

MARINA PROJECTS LTD: FILE NOTE

Highfield's Jetty

RHHA Harbour Works Application

Document Ref No:	Revision	Prepared by:	Approved by:	Date:
MP276-FN-07	A	AB	MW	10/03/2022

1. INTRODUCTION

Highfield is a private property located on the Eastern Bank on the River Hamble just upstream of the A27 road bridge at Swanwick, enjoying a link to the River Hamble as a result of land ownership extending to the High-Water Mark. Drawing MP276-00-A-001 demonstrates the site location in the context of the River Hamble.

In March 2020 the current owners undertook to utilise the assessed extents of their land ownership to install a small 'Jetty'¹ over an area of hard standing with the works completed manually by the owners themselves. In December 2020 a visit to the property was completed by Fareham Borough Council (FBC) Planning to review the works, which identified issues including the works being sited beyond the curtilage of the property. As the development was deemed to have taken place beyond the curtilage for the property there are no provision within the Town and Country Planning (General Permitted Development) Order 2015 and therefore the Applicant was advised that planning permission was necessary for the retention of the hardstanding.

The Applicant subsequently approached Marina Projects Ltd for advice, who reviewed the project in conjunction with the River Hamble Harbour Authority (RHHA) and identified that in addition to the planning requirement, approximately 2.5m of the Jetty was sited beyond the Mean High Water ownership boundary and as a result required a Marine Licence from the Marine Management Organisation (MMO), Crown Estate Consent and RHHA Harbour Works Consent.

¹ The term 'Jetty' was applied to the timber structure by Fareham Borough Council following a site visit and used in subsequent correspondence to the Applicant. For consistency the consent applications reflect this terminology to ensure consistency and ease of reference/correspondence.

In correspondence with the RHHA's Environment and Development Manager the matter was discussed, with an approach agreed that saw the Applicant seeking retrospective planning permission from FBC, then a Marine Licence from the MMO, following which RHHA would be able to receive and consider a Harbour Works Consent application.

Between April 2021 and today the Planning and MMO Licences processes have been progressed and completed with approvals in place. This File Note is established to summarise and consolidate the key information and facilitate submission of the RHHA Harbour Works Consent application in time for the June 2022 Management Committee and July 2022 Board Meeting.

2. APPLICANT'S SCHEME

In outline terms, the scheme submitted to RHHA for Harbour Works Licence consideration is a consolidation of the original works plus a modest scheme of enhancement that was developed to satisfy the Fareham Borough Council Ecologist during the Planning process. To align with RHHA's request for a consolidated application the key details as ratified during the Planning process are extracted below.

2.1 JETTY

The Jetty is formed of an 11.15m long by 2.64m wide level section, with a further 3.26m forming a ramp into the water. Drawings MP276-00-A-200 and MP276-00-A300 that accompany this report demonstrate the placement and dimensions of the Jetty in the context of the site position. The total area of the Jetty's footprint is 38m², however the majority of this is sited within the existing hardstanding area.

The Jetty is formed of railway sleepers measuring 2.64m long, 24mm wide and 15mm deep laid upon a levelled hardcore bed. As such the Jetty is raised above the existing level by approx. 20mm. Each sleeper is bolted and secured to the next and as such the structure is self-supporting and held in position by its own weight.

In summary the structure acts as a small slipway but as noted the term Jetty has been previously applied and maintained throughout this application.

2.2 ENHANCEMENT

The Applicant initially proposed a modest, one-off scheme of environmentally sensitive clean-up of the intertidal creek to remove debris and litter, with a view to

improving the status of the creek area. Following a review by Fathom Ecology Limited, this has been enhanced to include an additional element involving a small-scale saltmarsh restoration scheme to reduce erosion, encourage sedimentation and improve the chance of colonisation by saltmarsh plants going forward.

