

**HAMPSHIRE COUNTY COUNCIL****Report**

<b>Committee</b>	River Hamble Harbour Board
<b>Date:</b>	21 November 2014
<b>Title:</b>	Harbour Works Consent – Warsash Slipway Improvements
<b>Reference:</b>	6184
<b>Report From:</b>	Director of Culture, Communities and Business Services

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## 1. Summary

- 1.1. This report seeks approval of an application for Harbour Works Consent (HWC) made by the River Hamble Harbour Authority for improvement works to Warsash Slipway.
- 1.2. The proposed works consist of re-profiling and resurfacing the existing slipway to include:
  - creation of a raised compacted gravel ‘beach’ at the landward end;
  - removal of a corner of the hard-standing area to remove the current step and create a level surface;
  - infill of existing pot-holes and re-grading of the surface;
  - installation of a gravel retaining board with marker posts, along the downstream edge;
  - clearance of boulders from the seaward end and the laying of a Dycell mattress.
- 1.3 The likely construction date is, at present, unknown but the earliest is likely to be March 2015.

## 2. Background

- 2.1. The slipway and maintenance hard at Warsash are heavily used but there are a number of issues which make the slipway less than fully fit for purpose. These are:
  - a. accumulation of seaweed and shingle at the landward end
  - b. an uneven and potholed surface;
  - c. a very shallow gradient for much of the length of the slipway, which

- d. soft mud along the downstream edge of the slipway;
- e. a sharp change of levels between the slipway surface and the concrete base of the maintenance hard, and;
- f. soft mud and large boulders at the seaward end which poses a hazard to small boats at low water

2.2. A project to improve the slipway was identified as a means of improving access to the River, to be funded from the Asset Enhancement Funds. A number of options were drawn up by Marina Projects including an extension to the wooden decked area alongside the car park. None of these options found favour so a working group was established to look into other possibilities. This resulted in a proposal consisting of a number of elements including a gravel beach at the landward end. This proposal was assessed for feasibility and likely costs by ABPMer, as a result of which the various elements of the proposal were refined. Hampshire County Council's Engineering Consultancy was engaged to draw up detailed plans, the results of which are now submitted for Harbour Works Consent. The final plans differ from the initial proposal in several matters of detail, all for good environmental or engineering reasons. Finally, Marina Projects Ltd were engaged to produce an 'artists impression' of the finished project, as viewed from the south, in order to meet the Flood Defence Consents requirements of the Environment Agency.

### 2.3. Project Description

The following supporting documents are appended to this report and should be read to gain a full appreciation of the proposal:

- Project Description & Supporting Information (Appendix 1)
- Warsash Slipway location map (Appendix 2)
- General Arrangement - Drawing EC/RJ550186/001 Rev A (Appendix 3)
- Existing & Proposed Sections - Photo images. (Appendix 4)
- Proposed Cross Sections Raised Slipway Area - Drawing EC/RJ550186/002 (Appendix 5)
- ABPMer Feasibility Study May 2013 (Appendix 6)
- Natural England consultation response (Appendix 7)
- Photograph of shingle on slipway (Appendix 8)

## 3. Harbour Authority's Responsibilities

- 3.1. Consent may be granted by the River Hamble Harbour Board permitting harbour works in the River Hamble in accord with Section 10 of the Southampton Harbour Act 1924 and Section 48 of the Southampton Harbour Act 1949 as amended by the River Hamble Harbour Revision Orders 1969 to 1989. Within the River Hamble Harbour Board's statutory duties lies the responsibility to ensure that all matters concerning navigational safety and responsibilities under the Habitat Regulations are addressed. This area of responsibility includes the proposed development.
- 3.2. Navigational safety issues are addressed through the Port Marine Safety Code and the Harbour's Safety Management System. Specific issues

relevant to this particular application are covered within the Harbour Master's comments below.

- 3.3. The River Hamble is part of the Solent European Marine Site and is afforded protection due to its international nature conservation value. The RHHA is a Relevant Authority under the Conservation of Habitats and Species Regulations 2010 as amended, commonly known as the Habitats Regulations. As a Relevant Authority the Harbour Authority has a duty to comply with the requirements of the Habitats Regulations and to ensure that in exercise of any of its powers or functions to have regard to direct and indirect effects on interest features of the European Marine Site.
- 3.4. As a Section 28G Authority under the Wildlife and Countryside Act 1981 (as amended), the RHHA has a duty to take reasonable steps, consistent with the proper exercise of the Authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.
- 3.5. Under the Natural Environment and Rural Communities Act 2006, all public bodies, which include the Harbour Authority as statutory undertakers, have a duty to have regard, so far as is consistent with the proper exercise of their functions, to the purpose of conserving biodiversity.
- 3.6. The Harbour Authority addresses its responsibilities under the environmental regulations through consultation with Hampshire County Council, the Local Borough Councils, the Department for Environment, Food and Rural Affairs, Natural England and the Environment Agency. Specific issues relevant to this particular application are covered within the sections below.

