

LYMINGTON HARBOUR ADVISORY GROUP

MINUTES OF THE MEETING HELD ON TUESDAY 26th SEPTEMBER 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)
Peter Ferguson (NFDC Coast Protection)
David Illsey (NFNPA)

IN ATTENDANCE:

Ryan Willegers (Chief Executive and Harbour Master)
Andrew Richards (Lymington Harbour Commissioner)

1. Apologies for absence

Peter Lock (Lymington Rowers)
Derek Graham (Wightlink)
Rob Thompson (Commercial Boat Owners)
Richard Jenner (Lymington Harbour Commissioners Chairman)

2. Minutes of previous meeting

The minutes of the meeting held on 14th March 2017 were approved by email prior to the meeting.

3. Matters Arising:

(a) Strategic Plan - Town Quay consultations

R.Wil reported as follows:

“At the previous meeting the Commissioners reported on their written responses (22nd February) to the public consultation feedback provided by Berthon Boat Company and Mr Butler. Copies of these letters were circulated to LHAG members.

The Commissioners also reported on an alternative layout which they had proposed to Berthon in an effort to mitigate their concerns. Berthon subsequently indicated that the alternative scheme did not address their concerns in a number of areas, in-particular navigation space for turning large boats accessing their northern boatyard wall.

Although it remains the Commissioners view that the revised proposals result in an improvement in navigation layout and navigation safety over the current position, they would prefer to have a solution which was acceptable to Berthon.

To that end there has been further dialog with Berthon in order to discuss their concerns and to provide further clarification. As part of this further dialog, LHC have agreed to investigate several alternative layout options in the area opposite the boatyard which might offer a compromise solution that both parties can accept while not departing significantly from the consulted scheme which received strong support from other stakeholders and businesses in the community. These are currently being worked up and will need assessing, both in terms of navigation impacts, but also the implications for the business case and winter boat relocations. It is anticipated that a further meeting will take place in late October to discuss.

Separately, LHC have commenced work with their advisors to identify the consents required together with the supporting environmental assessments. Applications will not go forward until the Commissioners have taken a decision on the final layout of the scheme.”

In response to a question from AW, R.Wil said that the extended consultations were not delaying the project because finance would not be available until winter 2019. LHC were progressing with the planning application and EIA scoping report work which does not require the final detailed design at this stage.

JC asked if the pontoons would be “gated”. R.Wil’s preference is to not have a locked gate but this has yet to be decided. The pontoons will be equipment with lighting and power.

R.Wil is attending a meeting on Friday about the public toilets at the Quay which is one of several facilities NFDC are considering replacing/refurbishing as part of their ongoing building maintenance programme. He will lobby for facilities suitable for visiting yachtsmen and request timescale from the town council. If the toilets are not refurbished by NFDC soon, LHC will have to carry out some temporary interim refurbishment on the proportion of the building that it leases from NFDC.

3 (b) Commercial Fishing Boat Moorings

At their September meeting the Commissioners considered a framework within which the Commissioners could respond to the commercial fishermen’s request to extend the qualifying residency area for a mooring while strengthening the terms and conditions to reduce the risk of ‘bad eggs’ who may have broken the law or caused problems within other harbours relocating to Lymington.

Following consideration, the Commissioners resolved to adopt the following changes:

- Extend the residency area to 11m as the crow flies. It was noted that the original proposal from the commercial fishermen was to extend the residency area in an easterly direction to Southampton Water between Southampton and Eling. However, the Commissioners agreed that LHC needed to be careful not to base the residency parameters on where particular fishermen who want or have a mooring today live or want to relocate to. The purpose of the extension was to increase demand to allow for succession when existing fishermen retire, and to incorporate areas of cheaper housing. The recommendation to extend to a uniform 11 mile boundary was deemed a fairer approach.
- Introduce a mechanism (separate waiting lists) to maintain the existing ratio of wet fish (11) to charter angling boats (5). However, to ensure that moorings are not unnecessarily left vacant, in the event a vacancy arises in one category but there are only qualifying applications on the waiting list for the other category, then the allocation will be made to the applicant from the other category.

- Incorporate additional mooring qualification criteria to ensure that moorings are only allocated to bona fide commercial fishermen.
- Introduce changes to terms and conditions to provide for the proposed change to the residency area and to enable Commissioners to refuse an application to join the waiting list or cancel waiting list membership in the event of a successful prosecution for a breach of harbour legislation or a successful prosecution for a criminal offence occurring within any UK harbour limits or on LHC property. This latter amendment will apply to all mooring applications, not just applications for commercial moorings.
Although these are the terms under which the Commissioners believe they can best ensure that only legally operating commercial users are eligible to apply for a mooring license while ensuring that a fair extension to the residency criteria, the Commissioners remain willing to listen to material concerns should they arise.