The proposed saltmarsh restoration scheme is by way of placing coir rolls (which we understand have previously been deployed elsewhere on the River Hamble) and low-profile wicker fencing by hand around the edges of the low and mid marsh saltmarsh on site, with the work to be completed by trained Ecologists. Associated with the Enhancement is ongoing ecological monitoring 12 months after establishment, with results submitted to the LPA no later than 18 months from the date of installation. The Applicant also proposes that lessons learnt from any successes or failures of the restoration efforts would be written up and given to RHHA to inform future efforts elsewhere within the estuary.

It is recognised that the proposed scheme of enhancement sits on or immediately adjacent to the RHHA lease area, however we are not seeking to extract the area on which the enhancements sit from the RHHA's Crown Estate land lease.

Drawing MP276-00-A201 outlines the proposed positions for the enhancements.

3. ECOLOGY

A review of the site designations identifies that the position of the Jetty is located within the "*River Hamble Mudflats & Saltmarsh – 2*" Site of Importance for Nature Conservation (SINC). It is also adjacent to (and possibly located partially within) the Solent & Dorset Coast SPA depending on the identified alignment of the Jetty in relation to the Mean High-Water mark and is approximately 80m from the Solent Maritime SAC.

Through mapping of the relevant layers on Defra's MaGlc Map system the following habitats are also of consideration;

- Priority Habitat Inventory - Coastal Saltmarsh (England)
- Priority Habitat Inventory - Mudflats (England)

It is of note that whilst the Saltmarsh mapping polygon is of reference it does not appear to align with the site in context, especially at the landward boundary where the saltmarsh line is drawn with coverage of a significant proportion of the property's Lower Garden. A

similar note must be applied to the Intertidal Soft Sediment polygon, which does not appear to extend all the way to the high-water mark in the creek.

Mapping of the Ecological features is provided as Annex A & B, with information as presented on Hamble River view and Defra's Magic Map. The information provided in relation to the SINC on Fareham Borough Council's Adopted Policies Map is shown in Figure 3-1. Matters regarding the SPA, SAC and Priority Habitat will be assessed at statutory national level, whereas responsibility for the SINC sits with the Local Authority- in this case Fareham Borough Council.

