

LYMINGTON HARBOUR ADVISORY GROUP

MINUTES OF THE MEETING HELD ON TUESDAY 12th APRIL 2016

At 1700 hrs at the Royal Lymington Yacht Club.

PRESENT:

Andrew Wilkes (Business Interests) Chairman
Peter Upcher (Recreational Users)
Barry Dunning (Lymington & Pennington Town Council)
Tony Spence (deputising for David Illsey) (New Forest National Park Authority)
John Clarke (Lymington, Keyhaven and District Wildfowlers Association)

IN ATTENDANCE:

Ryan Willegers (Chief Executive and Harbour Master)

1. Apologies for absence

Rupert Wagstaff (Marinas), Vice Chairman
Andrew Colenutt (NFDC Coast Protection)
Geoff Holmes (Lymington Harbour Commissioners Chairman)
Bob Chapman (Hampshire and Isle of Wight Wildlife Trust)
Sandie James (Wightlink)
Rob Thompson (Commercial Boat Owners)
Peter Lock (Lymington Rowers)

2. Minutes of previous meeting

The minutes of the meeting held on 12th January 2016 were approved. AW proposed that future meeting minutes be approved using email prior to LHAG meetings. This will enable them to be approved and posted on the LHC web site in a timely manner.

3. Matters Arising:

(a) Strategic Plan progress - Town Quay and wave barrier mooring consultations

The Commissioners received LHAG's feedback on the initial consultation on the above proposals on the 2nd March. The Commissioners considered the feedback at their meeting on the 14th March and resolved to produce a substantive response to the matters raised (largely by the two marinas) for final review at their May meeting. It will then be circulated to LHAG. Also at the May meeting, it is proposed that the Commissioners will agree the format and timing for the public consultation.

The Commissioners have appointed a consultant to undertake an independent navigation risk assessment of LHC's proposals. The Consultant will meet marina and sailing club representatives and the findings of this report will help inform LHC's response to the navigation concerns raised by some LHAG members.

The strategic plan may be modified by LHC in the light of the Consultant's report. The proposals will then go out to public consultation . This is likely to include two half day exhibition sessions in the Community Centre or some other public space. The public consultation will be publicised in the local press.

(b) Harbour Infrastructure - LTSC showers

Work to upgrade and completely refurbish LTSC's washrooms (including showers) was completed on the 31st March 2016 with the facilities opening on schedule on the 1st April. The upgraded and extended facilities include:

- New showers, changing rooms and toilets
- Underfloor heating and humidity control
- An upgraded hot water system
- New fixtures and fittings including shaver sockets, hair dryers, etc.

The £190,000 project included a £60,000 contribution by Lymington Harbour Commissioners (LHC) and a £75,000 grant from Sport England. The contribution from LHC is in the form of an advance service fee which will allow crews of visiting boats to LHC's Dan Bran pontoon to use the new facilities until 2027. LTSC have the option to shorten this term by making prepayments to LHC.

JC asked about the public toilets near the LHC slipway. RW informed the meeting that NFDC are planning to upgrade the toilets in November. NFDC have consulted with Sailability, LHC and the yacht clubs. The new toilets will include better facilities for people with disabilities. LHC requested that the toilets include two additional showers for public use.

(c) Website and mailing lists for news, visitors and LNTM

LHAG members, and anyone else using the harbour, are encouraged to visit the LHC web site and subscribe to receive Harbour News emails in order to keep up to date about what is going on in the harbour. Also members who use the river are recommended to subscribe to receive Local Notices to Mariners.

