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Dear Member

HARBOUR COMMITTEE - MONDAY, 3 JUNE 2013

I am now able to enclose, for consideration at the Monday, 3 June 2013 meeting of the Harbour Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
17.	Tor Bay Harbour - Port Masterplan Revised	(Pages 1 - 11)

Yours sincerely

Kay Heywood
Clerk

Appendix 1 – Version 2

Tor Bay Harbour Port Masterplan - consultation and feedback

As part of development of the Tor Bay Port Masterplan key stakeholders were asked to comment on the draft document which was circulated via email and made available on the Harbour Authority website from mid April 2013. Responses were received from a number of individuals and organisations including the Marine Management Organisation, Natural England, English heritage and the Heart of the South West Local Enterprise Partnership.

All of the key issues raised during the feedback on the draft plan are summarised in the table below. Where suggestions have been incorporated into the final masterplan this has been acknowledged, and where they have not the reasons for this are outlined.

Comment	Response
General Comments	
The long term skills agenda is only slightly touched upon and perhaps could be more in evidence.	There are a number of other strategic documents which refer to long term skills development in Torbay including the Work and Skills Plan and Marine Economy Action Plan. As such we have not included more detail in the Port Masterplan.
It is unclear whether the Port Masterplan envisages facilities for the enhanced Bay ferry services sought by the local transport plan.	Chapter 3 7 th bullet point on Strategy states <i>'Improve connectivity between the enclosed harbours by upgrading facilities for marine transport'</i> . Currently ferries berth at New Pier in Brixham. This berth has less than 1m of water at extreme low tides. It would be possible to provide a berth adjacent to the new slipway at Oxen Cove but this is slightly further away from the Strand. At Torquay an option has been proposed to <i>'Improve facilities for passenger pleasure boats at the Fish Quay'</i> .
Synergy with the Local Transport Plan regarding access to the individual harbours is less clear	The Local Transport Plan 3 (LTP3) has been reviewed as part of the suit of policy documents and reference is made within the transport policy section. The Masterplan has been developed with a view to the aims, objectives and aspirations of the LTP3. This point will be addressed in an additional transport planning appendix which was not included at draft stage.

Comment	Response
<p>While the engagement processes adopted in the production of the draft plan have included some public facing events it is perhaps open to question how representative the participation might be of Torbay's general populace rather than an interested minority.</p>	<p>The Masterplanning process has involved a number of consultation events, including a stakeholder day in October 2012 and a drop in session in each town in February 2013. Through the process a list of interested stakeholders has been developed (including neighbourhood planning groups) and the draft masterplan was sent to all on the list. In addition the draft was made available on the Harbour Authority website in April 2013, and this was highlighted by a number of press articles.</p>
<p>A longer term aspiration to be prepared for a return to greater use of short-sea shipping is indicated briefly by the pier extensions in Torquay and by the intermodal facility at Goodrington and is greatly to be welcomed, even if the plans are, perforce, only mentioned in outline. It is unclear how achievable such aspirations might be in practice, given the associated infrastructure requirements that would be required to bring them about.</p>	<p>It is clear that if a short-sea shipping service was offered to TBHA it could be accommodated on the proposed extension to Haldon Pier and by development of the sidings and car park at Goodrington. The infrastructure outside the Harbour boundary would be met by other Plans including the emerging Local Plan.</p>
<p>I'm a little concerned that no mention has been made as to how existing users would have access to the water.</p>	<p>It is recognised that while the Masterplan sets out development for the future, existing users will want to maintain access to the water where this takes place. The proposals provide for replacement of any slipways that are 'submerged' in any development. The access at Oxen Cove will be enhanced by the proposed reclamation.</p>
<p>The Harbour Authority's objection to the Marine Conservation Zone is referred to, but this is not followed through with a discussion of potential implications.</p>	<p>This is acknowledged and will be addressed in the final Masterplan. The 'Fishing Sanctuary' Final Report (2011) was reviewed and information used to prepare the Port Masterplan. The Harbour Authority were involved in the Stakeholder Workshop organised by SeaTorbay on 7 November 2012. On 18th March 2013 the Harbour Committee decided to reject the idea of a MCZ anywhere within Tor Bay Harbour limits on the grounds that the socio-economic impacts are unquantifiable. A response to consultation was sent to Defra accordingly. However if the MCZ is approved then its requirements would be adhered to. It is considered that the implications of whether or not there is a MCZ are small as many of the environmental protection aspects are already covered by existing legislation and the cSAC designation.</p>

