



Marine
Management
Organisation

Decision Report

Fulham Football Club New Riverside Stand

MLA/2012/00102

22 December 2015

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Executive Summary

Purpose of the report

This report documents the Marine Management Organisation's (MMO's) decision on Fulham Football Club's (FFC) application for a marine licence under the Marine and Coastal Access Act 2009 (MCAA) for the proposal to redevelop the Riverside Stand at Craven Cottage, Fulham, London (the Project).

The purpose of this report is to provide an explanation of the proposed Project detail, the analysis of the consultation responses received and to record in full the MMO's conclusions when reaching its licensing decision about the potential impacts to the marine environment as a result of the Project.

Decision

MMO has conducted a comprehensive assessment of the FFC'S application, including extensive consultation with stakeholder organisations and members of the public.

In making its decision the MMO has taken into account all representations including objections from the Royal Yachting Association (RYA), local sailing clubs (LSC) and members of the public.

The MMO considers that the Environmental Statement (ES) that assessed the potential impacts of the proposed Project to be adequate and has deferred to the Local Planning Authority's Environmental Impact Assessment (EIA) consent decision.

The MMO has considered the ES and concluded that licence conditions will be added that will ensure any potential impacts have been suitably mitigated to acceptable levels. Therefore determined that a marine licence (ML) should be granted to FFC. The MMO has also taken its decision in accordance with the Marine Policy Statement (MPS).

1. The Proposal

The Project as described by the applicant in the ES includes:

Craven Cottage is located in the administrative area of the London Borough of Hammersmith and Fulham (LBHF), approximately 1.5km south/south-east of Hammersmith Town Centre and on the bank of the River Thames. It is adjacent to a

residential area with areas of open land and sport pitches on the opposite side of the river. The application site is located largely within the Fulham Reach Conservation Area.

Partial demolition of the Riverside Stand and the western ends of the Putney End and Hammersmith End Stands and removal of two floodlight masts, expansion of the Riverside Stand and development of a new upper tier to provide additional seats with new accommodation including lounges, suites, concession units, toilets and minor works to the riverside ends of the Hammersmith End and Putney End Stands. The proposal includes installation of new seats to create a 30,000 seat capacity stadium; a new extended section of riverside walkway; leisure/retail provision; four residential units; a new roof; a new river wall; a temporary construction platform; and associated landscaping, lighting (including floodlights) and ground works.

The Project site boundary includes the entire Riverside stand and the area immediately in front to the edge of the pitch. The existing stand is single tier, includes 4,689 seats, some existing hospitality space and is very close to the bank of the River Thames. It (the proposed new stand) comprises a steel framed permanent structure with aluminium cladding to the sides and rear and a mono-pitched roof at a height of 17.1 metres Above Ordnance Datum ('AOD') onto the river and 18.2 metres AOD onto the pitch. To the immediate north and south of the stand are two floodlights to a height of approximately 40 metres AOD (to base of luminaires).

2. Environmental Impact Assessment

The MMO determined that an EIA is required in accordance with the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (MWR).

However the MMO is satisfied that an assessment of the potential likely significant effects on the environment of the Project has been carried out by the LBHF as the local planning authority in respect of an application relating to the Project for planning permission under the Town and Country Planning Act 1990.

As such the MMO determined under regulation 10(1)(b)(i) of the MWR that an EIA is not required as the assessment of the effects on the environment have already been assessed by the LBHF and this assessment is sufficient to meet the requirements of the EIA Directive 2011/92/EU in relation to the Project.

3. Consultation

As part of its consideration of the proposal, the MMO consulted the bodies listed below in Table 1. The relevant responses have been detailed within this decision report.

Table 1 - Consultation bodies

Organisation	Remit of consultation
Natural England (NE)	Natural Environment
Port of London Authority (PLA)	Navigation (as the Harbour Authority)
English Heritage (now Historic England) (HE)	Historic Environment
Environment Agency (EA)	Water quality, fish and habitats
Maritime and Coastguard Agency (MCA)	Navigation
Crown Estate (CE)	Land ownership
Hammersmith and Fulham County Council	Landscape (Seascape)
Wandsworth Council	Landscape (Seascape)
MMO Coastal Office	Local area knowledge
Royal Yachting Association (RYA)	Navigational safety for recreation
Centre for Environment, Fisheries and Aquaculture Science (Cefas)	Scientific advisors
Kent & Essex Inshore Fisheries Consultation Authorities (KEIFCA)	Local Fisheries
Trinity House (TH)	Lighting requirements

3.1 Representation from consultees

During the initial consultation the MMO received responses from all of the consultees listed in Table 1, with the exception of the PLA who provided a response following determination of the RWL.

