

HAMPSHIRE COUNTY COUNCIL

Report

Committee	River Hamble Harbour Board
Date:	7 October 2022
Title:	Harbour Works Consent Application - Minor rearrangement of walkway pontoon and installation of two finger pontoons at Prince Philip Yacht Haven
Report From:	Director of Culture, Communities and Business Services

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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 Board approve Harbour Works Consent for the proposal set out in paragraph 5 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. A minimum of 7 days advance notice confirming the start of the works must be given to the Harbour Master in order that the Notice to River Users can be issued.
 - c. 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.
 - d. 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.
 - e. 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 Royal Southern Yacht Club (via its agent Lymington Technical Services) for the minor rearrangement of a walkway pontoon and the installation of two finger pontoons at the Prince Philip Yacht Haven, Hamble, SO31 4HB.
 - 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 minor rearrangement of a walkway pontoon and the installation of two finger pontoons within the facility's existing mooring area. This will require the relocation of one pile and complete removal of another pile. The existing walkway is used to moor vessels, but when relocated as proposed it will provide access only. The two proposed new finger pontoons will replace the lost moorings, resulting in no increase in berth numbers.
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 & 1c):
 - Drawing reference '*DWG 10907/1A. April 2022, Existing & Proposed Layouts*'
 - *Supporting Document* reference '*10907 Rpt1a June 2022*'
 - Environmental information document '*Environmental information to inform any required Habitats Regulations Assessment by the Competent Authority*', reference '*Document 10907 Rpt 2a June 2022*'.

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 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.
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 Process

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/worksapplication>
 - 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 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.

Responses to Consultation

14. Natural England's statutory response raised no objection to the proposed development.
15. One response was received as a result of the Harbour Authority's public consultation. It stated no objection to this application.
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 also requires permissions from other authorities. Applications submitted to the Local Planning Authority and to the Marine Management Organisation have both been approved. Issues pertaining to their policies and regulations should be addressed with the appropriate organisation.
19. The proposed structure is on land currently within RHHA's riverbed lease from The Crown Estate. The Crown Estate is content and, under standard protocols, is in the process of granting the Club an extraction from the Harbour Authority's Crown Lease.
20. The development is a sensible and minor reconfiguration of the existing Yacht Haven. The movement, through 90 degrees of a pontoon will have positive effects on mariners' entrance to and egress from the facility. The effect will be to spread the traffic over three access points rather than the existing two and those for whom entrance from the North previously required three right-angle turns will, under the new configuration, require two turns. No practical difference in terms of visibility will be experienced by those leaving the marina and joining the Main Channel as general visibility is satisfactory. While the current configuration affords good separation between pontoons at the Northern extent of the Haven and the adjacent Fuel berth at Port Hamble, it can reasonably be argued that traffic at that point will reduce, simply because other vessels in the central part of the Haven will now enter and depart via a different (the central) access point. No additional

lighting is appropriate. In summary, the Harbour Master agrees with the developer's comments that the new configuration will be an improvement.

Berthing conditions granted to the Club in the Harbour Works' Consent approved in Harbour Board minutes of 26 June 2013 will continue to apply, noting that the upstream configuration will not change. Namely:

- That there shall be a prohibition on double berthing or 'rafting' on the hammerheads of the outer pontoons (i.e. on the main channel side) and on the inshore 10 metres at the upstream end of the inner pontoon which forms the entrance to the complex.
- That the length of individual boats berthed on the upstream finger pontoons of the RAFYC berthing facility shall not exceed the lengths shown in the diagram at paragraph 8.4 (of that note).

21. No dredging of sub-tidal or inter-tidal habitat is required for this development, and the installation of the two piles will be undertaken using vibro piling.
22. The proposal is sited within the Solent Maritime Special Area of Conservation (SAC) and the Solent and Dorset Special Protection Area (SPA) and 150 meters from 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).
23. A Habitats Regulation Assessment (HRA) of the same proposal has been conducted by the Local Planning Authority (LPA), Eastleigh Borough Council, using the supporting information supplied by the applicant. The HRA (Appendix 2) found that the development, by virtue of the piling work, would have potential likely significant effects on the Solent Maritime SAC. The subsequent Appropriate Assessment stated, "*In conclusion, the application will not have a likely significant effect on the protected sites*". RHHA concurs with the LPA's HRA, and has therefore adopted it. RHHA has also concluded that the proposal will have no adverse effect on the integrity of a European Site (Solent Maritime SAC, Solent and Southampton Water SPA/Ramsar or on the Solent and Dorset Coast SPA) either alone or in combination with other plans or projects.
24. Natural England's (NE) consultation response advises that it concurs with the assessment conclusions that the proposal will not result in adverse effects on the integrity of any of the sites in question. NE also advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to damage the interest features for which the SSSI site has been notified.
25. If the River Hamble Harbour Board decides to grant permission for this application, subject to the conditions at paragraph 2, it would be adhering to its responsibilities under environmental legislation.

Strategic Vision

26. 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

- 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.

- 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:

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

3. Climate Change and Carbon Mitigation Impact Assessment

4. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools

provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

5. Climate Change Adaptation. A full assessment of climate change vulnerability was not completed as no related decision is required in respect of this report on a 3rd party's proposal.

6. Carbon Mitigation. A full assessment of carbon mitigation vulnerability was not completed as no related decision is required in respect of this report on a 3rd party's proposal. The contents of this report have no impact on the Harbour Authority's carbon footprint or energy consumption.