

### **Appendix 3**

The following comments have been received by the River Hamble Harbour Authority in respect of this proposal.

#### Comment 1

I consider the loss of the 2 access channels is important and detrimental to other river users.

The proposal appears to be contrary to Eastleigh Policy 156.OS which states that new pontoons, bridges etc will only be permitted if they do not impede movement of craft on the River.

#### Comment 2

Loss of 2 access channels would be detrimental to other river users and is contrary to Eastleigh Local Plan Policy 156.OS.

#### Comment 3

Concerns on the impact of the dredge affecting the channels. Loss of secondary channel for small crafts. Visual aspect of the River. Slight concerns on navigational safety with lack of vision of finger pontoons on this bend of the River.

#### Comment 4

Slight concern on channels.

#### Comment 5 – Michael Glanville, River Hamble Management Committee

There is potentially a new navigational risk between the end of the new jetty to the south west of the site. The distance shown between the end of the Elephant Boatyard jetty and the new Deacons installation is 15 metres. If vessels are berthed alongside the southern end of the new jetty this is likely to restrict the manoeuvring space for craft exiting their rafted positions at Elephant Boatyard. In a flood tide the risk is heightened as the strong currents will push vessels towards the new pontoons with little or not escape routes.

#### Comment 6

I write to make my objections known to you concerning the application by Deacon's Boatyard to "rebuild" a marina. As this is a substantial alteration to the layout of their mooring area I am surprised that the planning application has not been publicised more widely but rather "hidden" within the pages of the harbour office website. Further, the time for response seems very limited and one could be forgiven for thinking there was a connection!

I have three main objections.

1. This is not a rebuild but actually a completely NEW build since it involves blocking channels and making linked finger pontoons where currently open waterways and lines of moored craft exist.
2. By blocking off the subsidiary channels, smaller vessels will have to navigate within the main channel which, if they are small dinghies or rowing boats, will expose them to more wash from larger boats. Similarly those larger vessels which cannot pass under the road bridge, such as yachts with masts, will now be unable to use these secondary channels as a means of approach or exit from the turn and may find that with other vessels coming down the river at the same time they need to turn, that the restricted “escape” lane, particularly in the stronger tidal currents around the road bridge, may lead to collision or severe embarrassment.
3. This “rebuild” is of no benefit to other river users and the wider community as a whole. Rather it is for the direct financial benefit if Deacons Boatyard itself since they will be able to charge their berth holders considerably more for walk ashore facilities.

Comment 7 – Peggy Dorothy, River Hamble Management Committee

I feel I must still object to the above application. I am very concerned regarding the narrowness of the channel, the cross current and strong tides also the loss of a secondary channel.

This was highlighted by an incident as I was on my way to Fairthorne Manor on Friday with the Cadets for the annual camp. I was in Retriever (the club launch) towing Pico's with safety boats following. As we entered the Deacons area there were 3 obviously beginner canoeists trying to cope with the cross wind in the middle of the narrow Channel. At the same time the Tripper Boat came down. Because the driver of the Tripper and myself are used to the River and knew the canoes were out of control in the wind and tide we both took action. It did show me how narrow this channel really is with the Tripper and ourselves passing.

If the new Marina with its outlets onto the Channel were in use and a boat had been coming out it could have been a really nasty situation. The outlets would also be quite blind from channel users in small boats.

I was towing a rib up to Bursledon Outboards on the full ebb. Having the Marina Development in mind I was looking from the point of view of vessels leaving and returning to the Marina on a full ebb in windy conditions. It would be extremely difficult to navigate safely as they would be side onto the tide and have to come out at speed and to turn would have to come nearly half way across the channel. As a member of the Management Committee I would like to suggest we have a site meeting on the full ebb.

The size of the boats the other side of the bridge are wide and to get down stream have to come past Deacons with the proposed development a hazard.

Please look into the width of this channel including the turning space to proceed downstream.

