

## HAMPSHIRE COUNTY COUNCIL

### Report

<b>Committee:</b>	River Hamble Harbour Management Committee
<b>Date:</b>	7 June 2019
<b>Title:</b>	Harbour Works Consent Application – Installation of a Hoist Dock Pontoon at Universal Marina
<b>Report From:</b>	Director of Culture, Communities and Business Services

Contact name: Jason Scott or Alison Fowler

Tel: 01489 576387      Email: [jason.scott@hants.gov.uk](mailto:jason.scott@hants.gov.uk)  
[alison.fowler@hants.gov.uk](mailto:alison.fowler@hants.gov.uk)

#### **Purpose of this Report**

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

#### **Recommendations**

2. That the River Hamble Harbour Management Committee recommends to the River Hamble Harbour Board to approve Harbour Works Consent for the proposal set out in paragraph 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 5.
  - b. The applicant should ensure that only coatings and treatments that are suitable for use in the marine environment are used in accordance with best environmental practice. All reasonable precautions will be undertaken to ensure no pollutants enter the waterbody.
  - c. The applicant should ensure that all equipment, temporary structures, waste and/or debris associated with the licensed activities is removed upon completion of the licensed activities.
  - d. The development must be completed within 3 years from the date of the approval granted by the Harbour Board.

## **Executive Summary**

3. This report seeks to:
  - set out an application for Harbour Works Consent made by John Willment Marine Limited (via its agent Lymington Technical Services) for the installation of a hoist dock pontoon at Universal Marina, Crableck Lane, Sarisbury Green, SO31 7ZN.
  - Consider the impacts of the proposal on safety and ease of navigation and on the environment of the Hamble Estuary, both during construction and once operational.

## **Project Description**

4. The proposal is for the installation of a landing pontoon to improve vessel launching efficiency from the hoist dock.
5. The following documents have been provided by the applicant to support this application, and reference must be made to these for a full understanding of the proposal (see Appendix 1a & 1b):
  - Drawing No. 10584/44B dated Feb 2019.
  - Supporting Statement

## **Harbour Authority's Responsibilities**

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

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

9. As a Section 28G Authority under the Wildlife and Countryside Act 1981 (as amended), the RHHA has a duty to take reasonable steps, consistent with the proper exercise of the Authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.
10. Under the Natural Environment and Rural Communities Act 2006, all public bodies, which include the Harbour Authority as statutory undertakers, have a duty to have regard, so far as is consistent with the proper exercise of their functions, to the purpose of conserving biodiversity.
11. All public bodies such as RHHA are required to make all authorisation and enforcement decisions which are likely to affect the marine areas in accordance with the South Inshore and Offshore Marine Plan which was published in July 2018 by the Marine Management Organisation (MMO). The plan provides a policy framework to shape and inform decisions over how the marine environment is developed, protected and improved over the next 20 years.
12. The Harbour Authority addresses its responsibilities under the environmental regulations through consultation with Hampshire County Council, the Local Borough Councils, the Department for Environment, Food and Rural Affairs, Natural England and the Environment Agency. Additional consultation is undertaken with other organisations as relevant. Specific issues relevant to this particular application are covered within the sections below.

## **Consultation**

13. Subsequent to receipt of the application for Harbour Works Consent the following actions were taken:
  - Project details and plans entered on the Harbour Authority's webpage for the online viewing of applications at <https://www.hants.gov.uk/thingstodo/riverhamble/workapplication>
  - The plans and details of the application were made available in the Harbour Office for inspection by members of the public.
  - Notification email sent to all members of the River Hamble Harbour Management Committee and the River Hamble Harbour Board of the proposed development.
  - Email sent to registered interested parties and to members of the Hamble Estuary Partnership informing them of the application and requesting any written comments by the deadline.
  - Direct liaison with the Natural England.

## **Responses to Consultation**

14. Natural England's (NE) statutory response raised no objection to the proposed development. NE advised that it can be concluded that the application will not have a significant effect on any Special Area of Conservation, Special Protection Area or Ramsar site, either individually or in combination with other plans or projects. Also, that is not likely to damage the interest features for which the Site of Special Scientific Interest has been notified. NE recommended that environment best practice be adhered to and its suggested advice notes are included in the Recommendations (section 2).
15. One response was received as a result of the Harbour Authority's public consultation, from Curdrige Parish Council which resolved 'do not object'.
16. 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**

17. 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.
18. This proposal has obtained planning permission from Fareham Borough Council and is exempt from a Marine Licence from the Marine Management Organisation). Issues pertaining to their policies and regulations should be addressed with the appropriate organisation.
19. The proposed pontoon arrangement is intended to improve the efficiency of the Marina's launch and recovery facility and is situated within an enclosed area of waterspace to riverward of the existing hoist dock facility. It does not impinge on traffic in the adjacent area. There are therefore no concerns from the perspective of navigational safety.
20. The proposal lies just within the boundary of the Solent Maritime Special Area of Conservation (SAC) and the Solent and Dorset potential Special Protection Area (pSPA). It is sited 180 metres outside the boundary of the Solent & Southampton Water Special Protection Area (SPA), the Solent and Southampton Water Ramsar site, and both the Lee-on-the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI) and Lincegrove and Hackett's SSSI.

21. No dredging of sub-tidal or inter-tidal habitat is required for this development, and the pontoon will remain afloat at all states of the tide. No piling operations are required to install the pontoon.
22. The ongoing activities resulting from the development (i.e. vessel movement and berthing) are consistent with those already associated with the site and surrounding areas of the Hamble.
23. Natural England's (NE) consultation response is summarised in Section 14, with no concerns raised with regard to the impacts on the designated nature conservation sites. NE is satisfied that RHHA may grant consent for the proposal,
24. If the River Hamble Harbour Board decides to grant permission for this application, it would be adhering to its responsibilities under environmental legislation.

### **Strategic Vision**

25. 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.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

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

**Section 100 D - Local Government Act 1972 - background documents**

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

Document

Location

None

## **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.