

LYMINGTON HARBOUR ADVISORY GROUP

MINUTES OF THE MEETING HELD ON TUESDAY 14th MARCH 2017

At 1700 hrs at the Royal Lymington Yacht Club.

PRESENT:

Andrew Wilkes (Business Interests) Chairman
Rupert Wagstaff (Marinas), Vice Chairman
Peter Upcher (Recreational Users)
Michael White (Lymington & Pennington Town Council)
John Clarke (Lymington, Keyhaven and District Wildfowlers Association)
Bob Chapman (Hampshire and Isle of Wight Wildlife Trust)
Derek Graham (Wightlink)
Peter Ferguson (NFDC Coast Protection)
Rob Thompson (Commercial Boat Owners)
Steve Avery (Executive Director Strategy and Planning, NFNPA)

IN ATTENDANCE:

Ryan Willegers (Chief Executive and Harbour Master)
Geoff W. Holmes (Lymington Harbour Commissioners Chairman)
Richard Jenner (Lymington Harbour Commissioners Vice Chairman)

1. Apologies for absence

David Illsey (NFNPA)
Peter Lock (Lymington Rowers)

2. Minutes of previous meeting

The minutes of the meeting held on 18th October 2016 were approved by email prior to the meeting.

3. Matters Arising:

(a) Strategic Plan - Town Quay consultations

R.Wil reported as follows:

“Following LHAG’s meeting on the 18th October where members considered the results of the eight week public consultation on updated proposals to redevelop Town Quay, the LHAG Chairman wrote to the Commissioners summarising LHAG’s views. The letter dated 14th November confirmed that the conclusion of the consultation was that the majority of stakeholders were in favour of the revised proposal. The letter also identified that some concerns had been raised and encouraged the Commissioners to address those where possible.

Principally those concerns related to the navigation space available between the Berthon Boatyard and the new pontoon (Berthon & G. Butler); the impact on long term parking at the Town Quay (Berthon, G. Butler, W. Grose); privacy (Berthon), and current flows (G. Butler). A number of other matters were also raised by Berthon and G. Butler.

Since the consultation, the Commissioners have taken time to investigate the concerns raised. This included further internal review, a further external review by Copthorne Consultancy to specifically look at the navigation concerns expressed, and monitoring of the parking availability at Town Quay.

In relation to the concerns expressed about navigation space opposite the Berthon Boatyard, both LHC's internal risk review and that of Copthorne Consultancy found that the consulted plan improved safety for the reasons set out in their response letters. Notwithstanding the Commissioners firm belief that the consulted scheme improves navigation safety when compared with the current layout, LHC would prefer to find a solution that addresses Berthon's concerns related to turning space opposite its boatyard while not departing significantly from a scheme that has strong support from other stakeholders and businesses in the community.

To that end the Commissioners had identified an alternative scheme in which the southern part of the proposed new pontoon that lies opposite Berthon's boatyard is shortened and realigned further to the north east, i.e. further away from the boatyard. The modified scheme makes a number of improvements to navigation space opposite the boatyard, both when compared to the existing layout, and the proposals in the consulted scheme.

A further external review by Copthorne Consulting on the new scheme concluded that:-

"Vessels manoeuvring to and from Berthon's quayside berths at their boatyard will have more room. Large vessels will have the advantage of being able to use the turning area to the south east of the proposed pontoons, which has been increased in size, before moving out of the Harbour or onto Berthon's quayside berths. If, as Berthon predict, they attract larger vessels to their boatyard the revised turning area will be safer than either the existing layout or that of the consulted scheme."

The report also concluded that overall the alternative scheme would provide a reduction in risk when compared with both the existing layout and the consulted scheme. The Copthorne Consultancy findings are in line with LHC's own risk assessment which also found that the alternative scheme will reduce risk and will improve safe access and turning space for large vessels.

Full details of the benefits of the alternative scheme are presented in LHC's response letters to Berthon and Mr Butler of the 22nd February together with supporting papers. The scheme also addressed the privacy issue raised by Berthon.

In relation to the concerns expressed about the potential additional pressures on long term parking space availability at Town Quay if temporary moorings (sublets) were moored on the new walk ashore facility, the Commissioners have given an undertaking that they will not allocate temporary moorings (sublets) to the walk ashore facilities at Town Quay unless there is an increase in the number of long term parking spaces at Town Quay.