The loss of a secondary channel is also very important the canoeists should have been encouraged into it perhaps with the erection of signs. The signs perhaps funded by the Asset Enhancement fund

#### Comment 8 – Solent Protection Society

This Society wishes to object to the creation of a marina in Bursledon Pool in the area currently used for pontoon moorings and subsidiary channels.

Our mission statement states that Solent Protection exists to ensure the ecological and environmental well-being and wise management of the Solent area, its natural beauty and amenities, so that these may continue to be enjoyed by present and future generations.

We interpret this in this case as meaning that we should ensure that rivers such as the Hamble are available for the use of all society and not unduly restricted by the enclosure. We also believe that the wise managements of rivers such as the Hamble requires an overall plan and the consideration of changes and development in their wider context.

Our mission statement refers to future generations and we are concerned that in granting permissions the Harbour Authority does not state time limits. There will therefore be difficulty in rescinding or reviewing permissions in the light of changing circumstances. The expected rise in sea levels caused by climate change being a particular concern this close to the restriction caused by Bursledon Bridge. The interaction with other permissions that have been granted such as to RK Marine and to Premier Marinas being other causes.

The primary concern of this Society is that the public at large should continue to enjoy safe access to the whole river. The closure of the subsidiary channel nearest to the main channel would be an action that would impede public navigation and force small vessels and canoes into the main channel. We believe that any finger pontoons designed to give walk ashore access should be limited in length and not obstruct this channel.

The River Hamble is an outstanding highlight amongst the public open spaces of Hampshire. We hope that Hampshire County Council will take all the necessary steps for its protection. We therefore urge that this application is rejected.

Comment 9 – River Hamble Mooring Holders Association

The Association wishes to object to this application. There are a number of reasons

1. Conflict with the Harbour Authority and Crown Estate Policy

The Harbour Authority and Crown Estate have confirmed that it is their policy that there will continue to be a range of mooring types. Currently the majority of moorings are in Marinas. The proposal will reduce the number of yard provided mid-stream moorings and mud berths, so reducing the range of available moorings.

2. Loss of minor channel

It is the policy of the association to seek the retention of all open areas and minor channels on the river, both to enable our members to reach their moorings by tender and for recreational purposes by all local residents. We believe that the loss of the minor channel conflicts with the Eastleigh Local Plan, and is contrary to the Inspectors findings at the HYS enquiry. The experience of our members is contrary to the suggestions in the Application, as members have used these channels in complete safety.

3. Potential prejudicial effect on long term planning of the River

Heretofore Harbour Authority work consents have allowed developments to be permanent, as no time limits have been made a conditions of consent. We note that the Marine Management Organisation (MMO) in granting consent have wisely attached condition 5 in appendix 2. This relates to the removal of the work. We believe that the Harbour Authority should apply similar conditions where consents are granted.

4. Absence of a Plan for the River

The lack of a plan means that the Harbour Authority is unable to judge this application within the wider context of the whole River.

This is exemplified by the point that no report has been seen by stakeholders demonstrating any possible conflict between this development and the outstanding but un-implemented permissions granted to RK Marine and to Premier Marina.

The possibility exists of a dry sail development from an up-stream boatyard such as RK Marine or Eastlands. The Harbour Authority cannot control such developments but having no plan have not produced a report for stakeholder on any potential impact on the area of river south of the bridge which is the subject of this application.

5. Consultation

It is regrettable that contrary to practice in earlier developments, river users have been unable to take part in a dialogue with the Harbour Master concerning the risks arising from this proposed development, and their management.

The provision of additional information on the web following our representations is greatly appreciated but the Association regrets that the time limit for consultation was not extended to allow full consideration by all stakeholders.

## 6. Site Inspection

As this is the most important development to occur on the River for several years the Association believes that members of the Management Committee and the Board should be offered the opportunity of a site inspection before the application is considered.

The Applicant refers to the permission granted by the MMO in relation to navigational safety. We have been told by the MMO that no site visit was carried out relating to this application. The MMO have stated that they relied on their general knowledge of the River

## 7. Application Details

Throughout the application there are a number of assertions offered without support; these require testing. We hope to produce an appendix to demonstrate these points.