#### **4. Consultation**

- 4.1. Pre-application stage: A working group, which included regular users of the slipway, was formed by the RHHA Management Committee to consider options for improvement to the slipway. Options were taken to the Consents Advice Panel in 2012 and advice from the authorities was incorporated into the final design.
- 4.2. Post Application Stage: The following actions were taken:
  - Project details and plans entered on the Harbour Authority's webpage for the online viewing of applications at <http://www3.hants.gov.uk/hambleharbour/harbour-works.htm>
  - The plans and details of the application were made available in the Harbour Office for inspection by members of the public.
  - Notification email sent to all members of the River Hamble Harbour Management Committee and the River Hamble Harbour Board of the proposed development.
  - Email sent to interested parties informing them of the application and requesting written comments by the deadline.
  - Consultation with the Environment Agency (EA), Natural England (NE), the Marine Management Organisation (MMO) and Fareham Borough Council (FBC).

## 5. Responses to Consultation

- 5.1. The Marine Management Organisation confirmed that these works by the Harbour Authority are exempt from requiring a Marine Licence.
- 5.2. Fareham Borough Council confirmed that a planning application is not required for these works as they can be carried out under the Harbour Authority's permitted development rights.
- 5.3. The Environment Agency (EA) required an application for Flood Defence Consent (FDC). This has now been approved with the following conditions:
  - *Works should be carried out to ensure minimum obstruction to flows in the watercourse at all times.*
  - *On completion of the works all debris, equipment, temporary works and surplus material associated with the consented works shall be removed from the foreshore and that the banks left in a stable condition with adequate protection provided to avoid erosion, all to the satisfaction of the Environment Agency.*
  - *Works must be constructed within 3 years of the issue date of this consent.*
- 5.4. Natural England were consulted by the EA in relation to their determination of the FDC, but were also consulted directly by RHHA. Their response to RHHA is at Appendix 7.
- 5.5. One response was made to the public consultation by the Eastern Solent Coastal Partnership, responsible for the Hamble to Portchester Coastal Flood and Erosion Risk Strategy, as follows: 'no comments to make with respect to coastal flooding and erosion and do not anticipate that the works will effect the current situation'. No direct responses to the public consultation were received by the Harbour Office.

Additional comments were made indirectly by two members of the public via members of the Management Committee. These made the following key points:

- Superfluous piles (70 in number) included in the drawings;
- Concerns about restriction of the slipway/hard by moving the gravel board slightly upstream from the original proposal;
- The cost estimates seem very high, and;
- The extent of the removal of the corner of the maintenance pile hard standing is excessive.

## 6. Harbour Master's Comments

- 6.1. The various elements of this project are intended to address a number of shortcomings with the existing Warsash slipway/hard as explained briefly in paragraph 2.1 and Appendix 1. Since the early concept for the project was drawn up, one of the major shortcomings – the build up of seaweed on the slipway – has been addressed by engaging a company to carry out regular seaweed clearance. This has worked well and will continue for as long as necessary. A further problem with the slipway came to light during the winter of 2013/14 when a period of strong winds combined with high tides resulted in the deposition of very large quantities of shingle at the landward end of

the slipway and onto Shore Road. This shingle is believed to originate from further downstream towards the shingle spit rather than being eroded from the slipway itself. Clearance of this shingle (which does not form part of the seaweed clearance contract) is expensive and time-consuming. A further smaller incidence of shingle deposition occurred during strong winds and high tides in October 2014 (see photo at Appendix 8).