Full details of the Commissioners consideration of all the matters raised are contained in the response letters to the three parties. These have been circulated to LHAG members together with the supporting information.

The Commissioners have since agreed with Berthon that they will forward any further comments that they may have on the alternative scheme by Wednesday 26th April so that they may be considered at the Commissioners May meeting."

R.Wag asked if the proposed berths would be used for permanent mooring holders and, if so, would this not put pressure on the limited amount of long-stay parking available at the Quay. R.Wil said that it was not intended to use the proposed berths for permanent moorings other than for boats when their permanent moorings were unusable due to winter dredging or winter relocation from the exposed lower reaches. The visitor mooring buoys in the Town Quay area have historically been used for this purpose with tenders being relocated to Town Quay so there would be no change in use or parking demand. Indeed, because the overall number of visitor berths will fall under the proposed scheme, the number of resident mooring holders relocated to the Town Quay area in winter will also fall.

Although, David Ilsley (NFNPA) could not attend the meeting, he had previously submitted the following informative briefing note to LHAG:

“The proposal to install a pontoon with berths for small yachts on the north western side of the southern wave screen at the entrance to the river from the Solent is located within the National Park. It is noted that LHC intends to apply for full planning consent for the scheme. The Authority’s planning remit extends to mean low water mark and so does not extend to this point in the Lymington river estuary. We have therefore been in contact with the Marine Management Organisation (MMO) on this at marine.consents@marinemanagement.org.uk. Their advice is that the Harbour Commissioners have various statutory powers and could be exempt from the requirement for permission. The advice we received from the MMO is that the Harbour Commissioners should examine the advice on the MMO web site for the exemptions on moorings and aids to navigation at <http://www.legislation.gov.uk/ukxi/2011/409/article/25/made> and <http://www.legislation.gov.uk/ukxi/2013/526/article/12/made>”

R. Will confirmed that in 2016 a decision was taken not to progress the scheme referenced by Mr Ilsley. However, in relation to the Town Quay proposals R.Wil. confirmed that LHC would liaise with the planning authorities and seek the consents from the LPA which were within their remit. Clarification is required about proposed infrastructure sited below Mean Low Water mark. MMO consent and LHC’s General Permitted Development Order provisions may apply.

MW reported that the Local Council were discussing the importance of the Town Quay area as a tourist attraction and “Town Hub” with NFDC. Various options were being considered including making the area more pedestrian orientated, changing long term car parking to short term parking, and relocating new toilet facilities.

(b) Hampshire and Wildlife Trust RSPB Tern Project

R.Wil. reported as follows:

“Work has been progressing with the RSPB, Hampshire and Isle of Wight Wildlife Trust (HIWWT) and Natural England with a view to assisting with the RSPB’s proposals to erect 3 nesting islands on the eastern breakwater and a separate scheme to artificially recharge the shell/shingle Chenier beaches where they exist on the marsh edges. In the case of the Chenier recharge scheme, one of the three proposed locations is within LHC’s jurisdiction on Cockleshell Marsh to the west of the river. The other two locations are on HIWWT land east of the river. The objective of both schemes is to encourage Roseate Terns to breed within the Special Protection Area (SPA).

In the case of the breakwater structures, the RSPB have looked at a number of containment options. After working with their contractors to finalise a design, they have concluded that the most secure, stable and cost effective platform will be one built out of concrete filled heavy duty hessian sandbags to form a low impoundment on the crest of the breakwater. Each ‘island’ will be a maximum of 2m x 3m in size and will be filled with approximately 2 tonnes of shingle.

This final design has been assessed by LHC's consulting engineers (Black & Veatch) as being compatible with the breakwater structure and performance.

LHC have received consent from their Landlords the Crown Estate for both works to progress and LHC has granted its own consent for the works within its jurisdiction to proceed subject to the RSPB providing an appropriate indemnity, obtaining any other consents required, and agreeing that the breakwater islands can be removed to facilitate future breakwater extension or maintenance works.

