsar site and similarly the proposed works will have no impact.

SPA – Solent & Southampton Water (UK9011061), This overlays the above sites and is similarly unaffected by the proposal.

Coastal Sensitive Areas – Eutrophic – Hamble Estuary (UKENCA123), nitrate sensitivity. The nature of the works is such that they can have no impact on the level of nitrates.

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

Summary

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

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HAMPSHIRE COUNTY COUNCIL

Report

Committee	River Hamble Harbour Board
Date:	19 March 2021
Title:	River Hamble Asset Register
Report From:	Director of Culture, Communities and Business Services

Contact name: Jason Scott

Tel: 01489 576387

Email: Jason.Scott@hants.gov.uk

Purpose of the Report

1. The purpose of this annual report is to indicate the condition of essential operational assets and possible associated maintenance expenditure to judge whether the Asset Replacement Reserve is being maintained at an adequate level.

Recommendation

2. It is recommended that the River Hamble Harbour Board agrees that this report be taken into account alongside the annual statutory accounts in setting Harbour Dues for 2021/22 at the June Board meeting.

Summary

3. This report confirms the requirement for a continued prudent contribution from revenue to the Asset Replacement Reserve of £35,000. The study continues to show the level of expenditure likely to be required to maintain certain items of infrastructure critical to the delivery of RHHA operational capability to 2050.

Background

4. This report acknowledges that continued good husbandry of assets will assure optimum economic availability. An example is given: Minor works to replace strengthening cross beams on the mid-stream Visitors' Pontoon are in the course of investigation which may extend the facility's safe working life span in a prudent manner. In every case, safety will be the paramount concern. The supporting asset table has been amended as usual to reflect likely replacement elements on current estimates and this underpins the graphs at the Annex to this report.

