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This report contains exempt information as defined in  
Paragraph 3 of Part 1 of  
Schedule 12A to the Local Government Act 1972  
(applies to Appendix 4 only)

AGENDA  
ITEM

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**SOUTH HAMS DISTRICT COUNCIL**

AGENDA  
ITEM

**10**

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| <b>NAME OF COMMITTEE</b> | Salcombe Harbour Board   |
| <b>DATE</b>              | 23 September 2013  |
| <b>REPORT TITLE</b>      | <b>Kingsbridge Berthing Improvements Project – Progress Report</b> |
| <b>REPORT OF</b>         | Salcombe Harbour Master  |
| <b>WARDS AFFECTED</b>    | All South Hams   |

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**Summary of report:**

To update the Harbour Board on progress with the Kingsbridge Berthing Improvements Project.

**Financial implications:**

The financial implications are described at Appendix 4.

**RECOMMENDATIONS:**

**That the Harbour Board RESOLVES to recommend to Council to replace the previously approved requirement for a £50,000 loan with funds from the Harbour's General Reserve.**

**Officer contact:**

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## 1. BACKGROUND

- 1.1 The Harbour Board recommended the project be progressed in November 2012 (SH35/12).
- 1.2 The contract was awarded to Walcon Marine Ltd in March 2013, subject to the successful award of Planning Permission and Marine management Organisation Licence.
  - 1.2.1 Planning Permission was granted on 7 June 2013.
  - 1.2.2 The MMO Licence was issued on 8 July 2013 with conditions.

## 2. **MMO Licence Conditions.** The following conditions were attached to the MMO Licence and need to be fulfilled in order to comply with the Licence.

### 2.1 Prior to the commencement of works:

- 2.1.1 A Historic Environment Impact Assessment is undertaken by a suitable heritage professional, and submitted to the MMO for approval by English Heritage four weeks before commencing the work. This is to clarify the potential of this location to include significant heritage assets.
- 2.1.2 To identify and agree with natural England which moorings are to be removed from within the Salcombe and Kingsbridge SSSI. This is to ensure suitable mitigation to counteract the increased area of mudflat which will be covered as a result of the works.

### 2.2 During the Works:

- 2.2.1 To use coatings and treatments that are suitable for the marine environment and that HSE and EA pollution prevention guidelines are followed. This is to ensure that hazardous chemicals that may be toxic, persistent or bioaccumulative are not released into the marine environment and are used appropriately.
- 2.2.2 To use bunding and or storage facilities to contain and prevent the release of fuels, oils and or chemicals associated with the plant. This is to prevent marine pollution incidents by adopting best practice techniques.
- 2.2.3 To report any fuel, oil or chemical spills to the MMO Marine Pollution Response Team. This is to ensure that any spills are appropriately recorded and managed to minimise impact to sensitive receptors and the general marine environment.

- 2.2.4 The contractor must ensure soft-start procedures are used. This is to allow mobile sensitive receptors to move away from the noise source, and reduce the likelihood of exposing the animal to sounds which may cause injury.
- 2.2.5 The works and any temporary works are to be marked and lighted in accordance with the requirements of Trinity House.
- 2.2.6 Machinery is not to be stored on the foreshore. This is to reduce the risk of pollution.
- 2.2.7 No waste concrete slurry or wash water from concrete or cement works to be discharged into the marine environment. This is to avoid damage to the marine environment.

### 2.3 Upon completion of the works:

- 2.3.1 All equipment and temporary structures is to be removed within 6 weeks of completion of the works. This is to prevent the accumulation of unlicensed materials.
- 2.3.2 The District Marine office is to be notified of completion of the works within 10 days of completion. This is to keep the MMO informed of progress.

