

HAMPSHIRE COUNTY COUNCIL**Report**

Committee	River Hamble Harbour Board
Date:	12 September 2011
Title:	Harbour Works Consent – Deacons Boatyard
Reference:	3239
Report From:	Director of Culture, Communities and Business Services

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1. Summary

- 1.1. This report details the application for Harbour Works Consent to undertake a marina re-build and capital dredge at Deacons Boatyard.

2. Contextual information

2.1 Project Description

- 2.1.1 Deacons Boatyard is located on the western bank of the River Hamble, immediately downstream of the A27 road bridge.
- 2.1.2 The project under consideration consists of a re-build of the existing boatyard and marina facilities to give it a modern layout (Appendix 1). The proposed layout will not increase the number of berths available on this site.
- 2.1.3 The applicant's agent (Lymington Technical Services) has carried out an assessment of the impacts of the proposal. This assessment examines the potential impacts upon coastal processes, ecology, navigation, archaeology and the local community and is included within this report as Appendix 2.
- 2.1.4 A capital dredge of approximately 6000 m³ is also proposed. The dredging will be conducted using a backhoe dredger and the sediment removed will be disposed of at sea. At the request of the River Hamble Harbour Authority (RHHA), ABP Marine Environmental Research Ltd (ABPmer) carried out an assessment of the hydrodynamic impacts of the dredge. A summary of this report is also included within Appendix 2.

2.2 Harbour Authorities Responsibilities

- 2.2.1 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 at Deacons Boatyard.
- 2.2.2 The RHHA is a Relevant Authority under the Conservation of Habitats and Species Regulations 2010, 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.
- 2.2.3 The River Hamble is part of the Solent European Marine Site and is afforded protection due to its international nature conservation value.
- 2.2.4 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.
- 2.2.5 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.
- 2.2.6 The Harbour Authority addresses its responsibilities under the environmental regulations through consultation with Hampshire County Council, the Borough Councils, the Department for Environment, Food and Rural Affairs, Natural England, English Heritage and the Environment Agency. Specific issues relevant to this particular application are covered within the Harbour Master's comments below.
- 2.2.7 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.

2.3 Consultation

On receipt of the application a consultation exercise was commenced on 22 December 2010 and a number of responses were received. Following the submission of further information by Deacons' Agent, a second consultation exercise was commenced on 13 May 2011. Responses received for both consultations are provided within Appendix 3, comments 1 - 4 were made in response to the first consultation and comments 5 - 14 were made to the second. Both consultations involved the following actions:

- 2.3.1 Details of the application entered on the Harbour Authority's website.
- 2.3.2 Notification to all members of the River Hamble Harbour Management Committee and the River Hamble Harbour Board of the proposed development.
- 2.3.3 Email sent to all interested parties informing them of the application and requesting comments.
- 2.3.4 The plans and details of the application were made available in the Harbour Office for inspection by members of the public.
- 2.3.5 Liaison with the Environment Agency, Natural England and Eastleigh Borough Council regarding the environmental impacts of the proposal.

2.4 Harbour Master's Comments

- 2.4.1 This proposal does not require a statutory Environmental Impact Assessment (EIA) under the Marine Works (Environmental Impact Assessment) Regulations 2007.
- 2.4.2 The proposal lies within the Solent Maritime Special Area of Conservation (SAC). Natural England have provided advice under the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). They have advised that the proposal is unlikely to have a significant effect on the nearby designated sites provided vibro piling is used as standard and that the amount of additional lighting on site is minimised. The Environment Agency have also requested that vibro piling is used as standard and recommended timing restrictions (see 3.2).
- 2.4.3 The Hampshire County archaeologist was consulted but did not raise any concerns.
- 2.4.4 A copy of the ABPmer Hydrodynamic Assessment and the Impact Assessment (Appendix 2) was sent to the Hampshire County Council Chief Engineer (Structures) at his request. Having

considered these reports, he felt that the proposed works would not cause any detriment to the foundations of the Bursledon Bridge.

- 2.4.5 In total, there were 14 responses to the consultation and these are detailed in full in Appendix 3. The issues raised by those responding mainly centred on: the loss of access channels, potential impacts of the dredge, impacts upon navigational safety and hydrodynamics.
- 2.4.6 The applicant's agent for the proposal has responded to the concerns raised through the consultation process in Appendix 4.
- 2.4.7 The RHHA has been consulted by the Marine Management Organisation (MMO) regarding the issuing of marine consents. The RHHA has also been consulted for planning permission by Eastleigh Borough Council, although the planning application was subsequently withdrawn.
- 2.4.8 The supporting documentation for this application shows an area leased from the Crown Estate outlined in blue. Part of this area is in fact currently leased to Hampshire County Council but the Crown Estate has advised the County Council of their intention to re-assign the lease if the proposed development goes ahead.
- 2.4.9 The following risk assessments have been reviewed in light of this proposal: Berthing and Un-berthing; Canoeing, Kayaking and Rowing; Dinghy Sailing; Gig Racing; Dredging and Piling; Use of Tenders; Navigation at Night; Vessels under Power; and Swimming. No specific new hazards were identified but a number of additional control measures are proposed so that the risks associated with the existing hazards in the vicinity of Deacon's Boatyard can be reduced to 'As Low As Is Reasonably Practicable' (ALARP). The control measures proposed are:

