

SUTTON HARBOUR HOLDINGS

During the course of discussion, during the Matter 7b session on the afternoon of 06/02/18, the Plymouth Trawler Agents (PTA) introduced a new matter of objection. Our client was invited by the Inspector to 'get in' on further correspondence on this matter. Our comments on this matter are set out below.

We understand the new matter raised by the PTA to be that, in the event of an emergency affecting a fishing boat (trawler) at Fish Quay it may be useful to remove the stricken vessel from Fish Quay to relieve congestion for operational boats accessing the Auction Hall and moor the vessel alongside Sugar Quay (aka East Quay) in front of the Sugar House site.

Our clients are:

- The owners to the Sugar House site, and,
- The Statutory Harbour Authority for Sutton Harbour (see Sutton Harbour Act of 1847)

We, therefore, comment on our client's behalf, from each particular perspective.

As the Statutory Harbour Authority (comments provided by Mr Peter Bromley, Statutory Harbour Master)

Scenario 1 Vessel taking on water coming into Sutton Harbour

If a vessel is taking on water and wishes to enter Sutton Harbour it will first need to pass through waters controlled by the Queens Harbour Master (QHM), to do this there is a requirement to report both the passage and the problem to Longroom Port Control. QHM would then assess the risk and take whatever action he deemed necessary to assist the vessel. This would probably involve a contracted salvage company or dockyard tug who would make the vessel safe and find secure berthing for it at a location commensurate with its size. The skipper would not be permitted to continue on to Sutton Harbour and if he did he would be refused entry by the lockkeeper who would refer the matter to the Sutton Harbour Master or Lock and Wharf Manager. This would be done in accordance with the 2016 Port Marine Safety Code, Dangerous Vessel Directions 4.10 which states:-

"A harbour master may give directions prohibiting the entry into, or requiring the removal from, the harbour of any vessel if, in their opinion, the condition of that vessel, or the nature or condition of anything it contains, is such that its presence in the harbour might involve a grave and imminent danger to the safety of persons or property or risk that the vessel may, by sinking or foundering in the harbour, prevent or seriously prejudice the use of the harbour by other vessels. They must have regard to all the circumstances and to the safety of any person or vessel. Such directions may be over-ridden by the Secretary of State's representative for maritime salvage and intervention who may issue contrary directions to the harbour master in the interests of safety."

(Section 1 of the Dangerous Vessels Act 1985)

Scenario 2 vessel takes on water whilst alongside.

In the event of a vessel already being in Sutton Harbour starting to take on water we have procedures in place to assist the vessel by providing salvage pumps and trained personnel. We have the pumping capability to adequately deal with the size of vessel currently using Sutton Harbour and, if required, additional pumping facilities can be provided by the fire brigade which is something they have done in past. Water ingress whilst a vessel is alongside is invariably due to leaking stern glands, poor skin fittings, sprung planks or broken hoses and the water flow into the vessel from any of these causes is controllable with

the onsite equipment. Therefore, with the exception of malicious intent the possibility of a vessel sinking alongside is remote.

Risk mitigation

- There are now very few wooden fishing boats working from Plymouth with the majority being steel or glass fibre, therefore, the risk of leaks through the hull is greatly reduced.
- Fishing vessels are subject to regular checks and examinations by the MCA which has led to better equipped and better maintained vessels using the harbour.
- Most vessels are fitted with audio and visual bilge alarms.
- 24hr support available from SHC staff and Fire Brigade
- CCTV of the berthing areas monitored 24/7 by Sutton Harbour Company staff
- Vessels are required to carry their own pumps on board.

Site Constraints

The latest hydrographic survey (2016) does not extend right up to the gabions on East Quay, but shows the sea bed contour between 5 and 15 metres off the gabions to have a drying height of 2.6 metres above chart Datum. In effect this means that during the approximate six hour of lock off period (which occurs every 12 hours) the depth of available water will be less than 1 metre. During the six hours of free flow the depth will rise gradually to not more than 3 metres, making this area inaccessible to most of the fleet most of the time. In reality the 5 to 15 metre area of seabed up to the gabions is much shallower making any berth against the gabions on East Quay inaccessible for most of the time.