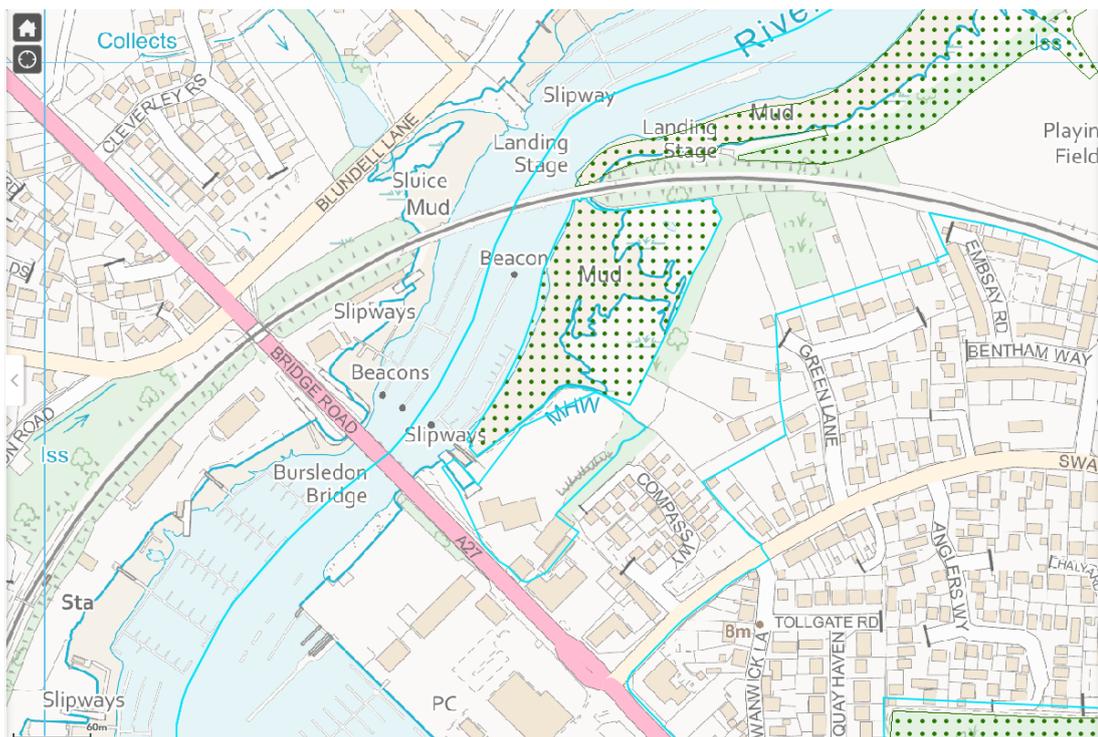


Figure 3-1 SINC designation at the Highfield Site - (Fareham Borough Council Adopted Policies Map 2015)

4. FAREHAM BOROUGH COUNCIL PLANNING

Marina Projects submitted the application to FBC Planning on 16th April 2021, with a decision for approval made on 15th October 2021. The extended duration of the planning process was not as a result of complexities or issues with the application itself, but as a result of other pressures and cases within FBC Planning. Recognising this the Applicant and Agent agreed to each request from FBC to extend the target determination date to ensure the case could continue to proceed.

Further information and context related to the FBC Planning process is provided as Annex C to this File Note, however based on the Statutory Consultation responses and application information provided the Planning Officer was able to undertake an HRA

Screening Matrix and Appropriate Assessment which concluded that '*the development would not have a likely Significant Effect on the Solent and Southampton Water SPA and RAMSAR, Solent Maritime SAC and Dorset Coast SPA, alone or in-combination with other plans/projects*', with a determination for approval of the Jetty Retention and proposed Enhancements subsequently made under Officer delegated powers on 13th October 2021.

5. MARINE LICENCE

Following FBC Planning approval Marina Projects Ltd were subsequently instructed by the Applicant to pursue the MMO Marine Licence, following the established sequence of consenting that had previously been agreed with the RHHA.

Marina Projects submitted the MMO application on 2nd November 2021, with the application detail directly aligned to the awarded planning permission. The MMO completed consultation on the application on 21st January 2022, with approval subsequently issued via Marine Licence on 1st February 2022.

The MMO received the following Consultee responses of note:

- Natural England, who confirmed that 'Natural England advises that providing the works are carried out in strict accordance with the details of the application submitted, it can be excluded that the application will have a significant effect on any SAC, SPA or Ramsar site, either individually or in combination with other plans or projects. Therefore it is our view that an Appropriate Assessment of the implications of this proposal on the site's conservation objectives should not be required.'
- Environment Agency: No Objection.
The requirement for a Flood Risk Activity Permit or exemption would be required, but that this could be dis-applied where a Marine Licence is granted for the works. This will be followed up on completion of the Harbour Works Consent process
- Crown Estate: Advised that the CE is affected in part but that the Managing Agent for the Area is in contact with the Applicant's representative

There was No comment or "No Objection" from

- Maritime Coastguard Agency
- Trinity House (who also confirmed no marking conditions required)
- RYA

- MOD, Defence Estates Safeguarding
- MMO Coastal Offices & MCT – South Marine Area
- Historic England

We understand that whilst the MMO did not undertake their own Appropriate Assessment following Natural England's guidance they did choose to adopt the HRA Screening Matrix and Appropriate Assessment undertaken by FBC Planning.

6. CROWN ESTATE LAND OWNERSHIP

The Applicant's Agent has remained in contact with the Crown Estate Agent throughout the consents process, with the preferred approach being to discuss the Crown Estate Licence element once all other consents are obtained.