RT is currently working away from Lymington but had spoken to JC and R.Wil. He is positive about the LHC decision and will let the other commercial fishermen know about it on his return.

In response to a question from JC, R.Wil confirmed that the 25% discount given to wet fishing boat mooring holders would continue in accordance with the qualifying conditions laid out in the 1951 Act.

3 (c) RSPB Tern Project

During April, the RSPB in liaison with LHC, Hampshire and Isle of Wight Wildlife Trust (HIWWT) and Natural England completed works to erect 3 nesting islands on the eastern breakwater and a separate scheme to artificially recharge the shell/shingle Chenier beach on 'Cockleshell' marsh to the west of the river. The objective of both schemes is to provide suitable habitat higher in the tidal frame to encourage Roseate Terns to breed within the Special Protection Area. Roseate Terns are likely to nest in areas where Terns are already nesting.

BC reported that neither the Chenier beach nor the breakwater areas had been used by terns this year. However, it is a "long game" and terns may nest there in future. The original works on the breakwater had been washed away by a stormy weather and had been replaced.

JC noted that a peregrine had nested on one of the breakwater sites and that 13 foxes had been shot as part of predation management measures.

PF asked about the work recharging the Chenier beaches as it is possible that NFDC will be carrying out similar work as mitigation for a possible Hurst Spit recharge scheme.

4. HIWWT - Lymington and Keyhaven Nature Reserve

BC reported that the recent open day event held on the marshes was well received by all who attended. R.Wil suggested that LHC are notified of future events so that it can be publicised in the LHC newsletters and web site. The provisional date for an open day next year is 16th September.

5. Commissioners

On the 31st October 2017 Peter Mills retires as a Commissioner after completing two three year terms of service.

At their July meeting the Commissioners identified it would be sensible to plan ahead for Geoff Stokes retirement in October 2018 given his role as portfolio holder for safety. It was agreed that

LHC would advertise for a new Commissioner to fill the current vacancy created by P. Mills retirement by seeking applicants with experience of commercial ferry or port operations and a working knowledge of the Port Marine Safety Code. By recruiting early, this would allow the new Commissioner to have a 12 month 'handover' period before taking over the safety portfolio on Geoff's retirement. Six applications have been received and interviews are planned for the 9th and 10th October. The Commissioners also have an option to co-opt in the event that two strong candidates are identified with skillsets considered to be beneficial to the balance of skills and diversity of the Board.

The interview panel will consist of the LHC Chairman and Vice Chairman plus the chairman of LHAG and Cllr M. White who the LHAG has previously nominated as the 'independent person'.

6. Insurance Requirements & General Directions

JC had spoken to a river user who admitted that he did not hold any insurance for his vessel. He asked if river users were required to take out insurance cover.

There is no national legal requirement for any vessel to be insured however it is a normal condition for any vessel using harbours, marinas, yacht clubs or commercial services.

R.Wil confirmed that LHC's Terms and Conditions for use of LHC's infrastructure facilities (Resident Moorings / Temporary Moorings / Visitor Moorings / Slipway / Scrubbing Grid) states that "Users are required to be insured for the recovery and removal of their vessel from the harbour in the event of sinking and carry £2,000,000 third party cover."

JC suggested that this requirement is highlighted in the Harbour Guide.. R.Wil thought that was a good idea and he would consider it.

Third party facilities such as marina's and boatyards are responsible for their own insurance requirements.

JC also asked what the position was if an uninsured vessel violates a LHC General Direction. Any contravention of a General Direction is prosecutable whether the vessel is insured or not.

7. LHC Stakeholder Benefit / Social Responsibility Policy

LHC are commencing work on formulating a stakeholder benefit / social responsibility policy. This will formalise the terms of reference or parameters under which LHC might for example support or initiate community initiatives or charitable causes. Until now any LHC initiatives or third party requests for support have been considered on a case by case basis by the Commissioners without reference to a formal policy.

AW noted that any charitable donations would ultimately be funded by mooring holders and stakeholders. R.Wil said that support for community initiatives or charitable causes need not necessarily take the form of giving money. For example, LHC had recently sponsored two local brothers who were training to row across the Atlantic in aid of skin cancer research through the provision of free launching on the slipway. AR noted that the government guidance paper "Modernising Trust Ports II" actively encourages Trust Ports to engage with and support local communities and specifically references making charitable grants or donations as being one way in which surpluses can be distributed for stakeholder benefit.