Comment	Response
<p>In the 'flora, fauna and biodiversity' section the Masterplan states 'any developments must not significantly impact on any protected species, and management of the Bay should protect such species'. The word significantly should be removed or alternatively the wording should be more onerous</p>	<p>Natural England's feedback on the draft stated 'We welcome the statement that <i>developments must not significantly impact on any protected species and management of the Bay should protect such species</i>. This gives regard to government advice on BAP and protected species and their consideration in the planning system and Natural England Standing Advice for Protected Species is available on our website to help local planning authorities better understand the impact of development on protected or BAP species'. As such we have left the wording in the final Masterplan unchanged. The word 'significant' has a status in environmental legislation and is the correct word to use.</p>
<p>Overall the plan meets most expectations for the three harbours and coastline and we see no glaring errors.</p>	<p>Good</p>
<p>A further general observation we would make is that the Tor Bay plans do not seem to make reference to the Department for Transport's National Policy Statement for Ports (2012) or it's Guidance on the preparation of port master plans (2008).</p>	<p>The DfT guidance is referenced in Chapter 1 Introduction and this, along with the National Policy Statement for Ports will be included in the reference list. The NPSP sets out requirements on sustainability for new port infrastructure and the proposed developments would need to comply with these requirements.</p>
<p>Under the Localism Act, there is a duty for local authorities and other public authorities to work together on planning issues to reflect shared interests and opportunities. In meeting requirements, we would suggest looking at the Marine Policy Statement (MPS) which, in lieu of marine plans for the South plan areas, should be used to inform and support decision-making that may have an impact below mean high water. We would recommend looking at the MPS as part of your Policy background section on page 40 and include the MPS in the list of current and existing plans/guidance.</p>	<p>We will include the MPS in the references section of the Masterplan. The requirements for ports under the Marine Policy Statement are covered by the NPSP.</p>

Comment	Response
<p>The <i>National Policy Statement for Ports, 2011</i> recommends that in order to help meet the requirements of the Government's policy on sustainable development, new port infrastructure should where possible <i>improve marine and terrestrial biodiversity</i> and further recommends that <i>measures are included in Port developments to enhance the marine environment where possible, thus offsetting any negative effects.</i></p> <p>This is also in accordance with the <i>Guidance on the preparation of port master plans (Department for Transport 2008)</i>, which states in respect of master plans that <i>there should be a net environmental benefit from production of the Plans.</i> It is our opinion therefore that the Port Masterplan should further explore the scope for opportunities to incorporate features that are beneficial to wildlife into the strategic design, implementation and operation of future development.</p>	<p>The NPSP actually states that <i>new port infrastructure should preserve, protect and where possible improve marine and terrestrial biodiversity.</i> The second quote does not appear in the NPSP. However environmental legislation requires assessment of environmental impact to be made and the NPSP encourages enhancement of the environment, access, jobs, skills, habitats, biodiversity and geological conservation.</p> <p>The 2008 Guidance does not have a statement that <i>there should be a net environmental benefit from production of the Plans.</i></p>
<p>We also acknowledge that the section of the plan on 'green environment' is consistent with <i>the general acceptance of biodiversity's essential role in enhancing the quality of life, with its conservation becoming a natural consideration in all relevant public, private and non-governmental decisions and policies (UK Marine Policy Statement, 2011).</i></p>	<p>This is a useful endorsement.</p>
<p>P46 - Broadsands maritime centre; the area off Broadsands beach is important for wintering birds (see comment for page 10) and water craft could disturb the birds during the winter months when they are loafing on the water and feeding. An impact assessment and disturbance study needs to be carried out to ensure the maritime centre does not impact on the birds.</p> <p>I have not been able to see any reference to the Tor Bay Coastal Zone Management Plan</p>	<p>We believe this point would be covered by the emerging Tor Bay Coastal Zone Management Plan, however should development of the maritime centre take place relevant impact assessments will be undertaken particularly with regard to wintering Gull Bunting and Great Crested Grebes.</p> <p>The Tor Bay Coastal Zone Management Plan is an emerging document, and a draft has been shared with the consultants developing the Masterplan. It will be included in the references in the final document. The findings of the draft Plan prepared by SeaTorbay have been taken into account when preparing the port master plan.</p>