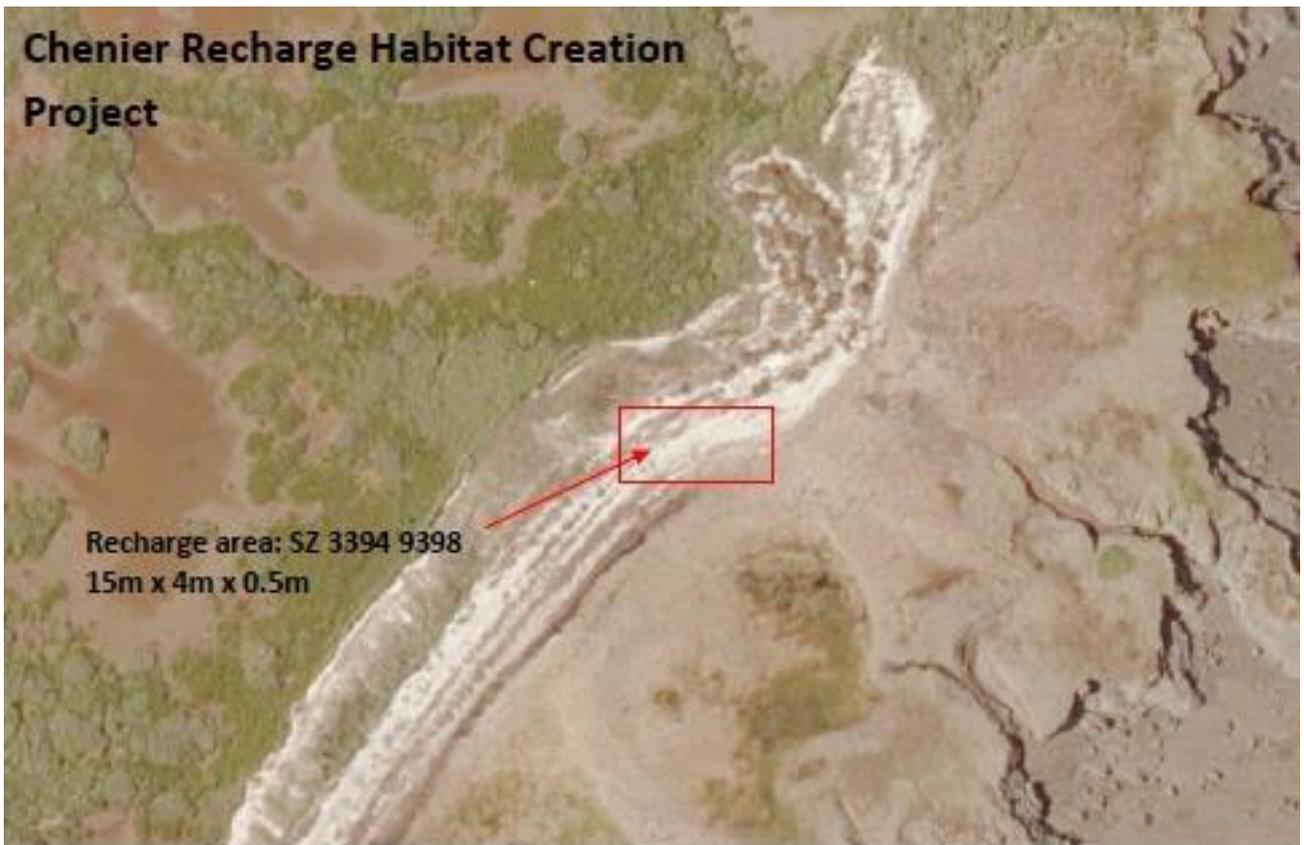
It is anticipated these works will progress in the next couple of weeks before the start of the breeding season but LHC are waiting for confirmation."

David Ilsley (NFNPA) submitted the following briefing note to LHAG members by email prior to the meeting:

