

DELEGATED OFFICER REPORT

Application Ref: F/22/93225

Site Address: Pontoon between piles G62-G63 on the Hamble River, SO31 4HQ

Case Officer: Alex Webb

Description: Installation of a single pontoon up to 12M in length between piles G62 and G63 on the west side of the River Hamble near to Mercury Marina

Particular Site Constraints?	Yes ☒	No ☐
Nature Conservation - NE - SSSI Impact Risk Zones, Solent and Dorset Coast Special Protection Area, Solent Maritime Special Area of Conservation, HRA Screening Criteria (River, SAC, SPA, Ramsar) Solent Mitigation & Disturbance Zone Aviation safeguarding Airport Safeguarding Zone Article 4 Directions - DIRECTION under Article 4 restricting the use of land by Hovercraft.		

Planning History?	Yes ☐	No ☒

Publicity:	Letters ☐	Site Notice ☐	Newspaper ☐
Representations:	None		
Parish Council:	No response		
Ecology	The application area is within the Solent Maritime SAC and Solent and Dorset Coast SPA and in proximity to the Solent and Southampton Water SPA and Ramsar site (approximately 70m at the closest point). I do not have any significant concerns regarding this application. The two piles to which the floating pontoon will be attached are already in place therefore piling will not be required and there will be no direct loss of SAC habitat. The piles are already currently used for moorings and are situated amongst several other existing piles and pontoons. Disturbance (visual and noise) impacts on the SPAs and Ramsar Site during installation of the pontoon are a consideration, however, this is likely to be of a short duration, and it is anticipated that the nature of the operation will not be out of place within the existing day-to-day anthropogenic activity of the marina and estuary, with no noisy machinery being required. The submitted plan showing the Walkway General Arrangement, Walcon, 8.10.92, may have provided information relating to these matters but unfortunately it is illegible in places as the quality of the copy is not good. Shading impacts during the operational phase are considered unlikely to have a significant effect on estuary habitat of the SAC as the pontoon is 2m in width (11.5m in length) with its length orientated in a north-south direction. Additionally, this is a dynamic estuarine system where turbidity is high. A small area of tern foraging habitat (approximately 22m²) of the Solent and Dorset Coast SPA will be lost and must be acknowledged, but this is such a small area (situated amongst existing moorings and pontoons) relative to the overall size of the SPA, that it could be concluded that this is unlikely to have a significant effect on the site's integrity.		

	Natural England may identify other points of concern which will need to be addressed. An HRA will be required but I would anticipate that unlikely significant effects on the integrity of the sites would be concluded.
Natural England	Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection
Fareham Borough Council	No objection
Environment Agency	No objection
Marine Management	Any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.
River Hamble Harbour Authority	The River Hamble Harbour Authority has no difficulty with the application from the perspective of Navigational Safety. The area in question has the following designations: SSSI, RAMSAR, SAC and SPA. Subject to the approval of the necessary authorities, the Harbour Authority would have no objection to the installation of a single pontoon.

Site Visit:	Yes ☒	No ☐
19/08/2022		

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1, S2 and S5; and Development Management policies DM1, DM2, DM11, DM12, DM14, DM20 and DM35 Supplementary Planning Documents: Quality Places; Character Area Appraisals.

Assessment:
The application site is located within the mid-stream of the River Hamble, the mooring is located just within the administrative boundary of Eastleigh Borough Council. Mercury Marina is located just upstream on the western river bank. The pontoon is located between two existing piles within the outer of three rows of moorings that 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. The proposal is for the installation of a floating pontoon measuring 11.5m(l) x 2m(w) between existing piles G62 & G63 on the River Hamble. The pontoon would be constructed from galvanized steel frame clad in treated wood. The pontoon would be attached to floatation devices constructed from polystyrene and filled with foam. The development is considered acceptable and complies with policies DM1, DM2, DM11, DM12, DM14, DM20 and DM35 from the 2016-2036 local plan, in that: The site of the proposed pontoon is close to an existing marina and 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 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 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, this has been further covered within the Habitats Regulations Assessment which has received a no objection from Natural England. Although within and adjacent to an area of national and international nature conservation importance, subject to the advisory notes, the scheme would not cause harm to the biodiversity value of the river or wider nature conservation designations.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Conclusion: For reasons set out above, the application is recommended for permission, subject to conditions.

Recommendation:	PERMIT ☒	REFUSE ☐
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Comments ...