Comment	Response
<p>2nd para (page 19 and page 35) is incorrect – there are 8 coastal SSSIs which are designated for both geology and biodiversity. Also, should reference here the Area of Special Protection off Berry Head. Again why are cormorants and shags specifically highlighted?</p> <p>While we understand that the Port Masterplan is drafted as a high level document, and that it will typically not be possible to identify detailed mitigation or offsetting measures at master plan stage, we wish to refer to the 'Environmental Impacts', section of <i>The Department for Transport Guidance on the preparation of port master plans</i>, which states that <i>the plan should describe the proposed environmental control measures in more general terms, and describe the work that is programmed to determine details and its timescale.</i></p> <p>In this regard the draft plan could usefully identify generic environmental pressures associated with Ports activities and the need for mitigation of potential environmental impacts with reference to adjacent site designations. For information a list of key Port activities with potential impacts on the natural environment is provided in <i>Appendix 5 of the Appraisal of Sustainability (AoS) Report to Department for Transport, 2009 Key Sustainability Issue 7 Marine Environment & 8 Biodiversity for the Ports National Policy Statement.</i></p>	<p>This will be amended in the final Masterplan to say that the Harbour includes several SSSIs. This amendment will include P42. The SSSIs are listed in Chapter 5 under the Green Environment section and the Soils and Geology sub-section. We will use the generic term seabirds.</p> <p>The consultants will review in general terms the environmental control measures. These will generally consist of pre-development base line studies to identify the current environmental data and monitoring studies during and post-development to measure any changes to the environmental situation. Where initial environmental scoping studies and environmental assessment studies identify significant environmental impacts for a development then mitigation measures will be prepared and incorporate in the development.</p> <p>The potential impacts on the natural environment will be taken into account in any environmental impact assessment related to a proposed development.</p>

Comment	Response
<p>The Department for Transport Guidance on the preparation of port master plans states the following: <i>It would be useful for the plan to set out the way in which environmental considerations will be incorporated within any such developments..... The plan may usefully include not only the port's plans to mitigate adverse environmental impact of new development, but also mitigation of the effects of everyday operations, and new measures specifically designed to improve the environment.</i></p> <p>It is our opinion therefore that the master plan could also usefully identify potential impacts and possible mitigation for operational stages of port facilities, which could have impacts on adjacent protected habitats. This could for example, include the risk of erosion to seagrass in the bay from vessel movements or anchoring activity and provide reference to the need for achievement of favourable condition status for adjacent site interest features. In this regard we feel that the plan should place further emphasis on the strategic importance of protecting the condition and environmental quality of marine habitats of the adjacent designated areas and refer to the need for assessment and mitigation of port operations on site interest features to be evidence based. It would also be useful for the master plan to identify the need for early liaison with regulators and statutory nature conservation bodies in accordance with the <i>National Policy Statement for Ports, 2011</i>.</p>	<p>The importance of the natural environment is acknowledged in the Environmental Impacts sections of the Masterplan; however we will review the text to see where we can identify the need for early liaison with conservation bodies on both the natural and heritage environment.</p> <p>Environmental Impact assessments will form part of all projects related to the proposals for development where this is necessary under environmental legislation.</p>

Comment	Response
<p>Green Environment section – need to reference cSAC European designation for sea cave habitats and rocky reefs as these are the most important protected habitats in the Bay. Not sure why there is a reference to cormorants and shags when we have many rarer seabird species could change to 'The Bay is a nationally important winter roost for a number of bird species including Great Crested Grebe, Black-necked Grebe, Redthroated diver and Great northern diver. Berry Head is also nationally important for its Guillemot colony, which is the biggest mainland colony on the English Channel Coast, and the cliffs and surrounding water are designated as an Area of Special Protection.' In paragraph 4 I would add habitats to the sentence 'Any developments must not significantly impact on any protected species and habitats....'</p> <p>P43 - Seahorses can be found all over the Bay so not correct to only reference a couple of sites. Plus, mobile species so a survey in 2008 does not mean they are not there.</p> <ul style="list-style-type: none"> - Would reference here the importance of the Bay for seabirds - Last para add habitat as well as protecting species. 	<p>This will be addressed by the consultants. Chapter 5 refers under the Green Environment section and the Soils and Geology sub-section to the reefs and sea caves in detail. The Flora, fauna and biodiversity sub-section refers to gannets, scoters, divers and grebes. Berry Head and the cliffs are a SAC (and are a SSSI) but are outside the limit of Tor Bay Harbour although the Harbour does include part of the Lyme Bay and Torbay candidate SAC.</p> <p>Consultant took information on Tor Bay Harbour environment from http://www.torbay.gov.uk/harbours/environmental/wildlife.htm which refers to cormorants and shags!</p> <p>This will be amended in the final Masterplan. There is no evidence that seahorses can be found all over the Bay. A survey was carried out in 2007 that identified both species of seahorses in Babbacombe Bay although this area had been heavily scoured by scalloping. Seahorses 'Hippocampus guttulatus' are associated mainly with the seagrass beds in Tor Bay which provide shelter but they can adapt to man-made objects and other environments provided that there is some form of cover. Seahorses 'Hippocampus hippocampus' can be found in a wide range of habitats including mud, sand and rock seabeds. The Torbay Coast and Countryside Trust provide a plan showing the locations of the largest seagrass beds and these are included on the plan on P42 of the draft PMP. TBHA works closely with the TCCT to help restore and protect the seagrass beds.</p>