The RYA objected to the proposed Project on the basis that:

- The Project will encroach 11m into the river and force boats out into the strong tide, as well as casting a long and wide bank of wind turbulence out over the river. Recreational boats may not be able to navigate past the works in prevailing wind conditions and will be at increased risk from collisions with the works, with other river users and from capsizes;
- The amenity of river users and their quality of life will be diminished, to the extent that two LSC may have to abandon sailing in this area and close after over 120 years sailing on this stretch of the River Thames;

- The application represents works that will both interfere with legitimate uses of the sea and pose a threat to human health given the wind conditions it is likely to create.
- The PLA website states that works which are proposed on, under or over the Thames should have a river related use and that the River should not be regarded or used as an extension of developable land;
- The works described in the application are not for a river-related use and the Port of London Act 1968 (as amended) outlines the duty of the Port Authority to take such action as they consider necessary or desirable for or incidental to the improvement and conservancy of the Thames.
- The future of both LSCs and their capacity to sail and race would be compromised.
- If the proposed works are approved by the MMO, it will set a damaging precedent for future riverside developments.

MMO response to RYA representations

The representation made by the RYA has been addressed below within the decision document within section 4.1: Sailing and Navigation.

In respect of river related use, the proposed Project incorporates a walkway over the river adding a missing riverside link to the Thames National Pathway Trail.

3.2 Second Consultation

A second round of consultation with relevant advisors was undertaken between August and November 2015 on the final piling methodology submitted by FFC in August 2015. Cefas, NE and EA requested in their original consultation response to review the piling methodology before works could commence. MCA and PLA were consulted to ensure that this methodology did not cause a departure from their previous advice that impacts to navigational safety were not significant.

Table 2 - Consultation bodies

Organisation	Remit of consultation
Natural England	Natural Environment
Environment Agency	Water quality, fish and habitats
Health and Safety Executive	Health and Safety

Port of London Authority	Navigation (as the Harbour Authority)
Maritime and Coastguard Agency	Navigation
Cefas	Scientific advisors

There were no objections raised from the second consultation from any of the bodies listed above, and where conditions were suggested, and appropriate, those conditions have been added to the ML.

4. Public Consultation

Under the MCAA the MMO required FFC to carry out public consultation by placing adverts in *The Fulham and Hammersmith Chronicle* and *The Kensington and Chelsea Chronicle* on two successive weeks: 18 and 23 January 2013.

The notice allowed for representations to be made to the MMO within 28 days from 18 January 2013.

However the MMO has continued to consider further representations from the public received up until November 2015. These representations reflect those representations received during the formal public consultation undertaken in January 2013. A summary of the representations received and how they were addressed is presented below.

The representations fall within the following categories:

- Sailing and Navigation;
- Land use;
- Visual (seascape);
- Development;
- Legislation; and
- Environment

4.1 Sailing and Navigation

Detail of public representations

Representations were received stating there would be a potential impact to recreational sailing in the immediate area. It was suggested that the proposed Project would increase turbulent air on the river and cause undesirable sailing conditions adjacent to the new stand. Additionally, the following concerns were made:

- Increased risk of capsizing;
- Prevent and interfere with the legitimate use of navigation;
- Cause an unacceptable risk to navigational safety and human health;
- Racing would be adversely impacted;
- Boats will not be able to navigate past the works in prevailing wind conditions;
- Proposed mitigation is inadequate;
- Adversely affect the quality of life of users of inshore water;
- The amenity of river users and their quality of life would be diminished; and
- Encroachment of the stand into the River Thames causing boats to navigate away from the bank.

MMO response to public representations regarding sailing and navigation

The MMO consulted with the Local Harbour Authority (LHA) and the Maritime and Coastguard Agency (MCA) to advise on navigational issues including safety. In this instance the LHA are the Port of London Authority (PLA).

On 30 January 2014 the MMO requested FFC provide an update on the application in the light of the public representations received. FFC supplied the MMO with two documents that were intended to address the representations:

i) Rowan Williams Davies & Irwin Inc. (RWDI)

The first was a document (Wind tunnel test: Flow visualisation: Riverside stand – Massing changes 6 December 2013) from RWDI that considered the potential to make changes to the proposed stand to allow for better wind flow in the immediate area of the proposed stand.

