

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

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| <b>Committee</b>    | River Hamble Harbour Management Committee                        |
| <b>Date:</b>        | 6 September 2013   |
| <b>Title:</b>       | Harbour Works Consent Application:<br>Swanwick Marina Hoist Dock |
| <b>Reference:</b>   | 5124   |
| <b>Report From:</b> | Director of Culture, Communities and Business Services           |

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**1. Summary**

- 1.1. This report sets out an application for Harbour Works Consent (HWC) made by Premier Marinas to install a hoist dock at Swanwick Marina.

**2. Background**

- 2.1 In 2007 Premier Marinas were granted HWC to undertake a major redevelopment of Swanwick Marina both on the water and on their land. That application included the installation of a hoist dock at the western end of the marina, and removal of the current hoist dock at the eastern end. It was supported by a full Environmental Impact Assessment.
- 2.2 Although consented, the new hoist dock has not been built and the applicant now wishes to alter the design (see Section 3 - Project Description).

**3. Project Description**

- 3.1 The following plans and documents accompany this application (see Appendix 1) and reference must be made to these for a full understanding of the proposal:
- Site Location and Site Plan: Plan 13-2093-101 P4
  - Proposed Hoist Dock: Plan M1661/308 Sht.1 B
  - Proposed Hoist Dock and surrounding area: Plan M1661/308 Sht.2 B
  - Proposed Hoist Dock Section X-X: Plan 13-2093-201 P3

- Proposed Hoist Dock General Details (Wash-down Area and Drainage): Plan 13-2093-204 P2
  - Hoist Dock Method Statement
  - Wash-down Area Description
- 3.2 'Plan M1661/308 Sht. 1' and 'Plan M1661/308 Sht. 2' each show 3 layouts: (i) the existing as-built layout, (ii) the layout that has previously been granted consent but not been constructed, and (iii) the proposed new layout forming this application.
- 3.3 The hoist dock is in the same location at the western end of the marina as that previously granted harbour works consent in 2007. However, instead of constructing the dock within the curtilage of the land as consented, the proposed dock is situated in the water supported by tubular steel piles. This requires a reconfiguration of the existing and consented pontoon layouts.
- 3.4 The two current hoist docks at the east end will be decommissioned.
- 3.5 The western half of the marina was granted routine maintenance dredge consent by the Harbour Master in 2010. The applicant intends to undertake the element of this maintenance dredge around the dock area as part of this development.
- 3.6 The proposal does not alter the number of current berths nor that previously consented.

#### **4. Harbour Authority's Responsibilities**

- 4.1 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.
- 4.2 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.
- 4.3 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.

- 4.4 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.
- 4.5 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.
- 4.6 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.

## **5. Consultation process**

- 5.1 Subsequent to receipt of the application for Harbour Works Consent 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, including the operators of two largest river cruise boats, informing them of the application and requesting written comments by the deadline.
  - Liaison with the Environment Agency, Natural England, and the Hampshire County Council Archaeologist.

## **6. Responses to Consultation**

- 6.1 No responses were received in respect of the public consultation.
- 6.2 Natural England's response to the Harbour Authority is at Appendix 2 and has confirmed no objection to the proposal. In summary, Natural England advises that the proposal is not likely to have a significant effect on the interest features of the nearby sites that are designated for nature

conservation, either alone or in combination with other plans or projects. This advice is subject to the inclusion of conditions within the HWC, which are set out in Section 9.

- 6.3 The Environment Agency stated that the Hamble river and estuary are known to support migratory salmonids, which are protected by legislation. There are three windows throughout the year with respect to salmonid migration. Between mid-March and mid-May the salmonid smolts are migrating down the estuaries and out to sea; between June and October the adult salmonids are migrating up the estuaries; November to mid March there is considered to be very limited salmonid migration and this therefore is the recommended 'window' for dredging and piling activities. The EA recommended a condition be placed on this proposal that all dredging and piling works must take place between November 30<sup>th</sup> and March 15<sup>th</sup> to prevent any negative impacts to migratory salmonids. If the works are to extend outside of this "safe" period the applicant must seek advice from the Environment Agency before works commence.
- 6.4 The Hampshire County Council archaeologist stated that provided any areas of dredging are within those already previously consented and of a depth not to exceed previous depths then there would be no archaeological issues to raise.