Comment	Response
<p>In previous responses I have consistently highlighted the need for any proposals which involve physical change or impact to be underpinned by an understanding of the significance of the heritage assets - marine as well as land-based - whose fabric or setting is likely to be affected. This is a requirement of the National Planning Policy Framework (NPPF) and will be necessary to substantiate the sustainability of the Masterplan if its contents are to be used as evidence to influence the Local Plan or related statutory documents, and which subsequently form proposals which require individual statutory consents.</p> <p>I note that the draft Port Masterplan dated April 2013 now provides more detail on the genesis of the proposals which have been identified for each of the Torquay, Paignton and Brixham harbours, some of which are quite prescriptive and specific in their location and character. However, there remains a significant omission in the identification of relevant heritage assets and the positive role of the historic environment generally in establishing the context and uniqueness of the areas in question and their sensitivity to, and potential to accommodate sustainable, change. Given that the document covers such environmental issues as water quality, the green environment, soils and geology, and climate change and flooding, the absence of reference to the historic environment as an equally legitimate and determining factor is a major oversight which, if not addressed now, will still need to be addressed at some point in the future.</p> <p>Reference is made to conformity with the emerging Local Plan and the policies within which relate to the three settlement areas in question. While these may provide broad provision which has potential in principle to accommodate the suites of proposals set out in the Masterplan, they in turn will need to satisfy sustainability and deliverability criteria in their formulation and adoption which include historic environment considerations, and it is also important to highlight that these too are at an early stage in their formulation and ratification process.</p>	<p>The points raised about lack of identification of the heritage assets is relevant, and we will try to acknowledge this in the final Masterplan.</p> <p>As projects set out in the Masterplan are developed we will ensure they satisfy sustainability and deliverability criteria including historic environment considerations.</p> <p>More detail around the links to the Local Plan and its implications will be set out in the Planning Policy Annex to be included in the final Masterplan.</p> <p>It should be noted that the PMP covers the area within the limits of Tor Bay Harbour Authority and not the historic built environment outside these areas. Reference is made to heritage aspects within all three enclosed harbours in the PMP. The 'Torbay heritage strategy' dates from 2004 but has information that has been used in creating the PMP. The PMP refers to the coastal geological sites, Brixham heritage fleet, buildings in Paignton Harbour and WW2 slipways in Torquay</p>

Comment

Response

Torquay

WWII slipways in Torquay – we are against the idea of covering the slipways, but very much in favour of restoring them.

This point has been raised with English Heritage, we are awaiting feedback but should they suggest preserving the slipways by covering them is not acceptable this will be revised. The proposal is to build over them with a 'deck'. This will enable the slipways (1945) to be retained until they deteriorate further and collapse.

Torquay – Inner harbour on the Strand side, the small slipway there is little used. It could provide huge economic value to the whole community to infill the harbour at that point allowed the Strand area to be widened.

The reclamation of a 10m wide area along the Strand is proposed. However the cobbled slipway (1867) is listed (a Feature of Special Interest) and consent will need to be obtained for infilling over it.

Page 12 and Page 53 “relocate passenger ferry pontoon and brow at Beacon Quay”. Whilst I understand that the Beacon Quay Location is not a favoured location it seems odd that we are stating very publically our desire to move them before they are built. I understand Princess Pier is favoured for the medium/longer term. We already state this in the Plan so do not understand need to also include this phrase re Beacon Quay? We should not rule out potentially having all of these pontoon locations one day - or using the facility at Beacon Quay for berthing or cruise ships longer term?

The Harbour Committee agreed in July 2012 to consider a long-term location for passenger ferry infrastructure at Torquay harbour.