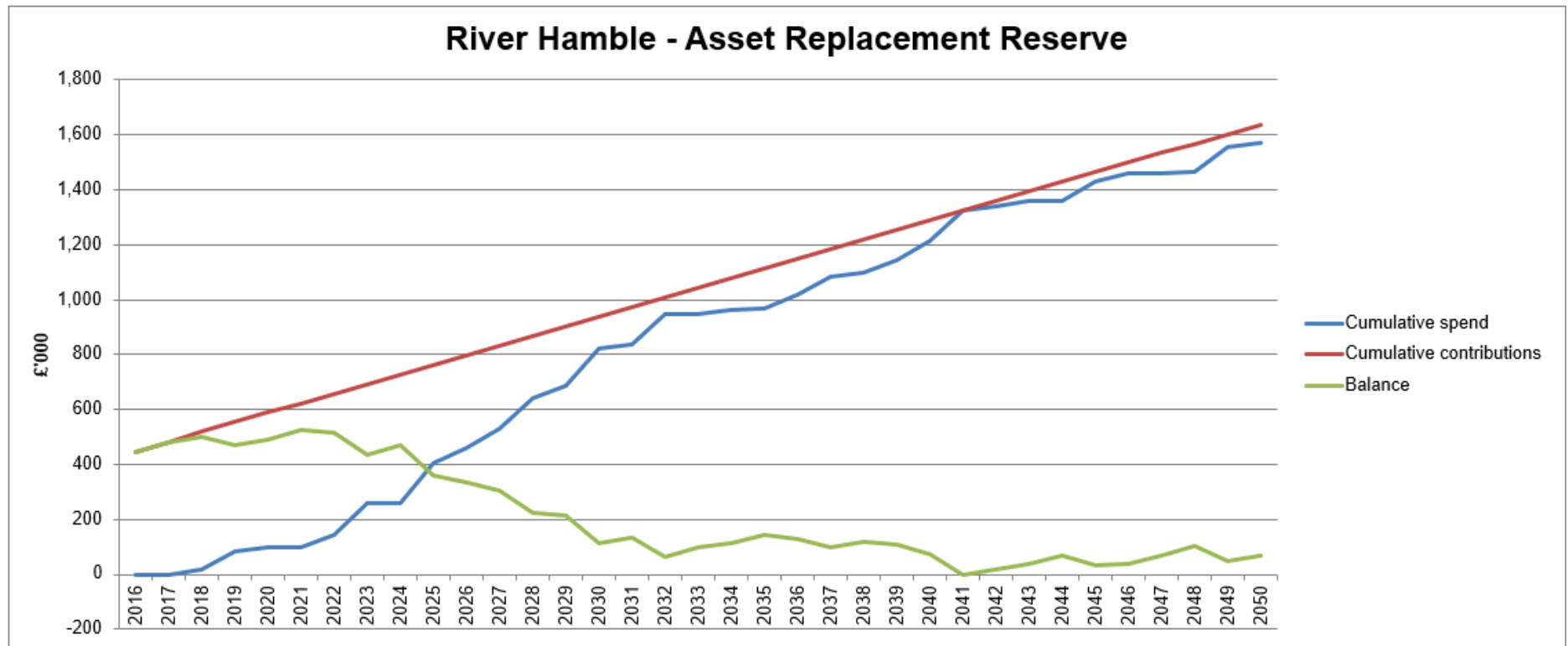
Asset (* Composite Structure)	Year of purchase	Purchase cost £	Initial life expectancy of whole structure (years)	Forecast lifespan of whole structure ¹	Depreciation charge for 2019/20 £	Replacement Cost of whole structure ² £
Marks, beacons, lights, piles & buoys						
Cardinal mark at river entrance – piling only	2000	3,000	30	2030	100	3,500
Superstructure and cardinal top mark	2000	1,000	20	2022 (was 2020)	50	1,500
9 beacons at river entrance, plastic piling	2000	30,000	30	2030	1000	34,500
Sector lights – Hamble Point / Warsash superstructure	1997	30,000	30	2027	1000	40,000
2 sector lights	2006	12,000	15	2023 (2021)	800	12,000
5 port & starboard navigation marks / piles	1977	20,000	45	2022	444	25,000
Maintenance piles – Warsash	2002	33,000	30	2032	1,100	20,000
Maintenance piles – Hamble	1989	15,000	30	2022 (2019)	500	8,000
Maintenance piles – Land's End	1988	15,000	30	2022 (2018)	500	8,000
5 navigation buoys	2006	16,000	20	2026	800	18,000
Navigation lights at harbour entrance	2015	5,068	10	2025	507	5,500
Tide Gauges	2019	1500	15	2034	100	1,500
Total		181,568			6,901	177,500
Bridges, walkways, jetties						
Bridge to Hamble jetty	1988	40,000	40	2028	1,000	50,000
Bridge to Warsash jetty	1990	40,000	40	2030	1,000	50,000

¹ Life end forecast at build. Applies less to composite structures, elements of which are programmed to be replaced on a rolling basis, dependent on husbandry and condition.

² This is the TOTAL replacement cost. Based on current price estimate. Some assets are composite structures. For these, different components will be replaced at different times, depending on their condition. This enables payments to be spread more effectively and optimise asset availability.

Walkway to Warsash jetty	1982	50,000	50	2032	1,000	50,000
10 support piles for Warsash walkway	1982	36,000	50	2032	720	30,000
*Warsash jetty – piling, pontoons, services, lighting etc	2006	170,000	35	2041	4,857	105,000
Warsash connecting pontoon	2016	55,000	35	2051	1,571	55,000
*Hamble jetty – piling, pontoons, services, lighting etc	1991	140,000	35	2026	4,000	110,000
*Fisherman's pontoon / jetty	2006	48,000	20	2026	2,400	55,000
*Visitors' pontoon and piles	2000	60,000	25	2025	2,400	65,000
*River Hamble Country Park Jetty	2014	Est 55,000	25	2039	2,200	55,000
Total		694,000			21,149	625,000
Boats						
*2 patrol boats	2011	40,000	12	2023	3,333	100,000
*RIB	2012	15,000	15	2027	1,000	15,000
Engines ³	2016/7/8	37,500	4	2020/22	9,375	37,500
Total		92,500			13,708	152,500
Service provision						
Replacement Harbour Management System	2020	£45,000	10	2029	4,500	£45,000

