

DELEGATED OFFICER REPORT

Application Ref: F/24/98269

Site Address: Upper area of the River Hamble, between piles V23 and V24, opposite Swanwick Marina,

Case Officer: Rachael Morris

Description: Installation of 1no. floating pontoon between piles V23 & V24

Particular Site Constraints?	Yes ☒	No ☐
• Old Bursledon Conservation Area • Old Bursledon Special Policy Area • Special Protection Area • Special Area of Conservation • Countryside		

Planning History?	Yes ☐	No ☒

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	None		
Parish Council:	No Comment		
Ecology:	<u>03/10/2024:</u> I have discussed possible biodiversity enhancements to pontoons with the River Hamble Harbour Authority. They have explained that the pontoons themselves do provide biodiversity enhancement, acting as a home for mussels, invertebrates and algae. They also provide shelter for juvenile fish and large mullet, resting places for turnstones and a platform for oystercatchers to use for breaking open shells. Therefore, we don't need to condition any additional enhancements for this application. <u>02/10/2024:</u> This proposal for fitting a pontoon between 10 and 13.5 m in length is eligible for the de minimis exemption to providing 10% biodiversity net gain. The piles are already in place. The pontoon will cause some shading but should not impact significantly on the full water column or the riverbed as the movement of the sun ensures that only a small shadow will be cast. This is an estuary so turbidity will be fairly high much of the time anyway. I have no ecological objections to this application. A Habitats Regulations Assessment will need to be completed, and some form of biodiversity enhancement will be required, which can be conditioned.		
Environmental Health:	From the Pollution perspective, provided standard pollution control measures (i.e. preventing debris, oils, construction materials entering the watercourse, and ensuring that works are carried out during standard working hours) are implemented during installation and operation, I have no objections to the installation of the floating pontoon between piles V23 and V24.		
Built Heritage Consultant:	The idea is to add a pontoon between these two piles to facilitate the mooring of sailing yachts either side of it. Pontoons of this nature are typically in the order of half a metre or so high above the waterline, so low profile. Their purpose is to give more separation between the boats, ensuring their masts do not engage if rocking due to excessive wash from passing boats and greater safety for those embarking and disembarking from the yachts than directly into a tender. These pontoons are often of a similar length to the boats moored alongside which combined with their low profile means they do not stand out while the boats are in harbour and only a little when un-		

	occupied. In view of the benefits this solution provides there are now many instances of this mean's of mooring boats, as can be seen on the river. <u>Conclusion</u> This is a now a traditional means of 'parking' a boat on the river as evidenced by their frequency which provides some of the advantages of a marina without the rigidity, maintaining some of the truly traditional forms of mooring, more in keeping with the individuality of the river. No objection.
River Hamble Harbour Authority:	The applicant has been in discussion with River Hamble Harbour Authority (RHHA) the regarding this proposal and is aware that they must also apply separately for RHHA permission, as well as to notify The Crown Estate and the Marine Management Organisation. The application documents state a variety of different dimensions for the proposed single pontoon ("between 10 and 13.5 metres in length by between 1.8 to 2.5 metres wide" / "between 10 and 13.5 metres in length with a width between 1.8 and 2 metres" / "12x2m"). Mid-stream pontoons must have a gap of between 1.5 metres and 3 metres between each pile and the end of the pontoon. To clarify, this particular pontoon must be within the dimension range of a maximum of 2 meters in width, and be in the range between 10 meters and 13.5 metres in length to ensure correct fitting of the pontoon between the fixed piles already in place at this mooring. The Harbour Master has no navigational safety or natural environment objections to this planning application subject to the dimension restrictions stated above. There are similar pontoons in place at adjacent moorings. Matters relating to the dimensions and the safe installation of the pontoon will be conditioned in any permission granted by RHHA.
Marine Management Organisation (MMO):	Please be aware that 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. The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants. Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. Applicants should be directed to the MMO's online portal to register for an application for marine licence. A wildlife licence is also required for activities that that would affect a UK or European protected marine species.
Natural England:	No Objection. We can confirm that the proposed works are located within Solent and Dorset Coast Special Protection Area (SPA), and Solent Maritime (SAC) as well as approximately 136m from Solent & Southampton Water Ramsar, Solent & Southampton Water SPA and unit 3 of Lincegrove and Hackett's Marshes Site of Special Scientific Interest (SSSI). Natural England advises that the proposal is unlikely to affect any statutorily protected nature conservation sites providing strict adherence to the method statement provided.