8. Moorings

8.1 Above Bridge Mooring Occupancy

In recent years LHC has found it difficult to fill the above bridge moorings. This is principally due to the air draft restrictions imposed by the railway bridge which limits movements of boats over high water. The limited tender mooring availability which restricts new tenders to be located along Under-shore road where parking is difficult is also a deterrent for some. In the past LHC have tried to address the under occupancy through advertising vacant moorings in the local press with limited success. A further factor to consider is that in 2008 an additional 10 moorings were added. This may have tipped the number of moorings above sustainable demand.

In July, 22 of the 71 moorings were vacant. Since then the vacant moorings have been publicised through the website and an e-newsletter and this approach has a positive effect. Strawberry Marketing have also been asked to incorporate details into the social media schedule. At the time of writing, 7 of the 22 vacant moorings have been allocated and a further four applications are being processed.

Following a review by the Mooring Committee to consider what else might be done to improve occupancy, the option to reduce resident mooring price for these moorings was discounted because of the risk of diluting existing revenues. However, a decision has been taken to discount temporary mooring fees for above bridge moorings to the equivalent monthly rate for an annual resident licence + 10% as there was very little take up at the current charges. The effectiveness of the above measures will be reviewed in 18 months.

8.2 Use of Unused Moorings

In response to a question from AW, R.Wil set out LHC's policy and procedures for allocating moorings that are temporarily unused by resident mooring holders (sublets). Temporary mooring allocations are made for one month terms or multiples thereof up to the limits set out in LHC's terms and conditions. Further details at <http://www.lymingtonharbour.co.uk/Temporary-Moorings>.

Firstly, it is necessary to identify mooring availability. Under the terms and conditions for a mooring licence, it is a requirement that resident mooring holders must notify LHC if they are to be away for more than 14 nights. To pick up on those who forget to tell LHC, LHC undertake a two weekly audit of mooring occupancy. If this shows a vacancy on two consecutive occasions they know that the mooring is a possible candidate for allocation as a temporary mooring and can make further enquiries – it may be that the mooring holder has simply gone sailing on the days LHC conducted the audit. The above procedure provides a mooring availability list to which applications from owners of compatible boats can be allocated.

LHC promote the availability of temporary moorings via their website and operate a waiting list system for summer and winter licence periods. At the end of the summer season, they terminate most temporary mooring licences in order to release moorings for the winter relocations from the lower river and to accommodate the dredging programme. In November once there is clarity that all boats that needed relocating have moorings to go to, any unused moorings left will be allocated to compatible applications in accordance with the terms and conditions.

When it comes to allocating temporary moorings, LHC give priority to local residents on the waiting list for a resident mooring. Allocations are made in the order they are received for each licence season but subject to boat compatibility with the available mooring and/or the adjacent boat and the terms and conditions. Apart from providing details of their boat and the duration they want a temporary mooring for, applicants can also select what type of moorings they will consider, i.e. walk ashore pontoon, deep water river mooring, drying mooring, above bridge mooring etc.

Although the above procedures have been very successful at increasing temporary mooring use and revenues (budgeted income up from £6k in 2007 to £980k in 2017), there will always be periods when moorings are unused as there is a limit on the number of people who are prepared to commit

to the ownership of a boat without the certainty of a permanent mooring. Also, some mooring types are more popular than others. For example, this summer LHC have been unable to fulfil the demand for large boat berths or from applicants who will only consider walk ashore berths with power as they have simply not become available. Conversely, at times it is not uncommon for the supply of mid river moorings for smaller boats to exceed demand at certain times. It is also not uncommon for an unoccupied mooring to be offered out on a number of occasions before it is accepted due to factors like the distance from a tender mooring or the owner's confidence in his ability to access the mooring.

The waiting list for permanent moorings is currently about 550 people. LHC believe that many of these people do not currently own boats as it is often impracticable to own a boat unless the owner has a permanent and affordable mooring.

9. Dredging

This winter LHC will be dredging the 'A' row and 'Special Area' moorings to the north/north west of Berthon together with the adjacent navigation channel.

10. Safety and the Port Marine Safety Code

10.1 Trinity House (Inspection of Local Aids to Navigation Management Processes)

In accordance with Section 198 of the Merchant Shipping Act 1995, on the 23rd August 2017, an Officer of Trinity House undertook an audit of our procedures for the provision, maintenance and availability reporting for our Aids to Navigation (AtoN). Everything was found to be in good order.

R.Wil explained that Trinity House to audits the harbour twice a year. Once to physically inspect the marks and the other to audit LHC's AtoN management processes.