When assessing whether the design of the proposed stand could be modified in any way to reduce the impacts on the wind environment, RWDI concluded that even with the implementation of several significant modifications to the proposed design, the

resultant impacts to the wind environment in close proximity to the proposed stand would remain relatively unaffected. Such modification would not reduce the impacts outlined within the ES. This implies that any changes to the design details of the proposed Project were unlikely to result in marked increases in windspeed or to prevent the creation of zones where the local flow switches direction.

ii) **Wolfson Unit for Marine Technology and Industrial Aerodynamics at Southampton University**

The second report (The effects of a proposed new stand on nearby sailing activities. December 2013) was from the Wolfson Unit for Marine Technology and Industrial Aerodynamics at Southampton University. This second report was intended to establish: 1) what opportunities existed to mitigate the wind impact of the proposed stand and 2) to determine whether the views expressed in the representations were proportionate of the impacts of the Project on the ability to hold sailing races on the River.

The conclusion drawn in the Wolfson Unit report was also in line with the RWDI report. The conclusion was that the dominant factor in influencing the wind environment adjacent to the stand is height rather than shape or extent. Wolfson Unit also concluded that the modifications to the stand will result in larger changes in the wind direction along a specific [racing] course that currently occur, but these are, on the whole, **within the range of what is already experienced.**

As the Wolfson Unit report stated there would be “larger changes in wind direction” the MMO requested the PLA to share the contents of a report they had commissioned to assess the conclusion of the two reports discussed above and to inform the determination of a RWL. The paper, written by Professor Peter Bearman, (Report for the PLA on wind environment and sailing performance studies relating to the proposed enlarged riverside stand at Fulham Football Club. 25 February 2014) an academic from a Faculty of Engineering, that the MMO also reviewed confirmed **that although sailing would be more difficult past a larger stand, there was no clear data to suggest that racing in the area would have to be abandoned.**

Conclusion

The MMO consulted both the PLA and MCA on Navigational Risk Assessment (NRA) associated with the proposed Project. Both the PLA and MCA advised that they do not object to the proposed Project on NRA grounds. The MMO is therefore satisfied that the risk to navigational users is acceptable. The MMO also consulted the Health and Safety Executive who advised that navigational safety is either the responsibility of the Local Authority or the EA.

The MMO are content that the residual risk to human health and legitimate uses of the sea from navigational impacts is not sufficient to prevent the MMO from reaching a licensing decision. We have also taken account that the LCS already use safety boats during their racing events, acknowledging that events when sailors require assistance is a possibility already. FFC has agreed to fund an additional safety boat to further mitigate against any potential impacts to human health.

In conclusion, after reviewing all evidence provided, the marine licence application and taking into account the consultation advice from the PLA and MCA and relevant conditions proposed by the MCA, the MMO are minded to grant the ML as applied for and are content that the above representations would be sufficiently addressed by either ML conditions or the mitigation outlined in the RWL.

In addition FFC will be required to discharge conditions of any ML issued in order to complete the proposed Project. One of which would be a Construction Environmental Management Plan (CEMP) for the stand. The MMO will have to authorise the methods when submitted to ensure that the impacts to all items within the MMOs remit are not further impacted than previously assessed.

4.2 Visual (Seascape)

Detail of public representations

Representations were received stating that the Project would:

- Be an impediment to the visual amenity of the river views available to the public. This would in turn ruin one of the most beautiful and historic stretches of the River Thames forever for river users and walkers alike; and
- Spoil the local Edwardian conservation area with the Project's height and bulk.

MMO response to public representations regarding seascape

The MMO have noted the conclusions drawn in the ES. This states that the Project will have an overall beneficial effect on the surrounding townscape character, through improvements to Craven Cottage (the whole ground) as a landmark, increased activity and access along the Thames Path, and quality of design and materials replacing a functional and non-descript existing building. The poor quality of the existing stand is acknowledged. The MMO also consulted both relevant Local Planning Authorities (Wandsworth and LBHF) who advise the MMO on matters including potential visual impacts.

Neither council have objected to the proposal on visual impacts, and therefore based on our consultation and the conclusions drawn in the ES, the MMO is content that there will not be a significant visual impact as a result of the proposed Project.

4.3 Development

Detail of public representations

Representations were received stating:

- The proposed Project sets a precedent for other commercial interests to exploit a public amenity to their particular advantage and to the public's disadvantage;
- The proposed Project does not have a river related use and that the River Thames should not be used as an extension of developable land;
- Part of the proposed Project, such as the residential apartments, has no relevance to the playing of football so there seem to be no grounds whatsoever for allowing this attempt to circumvent an Act of Parliament [Port of London Act 1968 (as amended)] and encroach eleven meters over the river to succeed;
- No buildings should be allowed to impact on the river in this way and extend beyond the existing river wall; and
- Encroachment is against London planning policy and normal Environment Agency stance. The EA are supporting this Project but the Chiswick Eyot is not long term tangible compensation or mitigation for encroachment.

MMO response to public representations regarding development

The proposed Project projection does encroach into the River Thames and the MMO cannot refuse a ML application based on the theoretical scenario of precedence setting. The MMO assesses each ML application on its own facts and merits on a case by case basis.