	We advise that the application is unlikely to cause significant damage to a Site of Special Scientific Interest (SSSI)¹, hinder the conservation objectives of a Marine Conservation Zone (MCZ)² or result in a likely significant effect to a Special Area of Conservation (SAC), a Special Protection Area (SPA) or Ramsar site alone or in-combination with other plans and projects. Natural England recommend that the applicant uses best practice measures in order to reduce the risk of impacts on marine habitats by ensuring; • Only coatings and treatments that are suitable for use in the marine environment should be used. • All reasonable precautions must be undertaken to ensure no pollutants enter the waterbody. • All equipment, temporary structures, waste and/or debris associated with the application will be removed upon completion of the works. • Spill kits will be carried where vehicles and machinery are to be used and any spills will be reported. The Applicant should ensure that all necessary biosecurity measures are taken to avoid the introduction and/or spread of INNS. To reduce the risk of introducing or spreading INNS plan all activities, to follow the Check, Clean, Dry procedures at all times.
Fareham Borough Council:	No objection.

Site Visit:	Yes ☒	No ☐
Details: 01/11/2024		

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, S5, S7 and S8; and Development Management policies BU7, DM1, DM11, DM12 and DM35. Supplementary Planning Documents: Quality Places; Character Area Appraisals (BHH 23); Old Bursledon Conservation Area Appraisal and Management Proposals.

Assessment:
The development is considered acceptable and complies with policies BU7, DM1, DM11, DM12 and DM35 from the 2016-2036 local plan, in that: <u>Setting</u> • Piles V23 and V24 are situate toward the southern end of zone 1a in the Old Bursledon Conservation Area Appraisal. This is opposite two listed buildings in a group of three comprising Myrtle Cottage, The Jolly Sailor Public House and Ewers to the north. <u>Principle</u> • The development is located within the Countryside and on the River Hamble, designated as Special Area of Conservation (SAC) (Solent Maritime) and Special Protection Area (SPA) (Solent and Dorset Coast).

- Policy S7 states “On the Borough’s coast, the Borough Council will protect the Natura 2000 and Ramsar designations and recognises the national and international importance of the River Hamble... for recreational sailing and marine-related enterprises that contribute to the local and sub-regional economy and recreational activities. The Council therefore seeks to:...
c) enable the provision of infrastructure related to sailing within the developed frontages of the river, subject to the River Hamble Harbour Authority Strategic Plan and Strategic Vision, whilst protecting more sensitive locations”.
- Policy DM35 states “On the River Hamble:
a) new moorings and replacement or relocation of existing moorings will only be permitted outside the Mooring Restriction Areas shown on the policies map, and subject to the advice of the River Hamble Harbour Authority and in accordance with policy DM11;
b) new jetties, slipways, pontoons, landing stages, steps, walkways, bridges or catwalks, or extensions to such structures, will only be permitted in existing boatyards or within frontages of the river in the urban edge”

Design and impact on the setting

- Regarding part (a) of Policy 35, the site for the proposed pontoon does not lie within the Mooring Restriction Area and the River Hamble Harbour Authority has confirmed that they have no navigational or safety concerns with the proposal, and that it is in a location with similar pontoon moorings.
- Regarding part (b) of Policy DM35, this part of the river is not a designated boatyard and the application site/the adjacent residential area lies outside of the urban edge, therefore the proposals do not comply with this section of the policy. However, it was clear on site that this part of the river is an established boat mooring area with many similar pontoons. Given that no concerns have been raised by the Harbour Authority, the proposal is considered acceptable in principle.
- The proposed pontoon would be sited between two existing piles and would have a similar appearance to a number of other pontoons along this part of the river. It is not considered that the proposal would have any harmful visual impact on the character and appearance of the river or the Bursledon Conservation Area or Special Policy Area and nearby heritage assets. The Council’s Built Heritage Consultant has raised no objection.

Ecological impacts

- The Council’s Ecologist has commented that as the piles are already in place and the only potential ecological impacts could be from potential shading, however this should not significantly impact on the full water column or the riverbed as the movement of the sun ensures that only a small shadow will be cast.
- Biodiversity enhancements were discussed directly with the Harbour Authority who confirmed pontoons themselves provide biodiversity enhancement, acting as a home for mussels, invertebrates and algae. They also provide shelter for juvenile fish and large mullet, resting places for turnstones and a platform for oystercatchers to use for breaking open shells. Therefore, no condition for this is required.
- A HRA screening opinion was also sent to Natural England, who have responded to state a method statement is required. Subject to this, Natural England is satisfied that the proposal would not have an adverse impact on the integrity of the protected river.

Other material considerations

- The development accords with guidance set out in the ‘Quality Places’ SPD in that there will be no unacceptable impact on the amenity of the neighbouring properties in terms of loss of privacy, light or outlook.

- There will be no adverse impact upon trees or other natural features worthy of retention.
- The conflicting measurements submitted within the application, as mentioned by the River Hamble Harbour Authority, has been clarified with the applicant. The correct measurements for the pontoon are 12m in length by 2m in width and would be attached to the piles by heavy duty chains at an approximate separation distance of 2.25m.

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.

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:

Recommendation:

PERMIT ☒

REFUSE ☐

Comments ...