4. Marine Conservation Zones

On 18th January 2016 Department for Environment, Food and Rural Affairs (Defra) published details of the second tranche of Marine Conservation Zones, in which 23 sites will be given protection. The announcement follows a consultation on the sites launched last February to which LHC responded. The Needles has been designated in this tranche. More information about the sites designated is available here:

www.gov.uk/government/collections/marine-conservation-zone-designations-in-england

In relation to LHC's principle concern of potential restrictions (management measures) on the use of the Hurst Fort dredging disposal site the Government response is:

"There is no assumption that dredge disposal sites will be required to move as a result of designation. Where existing licenses have been granted prior to designation, these will not change as a result of the site becoming an MCZ. For new license applications, MMO have clarified that EIAs will not be required as a matter of course for dredge disposal applications, as a lighter-touch assess-

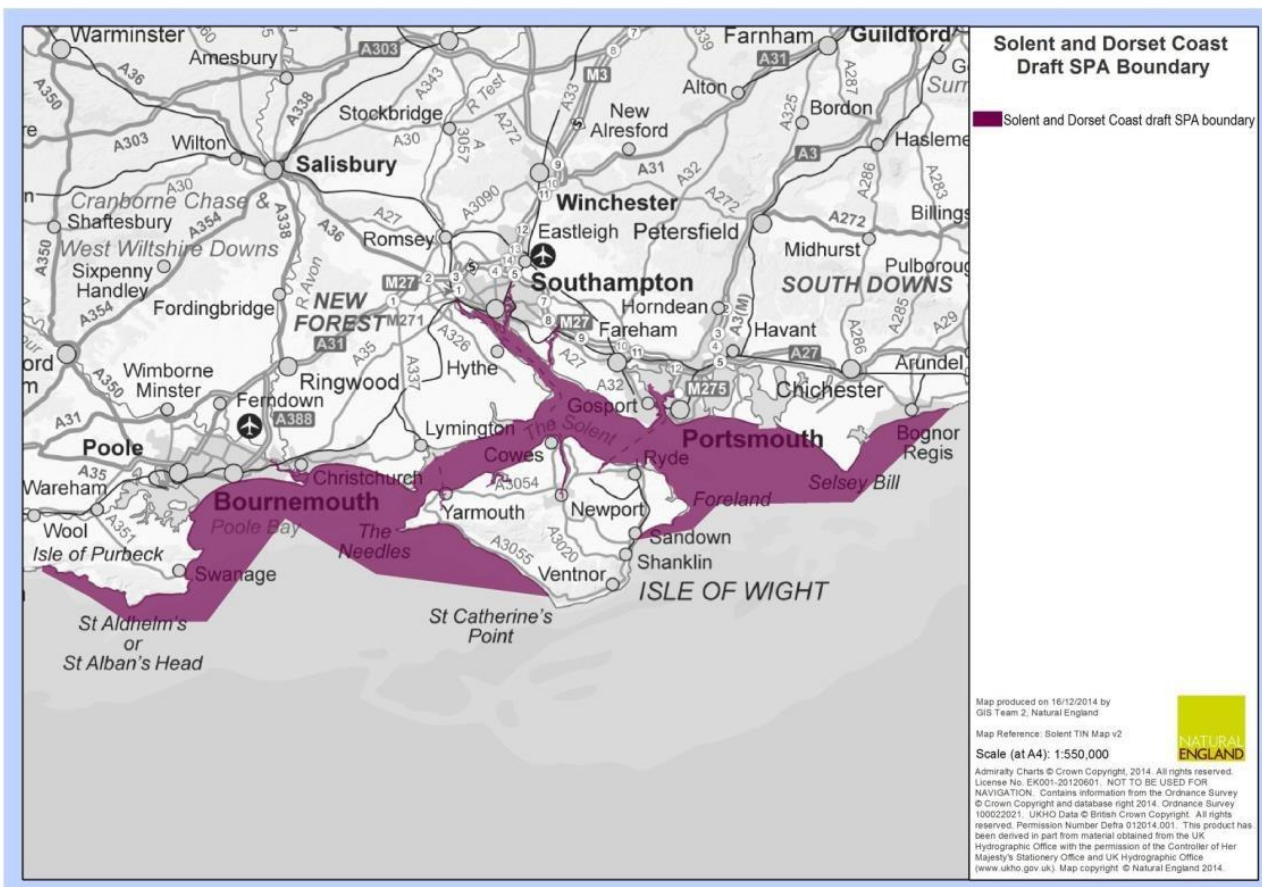
ment approach would be used instead. This may result in some restrictions on the use of the site, such as disposing of material on particular tides which would be included as license conditions. We do not believe this will have undue socio-economic effects on local ports and harbours.”