Prominent signs displayed upstream and downstream of the proposed new marina, worded as follows: "Beware of vessels leaving Marina";

Lights on upstream and downstream extremities of the proposed new marina, (details to be agreed with Trinity House);

No large vessels to be berthed on Marina hammerheads such as to reduce visibility into and out of the Marina, and no double berthing on the hammerheads, and;

Promulgate advice (through the Harbour Authority website, newsletters etc) to canoeists, kayakers, rowers and tender users regarding escape routes if the main channel in the vicinity of the proposed new Marina is congested.

- 2.4.10 At the request of members of the Harbour Board, a further independent risk assessment has been carried out by Captain Mark Capon, the Harbour Authority's Designated Person. His report is at Appendix 5. In it, a number of additional control measures are identified, as follows:

The Marina operator is to issue clear written instructions to all berth holders regarding the Marina's safety requirements, to be re-iterated in the Deacons Marina Visitors' Guide.

The speed limit within the Marina should be dead slow.

The Marina safety requirements must stipulate that all vessels, upon exiting the Marina, are to give way to vessels using the main channel of the River, and to place warning signs to that effect.

No rafting of vessels on the hammerhead berths.

The Harbour Authority must advise canoeist, kayakers and rowers to use the east side of the River in the vicinity of Deacons (ie between the Z Piles and the training wall).

- 2.4.11 Where appropriate these control measures have been included in the proposed conditions as set out in the Recommendations below.

3. Recommendation

It is recommended that the River Hamble Harbour Board grants Harbour Works Consent for the proposed works at Deacons with the following conditions:

- 3.1 Vibro piling is to be used as standard with percussive piling only used if needed to drive piles to their design depth.**
- 3.2 Piling to occur between 30 November and 31 March. Works can commence between 16 September and 30 November but must stop if the Environment Agency informs the Harbour Master that the autumn salmon run has commenced.**
- 3.3 The Marina operator is to issue clear written instructions to all berth holders regarding the Marina's safety requirements, to be re-iterated in the Deacons Marina Visitors' Guide. The speed limit within the Marina should be dead slow and the Marina safety requirements must stipulate that all vessels, upon exiting the Marina, are to give way to vessels using the main channel of the River. Warning signs, at least 1.5 metres wide and 1.0 metres high are to be placed at each exit to that effect.**
- 3.4 Vessels berthed on the Marina hammerheads must not be high-sided and must not exceed half the length of the hammerhead.**

- 3.5 No rafting of vessels on the hammerhead berths, and no multi-hulls to be berthed on the hammerhead berths.**
- 3.6 Measures to be included to minimise the amount of additional lighting, particularly of sites designated for nature conservation.**
- 3.7 Navigation lights to be fitted upstream and downstream, as specified by Trinity House.**
- 3.8 Prominent signs, at least 1.5 metres wide and 1.0 metre high, are to be erected upstream and downstream, worded as follows: “Beware of vessels leaving the Marina”.**
- 3.9 Dredging to only occur between 16 September and 31 March.**
- 3.10 Any movement of the dredge barge must be cleared with the Harbour Office on VHF Channel 68. Should the barge or any other plant required to move outside Harbour Office hours an ‘All Ships’ broadcast call must be made on VHF channel 68 to advise other river users of the move.**
- 3.11 Excess spoil must not be washed off the barge while the barge is in transit. Spoil disposed by this method may affect the navigation channel, water quality and the oyster beds which lay from Stone Pier Yard to the beacon No 1 at the entrance to the harbour.**
- 3.12 Sufficient Tier 1 oil pollution response booming must be held to completely encircle the plant equipment being used.**
- 3.13 Should there be an incident outside Harbour Office hours and the Harbour Master not be contactable, the Coastguard should be contacted. The Coastguard hold all contact details if required in an emergency.**
- 3.14 All relevant consents should be obtained prior to commencing works and copies are to be lodged with the Harbour Office.**

CORPORATE OR LEGAL INFORMATION:

Links to the Corporate Strategy

Hampshire safer and more secure for all:	no
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	no
Corporate Improvement plan link number (if appropriate):	

Section 100 D - Local Government Act 1972 - background documents

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.)

Document

Location

None

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

- 1.1. A full Equalities Impact Assessment for all the River Hamble Harbour Authority's responsibilities under the Port Marine Safety Code has been carried out and this report does not raise any relevant issues not previously covered by that Assessment.

2. Impact on Crime and Disorder:

- 2.1. The contents and recommendations of this report have no impact on crime and disorder.

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption? The contents and recommendations of this report have no direct impact on the carbon footprint or energy consumption of the Harbour Authority.
- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? The need to adapt to climate change has been fully considered in preparing this report however, neither the contents nor recommendations have any direct implications with regard to climate change.