REF. NO. F/14/75637

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Installation of 1no. floating pontoon between piles G44 & G45 Pile Mooring G44-G45 River Hamble Hamble-Le-Rice Southampton

SITE VISIT - Yes

ARE PLANS ACCURATE? - Yes

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? - Yes

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	Installation of a pontoon measuring 12m x 2m (15m long including the chains) between existing piles at M25 & M26 on the River Hamble. The pontoon is constructed from wood with a galvanized steel frame. The pontoon is supported by floatation devices.
SITE CHARACTERISTICS	The pontoon will be positioned between two existing piles located within one of a series of rows of mooring. Pontoons have been added to a number of the nearby moorings. The pile moorings are not attached to the land and are accessed via tender.
CHARACTER OF LOCALITY	Within the mid-stream of the River Hamble, up river from Port Hamble Marina. The mooring is located just within the administrative boundary of Eastleigh Borough Council.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
N/A		

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
None	

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Bursledon Parish Council	Objection on the grounds of concerns regarding urbanisation, local small users continued access and safety.
Hamble Parish Council	The Council resolved to leave the decision to the Officers.
Biodiversity (Hampshire County Council)	No Objection The floating pontoon is situated within the Solent Martine SAC and is one of a number of new pontoons within the locality. However in this case as the existing piles are being used there will not be an impact on the sea bed or shoreline vegetation for which the SAC is designated. A Habitat Regulations Assessment is therefore not required.

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	I recommend that Eastleigh Borough Council ensure that conditions required by Natural England are attached to any permission granted and that construction noise is kept to a minimum to ensure no disturbance to the Solent and Southampton Water SPA.
Crown Estate	No objection - provided all other necessary consents are obtained.
Fareham Borough Council	No objection
Harbour Master	No objection The applicant has been in discussion with the River Hamble Harbour Authority (RHHA) regarding this proposal and is aware he must apply separately for RHHA permission. The Harbour Master has no navigational safety or environmental impact concerns regarding this planning application. The site is within the Solent Maritime SAC site. There are already similar pontoons in place at adjacent moorings. Matters relating to the safe installation of the pontoon will be conditioned in any permission granted by RHHA. All such moorings must have a gap of between 1.5 metres and 3 metres between each pile and the end of the pontoon. The pontoon width should be similar to that of adjacent pontoons, up to a maximum of 1.8 / 2 metres. These points 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). Therefore please can they submit a licence enquiry via the Marine Licensing web portal below so we can inform them to whether a marine licence is required or not. The licence enquiry link is on the left hand side of the webpage.
Natural England	No objection We can confirm that the proposed works lie within the Solent Maritime SAC and in proximity to the Solent and Southampton Water SPA and Ramsar site and the Lee-on-the-Solent to Itchen Estuary SSSI. The Conservation of Habitats and Species Regulations 2010 (as amended) Section 28I of the Wildlife and Countryside Act 1981 (as amended) 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 pontoon being installed between the existing piles and thereby requiring no works to the sea bed and the following measures being included as suitably worded conditions upon the planning consent:

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	Condition 1 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 intertidal environment. Condition 2 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.
Environment Agency	Flood Defence Consent The river Hamble is designated as a 'main river'. Normally, any works undertaken within 8 m of Main River require Flood Defence Consent from us. However in agreement with the River Hamble Harbour Authority (RHHA) certain small scale low risks work can be carried out under permission of the RHHA. As no additional pilling is to occur we are satisfied for this to be covered under the RHHA permission. Water Framework Directive Assessment Having viewed the application details and supporting documents, we are satisfied that the risk to water quality and Water Framework Directive (WFD) compliance is low. The proposed works are located within the Southampton Water transitional WFD water body. We have assessed this proposal against the “no deterioration” requirements of the WFD, which included an assessment of the proposed works and the potential for impacts on the status of WFD quality elements, specific pollutants, priority substances and protected areas (e.g. Shellfish Waters). Our conclusion is that the works are unlikely to have a significant impact on the current status of the waterbody. Pollution Prevention Guidance We would expect that all works are undertaken following current best practice and with minimum impact on water quality. We would advise the applicant to adhere to our Pollution Prevention Guidance (PPG) 5 for works in or near watercourses. In the event of a pollution incident, all works should cease immediately and the we should be contacted via the incident hotline 0800 807060

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Outside Built-up Area Boundary Within Solent Maritime - Site of Nature Conservation

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

Eastleigh Borough Local Plan Review (2001-2011): 1.CO (countryside), 18.CO (landscape character), 25.NC (nature conservation), 32.ES (pollution), 39.ES (river corridors) & 156.OS (new pontoons).

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014: S1, S10, S11, DM1 & DM34.

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework

POLICY COMMENTARY

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

COMMENT ON CONSULTATION RESPONSES

Comments are noted and appropriate conditions will be applied.

COMMENT ON REPRESENTATIONS RECEIVED

None

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."*

Policy 59.BE of the Local Plan 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. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

ASSESSMENT

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

- The site of the proposed pontoon is located within one of a series of rows of pile moorings. Similar pontoons are already in situ along these midstream moorings and the provision of this pontoon would mirror that provided elsewhere. The positioning of the pontoon would be seen in its context of moored boats, within a slightly more built up part of the river and as such would not undermine the landscape value and character of the River Hamble. The scheme is considered to comply with saved policies 18.CO, 39.ES (ii), 59.BE (i) and 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 its provision would neither increase the number of moorings on the river nor would it

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

jeopardise the safe use and ease of navigation of the river. Indeed, 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 conditions recommended by Natural England, the scheme would not cause harm to the biodiversity value of the river or wider nature conservation designations. The scheme accords with saved policies 21.NC to 25.NC, 32.ES and 39.ES of the adopted Eastleigh Borough Local Plan (2001-2011). The proposal is not considered to result in a likely significant impact on a European Protected site (SPA,SAC or Ramsar) and HRA (Habitat Regulations Assessment) screening was not required for this development.

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

Recommend Permit