While LHC may take some comfort from this, the real test lies in any management measures that follow which should be the subject of further consultation. The British Ports Association have indicated that the track record so far with existing sites has been good but of course measures will vary and are site specific.

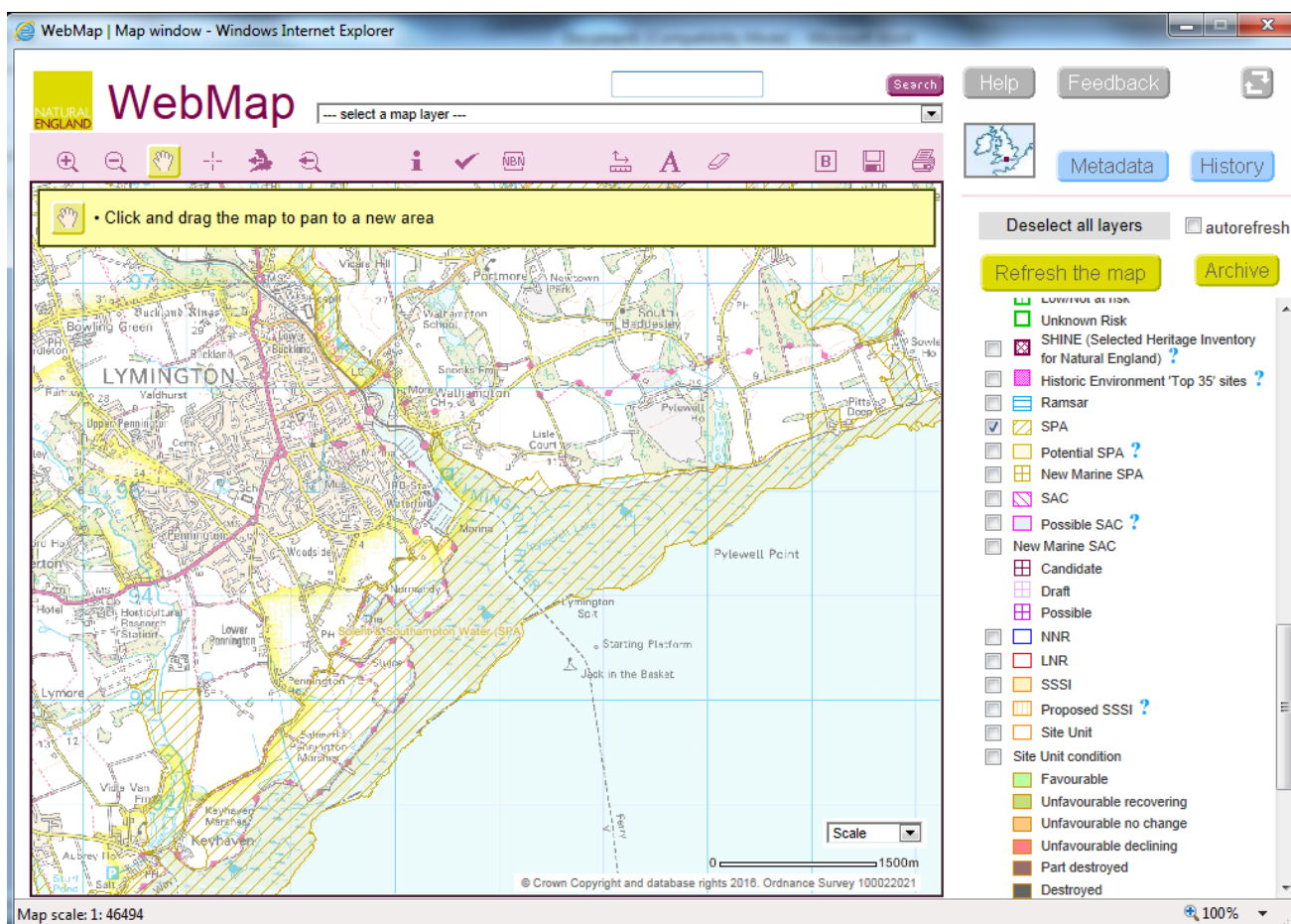
5. Proposed Special Protection Area (pSPA)