- 6.2. The proposed works to improve the surface and gradient of the slipway, remove the boulders, eliminate the step onto the maintenance hard and infill the muddy areas are all important in order to ensure that the slipway remains fit for purpose for many years to come. However, the Harbour Master has some serious concerns about the proposal to create a level beach area at the landward end of the slipway. This will consist of compacted ballast covered with 'Grasscrete' blocks or similar. It is intended that this will reduce the seaweed accumulations by encouraging the seaweed to move further upstream (via the gap at the landward end of the Fishermen's Jetty), but it seems unlikely that this will eliminate the problem entirely. Furthermore, experience over the last 12 months clearly indicates that the effects of wind, waves and high tides may combine to erode the compacted ballast which could result in undermining of the 'Grasscrete' blocks, leading to potential rutting of the surface and a considerable ongoing maintenance cost. This is highlighted in para 4.1.1 of the ABPmer report (Appendix 6). Given that the surface at the landward end of the existing slipway appears to be relatively stable at present, the creation of a new level beach area on top of the existing surface may prove to be a retrograde step. Additional research may be required to ascertain whether the proposed gravel beach area and graded slope will prove to be sufficiently stable when confronted with the combined forces of high winds, tides and waves, and transit by heavy towing vehicles and trailers. The likely cost of future maintenance requirements cannot be quantified at this stage.
- 6.3. Superfluous piles: The public comment about the installation of '70 piles' along the downstream edge of the slipway appears to be a misinterpretation of the drawing, as there are no piles proposed. The artist's impression drawing is intended to depict a total of ten marker posts to ensure that the line and location of the gravel board is clearly marked at all states of the tide. Ten is the absolute maximum number which may be required – four or five should prove to be sufficient in practice. The purpose of the posts is to mark the gravel board at the downstream edge of the solid slipway surface, in order to reduce the risk of vehicles and trailers accidentally driving over the edge, into the mud. The intention is that these posts will, in reality, extend well above the high water level and be marked in the conventional manner with a yellow cross. These should not present a significant obstruction to slipway users, the vast majority of whom leave and arrive from the seaward end of the slipway, rather than from the side. Since they will be few in number and clearly visible at all states of the tide, they will not create a significant hazard to dinghies and other small craft.
- 6.4. Gravel board: The location of the gravel board has been moved slightly upstream compared with the original proposal in order to reduce the area of intertidal mud which would be lost to the scheme.
- 6.5. Costs: The costs of the project are not a factor in determining Harbour Works Consent.

- 6.6. Corner of concrete base: The public comment regarding the corner of the concrete base of the existing maintenance piles is valid, but careful profiling of the slipway should ensure that a combination of removing the highest part of the corner of the concrete base and adjusting the level of the surrounding slipway surface will be an effective solution, eliminating the step down from the concrete and its associated hazards.
- 6.7. Environmental considerations are set out within the project description at Appendix 1. The Environment Agency has granted approval. Natural England has confirmed that the proposal will not have a significant effect on any of the European or Internationally designated sites, either individually or in combination with other plans or projects, nor will it damage the interest features of the nearby Site of Special Scientific Interest (Appendix 8). However, NE recommend that conditions are attached to the Harbour Works Consent to ensure that the activity is undertaken as per the application and thereby remains compliant with the above legislation. These are set out in the Recommendations at Section 8 below.

## **7. Strategic Vision**

- 7.1. Before reaching a decision regarding this application, it is important to consider it within the context of the Harbour Board's Strategic Vision. The non-statutory Strategic Vision 'seeks to meet the aspirations of all those users who have a stake in the future prosperity of the River Hamble, whether their interests are commercial, recreational or environmental' but should be read in its entirety before reaching any conclusions with regard to this specific application.

## **8. Recommendation**

### **8.1 It is recommended that the River Hamble Harbour Board grants Harbour Works Consent for the Warsash slipway project, subject to the following conditions:**

- 8.1.1 That works are completed within 3 years from the date of the approval granted by the Harbour Board.
- 8.1.2 The proposed construction must be undertaken in a suitable way to minimise disturbance to over wintering birds, ensuring best practice is in place for operating machinery to reduce unnecessary noise, in order to minimise noise disturbance to overwintering birds (an interest feature of the SPA and Ramsar sites) that use the area between October and March inclusive.
- 8.1.3 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. Environment Agency guidelines must be followed and all reasonable precautions undertaken to ensure no pollutants enter the water body.
- 8.1.4 All equipment and debris associated with the works must be removed from the foreshore upon completion of the works.

8.1.5 All operations associated with the works must be carried out in such a way as to give rise to as little damage as reasonably practical to the SAC. This includes restricting vehicles movements within the SAC to a minimum. The site must be restored to its former condition so far as is reasonably practicable, if any such damage to the SAC does occur.

**CORPORATE OR LEGAL INFORMATION:  
Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	yes
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	yes
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	yes
Corporate Improvement plan link number (if appropriate):	

<b>Section 100 D - Local Government Act 1972 - background documents</b>	
<p><b>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</b></p>	
<u>Document</u>	<u>Location</u>
None	

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;

Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **1.2. Equalities Impact Assessment:**

A full Equalities Impact Assessment for the River Hamble Harbour Authority's compliance with the Port Marine Safety Code (including environmental responsibilities) has been carried out and this report does not raise any issues not previously covered by that Assessment.

### **2. Impact on Crime and Disorder:**

2.1. This report does not deal with any issues relating to crime and disorder.

### **3. Climate Change:**

3.1. How does what is being proposed impact on our carbon footprint / energy consumption? The contents of this report have no impact on carbon footprint or energy consumption

3.2. How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? By upgrading the surface and levels of the slipway, it is anticipated that the longer term future of the slipway will be secured.