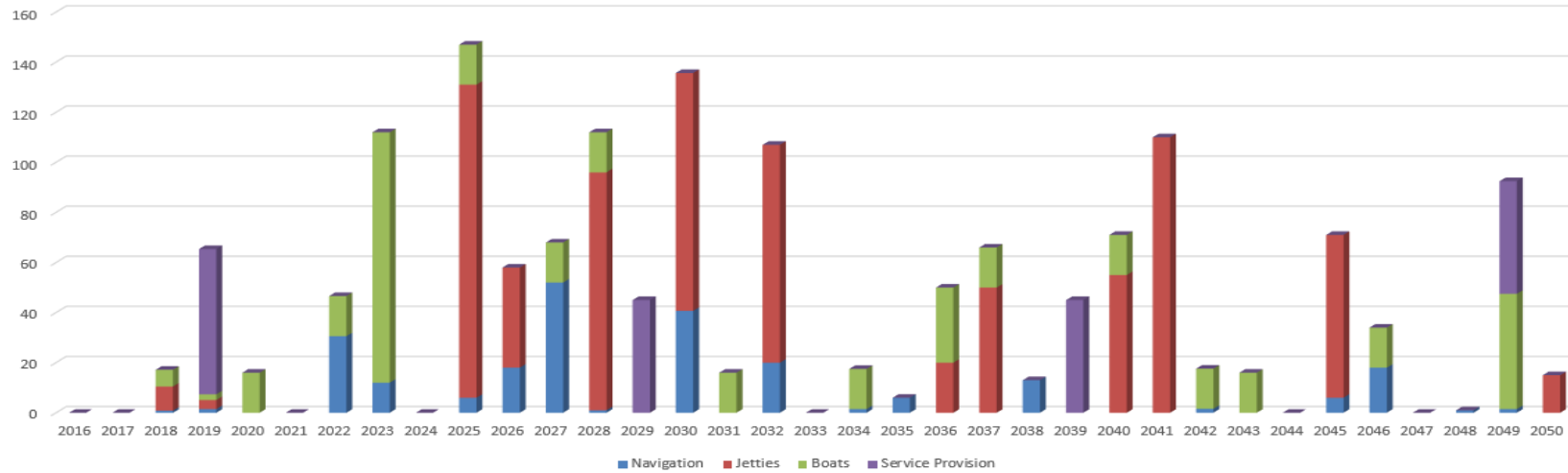
³ Staggered purchases for 5 engines in 3 boats. Trade in or private sale value for each engine of around £2500 (Manufacturer) against new purchase at 4 year intervals.



Notes

1. Amount needed to vary the ARR contribution by to break even at Year 50 - £1972 decrease.
2. Maximum gap in average ARR contribution (amount by which the annual ARR contribution would need to be increased to ensure the Reserve does not move to a deficit in the period up to 2050): £34.
3. Contribution excludes interest earned on balance of reserves.

River Hamble - Asset Replacement Reserve Cumulative Spend



River Hamble - Asset Replacement Reserve Actual / Forecasted Spend V Planned Spend

Type	2019/20			2020/21		
	Planned Spend	Actual Spend	Variance	Planned Spend	Actual / Forecasted Spend	Variance
	£000's	£000's	£000's	£000's	£000's	£000's
Navigation	2	2	0	0	5	5
Jetties	4	4	0	0	0	0

Boats	2	2	0	16	27	11
Service Provision	58	58	0	0	0	0
Total	66	66	0	16	32	16

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

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

Section 100 D - Local Government Act 1972 - background documents

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

Document

Location

None

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

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

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) 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 protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are 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 in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

A full Equalities Impact Assessment for the River Hamble Harbour Authority's compliance with the Port Marine Safety Code (including environmental responsibilities) has been carried out. This report includes an Equalities Impact Assessment within the draft Strategic Plan.

HAMPSHIRE COUNTY COUNCIL

Report

Committee	River Hamble Harbour Board
Date:	19 March 2021
Title:	Annual Review of Business Plan
Report From:	Director of Culture, Communities and Business Services

Contact name: Jason Scott

Tel: 01489 576387

Email: jason.scott@hants.gov.uk

Purpose of the Report

1. The purpose of this report is to set out the strands of the rolling Business Plan which are designed to support the Harbour Authority's Strategic Vision.