On the 21st January, Natural England commenced a consultation on the proposal to designate a new site to protect important foraging areas at sea of breeding common, sandwich and little terns. The pSPA includes the marine area used by breeding terns from the Solent and Southampton Water SPA amongst others. There are already several terrestrial SPAs designated to protect terns during the breeding season. This new designation proposes to include much of the sea around the tern breeding colonies. This consultation is of importance as it shows that there will be a new designation over the remaining areas of the Solent water body that are currently undesignated. This will include the Hurst Fort dredging disposal area.

The plan below shows the full extent of the pSPA. Its landward boundary is the MLW mark where it abuts any existing SPA where terns are already a feature. Elsewhere the boundary will be at MHW.



The proposed boundary as it affects the Lymington River (see plan below) has been clarified with Mr Stephen Treby who is co-ordinating the consultation on behalf of Natural England. The existing SPA covers the entire harbour limits below the wavescreen so the pSPA boundary will abut its seaward (southern) edge. The main part of the harbour remains outside of any designation.



Designation of the pSPA has the potential to impact on our use of the Hurst Fort dredging disposal area. Mr Treby has indicated that in the risk analysis undertaken by Natural England, dredging and dredging disposal had been identified as operations that carried a low risk to foraging habitats for seabirds that would be protected under the pSPA. Consequently management measures (over the present MMO licencing controls) were not envisaged. Mr Treby has indicated that commercial shipping and leisure boat movements had also been identified as low risk activities and that no additional management measures were foreseen for these activities within Lymington and Yarmouth Harbours, or across the wider Solent/Island destinations and anchorages.

Under an EU ruling, the Habitats and Birds Directives do not permit socio-economic considerations to influence the choice of Natura 2000 sites (SPA's and SAC's) or their boundaries – the decision can only be made based on scientific evidence. Therefore the online consultation response survey did not allow for socio economic factors to be raised.

That said, LHC has written separately to Mr Treby to make him aware that should the site be designated, LHC will rely the responses he has given when being consulted on any proposed management measures that may follow.

Natural England's consultation can be found on the following web site:

<https://www.gov.uk/government/consultations/solent-and-dorset-coast-potential-special-protection-area-comment-on-proposals>.

RW noted that the questionnaire did not give the opportunity to comment on socio-economic issues. The questions are solely about the scientific reasons for the scheme and its management. JC noted that foxes are likely to be a serious predator to the terns the pSPA is designed to protect. This could be drawn to Natural England's attention.

In the discussion which followed, JC noted that dredging is unlikely to have any impact on the tern population as dredging takes place in the winter and the terns are not present at that time.

6. Safety and Port Marine Safety Code

PMSC Compliance Audit – LHC have appointed a qualified consultant (Independent Designated Person) to provide independent reassurance to the Board that LHC's Safety Management System (SMS) complies with the provisions of the Port Marine Safety Code. His annual audit was conducted on the 4th April 2016. At the time of writing his report is awaited but based on feedback given at the end of the audit, LHC expect to receive confirmation that LHC's SMS is compliant.