10.2 Oil Spill Response Exercise

In accordance with the requirements of the Oil Spill Response Plan for the harbour, a three yearly Tier 2 incident management exercise is scheduled to take place on the 8th November. As it is a Tier 2 exercise it will involve the contracted professional responder, Adler & Allan. Representatives from the MCA, the Environment Agency, New Forest District Council, Hampshire County Council, Wightlink and both Marinas have been invited to attend.

R.Wil explained that oil spills are classified from Tier 1 (a comparatively small spill which is dealt with by harbour authorities using local equipment) to Tier 2 (a larger spill requiring the services of a professional responder) to Tier 3 (a major spill requiring significant resources from the MCA and supporting organisations).

11 Meeting Dates for 2018

Provisional dates of Tuesday 6th March 2018 and Tuesday 25th September 2018 were suggested.

12. Any other business

12.1 AW has been contacted by a local yachtsman who is concerned about boats speeding in the river causing wash which is hazardous to small boats. He has had a couple of potentially dangerous incidents whilst in a dinghy and apparently others have too. He made an interesting suggestion: part of the problem is that when power boats have been travelling at high speed in the Solent, reducing

speed to 6 knots or 4 knots seems ridiculously slow. If the helmsman of a boat travelling at, say, 30 knots reduces his speed to 10 knots, it probably feels like 6 knots or less. The suggestion is to install radar speed signs which advise river users of their current speed - like the ones that can be seen when approaching the 30 mph limit in some villages.

R.Wil's initial response was that there are a number of things to consider with such an approach:-

1. What would Trinity House think of a such a display and the implications for causing confusion with navigation aids.
2. Can they be powered by solar (it would not be practical/cost effective to lay cables).
3. What are the implications for night vision.
4. Are the type of radar installations you see on the side of a road able to remove the 'clutter' caused by the sea state.
5. The speed limit in the General Directions is based on speed through the water. Any radar reading will be SOG. That means the reading will invariably at times display a number incompatible with the legislated speed limit. This might lead to LHC may be accused of providing misleading/inaccurate info. For example an outbound boat with a following spring ebb tide might only be doing 6 knots through the water but the radar might read as high as 8 SOG. Conversely, inbound against an ebb tide the SOG radar reading may read 8 knots but the vessel might only be doing 6 knots. Will this lead to helms being incorrectly accused of speeding when a wash incident occurs?
6. It is not just speeding vessels which cause wash. The size and hull shape can also have a significant effect. It is not uncommon for a motorboat with a 'dirty' hull shape to cause unacceptable levels of wash below the legislated speed limit. This is why there is a separate GD related to keeping wash down. LHC do not want to encourage such a vessel with a lower reading to speed up.

R.Wil has asked the two Commissioners on the safety committee if they have come across such displays in other harbours on their travels and has referred this as an agenda item for consideration at the next safety committee meeting.

12.2 MW advised the Advisory Group that a temporary ban on oyster fishing has been implemented in the Solent and 4,000,000 seed oysters are to be introduced by the Blue Marine Foundation with the objective of restoring the native European flat oyster to the Solent. A single oyster is capable of filtering 200 litres of water a day and has many environmental benefits. In the 1970's and 1980's the Solent oyster fishery was the largest in Europe but it collapsed though over fishing.

12.3 JC asked for an update on the collapsed sea wall adjacent to the RLymYC. The land on which it stands is owned by NFDC and sea wall is the responsibility of the Environment Agency. R .Wil and PF advised that liability for the repairs is still subject to dispute between the respective parties insurers (LHC not involved) but it is taking some time to progress. It was noted that the sectioned off paving was "a mess" with weeds taking over. R.Wil asked if NFDC could tidy it up and PF said he would see if that was possible however the land is unstable and is hazardous for workmen to enter.

12.4 JC asked for an update the damaged street light on the sea wall. R.Wil said that the light belonged to LHC and had been damaged by teenagers. It has been inspected by LHC's Engineers who have proposed a more robust design. LHC are awaiting NFDC's approval of the proposed design.

12.5 DI told the Group about the proposed redevelopment of the Fawley refinery which comprises up to 1,500 new homes, a marina and premises for several marine businesses. Public drop in centres are to be opened from Wednesday to Saturday this week prior to an application for outline planning consent which could be submitted next year. The 10 year project is on land within both NFNPA and NFDC.

12.6 R.Wil noted that visitor numbers had significantly outperformed Yarmouth and Cowes during the busy June, July and August period and were 10% up (YTD). This could be the fruits of LHC's recent marketing initiatives.