

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

<b>Committee</b>	River Hamble Harbour Board
<b>Date:</b>	8 April 2011
<b>Title:</b>	Harbour Works Consent – R.K. Marine
<b>Reference:</b>	2768
<b>Report From:</b>	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 construct a new boat hoist dock at R.K. Marine.

## **2. Contextual information**

### **2.1. Project Description**

The construction of a new hoist dock will allow for the installation of a 40 ton capacity boat lift at R.K. Marine. This will allow the boat yard to lift larger and heavier boats out of the water. The works will require the installation of 13 piles to be driven into the sediment using a vibrating hammer. These piles will support 2 pre-cast concrete runway beams which will support the boat hoist itself. The applicant anticipates that this facility will typically be used for 4 or 5 lifts each week.

A location map for the proposal is attached as Annex A and a site plan for the proposal is attached as Annex B.

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

2.2.1 Consent may be granted by the River Hamble Harbour Board permitting harbour works in the navigation of the River Hamble to accord with Section 10 of the Southampton Harbours Act 1924 and Section 48 of the Southampton Harbour Act 1949, as amended by the River Hamble Harbour Board 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 R.K. Marine.

- 2.2.2 The River Hamble Harbour Authority (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 secure compliance with the requirements of the Habitats Regulations and to ensure that in the exercise of any of its powers or functions it will have regard to both direct and indirect effects on the interest features of the European Marine Site (EMS).
- 2.2.3 The River Hamble is part of the Solent EMS and is afforded protection due to its international nature conservation value. The majority of the Eastern and Western banks fall within the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site. The whole river lies within the Solent Maritime Special Area of Conservation (SAC).
- 2.2.4 As a Section 28G Authority under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), 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 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 the Environment, Food and Rural Affairs, Natural England, the Environment Agency and English Heritage. Specific issues relevant to this particular application are covered within the Harbour Masters 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 this application a consultation exercise was commenced on 02 February 2011 which entailed the following actions:

- 2.3.1. Details of the application were uploaded to the Harbour Authority website
- 2.3.2. Notification to all members of the River Hamble Management Committee and River Hamble Harbour Board of the proposed development.
- 2.3.3. An email was sent to all interested parties on 03 February 2011 informing them of the application and requesting comments. The plans and details of the application were made available in the Harbour Office for inspection by members of the Public. No-one requested to inspect the plans.
- 2.3.4. Liaison with the Environment Agency, Natural England, Hampshire County Council's archaeologist and Hampshire and Wight Trust for Maritime Archaeology regarding the environmental impacts of the proposal. Environmental comments arising from these liaisons are summarised with the Harbour Master's comments.
- 2.3.5. On completion of the consultation, no communications had been received. However, a letter of objection was received from Mr Tony Blewett shortly before the Management Committee meeting, and this was drawn to members' attention. Relevant extracts are at Appendix 1. A response to Mr Blewett's objection from Opus International, agents for RK Marine, is at Appendix 2.

#### 2.4 Harbour Master's Comments

- 2.4.1 The 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 adjacent to 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 in its current form is unlikely to have a significant effect upon the designated site provided that vibro piling is used as standard. The Environment Agency have requested that piling works take place between 01 November and 15 March to avoid impacts upon migrating salmon and sea trout and also expressed a preference for vibration piling.
- 2.4.3 The Hampshire County Council archaeologist did not raise any concerns due to the small-scale nature of the proposed works.
- 2.4.4 At the time of writing, the River Hamble Harbour Authority has not been consulted for planning permission by Fareham Borough Council or for marine consents by the Marine Management Organisation.

- 2.4.5 With the exception of emergency lift-outs, the hoist dock is only likely to be used during weekdays. It will only be possible to manoeuvre large vessels into and out of the hoist dock at (or near) high water, when the clearance at the A27 bridge will be at its least (thereby virtually eliminating the possibility that other vessels of any size will be passing) and the tidal stream will be at its minimum (thereby reducing the risk of being swept downstream onto the bridge supports). The operator must produce an agreed set of operating procedures, to include the stationing of 'picket' boats upstream of RK Marine and downstream of the A27 bridge (in the vicinity of Swanwick Marina) to warn River users of the hazard, when traffic volumes dictate. A revised risk assessment, for manoeuvring into and out of commercial marinas in the harbour is at Appendix 3.
- 2.4.6 Management of the remaining risks associated with the operation of the hoist dock are a matter for the operator.