Recommendation

2. It is recommended that the River Hamble Harbour Board considers any revisions and additional items for inclusion in the Business Plan Summary.
3. This report covers a review of the River Hamble Harbour Authority's rolling Business Plan.

Review of Business Plan

4. The River Hamble Harbour Authority's rolling Business Plan has been updated and is attached at Appendix 1. The Plan supports the Harbour Authority's Strategic Plan from which the headings of 'Plan Topic' and 'Brief' are derived. There is scope for new or revised objectives to be added to the plan, particularly where they update or replace those objectives which have been completed in full.
5. Members are requested to comment and to recommend potential revisions or additional items for inclusion in the plan.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

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

Section 100 D - Local Government Act 1972 - background documents

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

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EQUALITIES IMPACT ASSESSMENT:

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- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) 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 protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are 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 in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

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

Serial	Priority 1 low 5 high	Plan topic	Brief	Objective	Constraints	Budget	Target completion date	Ownership of project	Review date	Review Notes
1	5	Governance	To support the current governance arrangements, as approved by HCC	Recruit, select and train members of the Harbour Board as required	Availability of selection panel members	Minimal	Ongoing	Marine Director and Harbour Board	Mar-21	Strategic Vision and Plan reviewed 26 Jan 2018 for period 2018-2021. Next Review of plan Jun 21 for period 2021-2024.
2	5	Navigational safety	To comply with the requirements of the Port Marine Safety Code	Repair and maintain Aids to Navigation as required	None	£9000 per annum	Ongoing	DHM/HOM	Mar-21	DP audits 22/01/20 and 18/11/20 – compliant. Letter of compliance sent to the Regulator 08/01/21. Trinity House audit 28/10/20 - good order.
3	5	Environment	To discharge responsibilities under Habitats Regulations and other relevant environmental legislation	Provide and maintain Tier 1 Oil Spill response equipment, meeting the appropriate legislative requirements. Produce and review an Oil Spill Plan for MCA approval			Ongoing	DHM/HOM and Environment and Development Manager	Mar-21	Ongoing. Routine 2020 Ports & Harbours Annual Return Form returned to the Regulator 7 Jan 21.
4	5	Environment	To discharge responsibilities under Habitats Regulations and other relevant environmental legislation	Provide adequate storage facilities for oil spill response and emergency equipment				Marine Director and HCC	Mar-21	Storage contract in Stone Pier Yard renewed 01/02/19.
5	4	Environment	To discharge responsibilities under Habitats Regulations and other relevant environmental legislation	To work with the Highways Agency, Environment Agency and Hampshire Fire and Rescue to seek ways of reducing the risk of pollution from bridges across the River	Funding	Not known	Ongoing	MD and Environment and Development Manager	Mar-21	Notification from Highways England Oct 20 that initiative would not be included in 'Smart Motorways' project. Letter sent from Harbour Board to Highways England 12 Jan.
6	4	Environment	To discharge responsibilities under Habitats Regulations and other relevant environmental legislation	Conduct desk-top study to assess feasibility of beneficial re-use of dredged material on saltmarsh		£25000	Complete	Environment and Development Manager	Ongoing	Member of Solent BUDS Project Technical Group. Providing local assistance with two 3 rd party saltmarsh restoration research projects 2020-2022.
7	4	Environment	To discharge responsibilities under Habitats Regulations and other relevant environmental legislation	To ensure that all staff are trained and exercised in oil spill response	Major exercise required every 3 years	Up to £8000 per annum, depending on training and exercise requirements	Ongoing. Next major exercise 2022	DHM/HOM, and Environment and Development Manager	Mar-21	Contract with Adler and Allen renewed July 2019. Three-yearly Oil Spill Exercise 01/10/20. Lessons incorporated.
8	1	Environment	To discharge responsibilities under Habitats Regulations and other relevant environmental legislation	To identify and provide partial funding for environmental research projects which are deemed to be of net benefit to the harbour	Maximum of two projects per academic year	£5000 per annum	Ongoing	Environment and Development Manager	Mar-21	Continued support to Blue Marine Foundation/Portsmouth Univ. Solent Oyster Restoration Project. Support to 2 two 3 rd party saltmarsh restoration research projects 2020-2022.
9	3	Public relations and communications	To enhance the public perception of the Harbour Authority	Broad involvement in and representation at relevant local committees. Programme of HM Presentations. Annual Forum to disseminate information to key river users and commercial interests.		£500	Ongoing	MD	Mar-21	AF WSC 16 Mar 2020 cancelled owing to COVID restrictions. Annual report published online.