7. HARBOUR WORKS LICENCE SPECIFIC MATTERS

Following determination and issue of the FBC Planning Consent and MMO Marine Licence the Applicant is now seeking to secure a Harbour Works Licence from the RHHA to retain the Jetty and install the scheme of Enhancement. To assist with this process the following, additional information that is specific to RHHA matters is relevant for consideration;

7.1 NAVIGATION

The Jetty itself is a low-lying feature situated at the very edge of the river across the Mean High-Water mark and so is only accessible from the river over the high water period. This, in addition to the location being at the head of a small creek means that the Jetty structure will not pose any risk to navigating craft, including paddleboard or kayaks.

The Applicant's intended use is to facilitate access to and from the river for his family to utilise small paddle craft such as stand-up paddleboards and so would not be for public or wider use, although use by others in an emergency would obviously be afforded. Only being suitable for use around high-water and the setting means that users have excellent visibility to enter the River with no perceived undue navigational risks.

Looking to the future the Jetty could foreseeably be used for a small, powered day craft, however the nature and characteristic of the site will naturally constrain the

size and type. There is no facility or ability to store a powered vessel at the site and any activity from the Jetty would be restricted by the tidal access to only be around the high-water period. As such, it is considered that the presence of the Jetty will result in minimal new activity at the site beyond what could currently be generated.

As shown in the drawing MP276-00-A-201 submitted in support of this application the wicker fencing is to be installed along the very edge of the existing saltmarsh within the creek and so away from any navigable waters. Whilst the very tops of the wicker fencing and the supporting posts may be visible upto and over the mean high water period we do not foresee this element introducing a risk to navigation of any craft currently in use on the river.

Drawing MP276-00-A-201 also indicates the proposed locations of these coir rolls based on the Ecologist's advice, with the positions identified typically immediately adjacent to the existing edge of the saltmarsh. The riverward position in drawing MP276-00-A-201 could be considered to introduce a very low risk to paddle craft navigating along the edge of the saltmarsh at high water when the coir roll and stakes would be submerged and so we would be happy to review the exact placement with the RHHA to minimise any risk.

The proposed Coir rolls can be sourced in a range of dimensions, with a typical provider like Salix offering standard sizes of 3.0m long by 0.2m diameter or 3.0m long by 0.3m diameter, although any length is available by special order. Coir rolls are normally restrained in position through lashings to small timber stakes to prevent movement, similar to the setup indicated in Figure 7-1.



Figure 7-1 Typical Coir Roll installation

Assuming the coir rolls and wicker fencing are placed tightly to the saltmarsh edge we do not consider there to be a need for signage or other warning indicators as this would be disproportionate and may lead to unnecessary visual impacts. Should the installation positions agreed with the RHHA be slightly away from the marsh edge the RHHA may require placement of low-key signage to minimise the risk to paddle craft navigating across the high-water period.

In any event, the coir rolls and wicker fencing will be visible through the majority of the tidal cycle, excluding the high-water period itself.

7.2 CLEAN UP

The 'light touch' clean up recommended by Natural England is designed to remove the easily collected man made debris and litter from the creek adjacent to the property, but is to be considered a one-off exercise and not a recurring activity. The Applicant has requested that the Agent make clear to the RHHA that litter and debris is an ongoing issue in this section of the river, with river borne material often collecting in the creek where the situation is compounded by debris (such as PPE, materials and equipment) entering the creek from the boatyard immediately adjacent the property and jetty site.

Whilst willing to undertake a clean-up activity the Applicant is keen to ensure it does not become an ongoing obligation and would welcome attempts by the RHHA to prevent this debris entering the creek at source, where it is possible to do so.

7.3 LAND OWNERSHIP

It is acknowledged that approximately 2.5m of the Jetty is below MHW and so we understand it to be within the RHHA lease of Crown Estate Land. As part of this application, we would seek RHHA's permission to work with the Crown Estate Agent to extract the applicable area from the RHHA's lease to allow the Applicant and Crown Estate to determine their own arrangement directly. The remaining area of Jetty is wholly within the site boundary of the Highfield property and so is not considered to need addressing under land ownership matters.