As part of this consultation the MMO consulted the PLA, as experts regarding navigational safety on River Thames and the MMO agree with their decision that this use of the River Thames is acceptable. The PLA has granted a RWL.

Additionally, the design of the new stand does have a river related use. The proposed stand incorporates a walkway over the river, adding a missing riverside link to the Thames National Pathway Trail. As stated in the ES, the proposed project will create a riverside walkway has been accepted to outweigh the policy conflict relating to encroachment. The MMO agrees that the Project will improve access to the immediate river area for some sea users.

The ES also outlines that the scheme will replace the existing Riverside Wall with which meets current and future standards in relation to climate change. Climate change is one of the high level objectives in the Marine Policy Statement (MPS), which the MMO is required to take its ML decisions in accordance with.

The MMO notes that not all of the proposed stand is for football related activities, however the amenities planned for the new stand will be of benefit to the immediate area. These benefits are summarised in the ES.

The EA has concluded that the Chiswick Eyot scheme provides sufficient ecological mitigation for the encroachment into the River Thames. The EA consider the proposed project to be acceptable and the loss of intertidal habitat will be significantly mitigated by the compensation proposed at Chiswick Eyot.

4.4 Legislation

Detail of public representations

Representations were received stating that:

- The issue of a licence would not comply with mandatory legislation such as the Marine and Coastal Access Act (2009) or policy document such as Marine Plans;
- The MMO must ensure a strong, health and just society. Living within environmental limits; and promoting good governance;
- The MMO should perform its statutory duty, without fear or favour, based on the evidence and not influenced by financial or political expediency; and
- The Planning Decision was made in unsatisfactory circumstances and the EIA has proved unreliable. Since the Planning Decision, new evidence has been submitted, which, under Marine and Coastal Access Act (2009), requires consideration of a new EIA.

MMO response to public representations regarding legislation

The MMO concludes that the conditions on the RWL and details of the s.106 Agreement will make tangible improvements to the area for a significant proportion of river users. As stated above, this includes improving conditions opposite the proposed stand in the way of better access to both the Fulham and Surrey banks, and an increased area for water activities adjacent to the Surrey bank. As outlined the ES there will be a significant boost to income and job opportunities in the immediate area.

There is no Marine Plan in effect within Project area; as a result the only appropriate marine policy document is the MPS. Where a Marine Plan is in effect (e.g. East Inshore Marine Plan), the appropriate marine policy document(s) are both the Marine Plan and the MPS.

The MMO has made its decision in accordance with the MPS and considers the Project is in line with the principles of the MPS under the following objectives:

Ensuring a strong, healthy and just society:

- There is equitable access for those who want to use and enjoy the coast, seas and their wide range of resources and assets and recognition that for some island and peripheral communities the sea plays a significant role in their community, and;
- The marine environment plays an important role in mitigating climate change.

Living within environmental limits:

- Biodiversity is protected, conserved and where appropriate recovered and loss has been halted.

Promoting good governance:

- All those who have a stake in the marine environment have an input into associated decision-making.

Following our consultation, the MMO did seek further information to support our decision making as our decisions are based on best available evidence. The MMO do not, however, see this materially different to the envelope discussed and considered in the ES. It is our view that this was a request for further information to allow a determination on the ML.

4.5 Environment

Detail of public representations

Representations were received stating that:

- There would be effects on the ecology and wildlife.

MMO response to public representations regarding the Environment

The MMO consult various environmental bodies such as the Centre for Environment, Fisheries and Aquaculture Science (CEFAS), Natural England (NE) and the EA. Within their remit they consider the potential impacts to ecology and wildlife that the proposed development may have, and advise the MMO on potential impacts and suggested mitigation. Conditions have been attached to the ML that will ensure the impacts on ecology and wildlife will be mitigated and are within acceptable limits.

5. Conclusion

The MMO has conducted a comprehensive review of the proposed Project, including the application and ES, extensive consultation with stakeholder organisations, SNCBs, and members of the local community. The MMO has considered each of the concerns raised by RYA and members of the public when making its decision. Further, the MMO has also taken into consideration whether the proposed Project is compliant with the MPS.

Whilst it is accepted that sailing on this part of the River Thames would be affected, on the basis of the evidence available and taking into account the consultee's responses (particularly those of the MCA and Harbour Authority), the proposed Project would not result in conditions that would preclude the continuation of sailing activity. MMO is satisfied that mitigation measures secured by a s.106 agreement and a RWL will reduce impacts to acceptable levels.

Therefore having considered all of the above information and best available evidence the MMO is minded to issue a ML to FCC.