### **3. Recommendation**

**It is recommended that the River Hamble Harbour Board grants Harbour Works Consent for the proposed works at R.K. Marine with the following conditions:**

- 3.1 A satisfactory risk assessment for the construction works must be supplied to the Harbour Office prior to commencement of the works.**
- 3.2 A suitable set of operating procedures, to include the use of 'picket' boats when traffic volumes dictate, are to be agreed between the operator and the River Hamble Harbour Authority.**
- 3.3 A vibro piling methodology is to be used.**
- 3.4 Piling works to occur between 1 November and 15 March in any year only to avoid the salmonid migration window.**
- 3.5 All other consents are to be obtained prior to commencement of the works, and a copy of each consent lodged with the Harbour Office.**

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

<b>Hampshire safer and more secure for all:</b>	no
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>	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.)**

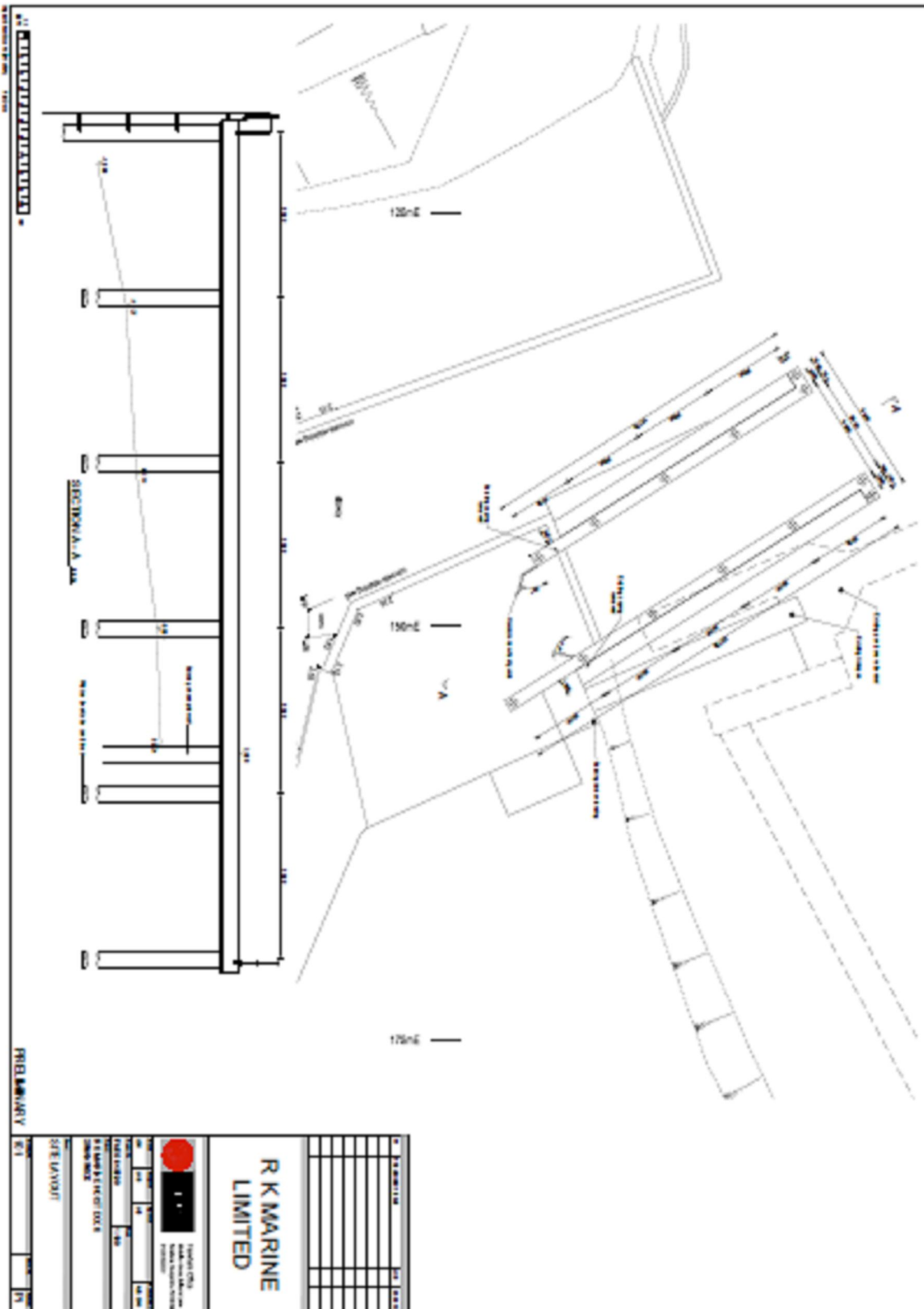
Document

Location

None



**Annex B**



## Appendix 1

### Extract from letter of objection received from Mr Tony Blewett

The principal of RK having a bigger boat launching facility **I would have no objection to provided it was located much further away from the A27 bridge.** The lift capability of 40 tons could well be for vessels in excess of 20 metres (70 feet) in length. Given the proximity of this three arch bridge RK will almost certainly have to loose the four finger moorings on the bridge side of their access finger to give sufficient space for boats to physically enter and leave this facility. It must be remembered that the greatest vertical clearance is in the centre of the middle arch of the bridge which only has 3.5 metre vertical clearance at HAT, so many vessels due to their air draft will need to come through the bridge long before or after high water. At these times there will be inadequate depth of water to enter the lifting facility. They will therefore need to moor up and wait. No provision has been designated for this and considering the likely beam of the larger vessels where will they tie up without obstructing the only fairway immediately upstream of the A27 bridge.

