

Friends of Penzance Harbour

www.friendsofpzharbour.org

Advice on Objecting to Penzance Harbour Development on Environmental and/or Navigational grounds ("FEPA Consents") **Ref. No. DC 8864**

You have until **April 1st** to get your objection in. Send it to:

David Morris,
Marine Development Control Team,
Marine and Fisheries Agency, PO Box 1275,
Newcastle Upon Tyne
NE99 5BN

or email to

David.Morris@mfa.gsi.gov.uk

quoting the reference number above, and including your name and address. If you can, write your objection in your own words and if you have any relevant information not included here put it in – and please share it with us!

You should base your objections on the heading above; they are to do with the marine environment, human health and navigation.

For the development to go ahead, a licence is required from the Ministry of Fisheries and Agriculture, and Consent under the Coast Protection Act 1949.

An **Environmental Impact Assessment** (also known as the Environmental Statement) for the development was done in 2005, and there is also a **February 2009 Addendum**. If you follow the link for these given in the planning notice;

<http://www.mfa.gov.uk/environment/works/projects-statements.htm>

And look under *construction works to extend existing harbour facilities at Penzance*, you will be told that the file is not available due to its large size but may be ordered on disc. However, they can be seen on the developer's website at

<http://www.ioslinkharbours.co.uk/en/project-information/environmental-assessment/>

It is worth looking at the EIA if you have time. The Addendum, which was written by Halcrow, the developer, contains some amendments and mitigation proposals but very little in the way of new surveys. However it does contain a lot of unsubstantiated statements about the vital nature of the scheme. This is significant because if it is felt that the scheme is '**an unavoidable necessity in the public interest,**' concerns for the environment can be overruled (see last bullet point below).

Some things you may wish to comment on:

- The Environmental Impact Assessment for this proposal was done in 2005. This in itself is cause for concern, as a lot can change in five years.
- The fact that neither the Environmental Statement nor the Addendum are readily available to the public. Reading them as pdf documents is an awkward process.

- Concern has been expressed about **seagrass** (*Zostera marina*), a UK Biodiversity Action Plan habitat subject to a high level of protection. Seagrass is a vital nursery to many species and has been decimated around our coasts, firstly by a virus in the 1930s and latterly by development. It is highly sensitive to suspended sediment in the water which will be created by dredging (see below) to accommodate the proposed new boat, and at regular intervals for maintenance. The EIA recommends that 'there are ...seagrass beds in Mount's Bay identified within the baseline study that have not been mapped thoroughly and no species lists have been taken ...it is suggested that this other seagrass habitat be mapped...' and that 'the seagrass beds should be mapped before and after construction to determine loss...' This has not yet been done, although there is a proposal in the 2009 addendum to survey the seagrass during and after construction. A Memorandum of Agreement was created between the developer and English Nature to form Mount's Bay Seagrass Project; on this basis the Harbour Revision Order was granted. The seagrass in the **subtidal** area will be assessed during and after the development, however this several miles from the construction site and the harbour, the implication of this is that all seagrass beds in the vicinity will almost certainly be destroyed during construction and due to regular maintenance dredging, will not recover.
- The bay almost certainly harbours both species of British **seahorse**, the **short snouted seahorse** and the **spiny seahorse** (since 2008 protected by the Wildlife and Countryside Act 1981) but no survey has been done for these. The Seahorse Trust say that they would not be happy with this development going ahead without a 'fingertip search' for both species. There is **no mention** of seahorses in the Environmental Statement or the Addendum.
- The development will disturb other species seen in the vicinity by our members which include **otters, kingfishers** and **Purple Sandpipers**, a schedule 1 protected species, whose world population is classed a 'scarce' [5-15 000] and whose Mount's Bay flock accounts for up to 50% of Cornwall's wintering population. According to the EIA Purple Sandpipers are 'often faithful to roosts and therefore disturbance of roosts can be particularly significant where such sites are limited.' The 2009 addendum proposes to create temporary roosts during construction on the wall of the Jubilee Pool, and permanent roosts on the rock armouring. But the sandpipers do not merely sit on the rocks as the word 'roost' implies; they interact constantly with their environment, and it is estimated that a single sandpiper can consume 4,600 shellfish in one day! For two years they will have to share this environment with lorries, cranes, boats delivering rock; is it likely that they will hang about while all this construction is going on? The addendum also recommends that construction work should not take place during December-February in order to minimise disturbance to the birds, but figures for the delivery of rock for the rock armouring are based on a twelve-month, not a nine month period, and given time constraints for the development it seems unlikely that this will happen.
- If you have seen any otters in the harbour area, particularly in the vicinity of the South Pier or the beach, please comment. Also **any other protected species**, or **any nesting birds**. It is an offence to kill or deliberately disturb any protected species, or their breeding sites or resting places.
- Concern has been expressed regarding **Dolphins, Seals, Porpoises** and **Basking Sharks**. The developer intends to have an observer watching out for these creatures (and otters) at all times, with authority to stop the works should one be spotted. They will also be using an Acoustic Harassment Device and a Fish Deflection Device to scare them away. If you feel these measures are inadequate or do not like the idea of marine cetacea and basking sharks being excluded from the bay for two years, you may wish to comment. Cetacea, being at the top of the food chain, may also be affected in the long term by the build up of toxins in the water associated with dredging (see below).
- If you use the area for any legitimate purpose and feel it would be affected, please comment. These could include rock pooling, bird watching, sailing, canoeing, swimming, fishing and diving, particularly relating to the area beside the pier and Battery Rocks beach. These are all

environment related. Don't forget, you can comment on the effect of construction works as well as the development itself.

