

Deacons Boatyard Ltd

Replacement of Pontoons and Associated Dredging

Responses to representations to the Harbour Works Application

Background

The application for Harbour Works Consent was initially submitted in December 2010 along with an application to the Marine Management Organisation.

Various revisions were made to the scheme to meet requests from the Harbour Master. The Harbour Master requested an independent assessment of the potential impacts on the hydrodynamics and sediment behaviour as a result of the works.

Following discussions with the Harbour Master and ABP Mer (consultants to the RHHA) the scope of the assessment was established. In order to allow sufficient time for the Harbour Authority to respond to the report it was agreed that the application be deferred until the June boards. The study report was delivered in March 2011 as Report 1784.

As part of the MMO application process numerous public bodies were consulted as part of the statutory process, these included:

Cefas

Marine Management Organisation (Poole Office)

Natural England

Environment Agency

English Heritage

Maritime and Coastguard Agency

Crown Estate

Eastleigh Borough Council

River Hamble Harbour Authority

Royal Yachting Association

Trinity House

Additionally the works were publically advertised and representations on navigation grounds invited.

None of the statutory consultees expressed an objection. Numerous objections were received from the public. As part of the process responses were made to the objections (fully detailed in the previously submitted documentation) and an overall view taken by the MMO. The following is a direct extract from the MMO consent letter:

Consideration by the Marine Management Organisation

11. The MMO's consideration, on behalf of the Secretary of State, of applications for consent for works under Section 34 of the Coast Protection Act 1949 is confined to matters concerning operations which would present an obstruction or danger to navigation.

12. The MMO has considered all the submissions made by the applicant and the objectors, River Hamble Mooring Holders Association, Mr David Le Mare, Mr Tony Blewett and Mr John Mitchell and the advice offered by expert bodies.

Conclusion

13. Taking into account all of the above, the MMO considers that the proposed works and their operation will not cause or be likely to result in obstruction or danger to navigation, or have any significant effect on designated sites of environmental significance.

Decision

14. I am therefore directed by the Marine Management Organisation to issue this letter as a consent. Solely for the purposes of Section 34 of the Coast Protection Act 1949, as amended by Section 36 of the Merchant Shipping Act 1988, to undertake marina improvement works at Deacons Boatyard, River Hamble, Southampton.

Of the objections received as part of the Harbour Works application many duplicate those already dismissed by the MMO and their expert bodies.

For the sake of completeness and to assist the Management Committee these representations are responded to in the next section.

Objections Received for the Harbour Works Application

In order to simplify this document and at the request of the Harbour Authority, the objections have been grouped as follows:

1. Loss of access channels (Comments 1,2,3,4,6,7,8,9,10,11,12,14)
2. Navigational risk at south end of site (Comment 5)
3. Safety of existing channel (Comment 7, 9)
4. Crown Estate (Comment 9)
5. River Plan (Comment 9)
6. Consultation (Comment 9)
7. User log (Comment 9)
8. Dredging (Comment 3,9,11,13)
9. Hydrodynamics (Comment 9,13)
10. Bridge Scour (Comment 13)

1. Loss of access channels.

The previously submitted documentation explains in some detail that these channels are indeed 'access channels' for vessels berthed on the pontoons. It is quite clear that these channels are not suitable navigation routes.

There are numerous references to these channels being used for navigation (i.e. as a through route). The CCTV records since January 2011 to date demonstrate that this is clearly not the case.

Reference has been made to the HYS appeal and it is explained in the supporting documentation why this is not relevant.

None of the expert bodies consulted by the MMO raised this as an issue.

2. Navigation Risk at South End of Site

This was raised as Comment 5. There is no intention to berth vessels on this side of the walkway for precisely this reason.

3. Safety of Existing Channel

Comment 7 details examples of the use of the main channel. It is quite clear from the descriptions that if a vessel were to use the 'access channels' for navigation then an incident would be highly likely. An example is postulated of a vessel leaving or returning to the marina on a full ebb in windy conditions. This is true of many locations on the river; the wider areas have considerably more activity (for example Port Hamble). The size of vessels upstream of Deacons is suggested to generate a hazard when passing the proposed development. It should be noted that the development does **not** extend into the channel further than at present.