It is also acknowledged that the proposed locations for the coir rolls and wicker fencing are highly likely to be within the RHHA lease area, as a result of the requirement to place them along the boundary of the intertidal and saltmarsh

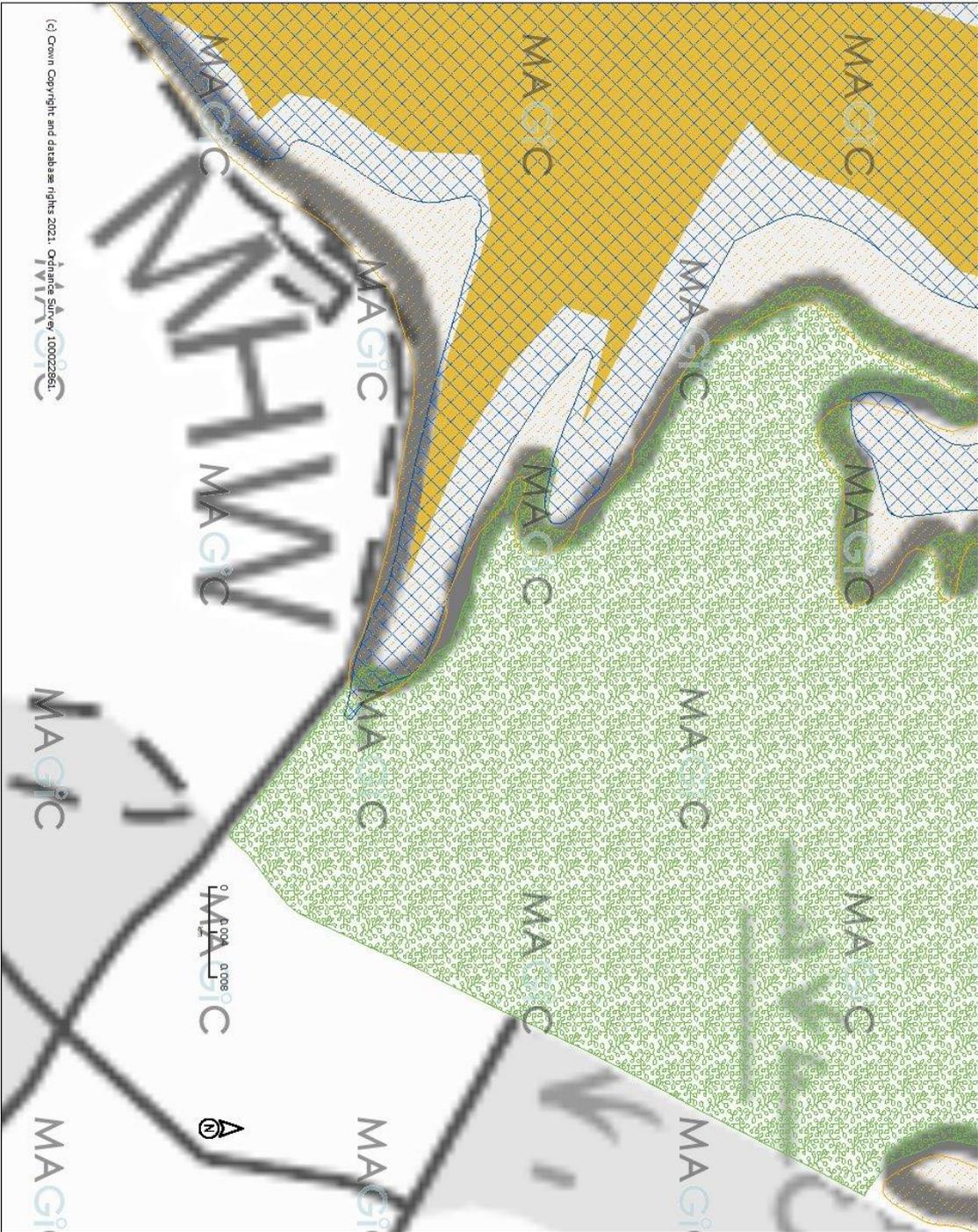
areas. We would therefore propose that these areas should remain under the RHHA lease, but perhaps with a permission or agreement between RHHA and the Applicant for the Enhancements to be installed and maintained in line with the Fathom Ecology Ltd PEA. We would therefore welcome RHHA's views and recommendations of this aspect

