REF. NO. F/15/76560

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Installation of 1no. floating pontoon between pile mooring F59 to F62 (made up of 3no.11.46m long pontoons connected together into one structure) F59 - F62 Pontoons near Mercury Marina Hamble River

SITE VISIT - Yes

ARE PLANS ACCURATE? - Yes

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? - Yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	Installation of 3no. 11.46m long pontoon connected together to form 1 structure between existing 4 piles at moorings F59 to F62 on the River Hamble. The pontoon is constructed from galvanized steel frame with hardwood deck supported on concrete floats.
TOPOGRAPHY	On the river
SITE CHARACTERISTICS	The pontoons would be located between existing piles located within a row of moorings that cannot be accessed directly from the land. There already some pontoons anchored between the piles of these mid-stream moorings. Whilst other moorings allow for vessels only to attach themselves to the pile itself.
CHARACTER OF LOCALITY	Within the mid-stream of the River Hamble, the mooring is located within the administrative boundary of Eastleigh Borough Council. To the north is Mercury Marina, whilst to the west are the salt marshes at Hamble. The application site lies within the Solent Marine SPA.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
None		

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
None	

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Biodiversity	No objection This application is situated within the Solent Martine SAC. However, the additional information submitted details that the pontoons are to be attached to the existing moorings and there will be no impact on the sea floor or shoreline vegetation for which the SAC is designated. Therefore subject to the following conditions I am happy to withdraw my holding

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	objection and have no further concerns regarding the proposals. *All reasonable precautions must be undertaken to ensure no pollutants enter the water-course. The applicant must ensure that any coatings/treatments on the materials used are suitable for use in the marine environment and are used in accordance with best environmental practice.* ***Reason:*** *To avoid contamination of the designated sites and the intertidal environment.* *All equipment and debris associated with the works should be removed from the area within 24 hours of completion of the works* ***Reason****: To minimise adverse environmental impacts on the designated sites.*
Bursledon Parish Council	No objection
Hamble Parish Council	It was resolved to leave the decision to the Officer.
Crown Estate	No response
Environment Agency	No objection Flood defence consent is required We would expect that all works are undertaken following current best practice and with minimum impact on water quality.
Fareham Borough Council	No objection Recommend conditions to prevent pollutants entering the water and removal of equipment/ debris after completion of development.
Hamble Harbour Master	Please note that the proposal will also require Harbour Works Consent (HWC) from the River Hamble Harbour Authority (RHHA) so the detailed opinion of RHHA cannot be confirmed until the Harbour Board has considered the proposal. However, the Harbour Master is able to offer the following comments on the planning application: • The applicant has now provided more detailed plans and a method statement to clarify the proposal. The application is for a long pontoon spanning across the 4 piles. This will comprise 3 sections of pontoon but will result in one continuous length of approximately 36 metres i.e. no gaps between piles. RHHA does not have concern in principle to the concept of a long pontoon in this location, however, during determination of a Harbour Works Consent application, RHHA will consider the proposed number of vessels to be moored at this location as well as potential limits on the beam of such boats to ensure no adverse impact on navigational safety. • The application implies the existing piles will remain in place with no piles being added, removed or moved from their current locations. The Crown Estate, who own the piles, has recently undertaken a survey of the structural condition of the piles. It intends to replace piles 59 to 62 inclusive, which are nearer the end of their lifespan, as part of its pile replacement programme scheduled for Spring 2016. The two projects must be co-ordinated to ensure that the new pontoon arrangement can be sufficiently supported by the new piles. RHHA will add a condition to any HWC that any piles nearing the end of their