7. Aids to Navigation developments

a. Trinity House – Inspection of Aids to Navigation - On the 29th February an Inspector from Trinity House inspected the local aids to navigation under the management of Lymington Harbour Commissioners. The audit found them to be in good and efficient order and in accordance with the charted locations and characteristics approved by Trinity House.

b. On the 4th April LHC received consent from the Corporation of Trinity House to marking the Royal Lymington Yacht Club (RLymYC) starting platform as a special mark by painting the hut yellow and fitting a light with a Flash Yellow 5s characteristic. RLymYC will paint the hut yellow and LHC will install the light. This follows feedback last year from a Trinity House Officer on best practice for marking such structures.

8. Water use for slipway users

BD asked if LHC would consider providing a power washer for people using the slipway and scrubbing grids to clean the bottoms of their boats. RW explained that public safety water board regulations prevent hoses being permanently connected to water supplies because of the risk of contaminants (from the river) back-flowing into the water supply. Pressure washers could only be used in a river location if they have a break-tank to prevent back flow but this is expensive. RW also highlighted that there was no water or power supply at the scrubbing grids and that LHC did not own the adjoining seawall so it would be expensive and difficult to gain permissions to do so even if a break tank pressure washer was sourced. BD indicated that pressure washers run by a generator and using river water could be hired from tool hire companies. Following a discussion, RW said he would investigate sources where engine driven pumps could be hired to clean hulls with river water.

9. Harbour Protection Levy

JC asked if river users, other than mooring holders contributed to the Harbour Protection Fund. RW explained that the Harbour Protection Levy (HPL) is a statutory due so LHC only have powers to levy dues on boats using river.

Marinas believe they are already contributing because the level of HPL paid by their mooring holders has impacted on the level of berth fees they can charge. That said, LYH have made substantial voluntary donations previously towards the cost of LHC's initial beneficial use trial, the positive results of which have helped to facilitate the licensing of a larger trial which may ultimately benefit harbour protection by slowing down marsh erosion. LYH also provided LHC with a loan of £1m for Phase 1 at very beneficial terms which saved LHC a significant amount of money in interest and set up fees.

Members of yacht/sailing clubs that do not have a LHC or marina mooring, marina dry sailing berth, or use the slipway cannot be charged HPL (or indeed any other fee if they are not using the river).

All annual/winter slipway season permits and dry stack launches are treated as 'resident' users so do pay HPL & Harbour Dues (see website for breakdown). Both clubs sell annual slipway permits to their members on behalf of LHC. In the case of marina dry stack boats, this is charged annually based on a declaration of numbers. The dry stack charge was introduced following representation by LHAG in May 2012.

Visitors (including single slipway launches) do pay harbour dues but not HPL because LHC/Marina's need to remain competitive with the wider market place to attract this business.

When first introduced, the Harbour Protection Levy was subject to several big increases however this has not happened for several years and it is now at a level where it broadly just needs to keep pace with marine construction inflation. Based on current projections for the timing of future phases, it is unlikely to be substantially increased in the foreseeable future.

During the course of the discussion, RW confirmed that harbour dues are not used to subsidise commercial activities (new pontoons or showers for example). Surplus income received from commercial activities can be (and have been) used to supplement harbour dues which are used for fulfilling a harbour authorities statutory responsibilities for safety and conservancy including harbour protection.

Phase 3 of the harbour protection scheme, an extension of the western breakwater, is scheduled to be built in 2024 - 2028. The timing for it is dependent upon the future rate of marsh erosion.

10. Any other business

- (a) AW mentioned that PU was sending the minutes of LHAG meetings to the RYA and that AW planned to compile a list of businesses who are stakeholders in the Harbour. AW asked LHAG members to consider other stakeholder organisations who ought to be kept informed and consulted about harbour developments.
- (b) JC noted that Natural England's plans for a coastal path around the UK may have an impact on land adjoining the harbour as some of coastline to the east of the harbour is not accessible to the public. It was noted that Natural England may sometimes have a conflict between protecting the environment and making it accessible to the public.

7. Next Meeting: Tuesday 12th July 2016