Marina Projects Ltd
10/03/2022

8. ANNEX A – MAGIC MAP DESIGNATIONS

MAGiC

Magic Map



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Legend

- Special Protection Areas (Marine Components GB)
- Classified
- Potential
- Coastal Sensitive Areas - Eutrophic (England)
- Saltmarsh (A2.5) (England)
- Intertidal Soft Sediment (Sand Mud & Mixed A2.2, A2.3, A2.4) (England)

Projection = OSGRS36
 xmin = 449300
 xmin = 449300
 ymin = 109700
 ymin = 109800

Map produced by MAGiC on 6 April, 2021.
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9. ANNEX B – HAMBLE RIVER VIEW DESIGNATIONS



10. ANNEX C – FBC PLANNING PROCESS

We are aware that RHHA was initially consulted by FBC on the application, but that subsequent information in respect of the additional steps, HRA and enhancement proposals were not shared. As such, a brief summary of the process and findings of the FBC case are provided here for context and reference.

Natural England were consulted by FBC and confirmed in their formal consultation response that they had No Objection based on the plans submitted. Based on the request to retain the Jetty, Natural England did recommend consideration of the following, which was acknowledged and accepted by the Applicant;

Photographs within the Applicants planning application (Document Ref: MP276-R-01) appear to display a large amount of manmade debris and rubbish littering priority habitats within the wider site. Clean up of these materials could be considered as compensation if it was done in an environmentally sensitive way (e.g. collected using a boat / diver survey not using a vehicle).

In addition, statutory consultation was undertaken with the FBC Ecologist who, despite reference to the NE advice ultimately requested that an ecology assessment and appropriate mitigation and enhancement strategy was provided, with this subsequently undertaken by Fathom Ecology Limited under a Preliminary Environmental Assessment report heading.

The PEA found that;

'...whilst it was clear that some small-scale loss of habitat has occurred beneath the jetty, this is considered to be negligible in relation to the area of the intertidal zone of the Hamble Estuary. The magnitude of the effect is therefore considered to be low. The species observed are widely dispersed across the Hamble estuary and throughout the Solent. Taking these factors into account, the impact of the small-scale loss from the jetty to the intertidal mudflats and saltmarsh is considered to be minor adverse.'

The PEA also confirmed that despite this finding and Natural England's conclusion it is acknowledged that significant effects to the European Protected Sites can never truly be ruled out and as such it was considered appropriate to consider a scheme to mitigate, restore and enhance the intertidal habitat at the site, against which the outline proposals for the 'Enhancement' described in Section 2.2 of this Note was developed.

Following review of the Fathom Ecology PEA by FBC's Ecologist the following response was provided;

The submitted Intertidal Walkover Survey report by FATHOM ECOLOGY LIMITED (July 2021) is thorough and written to a high professional standards and therefore I am satisfied that by implementing the measures included within Section 4.4 of this report, the impacts on the SINCR, Priority Habitats and internationally designated sites would be minimised. I am also satisfied that as requested, the approximate location of the proposed coir rolls and wicker fencing has been shown on a plan. Therefore, if you were minded to grant permission, I suggest that the below condition is added to the decision notice:

- Development shall proceed in accordance with the measures detailed within Section 4.4. 'Mitigation' of the approved Intertidal Walkover Survey report by FATHOM ECOLOGY LIMITED (July 2021). Thereafter, the wicker fencing and coir rolls shall be retained in perpetuity, with the results of the monitoring works submitted to the LPA no later than 18 months from the date of the installation of the coir rolls. Reason: to ensure the protection of the designated sites and Priority Habitats*

The scope and scale of the scheme of Enhancement is therefore a direct result of the FBC Ecologist's requirements based on their review of the application as submitted.