## 3. Way Ahead

### 3.1 Complying with the MMO Licence Conditions.

- 3.1.1 A Consultant has been engaged to prepare the Historic Environment Impact Assessment (HEIA). This should be completed and lodged with the MMO by Early September HEIA at Appendix 1.
  - 3.1.1.1 This condition was fulfilled to the satisfaction of English Heritage and the MMO on 29 August 2013.
- 3.1.2 In the MMO Licence application the Harbour Authority offered to remove 6 swinging moorings to mitigate the small loss of intertidal foreshore caused by the increased area of pontoon within the new pontoon system. It is proposed to remove 2 from South Sands and four from Frogmore, submission to NE at Appendix 2.
  - 3.1.2.1 This condition was fulfilled to the satisfaction of natural England and the MMO on 21 August 2013.

3.1.3 The conditions imposed during the works will be fulfilled in cooperation with the Contractor.

### 3.2 Changes to the Licence.

3.2.1 It is proposed to change the pontoon bridge landing arrangements on the Kingsbridge Quay. The original design relied upon a concrete base for the bridge to attach and pivot upon, however, this was considered too intrusive to the existing quay wall.

3.2.2 The alternative proposal, described at Appendix 3, was put to the MMO as a Licence Variation Request, was approved on 12 August 2013. The bridge will be supported on two additional piles, close to the quay wall, making the bridge completely separate and self supporting, not requiring any intrusive works on the quay.

### 3.3 Construction Works.

3.3.1 An order for the works will be placed with Walcon Marine Ltd once all the licence conditions have been met, at time of writing this is only the HEIA, which has been presented to the MMO and awaits comment by English Heritage.

3.3.2 Berth holders will be contacted to make arrangements to facilitate the works.

3.3.3 Work on site are planned to commence in January 2014. The first task will be for the Harbour Authority to remove the existing pontoon, all of the ground chains and the wall ladders. This should be complete by mid January 2014.

3.3.4 The contractor will be on site from late January for about 4 weeks.

3.3.5 The completed pontoon system will be available for use from 1 April 2014.

## 4. LEGAL IMPLICATIONS

4.1 Statutory Powers: Local Government Act 1972, Section 151. The Pier and Harbour Order (Salcombe) Confirmation Act 1954 (Sections 22-36).

4.2 An assessment has been carried out as to whether the public interest in withholding the information at Appendix 4 outweighs the public interest in disclosing it. It is considered that with regards to Appendix 4, the public interest lies in non-disclosure due to commercially sensitive information.

## 5. FINANCIAL IMPLICATIONS

5.1 The financial implications are detailed at Appendix 4 (Exempt).

## 6. RISK MANAGEMENT

6.1 The risk management implications are:

| Risk/Opportunity                                     | Risk Status         |                            |               | Mitigating and Management Actions   |
|--|---------------------|----------------------------|---------------|---|
|  | Impact/<br>Severity | Likelihood/<br>Probability | Risk<br>Score |   |
| Failure to fulfil the conditions of the MMO Licence. | 3                   | 2                          | 6             | Consultant appointed to produce HEIA.<br>Negotiations will NE underway with an offer of moorings to be removed. |

## 7. OTHER CONSIDERATIONS

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| <b>Corporate priorities engaged:</b>                | Community Life<br>Economy  |
| <b>Statutory powers:</b>                            | Local Government Act 1972, Section 151. The Pier and Harbour Order (Salcombe) Confirmation Act 1954 (Sections 22-36).  |
| <b>Considerations of equality and human rights:</b> | None   |
| <b>Biodiversity considerations:</b>                 | The loss of foreshore to be balanced by the reduction in the number of moorings elsewhere in the harbour. The establishment of additional pontoons would create an alternative habitat which would promote biodiversity. |
| <b>Sustainability considerations:</b>               | By reducing the maintenance load the facility would become more sustainable.   |
| <b>Crime and disorder implications:</b>             | Improvement in security would be a counter to marine crime. Particularly opportunist crime.  |
| <b>Background papers:</b>                           | Strategic Business Plan 2012-2017<br>Kingsbridge Berthing Options Consultation Document.   |
| <b>Appendices attached:</b>                         | 1. HEIA.<br>2. Mooring Mitigation Submission to NE.<br>3. Revised Bridge Arrangements<br>4. Budget for Kingsbridge Project (Exempt).   |