Given that there is currently under consideration a proposal at **Deacon's Boatyard** for bringing their moorings closer to the bridge on the other side of the river channel which will only leave the central arch available for through navigation. It should always be remembered that the A27 bridge is a major constriction to the tidal stream on the river, such that the flow is already very unstable with hydraulic jumps developing randomly. When this happens the water tumbles and a boat can be tossed around laterally against the command of its helm.

Given the size of boats which could be lifted by this facility no consideration appears to have been given to their safe manoeuvring even at slack water, however considering this location has probably the fastest tidal streams in the river, in my opinion it cannot be regarded as a safe location. The idea that two picket boats could if present advise other vessels of the activity is in my opinion insufficient and three would be needed, one upstream of the pontoon moorings at RK marine and two downstream of the bridge. One immediately by the bridge and a second downstream of Swanwick Marina to turn vessels at the last turning space before the bridge since the Harbour Authority permitted the removal of the turning space at the up stream end of Swanwick Marina.

**I therefore ask that the Harbour Authority should refuse to give consent for this proposal.**

## Appendix 2

### Response from OPUS, agents for RK Marine



#### **R K Marine Proposed Hoist Dock**

##### **Response to letter received by the River Hamble Harbour River Authority**

In respect to the operation and safety aspects of the proposed new facility the approach will be in a similar line to the existing slipway which is to be retained and continued in use with the slipway cradle.

There are only minor proposed alterations to the Pontoons on the upstream side, there being none on the down river side of the slipway / hoist location anyway.

The facility is designed to cater for vessels up to 50' in length and the number of movements is not expected to exceed one per working day. ( Monday to Friday only).

The facility, when used for the larger craft, can only be used over the high water period, ie at times of slack water. There will not be any movement of the craft in the river during the high flows experienced around half tide.

Assessment of Navigational Safety ultimately lies with the Harbour Authority who have to assess the potential effects of the proposed facility and can, if they see fit, impose conditions on the usage of the dock.

However the actual control and day to day operation of the Dock and slipway lies with the Boat Yard and they will need to put in place a suitable operating procedure to ensure the safety of both their own operatives but also other river users in the vicinity.

As noted above the hoist is not expected to exceed a maximum of one lift per day and would not be undertaken during weekends when there can be expected to be a higher volume of traffic navigating through the adjacent bridge arches.

In summary the proposed facility will not impinge on the Navigational Safety of the river in the vicinity of the Bridge Arches. A suitable set of operating procedures will be put in place by the Yard and will be agreed with the RHHA to ensure that all necessary controls are established from the start.

John Berry BSc CEng MICE  
Technical Director Maritime Group  
Opus International Consultants  
18 March 2011

### Appendix 3

#### Risk Assessment – manoeuvring into and out of commercial marinas

Hazard Ref	Date: 23 March 2011			
Title	Manoeuvring into and out of commercial marinas.			
Hazards associated with activity	Collision with structures, collision with other river users, grounding, collision with moored vessels.			
Causes	Manoeuvring in confined space, wind and tidal stream, high density of traffic, inexperience.			
Risk categories identified	Person	Environment	Asset	Reputation
	√	√	√	√
Controls already in place	1. 6 knot speed limit and minimum wash. Signs positioned around the river.			
	2. Risk Assessment self-certification policy for commercial operators.			
	3. Provision of weather and tidal data.			
	4. Education and advice eg bridge clearances published on website.			
	5. Harbour Master's Direction No. 2. (ColRegs).			
	6. Notice to Mariners issued for special events, when river is anticipated to be busy.			
	7. Extra patrols rostered for busy times and tides for the Upper Hamble.			
	8. Monitoring of VHF Ch68, for large vessel movements in the River.			
Resulting Likelihood	Person	Environment	Asset	Reputation
	2	2	2	2
Resulting Severity of Harm	Person	Environment	Asset	Reputation
	2	2	2	2
Risk Factor	Person	Environment	Asset	Reputation
	4	4	4	4
ALARP in all relevant categories	<b>YES</b>			
Additional measures required	Person	Nil		
	Environment	Nil		

	Asset	Commercial operators to provide 'picket' boats during busy periods or extreme weather and tides.  Commercial operators announce a large vessel movement on VHF.		
	Reputation	Nil		
Resulting Likelihood	Person	Environment	Asset	Reputation
	2	2	2	2
Resulting Severity of Harm	Person	Environment	Asset	Reputation
	2	2	2	2
Final Risk Factor	Person	Environment	Asset	Reputation
	4	4	4	4
Assessment Review Date				
Signed				