"Chenier recharge on Lymington saltmarshes

- . 1 This is a trial habitat creation project on Lymington salt marshes. The objective is to increase the height of low-relief cheniers, which is the main nesting habitat for the NW Solent tern population.
- . 2. The first load of gravel aggregate will be transhipped onto a barge in Poole Harbour and then travel along the coast to the recharge location on Lymington salt marshes (Fig. 1). The barge has a shallow draft of 0.3m and will station itself close to the chenier, without causing any damage to the salt marshes. An on-board deck crane will lift 90 x 1-tonne bulk bags of gravel onto the foreshore - the deck crane has sufficient reach to manipulate the newly-added gravel and increase the profile of the cheniers. A layer measuring approx. 0.25m in height will be built on top of the chenier crest. The remaining material (approx. 0.5m high) will be placed on the windward side of the chenier - this will allow natural wave action to incorporate gravel with in-situ material.
- . 3 No salt marsh habitat will be affected and the entire operation will take place on cheniers and mudflats. A spill kit will be carried as a precautionary measure and any arisings from operations will be taken back to Lymington Harbour and disposed of accordingly. RSPB staff will be present on-site for the duration of operations. The barge will be moored overnight on a pontoon at the entrance to Lymington Harbour.
- . 4 The operations are to be undertaken in late March 2017 to avoid the breeding bird season. Some disturbance to overwintering birds is inevitable but on-site operations will take no more than 12 hours over a two-day period. Any impacts from rollover of aggregate on to the salt-marsh will be minimal given the relatively small recharge area. RSPB have been given provisional consent from Natural England and The Crown Estate to proceed with the work.
Figure 1: Location for chenier recharge on Lymington saltmarshes
Figure 2: Picture of recharge area

Chenier Recharge Habitat Creation Project



Nesting bunds on eastern breakwater in Lymington River

5 The RSPB are proposing to construct three 'nesting bunds' on the eastern breakwater in Lymington River. As with chenier recharge, these bunds will increase the area of available nesting space for the NW Solent tern population. The breakwater is not attached to the mainland and there is no threat of predation by foxes. The crest of the breakwaters sits above the waters surface, even on a high water spring tide and this means nests are not susceptible to flooding - this is the most likely cause for a decline in successful nesting attempts on cheniers. The breakwater is not situated in the main river channel so hopefully there will be little disturbances by humans.

6 The breakwater is due to be extended in 2020 to compensate for further loss of the salt-marshes. At this time, the nesting bunds will be removed and/or destroyed. If the nesting bunds prove successful in improving the breeding status of terns in the NW Solent then further funding will be sought for their reconstruction after completion of the breakwater extension. Breakwaters are becoming increasingly popular as a method of engineered coastal defence and the nesting bunds could be included in the structural design as opposed to retrofitting. The RSPB has consent from LHC and The Crown Estate to proceed with construction of the nesting bunds on the eastern breakwater."

SA thought that the scheme was likely to be considered "de-minimus" and the NFNPA would be keen to support the Project, a view which R.Wil. said was shared by LHC. JC had previously highlighted that he did not share the view expressed in item 5 that there is "no threat of predation by foxes". JC had previously witnessed foxes on a breakwater.

(c) Safety and the Port Marine Safety Code

Two prosecutions were successfully brought before Southampton Magistrates Court in December. Mr Kelly pleaded guilty to four offences and was fined a total of £2,000 and ordered to pay £850 in costs. Mr Masters pleaded guilty to three offences and was fined a total of £900 and ordered to pay £850 in costs. Details of the prosecutions were reported in the Lymington Times & New Milton Advertiser, the Southampton Daily Echo and Practical Boat Owner, which will hopefully serve to provide a deterrent to others for the 2017 season.

4. Town Quay Showers – Vandalism

The Town Quay has been subject to a spate of vandalism in recent weeks culminating in the closure of the facility on safety grounds (pending repair works) on the morning of Sunday 5th March 2017. The first three occasions were on the evenings/nights of Tuesday 21st February, Monday 27th February and Friday 3rd March. These consisted of breaking and entering by forcing the outside door, vandalising a storage cupboard to gain access to the cleaning products, emptying soap dispensers, lighting small fires using tissue paper, and breaking the toilet roll holders and bins. There was evidence of smoking and alcohol being consumed. On the evening of Saturday 5th March the vandalism was worse with mirrors being smashed, foldable seating and radiators being ripped off walls, toilet seats being broken and shower curtains being torn away.

All occasions were reported to the Police. On the 6th March we received notification from the Police that they were going to review the NFDC CCTV footage (revolving camera) on the quay to see if it could lead to the identification of those involved. Subsequently the Police have confirmed that NFDC have advised they have some recorded footage of youths in the vicinity who may be responsible. The Police are now going to view to see if the footage can confirm the identity of persons suspected

to be involved. The Police have also indicated that they will incorporate the Town Quay shower block area into their evening patrol rounds.