4. Crown Estate

Comment 9 refers to a conflict between the RHHA and CE. This is not for us to comment but suffice to say that the Crown has no objections to the proposal.

5. River Plan

Comment 9 refers to a lack of a River Plan and potential future developments. This is again not for us to comment on directly. However, the examples given would of course be subject to an assessment with regard to increased boat numbers and impact on navigation. The Deacons proposal does **not** increase vessel numbers.

Comment 9 also mentions the MMO condition relating to removal of the works. This is actually a standard condition and appears on all consent letters.

6. Consultation

Comment 9 refers to a lack of consultation. From the Applicant's viewpoint we have provided all the necessary consultation and additionally supplied information on the web. This was a new addition to the application process and is fully supported by the Applicant. The time provided for consultation far exceeds that required and normally provided. We offered to meet one of the respondents regarding a technical query but this was never taken up.

7. User Log

Comment 9 suggests that the user log details a quiet time of the year. This is clearly a function of the time the log has been running but does include two very fine Bank Holidays. The log does show vessels using the river but in no case do they use the access channel. As indicated in the previously supplied documentation the use of these access channels by small vessels on busy days is clearly unsafe navigation.

8. Dredging

Comments 9 & 13 refer to a vertical dredged wall. This is not the case and has been well discussed in the supporting documentation. Suffice to say the outer boundary of the dredge is the top of any slope, no vertical walls are being proposed. There is no risk to the public slipway.

Comment 11 refers to capital dredging. There is clearly some confusion here. The local plans state that no capital dredging will be permitted. In this context this means excavating the sea bed below a level it has previously been (e.g. dredging to a depth that has not been present before). Under the licencing system for dredging a different definition is employed.

For licencing purposes a capital dredge is defined as one where the depth proposed has not been present within the previous 10 years. Dredges that exceed this time frame (such as Universal Marina, Harbour Master's Jetty) but do **not** exceed depths previously present are subject to a more detailed assessment by the licencing authority. This usually means more detailed sampling (for potential contaminants) and hydrodynamic assessments. In the case of Deacons both of these have been carried out.

9. Hydrodynamics

Comments 9 & 13 both make reference to the hydrodynamic assessment.

ABP Mer Ltd are highly respected professional consultants and regularly used by the RHHA amongst others. There is no reason to suggest that the report is in doubt. The brief for the report was agreed by the Harbour Master and ABP Mer (as RHHA Consultants) on behalf of the RHHA.

It is emphasised that ABP Mer are **not** the Applicants advisors but consultants for the Harbour Authority. The report was produced and paid for by the Applicant as is normal practice. As agreed the Harbour Authority received copies of the draft report and were able to comment at that stage. This is **not** normal practice but demonstrates that the assessment was independent.

Additional information was provided for position C following requests. This data is in the same format (although containing more information) as that for points A & B. This has made no difference to the conclusions arrived at by ABP Mer Ltd.

Comment 13 makes reference to the differing tidal ranges used by ABP Mer. It is important to note that the Low Water levels for both dates were actually very similar. Tidal currents over shallow areas are affected by the actual depths (because of bed friction). It is true that differing tidal ranges will provide different velocities (although increasing velocities by 50% seems excessive).

The respondent claims that the bridge flow could double the flow velocity near the bridge. The **crucial point** is that these conditions are those that **exist at present**. The ABP Mer Report states that the dredge does not increase the local (i.e. that at Deacons) tidal prism (the volume of water that leaves an estuary from HW to LW) nor of that as the estuary as a whole. It therefore follows that if there is no increase in tidal prism then there can be no significant changes to flow velocities.

The only possible changes might be local to Deacons and this is why the RHA requested the independent assessment. The effect of the proposed dredge has been concluded by ABP Mer to not have an impact.

10. Bridge Scour

This is raised within Comment 13. This issue has been discussed at some length in the supporting documentation. It is clear that there is no risk of increased scour at the A27 Bridge.