Serial	Priority 1 low 5 high	Plan topic	Brief	Objective	Constraints	Budget	Target completion date	Ownership of project	Review date	Review Notes
10	3	Public relations and communications	To enhance the public perception of the Harbour Authority	To ensure that RHHA input to the River Hamble Directory is relevant and accurate	Editorial control rests with River Hamble Combined Clubs	£2,000	Complete for 2020	Harbour Office staff and Scene-Media	Jan-21	Updates completed for publication
11	3	Public relations and communications	To enhance the public perception of the Harbour Authority	Optimise Web Site and Social Media use to land messages	Nil	None budgeted – potential income generator	Ongoing	Marine Director	Mar-21	Ongoing
12	5	Crown Estate	To maintain a productive relationship with The Crown Estate	Fulfil the terms of the Moorings Management Agreement with the Crown Estate	Moorings Management Agreement	Income generator	Annual and ongoing	Marine Director, DHM/HOM, Moorings Manager	Mar-25	Management Agreement Contract in place from 31 Mar 2020 until Mar 2025.
13	2	Enhancement of economic benefits	Where possible, to seek opportunities to enhance the economic benefits of the harbour	To encourage the use of Harbour Authority facilities for events, rallies and regattas	Requires advertising and promotion on website and Hamble Directory	None budgeted - potential income generator	Ongoing	Harbour Board and Marine Director	Mar-21	Rally and regatta pre-booking arrangements in use. River Hamble River Games postponement pending change in COVID regulations.
14	3	Enhancement of well-being and enjoyment	Where possible, to seek opportunities for all harbour users to enjoy the benefits of the harbour	To seek to enhance the experience of those who use the River by improving access, both on and off the water To keep abreast of developments in County and Borough Council Policy, local initiatives and events, in order to enable and facilitate their safe and efficient delivery within the constraints of the Port Marine Safety Code.	Funding Staff resource	From Asset Enhancement Reserve	Ongoing	Harbour Board and Marine Director	Mar-21	Remaining alive to and facilitating opportunities for enjoyment and development. Supporting the proper authorities in delivery of policy objectives within the bounds of own existing resource. Board discussion on Harbour Dues required to fund beyond AER.
15	5	Planning and consents	To provide a clear and effective works consent process	All works consents applications dealt with in a reasonable timescale, taking into account safety and environmental factors	Port Marine Safety Code and relevant legislation	Income generator	Ongoing	Environment and Development Manager	Mar-21	Ongoing
16	4	Planning and consents	To provide a clear and effective harbour works consent process	Provide professional pre-application advice	Availability of officials from other consenting bodies	£500 per annum for room hire	Ongoing	Environment and Development Manager	Mar-21	Response provided to 3 rd party consultations. 1 to 1 advice meetings regularly held. Consents Advisory Panel meets as required.
17	4	Consultation	To respond to ideas and suggestions put forward by harbour users and other interested parties and consult with them when appropriate	Conduct formal consultations with interested parties when appropriate, using on-line methods whenever possible		None at present	Ongoing	Marine Director	Mar-21	Discussions with Hamble PC reported on separately
Serial	Priority 1 low 5 high	Plan topic	Brief	Objective	Constraints	Budget	Target completion date	Ownership of project	Review date	Review Notes