I would like to confirm that the extension of Haldon Pier is 250 metres with a dolphin at the end of it

The proposal for Haldon Pier is a 200 metre long extension with a dolphin at 30 metres beyond the end. This is because the maximum draught available is 5.5m. This gives a maximum ship length of about 150m. The proposed 200 metre extension with dolphin will allow ships up to 200m+ long to berth. See table of lengths of Cruise Ships planned for 2013:

Ship	Draught m	Length m	Beam m
MV Ocean Majesty	6.2	135	15.8
MV Artania	7.8	231	29.6
MV Delphin	6.2	140	20.4
MV Thomson Spirit	7.9	215	27.3
MV Albatros	7.3	205	27.0

Comment	Response
<p>P52 - Haldon Pier is important for purple sandpipers and any works to the pier should ensure no impact to the population.</p> <ul style="list-style-type: none"> - Concern that the extension to Haldon pier could impact the seagrass beds surrounding Torquay Harbour and sediment movement could impact the species in the sea caves. An EIA will need to be done to ensure the works does not impact this nationally important habitat. - Also any other infrastructure works in the area should assess potential damage to the sensitive habitats and species in the area. 	<p>An Environmental Impact Assessment will be required for any future development.</p>

Paignton	
<p>The pier has been missed as a possible stop on the commuter ferry. Piers were built partly as stopping points for steamers. It would put commuters and visitors in the centre of Paignton, could even be used to get to the cinema from Brixham or Torquay.</p>	<p>This will be incorporated into the final Masterplan. The Pier is currently owned by Mitchell Leisure. The Pier is 240m long. The water depth at the outer end of the Pier is relatively shallow at low water. Facilities for ferries would require some alterations to the existing open area for kiting etc.</p>

Brixham	
<p>Within the proposals for Brixham harbour the plan talks about a parking pricing strategy – this should be removed as it is outside the remit of the plan</p>	<p>This text will be revised in the final Masterplan</p>
<p>There is a strong feeling in Brixham that the Northern Arm should be prioritised. The Northern Arm in Brixham should be a short term (0-5 year) priority</p>	<p>In order to complete this within 5 years finance needs to be found and environmental and geotechnical studies need to be completed. Then environmental impact assessments need to be carried out to produce Environmental Assessment and consents obtained. We acknowledge some of the preparation work has been done, but it would only be possible to complete the project within 5 years if it started immediately. As such preparatory works and studies have been included in short term and completion of the Northern Arm in the medium term priority.</p>
<p>An artificial reef off Shoalstone would be a good idea</p>	<p>This would present an unacceptable risk to navigation, and for this reason has not been included in the amended Masterplan.</p>

Comment	Response
<p>A multi-storey car park could be built below the Overgang hairpin and would make it unnecessary to reclaim land</p>	<p>Reclaiming land is expected to be cost neutral and would provide additional quayside space and deliver alongside berthing behind a new Northern Arm. The reclaimed area would provide many more facilities than car parking.</p>
<p>The design for the Northern Arm in the Masterplan wastes the deep water. A longer arm from the end of the existing breakwater would provide berths for large ships, with a shorter arm landward enclosing a marina. The fairway shown in the masterplan is too close to the proposed fuelling station, and this could be dangerous.</p>	<p>The Masterplan is using an existing design of the proposed Northern Arm is a product of the Brixham Harbour Northern Arm Breakwater – Concept Design Report (May 2011) by Parsons Brinckerhoff with Royal Haskoning. The fuelling station would be subject to safety regulations related to electricity, spark producing equipment and fire.</p>
<p>Large ships berthing at Torquay, where the water is much shallower than at Brixham, would involve continuous dredging, expensive, and harmful to the environment. Brixham should be the location for cruise ship berthing, and would be good for tourism on this side of the Bay.</p>	<p>Torquay harbour is currently the destination brand for cruise ship marketing in Torbay and as such it has been decided to support this policy through the Masterplan to ensure continuity. The water depths at the proposed extension to Haldon Pier are sufficient for smaller cruise ships without dredging.</p>
<p>Brixham's tourism would benefit significantly from a sill, pedestrian bridge and reclaimed area for a town square in the inner harbour. There seems to be unanimity on this!</p>	<p>Already included – support is helpful.</p>
<p>I cannot see where we also mention the new pontoon facility at East Quay in Brixham which is currently under construction, although it may have been called something else in the Plan.</p>	<p>These will be constructed before the Masterplan is finalised so has not been included as a future development.</p>
<p>Northern Arm again needs an EIA to ensure no impact to sensitive habitats in the area e.g. seagrass beds at Fishcombe Cove and also seahorses. Also, wider impact of increase in boat traffic on sensitive habitats needs to be considered.</p>	<p>An Environmental Impact Assessment will be required for any future development involving the Northern Arm construction.</p>