REF. NO. F/16/78538

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Installation of floating pontoon between piles G53 & G54 Piles G53 and G54 River Hamble

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 a floating pontoon measuring 15m length by 1.9m width between existing piles G53 & G54on the River Hamble.
SITE CHARACTERISTICS	The pontoon is located between two existing piles within the outer of three rows of moorings on the Eastleigh Side of the River Hamble. The mooring cannot be accessed directly from the land. There are a number of similar sized pontoons anchored between the piles of these mid-stream moorings, whilst some of the berths 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. Mercury Marina is located just upstream on the western river bank.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
F/16/78239	Installation of floating pontoon between piles G60-G61	Permitted 2016
F/16/78230	Installation of floating pontoon between piles G58 & G59	Permitted 2016

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
None	

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Harbour Master	No objection Thank you for your consultation of 6th June on the above planning application for a 15 x 1.9 metre pontoon. 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

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	Maritime SAC site. There are already similar pontoons in place at adjacent moorings. 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 2 metres. The dimensions of this proposal satisfies these requirements. Matters relating to the safe installation of the pontoon will be conditioned in any permission granted by RHHA.
Marine Management Organisation	We would normally advise that a pontoon will certainly need either a licence or an exemption notification from the MMO and we don't appear to have a Mr Anthony Burt registered. In this case, we would suggest you advise them to contact the check the MMO web site and specially the exemptions section.
Natural England	<u>No objection</u> 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.
Ecology	This development is set within the Solent Maritime SAC. I would agree with Natural England's comments that provided there is no contamination of the Solent within the construction process, or due to the coatings used there should be no impact on the SAC. I would value to the opportunity to strengthen Natural England's first condition to ensure adequate polution safeguards. *In accordance with Environment Agency guidelines, all reasonable precautions are undertaken to ensure no pollutants enter the water-course. These precautions will be submitted in the form of a Construction Environment Management Plan (CEMP) which should include safeguards to ensure:* • *No materials, chemicals or fuel should be stored on the foreshore*

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	• *All coatings/treatments on the materials used are suitable for use in the marine environment and are used in accordance with best environmental practice.* • *Working practices do not disturb sensitive marine habitats either on the foreshore or in channel.* ***Reason:*** *To avoid contamination of the designated sites and the marine environment.* Providing this condition and condition 2 recommended by Natural England are attached to any permission granted I have no objection to permission being granted.
Hamble Parish Council	It was resolved the Parish Council of Hamble-le-Rice is content for the decision to be made by a Planning Officer via delegated
Fareham Borough Council	No objection
Environment Agency, Crown Estates, Natural England	No response from these organisations. However, these organisations have not previously objected to similar planning applications within this area. Natural England's standard conditions will be imposed i.e. <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 intertidal environment. <u>Condition 2:</u> All equipment and debris associated with the works should be removed from the area upon completion of the works and the area returned to its previous condition. Reason: To avoid detrimental impact via contaminants on any of the interest features.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Outside Built-up Area Boundary Within HRA screening area Within River Corridor Within the Solent Maritime 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 (countryside), 21.NC – 25,NC (nature conservation), 32.ES (pollution), 39.ES (river corridors), 155.OS (moorings limit) & 156.OS (new pontoons),

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014: S10, S11, DM1, DM9 & DM34

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

(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 GUIDANCE

National Planning Policy Framework

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

The proposal is to add a pontoon to the existing pile moorings and as such requires no works to the sea bed. As such a condition requiring the submission of a full Construction Environment Management Plan is considered too onerous. Instead Natural England's conditions will be applied.

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.

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

- The site of the proposed pontoon is close to an existing marina and many similar pontoons are already in situ along these midstream moorings. The pontoon would mirror those provided close by and its positioning is outside of the mooring restriction area and is not considered to 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 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).

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ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

- 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 comments of the Harbour Master and conditions of the Environment Agency, 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).

OTHER MATERIAL CONSIDERATIONS

Reference needs to be made to the submitted Eastleigh Borough Local plan 2011-2029 July 2014. However, very little weight can be given to these policies as, although the Submission Local Plan has not been formally withdrawn, the Council has confirmed that it has decided to prepare a new local plan which will cover the period up to 2036. With regard 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