18	3	Visitors	To encourage the provision of appropriate facilities for visiting yachtsmen.	Provide assistance and local information to visiting yachtsmen	None	Minimal	Ongoing	All staff	Mar-21	Continuous, including contributions to local pilot books, directories and guidebooks. Website development work. Revised signage and Visitors' Guide issued June 2020.
19	4	Policy	To ensure that the opinions of the Harbour Authority are taken into account when Government policies on ports, harbours and the marine environment are under consideration	Respond to all relevant Government consultations and attend appropriate conferences, workshops and meetings		Travel costs for meetings etc	Ongoing	Marine Director	Mar-21	Staff attended various UKHMA, BPA, SASHMA and Solent Forum meetings and workshops, together with environmental and marine planning events. HM UKHMA representative on DfT TEP Steering Group. HM chair of SEMS from 2020.
20	2	Future trends	To respond appropriately to new trends in recreational boating	Monitor trends in recreational boating and propose appropriate responses		None budgeted	Ongoing	Marine Director	Mar-21	Monitoring paddleboarding and jet packs (powered by jet-skis). New paddleboarding signage installed 2020
21	5	Financial	To maintain and manage the harbour cost-effectively and within available resources	Plan and implement annual budget	Hampshire County Council financial regulations	£27,000 (Service Level Agreement with County Treasurer)	Ongoing	Marine Director and County Treasurer	Mar-21	2021/22 forward budget approved by Harbour Board Jan 2021.
22	3	Financial	To maintain and manage the harbour cost-effectively and within available resources	Maximise income through effective collection of Harbour Dues	Requires co-operation of yards and clubs	Income generator	Ongoing	Marine Director	Mar-21	Combined work with Marina and Boatyard Operators to collect Dry-Stack Harbour Dues.
23	4	Staff	To employ and retain well-motivated, properly trained staff	Recruit high quality staff, and provide and encourage training and personal development		Core business	Ongoing	All line managers	Mar-21	
24	4	Staff	To employ and retain well-motivated, properly trained staff	Adhere to principles of Investors in People (IiP)		Core business	Ongoing	All line managers	Mar-21	Ongoing. Make use of HCC Valuing Performance protocols
25	3	Staff	To provide appropriate training for Management Committee and Harbour Board members	Organise training events for Members as required	Availability of Members	Core business	Ongoing	Marine Director and Members	Mar-21	Ongoing training after each Man Cttee meeting. Bespoke induction packages.
26	4	Equalities and accessibility	To ensure compliance with all equalities and accessibility legislation	Ensure that equalities and accessibility are taken into account in all activities and decisions	Equalities legislation	Core business	Ongoing	Marine Director	Mar-21	Equality central to planning processes as directed by the updated Strategic Vision Paper.

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	River Hamble Harbour Board
Date:	19 March 2021
Title:	Forward Plan for Future Meetings
Report From:	Director of Culture, Communities and Business Services

Contact name: Jason Scott

Tel: 01489 576387

Email: Jason.Scott@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to set 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.

Recommendation

2. That the report be noted.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

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

Section 100 D - Local Government Act 1972 - background documents

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

Document

None

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

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

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) 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 protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are 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 in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

An EIA is not required as no negative impacts are anticipated.

Management Committee Date	Agenda Item	Harbour Board Date
5 March 2021	<ul style="list-style-type: none"> • Marine Director and Harbour Master's Report and Current Issues • Environmental Update • Harbour Works Consent (if applicable) • Forward Plan for Future Meetings • Asset Register Review • Annual Review of Business Plan Briefing (Man Cttee only) 	19 March 2021
4 June	<ul style="list-style-type: none"> • Marine Director and Harbour Master's Report and Current Issues • Environmental Update • Harbour Works Consent (if applicable) • River Hamble Final Accounts 2020/21 • Review of Harbour Dues • Proceedings of the Annual Forum • Forward Plan for Future Meetings • Annual Familiarisation Boat Trip 	9 July
10 September	<ul style="list-style-type: none"> • Marine Director and Harbour Master's Report and Current Issues • Environmental Update • Forward Plan for Future Meetings • Briefing (Man Cttee only) 	8 October
3 December	<ul style="list-style-type: none"> • Marine Director and Harbour Master's Report and Current Issues • Environmental Update • Harbour Works Consent (if applicable) • Forward Plan for Future Meetings 	7 January
11 March	<ul style="list-style-type: none"> • Marine Director and Harbour Master's Report and Current Issues • Environmental Update • Harbour Works Consent (if applicable) • River Hamble 2021/22 Forecast Outturn and 2022/23 Forward Budget • Review of Fees and Charges • Forward Plan for Future Meetings 	1 April