Of particular anxiety to the Association is the assumption that those navigating on the River are doing so in full control of their vessel and in accordance with the Collision Regulations. This is not the case and over a number of years the Harbour Master's report of incidents has confirmed this. When considering a grant of permission for a development we suggest that the Harbour Authority should be mindful that River users exhibit a wide range of competences and experience. Applications should be considered in the light of adverse river conditions such as maximum high spring tides and of poor weather, in this application the applicants acknowledged the strong tidal conditions that exist in this area.

## 8. Applicants log of users

It is noted that the log of river users provided by the applicants starts on January 25<sup>th</sup> in the coldest winter for many years and so details a quiet time of year when only a small number of vessels of any size are in use and transiting the bridge from the upper boatyards.

In addition, for reasons relating to the national economic conditions and reduction of disposable income, it has been reported that the overall traffic on the river is low. The log reflects conditions on certain winter and spring days but does not give any impression of the potential use of these channels.

## 9. Concerns about the plans submitted and dredging

We attach an enlarged section of the applicants plan 10093-2c-a1.pdf, which shows an area to be dredged, which is in the northwest corner of the site adjacent to Bursledon Bridge. We draw attention to the fact that a slope is shown from the bank side of the river. This is demonstrated by elongated triangles, known we understand as tadpoles. There is no such slope shown in the northeast end of the slope at right angle to the first slope. There is a difference of 0.9 metres between the proposed dredged height and existing levels. This is impractical and we consider that it cannot be implemented.

We suggest that the plan shows a situation, which cannot be sustained over a period of time. The vertical difference between the two areas would be abraded to a slope by tidal action, so possibly eroding the adjacent public hard. Any such slope formed would lie in land which is the subject of the Environmental lease to Hampshire County Council. We suggest that the scheme as submitted cannot be

implemented, consent should be refused until alternative plans are submitted which demonstrate a viable long-term situation within the area subject to the proposed lease to Deacons.

#### 10. Hydrodynamic Assessment

The Applicants have presented a Hydrographic Assessment prepared by Consultants. We note that the consultants state:

##### *3.2.1 Water Levels*

*The mean tidal range at Bursledon is 3.9m on springs and 1.8m on neaps with the tidal levels presented in table 1*

The report also shows in the section entitled "Figures" two graphs for position A and position B. In the graph concerning position A reference is made to a flood range of 4.4m and for position B to a flood range of 4.03m.

We draw attention to the fact that on February 20<sup>th</sup>, March 20<sup>th</sup> and 21<sup>st</sup>, of this year, the tidal range quoted in Southampton Port Tide Tables was 4.9m. This represents an increase in range of 25% above the mean figure quoted in the report. The data shown in Reeds Nautical Almanac for MHWS suggests the range for Southampton and Bursledon is similar.

We cannot know to what extent the conclusion by ABP Mer was influenced by the lower figures but it seems likely that the maximum potential flow has been understated.

The Association is also concerned that figures for positions A and B are quoted but that figures for position C are omitted. This position is closest to Bursledon Bridge and therefore possibly subject to the greatest influence by the constriction caused by the bridge. We understand that certain information became available at the end of the consultation period but that full information is not in the public domain and has been withheld by the applicant.

The maximum tidal flow is of importance when considering the question of vessels heading downstream with the tide under them and in opposition to vessels passing upstream. The ground track of vessels leaving the proposed development to enter the channel, and consequently being at right angle to this high tidal flow has also not been addressed.

This follows a characteristic of this Application that average conditions have been assumed rather than planning for the most potentially dangerous conditions. We consider this could have serious safety implications.

We urge the Harbour Authority to consider the long term well being of the River, the safety of all river users, the need for recreational space, and to reject this application.

Comment 10

I am objecting to this application for the following reason:

My family and I regularly use the slipway next to Aladdins Cave Chandlery, to launch canoes and paddle south between the floating pontoons off Deacons Boatyard.