## **7. Harbour Master's Comments**

- 7.1 This report details the aspects of this application which are relevant to the consideration of Harbour Works Consent, namely the impacts of the proposal on safety and ease of navigation and on the environment, both during construction and once operational.
- 7.2 This proposal is under consideration for permissions from other authorities (i.e. Local Planning Authority, Marine Management Organisation, Environment Agency and The Crown Estate), and issues pertaining to their policies and regulations should be addressed with the appropriate organisation.
- 7.3 During the construction phase, Notices to River Users will be issued to warn of large vessel movements in the River and these will be de-conflicted from other activities by Harbour Authority staff. Movements of all vessels over 20 metres LOA must be reported to Hamble Harbour radio on VHF Channel 68. There are no other specific safety concerns during the construction phase.
- 7.4 Safety arrangements for the operation of the hoist dock itself are a matter for the marina operator. The proposal provides adequate space for vessels waiting to use the hoist, which will be available at all states of the tide (with the exception of very deep draft vessels). The hoist will not be used for any vessels significantly larger than those which use the existing hoist.

- 7.5 Tidal streams in the area are notoriously fast flowing, particularly on the spring ebb. The area immediately adjacent to the proposed hoist is largely protected from these tidal streams by the sheet pile training wall. However, the transit of vessels from the main channel into the approaches to the proposed hoist, and vice versa, is likely to be hazardous at certain times, particularly for vessels under tow, as boats cross the dividing line between the main tidal stream into the relatively slack water behind the training wall. In order to ensure that this risk is As Low As Reasonably Practicable (ALARP), the marina operator could adopt a simple control measure to ensure that such movements do not take place during periods of strong tidal flow.
- 7.6 The proposal reduces the turning circle available for the large sight-seeing vessels which visit the River and frequently turn in Bursledon 'pool', near the Jolly Sailor. The net result of this application and previously consented schemes is to reduce the diameter of the available turning circle by about 3 metres or 4%. The operators of the sightseeing vessels concerned have been consulted and have not raised any objections.
- 7.7 The proposal extends into the very edge of the Solent Maritime Special Area of Conservation (SAC) boundary. It is close to the Solent & Southampton Water Special Protection Area (SPA) and Ramsar Site, and Lincegrove & Hacketts Marsh Site of Special Scientific Interest (SSSI). See Appendix 3 for an aerial photograph showing these site boundaries.
- 7.8 The advice of Natural England and the Environment Agency regarding minimising any impact on the environment has been incorporated through the conditions set out in Section 9.
- 7.9 If the River Hamble Harbour Board decides to grant permission for this application it would be adhering to its responsibilities under environmental legislation.

## **8. Strategic Vision**

- 8.1 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.

## **9. Recommendation**

- 9.1 It is recommended that the River Hamble Management Committee advises the Harbour Board to approve Harbour Works Consent for the proposal set out in paragraph 3.1 and subject to the following conditions:**

- 9.1.1 Vibro-piling should be used as standard. In the event that it is necessary to use percussive piling methods, then this should only be undertaken in order to drive a pile to its design level, using soft start techniques.
- 9.1.2 Dredging and piling works shall take place only in a period between November 30<sup>th</sup> and March 15<sup>th</sup> to prevent harm to migratory salmonids. If such works are to extend outside of this time period the applicant must seek advice from the Harbour Authority and Environment Agency prior to commencement.
- 9.1.3 Best practice to be employed when operating machinery and in the use of material appropriate for the marine environment.
- 9.1.4 A minimum of 7 days advance notice of the start of the works is to be given to the Harbour Master in order that a Notice to River Users can be issued.

CORPORATE OR LEGAL INFORMATION:

Links to the Corporate Strategy

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| Hampshire safer and more secure for all:                 | yes |
| 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 the River Hamble Harbour Authority's compliance with the Port Marine Safety Code 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. The contents of this report will have no impact on crime and disorder.

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

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.

How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? Not applicable to this report.