LHC have also asked a local security company to undertake works to install a secondary bolt mechanism to make forcing the door a more difficult proposition and advise on options to install direct CCTV surveillance. The facility was closed for three days while repairs were being made.

5. W Class Ferry Impact

JC had been asked by a member of the public if there had been an increase in the rate of erosion of the salt marsh and a decline in the sailing activities since the introduction of the W class ferries which had been a concern and prediction of some of the river users. R.Wil. advised: "The Environmental Management Panel (EMP) last met to consider the effects of the ferries on the 19th November 2015. At that time it concluded that from the monitoring evidence collected to date there were no signs of the W Class ferry having a distinguishable effect on the intertidal habitat within the estuary. The EMP also concluded that based on the evidence there was confidence that there was no effect on the integrity of the Solent European Marine Site and that such an event would not occur in the coming years. A 5 year pause in monitoring was therefore agreed. The EMP will next meet in November 2020 to consider the ongoing routine monitoring of the coastline by NFDC/EA. If considered necessary at that time the EMP would advise on any further monitoring. LHC reported this position in their 2015 Annual Report (page 6 & 7). With respect to the second element of the question, other than LHC visitor numbers, LHC don't record sailing activity in the river. However if visitor numbers are used as a guide, in 2008 when the W Class were introduced LHC had 6,543 visiting boats. In 2009 that rose to 6,997. Moving forward, in 2015 LHC had 7,412 visiting boats and that rose again to 7,812 in 2016. So if this is an indication of local boat use then no LHC have not seen a decline."

6. Harbour Strategy - workshop day

AW has been invited to attend a LHC workshop day on 5th April. AW asked LHAG members to consider future developments and strategies for the Harbour and let him have any ideas before 5th April.

7. Harbour Commissioners (new appointments)

Tim Harford was appointed from the 1st November to take over from Brian May. Jane Challener was appointed a Commissioner to take effect from the 1st June 2017 when Geoff Holmes retires. Jane was also seconded from the 1st November 2016 to the 31st May 2017 to facilitate a familiarisation period.

8. Commercial Fishermen

8.1 Mooring Residency Area

An application has been received from Commercial Fishermen (including angling charter skippers) to extend the residency area to the east of the river to the western shore limits of Southampton Water. The application was supported by all bar one of the existing commercial fishermen. Following discussions between R.Wil. and RT the initial view was that a sensible definition for the western shore would be from Calshot to Ealing.

A principle reason for the request is the prohibitive cost of housing within the 7 mile residency limit making it difficult/unrealistic for younger fishermen to aspire to a mooring on the Lymington River. This has been reflected in the lack of a waiting list for commercial moorings for a number of years.

The commercial fisherman who did not support the application expressed a concern (meeting on 15/8/2016) that such an approach would put additional pressure on fish stocks and that it would increase the risk that a number of 'bad eggs' who were known to live within the proposed new catchment area would then be eligible for a mooring. He indicated that if the Commissioners were minded to accept a request to change the residency area then LHC should introduce some form of referencing/vetting procedure over future applicants with discretion to refuse applicants if concerns were raised. A number of the supporters of the request to change the residency area also support the idea of a 'screening process'.

GH emphasised that the commercial fishermen were an asset to the harbour and, if they needed additional infrastructure, LHC would be pleased to consider any proposals from them.

R.Wag. asked why an extension of the residency area to the west of Lymington was not being considered as well as an extension to the east of Lymington. A discussion followed and it was noted that Mudeford harbour was 15 miles to the west of Lymington but there was no nearby harbour to the east.

RT proposed that the residency area to the east of the river be extended to the western shore from Calshot to Ealing and that, subject to legal advice, applicants are "vetted" in some way. The proposal was seconded by JC and was unanimously agreed by the Group.

11. Any other business

R.Wag noted that GWH was retiring after six years as a Commissioner and five years as Chairman of LHC. On behalf of the Group, AW expressed thanks for GWH's leadership. LHAG much appreciated the efforts LHC, under GWH's chairmanship, had gone to ensure that the harbour had been managed in accordance with the DoT's guidelines for Trust Ports, the five yearly strategic plans and integrity of the Commissioners. LHAG are appreciative that, in accordance with DoT guidance, LHAG and other harbour stakeholders have been consulted before major decisions are taken.

12. 2017 Meetings

26th September 2017.