There are no mooring bollards situated in the area of the gabion wall and the gabions and the tarmac covering would not provide suitable anchorage for them to be installed. Even if they were possible to fit they would become a trip hazard on what is, at times, a busy footpath.

History

The Company can find no one that can have any recollection or who can give it any evidence that this area has ever been used for this purpose in the past. The Company did once put a large abandoned vessel on the beach adjacent to the Marrowbone Slip, a position in the harbour which is heavily constrained by the available depth of water, and this would still remain an option to ground a vessel if the tidal conditions allowed.

The outer end of a very small section of the covered and redundant Sugar House slipway protrudes at right angles from the gabions. The remains of this concrete slipway are too small and too inaccessible to be of any purpose and, if anything, would make berthing alongside the gabion wall even more difficult.

Therefore, the emergency situation introduced by the PTA, is unlikely to arise and, even if it does, there are established procedures for dealing with such a matter.

It would not prove possible to haul a trawler out of the water at the Marrowbone Slip (for reasons of size etc)

It is not possible for a trawler to access the slip due to inadequate depth

Accordingly for the PTA 'suggestion' to be taken forward the existing slip would need to be re-engineered and possibly the harbour dredged. Neither of these are practicable propositions and, as explained above, are simply not necessary.

As site owners

Our client has the following concerns:-

- Such re-engineering would inevitably have negative marine and terrestrial ecological impacts upon the current environmental balance.
- To carry out any works, as well as planning permission, an MMO licence would also be necessary. We doubt that this suite of consents could be obtained without considerable cost.
- Any re-engineering of the harbour wall in this location may well give rise to site stability considerations. Such considerations as may arise have not been investigated, nor costed, in the current conclusions about the viability and deliverability of the Sugar House site.
- There is also the possibility that any ground works to the Sugar House site, that involve a widening of the slipway, could introduce a potential pollution pathway to the marine environment that does not currently exist (and that will not be created if the existing footpath is retained, as limb 4 of PLY25 requires).
- The widening of the existing slipway would inevitably sterilise part of the existing Sugar House site. This would negatively impact upon matters of scheme viability and deliverability of the allocation (which, to remain viable, has to deal with abnormal costs matters).
- The need for housing to be delivered from this part of Plymouth is a fundamental element of the JLP strategy and this goes to the heart of the soundness of the JLP.
- Reprofiling of the slip, in terms of horizontal and vertical alignment, may well also 'cut across' the objective of improving the pedestrian connectivity (particularly for those with impaired mobility) around this part of the harbour, when there is a clear policy imperative to improve this (and it is necessary to improve the viability of active ground floor uses).

In conclusion, our client sees little virtue in the need for such provision, and has no interest in pursuing such works which are not necessary, reasonable, practicable nor desirable (taking a balanced perspective).

The PTA proposal is not an objectively assessed infrastructure requirement, nor is it justified.

We conclude the plan would not be effective if it was amended to include such provision since the effect of it would be to prejudice the delivery of the PLY 25 allocation (as currently worded) and, as such, the PTA proposal is 'unsound'.

Procedurally speaking, this new matter of representation is not 'duly made'. It was not raised in the PTA's regulation 19 submission and it raises questions of procedural fairness if it is to be considered now. We suggest that this matter need not be considered further. Perhaps the PTA would care to withdraw the point?

As the record shows Sutton Harbour Holdings is committed to the renewal of infrastructure at Sutton Harbour, and is poised to carry this out in accordance with policies PLY25 and PLY26, as proposed. Our client is, however, concerned about the matter raised by the PTA in relation to the current wording of PLY25.

As evidence to our client's commitments to these policies, since late 2013 over £1.5m has been invested in Fish Quay, including a £300,000 investment to upgrade the auction hall (with the involvement of the PTA) who were engaged in full through the works.

I trust our expedient response is clear. We may wish to comment further should any further submission be made by the PTA.

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Managing Director

PCL PLANNING LTD

14 February 2018