- The rocks, beach and tidal area adjacent to the construction site are rich in marine life and are a valuable educational and scientific local resource. Access to these will be limited if not impossible during construction, and post-construction all intertidal and tidal life will be affected by maintenance dredging.
- According to the environmental statement, 2412 square metres of material will need to be dredged in order to accommodate the new boat which, because of the lengthening of the pier, will be pushed into a shallower part of the harbour. There will also be a need for regular maintenance dredging. At the time the statement was prepared there was no up-to-date information about the level of contamination in the bed of the harbour, however it is known to contain arsenic exceeding Interim Sediment Quality Guidelines, also chromium, copper, lead, mercury nickel and zinc exceeding ISQG and CEFAS UK standards. Dredging of course would have a disastrous effect on the seagrass beds close to the harbour, and would also affect the quality of bathing water. It is likely to drive away fish, and contaminants in the water could also accumulate in their bodies with unfortunate effects for the fish themselves or for anyone who eats them. There is an intention to monitor the quality of the water for bathing purposes between May and September however the EIA Addendum states that 'there are no measures that could be implemented to mitigate the impact of the dredging.' The nearby Jubilee Bathing Pool which uses sea water could also be affected; if its water becomes cloudy and the bottom of the pool cannot be seen it has to close for health and safety reasons.

At a recent Council meeting it was stated by Halcrow that 'there will not now be any need for dredging. However there has been no explanation of this. The fact that the extension of the pier is still considered necessary implies that the larger vessel is still intended.

- The addendum states that 'It is clear that there is potential for marine archaeological and palaeoenvironmental resources to exist within the general vicinity of Penzance Harbour; the presence of peat deposits within the areas which may need to be dredged cannot be discounted' and yet later, for no apparent reason, they claim that this unknown potential will suffer 'no significant effect'!
- English Nature have not made any objection to the scheme, and say that it will not have any effect on protected species, however they have considered it appropriate in this context to accept a 'compensatory package' relating to Marazion Marshes (situated 3-4 miles away).
- If you operate a boat out of the harbour or in the vicinity of the pier and feel that it would be adversely affected by construction works or by the development, you should comment.
- If you feel that your health might be affected by noise, dust and vibration associated with construction works, particularly if you live close to the development or on the route proposed for lorries carrying construction materials, you may wish to comment. Noise will be provided by the lorries themselves, the tipping, and some "pecking" (breaking up) of the rocks with a digger attachment to make the necessary foundations. According to the summary details of Licence Application 'Rock fill will be delivered to the site by trucks and an access causeway will be constructed outside of the proposed works to provide both a temporary breakwater and a working platform for the 150ft crane and the excavator. The fill material will be graded rock of 50 mm to 200 mm in size...Approximately 15,000 TE of this material will be needed.' Rock for the rock armour will be delivered by road and by sea. All of which would mean a continuous stream of very heavy lorries passing through the town, additional congestion with long traffic queues and lengthy delays. There will be restrictions to on-street and other parking e.g., on the Promenade and Alexandra Road. There will traffic lights on the Dolphin/Barbican corner, night working of the site and night time lorry movements, 24/7 light and noise pollution and extensive dust pollution. Because of the location of the site the time of working will be affected by tides: this means night working. As well as the tipper lorries, there will be lorries carrying plant and delivering other materials and goods. Needless

to say this traffic would add to the normal summer traffic problems on the A30 and A394. Traffic already backs up to Crowlas in one direction and Newlyn Bridge in the other: adding the ceaseless stream of lorries will inevitably make matters very much worse.

- The Addendum chapter on Vibration states that 'construction vibration has potential to be a significant cause of disturbance' and the chapter on Noise mentions that it may have a 'major negative impact'. Both recommend an application to Penwith District Council for Control of Pollution Act 1974 section 61 prior approval for the construction works.' As far as we are aware, this has not yet been done.
- Post-construction, the envisaged arrangements for freight handling in the new depot are different than at present and will involve much larger (10 tonne) forklift trucks; these are very much noisier than those used at present and will present a substantial risk of disturbance to anyone living in the area. This will be compounded by the choice of a single vessel (instead of the current two-ship operation) that will have to load and unload during unsociable hours.
- As the display at the January 2009 exhibition admitted: "Construction is anticipated to last for two years." (The reclamation stage would last a year if it keeps to schedule, and the rest of the construction would take a further year.)
- We also understand that similar issues exist for the harbour works at St Mary's and are particularly concerned at news that both eelgrass and a rare coral are threatened by the development there.

There is NO "unavoidable necessity in the public interest"

- And finally, you should to add some words to the effect that this development and the level of disruption it will cause might be justifiable if it were for the long term good of the town and if there were no other option, but, as there are other options for the harbour development which would cause far less disturbance, it is not justifiable. For instance: If two boats were adopted instead of one, there would be no need for a pier extension or for any extra dredging; if Option PZ were taken up there would be no need for the in fill on Battery Rocks beach; if freight was handled at an out of town depot there would be no increase in noise associated with freight loading; and if the Albert Pier were used, there would be no need to develop the South Pier and adjacent intertidal area at all. It is also the case that rock armour has been chosen without a cost/benefit analysis or any proper investigation of less harmful alternatives.

References

(Environmental Impact Assessment) Regulations 2007

Food and Environment Protection Act 1985

The purpose of this act is to protect the marine environment, human health and prevent interference with legitimate uses of the sea

Coast Protection Act 1949

The purpose of this legislation is to protect the coast of Britain from erosion and encroachment by the sea and to restrict and remove works detrimental to navigation. For deposits at sea for the benefits of construction.