If the proposed alterations are allowed this safe route will be blocked and we will have to go out into the middle of the river. This route is much more dangerous as the tide runs faster there and the larger river traffic use this deeper channel to pass under the bridge. We have used this existing route safely for the last 20 years and feel it would become too dangerous for us to continue with this very enjoyable and, at present, safe pastime.

I feel that river safety should be the MOST important consideration in any proposed changes to the river and its associated marinas/moorings.

Comment 11 – Hamble Parish Council

Please note the following comments from Hamble Parish Council objecting to the proposal currently under consideration for a Harbour Works consent at Deacons Boatyard in Bursledon.

The proposal will jeopardise safety and ease of navigation on the river by blocking off the secondary channels. The main channel is narrow in this part of the river and the proposal will block off two secondary channels used by rowing boats, canoes and other small dinghies to keep out of the main channel. Above the bridge many motor boats are moored (as they have no masts they can get beneath the A27 road bridge) so small boats need the secondary channel to keep well clear of these.

The proposal will impede the movement of craft on the river, or areas where there is currently public access

The Hamble River Design & Access Statement says that over the years levels of silt have built up within the marina area and the opportunity will also be taken to reinstate practical operational depths as were previously available. There is no indication of how long ago this area was dredged and current policy on dredging is that maintenance dredging only is permitted, not capital dredging.

The Strategic Principles to Guide Development on the River Hamble Approved by Hampshire County Council as River Hamble Harbour Authority in June 2004 states:

- That a wide range of moorings, broadly consistent with current range according to sector, type and charges will be maintained and
- Retain the majority of moorings not connected to the land ie mid-stream moorings

The proposal will make all the moorings walk-ashore whereas currently most of them are not walk ashore. When pontooned moorings are linked to the shore this increases the cost of each berth. It is a stated policy to maintain a wide variety of affordable moorings for the river user of modest means.

#### Comment 12

I have been looking into this and am very perturbed. The secondary channel is greatly used by small craft who would then be obliged to use the main channel. This could cause a nuisance to larger craft and a danger to these small craft. The main channel is fairly narrow in that area. I am also concerned about the fact that this may take affordable moorings out of the reach of local boat owners.

#### Comment 13

I wish to formally object to this scheme on the following grounds:-

1. The applicant has continued to submit drawings which show works which cannot be constructed in a physically stable manner. The up river end of the **proposed dredge shows a vertical wall**. In the applicants submission they claim that it is physically not possible to construct this end of the works with a slope whereas at the opposite end adjacent to the Elephant Boatyard they show a proper slope to be dredged. This is at a similar horizontal angle to the river bankside slope as proposed at the up river end adjacent to the **PUBLIC HARD** and the A27 bridge. There can be no legitimate reason why this end should not be similarly sloped at a long term stable angle within the area of Deacon's Crown Estate Lease. The effect of these works if constructed as shown on the drawings is that the vertical wall will collapse and the Public Hard will be eroded.

2.a. The applicant submitted an incomplete report from ABP MER into the tidal flows in this area. The report diagram shows that the tidal velocities were logged on different dates and tidal ranges, the points "A" and "B" the information was reasonable. However for point "C" the only information is on one plan on which no velocities or direction at different depths was given, only that the flow rotates during all parts of the tidal cycle.

2.b. Despite further requests both through the Harbour Office and directly to the applicants agent Mr.Tosswell limited velocity information was released only two days ago without directions of flow. This information came via the Harbour Office and I was asked not to disseminate further. The applicant's advisers must have collected this data to have put what limited flow direction information the flow direction arrows on the plan show for point "C". **The applicant has declined to release this directional information after** several requests.

2.c. The information for point "A" was taken on a 4.6 metre range ebb tide (11/1/1978), whereas points "B" and "C" were measured on tides of 4 metre range (7/5/1993). The velocities on bigger tides do not relate linearly to height but approximately at something approaching a square law because of the increased

area of inter-tidal mudflats which the tidal waters cover. One of the best sources of tabulated information on this effect is published by the French Hydrographic Office, known as the "Brest" coefficients. The ABP tide tables do not give velocities in great detail only tidal heights. I would assess this effect on points "B" and "C" such that the velocities shown given for these points need to be increased by 50% to give a reasonable comparison with the velocities shown for point "A" (due to different date).