REF. NO. F/15/76560

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	useable life be replaced prior to, or in conjunction with, the pontoon installation. • Matters relating to the safe installation of the pontoons will also be conditioned in any permission granted by RHHA.
Marine Maritime Organisation	Please can you inform the applicant that they may require a licence under the Marine and Coastal Access Act (2009), especially considering the type of works involved in this project. They should be directed to the Marine Management Organisation (MMO) web site to consider a requirement.
Natural England	<u>No objection</u> We can confirm that the proposed site lies within the Solent Maritime SAC. The proposed works are located in proximity to the Solent and Southampton Water SPA and Ramsar site, and the Lee-on-the-Solent to Itchen Estuary SSSI. It is our view that, either alone or in combination with other plans or projects, this proposal would not be likely to have a significant effect on the above international sites. Therefore the proposed development does not require an Appropriate Assessment and the permission may be granted. We also do not believe that this project will have an adverse effect upon the interest features of the SSSI site listed above. This decision is based on the following measures being included as suitably worded conditions upon the planning consent: <u>Condition 1</u> In accordance with Environment Agency guidelines, all reasonable precautions are undertaken to ensure no pollutants enter the water-course. Ensure that any coatings/treatments on the materials used are suitable for use in the marine environment and are used in accordance with best environmental practice. Reason: To avoid contamination of the designated sites and the marine environment. <u>Condition 2</u> All equipment and debris associated with the works should be removed from the area within 24 hours upon completion of the works. Reason: To minimise adverse environmental impacts on the designated sites and the marine environment.
Planning Policy and Design	The site lies outside the urban edge, within the river corridor. The site lies within the Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar and within a SSSI. The proposal is to install floating pontoons between moorings south of Mercury Marina which are located mid-river at Mercury Yacht Marina. The site lies outside of the mooring restriction areas. The consultation goes through local and national polices relevant to the planning application. The proposals relate to facilities for recreational sailing and as such they

REF. NO. F/15/76560

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	are acceptable in principle subject to the impact on nature conservation and navigational safety. The advice of Natural England, the Environment Agency and the River Hamble Harbour Authority should be sought in relation to impacts on nature conservation, water quality, fisheries, navigational safety, and other potential impacts on the river's environment.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Outside Built-up Area Boundary Within River Corridor Within Site of Nature Conservation Interest

DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S

Eastleigh Borough Local Plan Review (2001-2011), saved policies: 1.CO, 18.CO, 39.ES, 59.BE & 156.OS

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014: S9, S10 & S11 (the Submitted Local Plan) comprising:

- Revised Pre-submission Eastleigh Borough Local Plan 2011 - 2029, published February 2014; and
- Schedule of Proposed Minor Changes, submitted to the Secretary of State in July 2014'

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF seeks to protect and enhance valued landscapes (para. 109), protect the undeveloped coast (para. 114), and minimise impacts on biodiversity (para. 117).

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to

COMMENT ON CONSULTATION RESPONSES

Noted

COMMENT ON REPRESENTATIONS RECEIVED

N/A

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

REF. NO. F/15/76560

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

- 1.CO - development in the countryside - enables development for recreational use provided structures do not harm the character of the locality.
- 18.CO – looks to refuse developments that fail to respect, or have an adverse impact on, the intrinsic character of the landscape.
- 25.NC – looks to refuse developments that adversely affect a habitat or feature of importance for wild fauna or flora.
- 39.ES – river corridors – indicates that development in these areas will be refused if it adversely affects scenic, ecological or historic interest, or has a detrimental impact on the regime of a water-course.
- 59.BE - requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting.
- 155.OS – limits the number of new moorings on the River Hamble.
- 156.OS - permits pontoons where they are in existing boatyards or within built up area of river frontage and do not impede the movement of craft on the river.

ASSESSMENT

The proposal is considered to comply with these criteria in that;

- The site of the proposed pontoon is down river from Mercury Marina, and would be seen in its context with Universal Marina, a built up river frontage, and would not undermine the landscape value and character of this section of the River Hamble. Similar pontoons are already in situ along these midstream moorings and the provision of this pontoon would mirror that provided elsewhere. The scheme is considered to comply with saved policies 1.CO, 18.CO, 39.ES (ii), 59.BE (i), 156.OS of the adopted Eastleigh Borough Local Plan (2001-2011).
- The pontoon would be within an existing area used for the mooring of vessels and the provision of it neither would increase the number of moorings on the river nor would it jeopardise the safe use and ease of navigation of the river. It will improve safety for those moored at these moorings as they will have safe access on to a pontoon rather than in to a tender. The scheme accords with saved policies 39.ES (vi), 155.OS or 156.OS of the adopted Eastleigh Borough Local Plan (2001-2011).
- The fixing of the pontoon to the existing piles will not require any construction work that impacts on the river bed, the water regime or the quality of the river. Although within and adjacent to an area of national and international nature conservation importance, subject to the advisory notes provided by Natural England and the Harbour Master, the scheme would not cause harm to the biodiversity value of the river or wider nature conservation designations. The scheme accords with saved policies 24.NC, 32.ES and 39.ES of the adopted Eastleigh Borough Local Plan (2001-2011).

OTHER MATERIAL CONSIDERATIONS

Also of relevance is the Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014. While not yet adopted it does carry weight by virtue of being intended as the current local plan's replacement.

With regards to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

CONCLUSIONS

The recommendation is to Permit