This data available, with estimated velocity correction to comparability due to the range differences, gives on the flood 1.5 to 0.5 hours before HW velocities at "A" 0.8m/s, at "B" 0.6 to 0.75 m/s and at "C" 0.65 and 1.0 m/s.

On the ebb tide the highest velocity measured at "A" was 1.3 m/s 4 to 4.5 hours after HW. On a rare 5metre range tide this velocity is likely to be 1.5 to 1.6 m/s (that is over three knots) and this is well away from the accelerator effects of the bridge arch narrowing. By the bridge the surface velocity could be double this value with the danger of scour around structures. This also represents a serious hazard to navigation safety particularly when the standing waves develop and small vessels are transiting this area.

2.d. The ABP Mer report does not mention or consider the standing waves which develop adjacent and downstream of the A27 bridge.

3. As Chartered Civil Engineer with experience of carrying out "Ministry of Transport" "Bridgeguard" checks, one of the most important things which one examines is the foundations for safety against scour. The rotating tidal flows at point "C" the closest to the A27 bridge give me cause for concern to the long term safety of the bridge foundations and their protective sheet piling. I understand that the County Bridge Engineer has considered this matter and written an email, however it should be noted that he did not have access to the data for point "C" (nearest the bridge). He has not had the opportunity to consider the risk of rapid foundation damage due to vortex action.

4.a. The existing space for any vessel to turn adjacent to the bridge will be halved in area and there will no longer be the opportunity to turn down the secondary channel. This is seriously prejudicial to navigational safety.

4.b. The applicants arguments that the entry gaps into marina represent a safe space for dinghies and canoes assumes that no vessel is exiting this mooring area at the time of their seeking refuge.

I therefore ask that this application should not be granted until drawings showing a stable dredgeable area are submitted and the full tidal velocity information is made publicly available for point "C".

#### Comment 14 – Bursledon Parish Council

Please note the following extract from a meeting of Bursledon Parish Council regarding Deacons Boatyard in Bursledon.

Extract from Minutes of Planning Meeting 9<sup>th</sup> February 2011

Deacons Boatyard, Bridge Road, Bursledon – Addition of new pontoons with tubular steel piles, following removal of existing pontoons. Case Officer: Narinder Phagura. Case ref: C/11/68360.

One letter of objection received from Mr Clark

Cllr Clarke read the letter received from Mr Jeremy Clarke.

Cllr Lippold advised where the Cabin Boatyard was in relation to Deacons Boatyard. Pontoons that cross over have to be detachable to allow access to the secondary channel. The Harbour Master would not allow them to be permanently closed. This is the Old River – Bursledon Pond the view from the pub is traditional in appearance and modern marinas are not wanted in old school setting.

Cllr Woodhouse advised it was difficult for children in small dinghies to sail up the river and dangerous because of the tides. Also said the river is there for all.

Cllr Clarke advised BPC allowed expansion of toilets and cafe. Pontoons of outer legs sufficient, now more boats could be moored result - closing access. Compare this to trying to close a footpath which would not be allowed – so why allow river to be closed.

Cllr Lippold read Eastleigh Biodiversity rules regarding the number of moorings.

Cllr House supported Cllr Lippold views EBC supported Harbour Master Safety issues.

Cllr Holes advised the consultation period ran out on 04/02/11 and he had contacted colleagues regarding the loss of secondary channels and asked for this planning application to be referred to LAC. Cllr Holes advise that he had the support of the Chairman, Cllr Cross, Cllr O'Sullivan and Cllr McNutley.

Cllr Lippold proposed TO OBJECT, Cllr House seconded 5 members voted in favour with 2 LAC Members Cllr Holes and Cllr O'Sullivan abstaining.