

Annex C-9: Application of Hayle
Harbour Authority Ltd



CAROLINE WALL

PORTS GOVERNANCE BRANCH
MARITIME COMMERCIAL AND INFRASTRUCTURE
DEPARTMENT FOR TRANSPORT
ZONE 1/22
GREAT MINSTER HOUSE
76 MARSHAM STREET
LONDON
SW1P 4DR

Your Ref: MARI 016/003/0009

Subject: Harbour Directions

Date: 14th May 2014

Dear Miss Wall

Following your acknowledgement of the expression of interest submitted by Hayle Harbour Authority Ltd. The Authority would now like to formally apply to the Department For Transport to be designated with the power to give Harbour Directions.

In support of that application please find enclosed for consideration the Authority's rationale as to why the ability to give Harbour Directions will be beneficial in reducing risk to its Harbour Operations / users and thus improve safety within it's jurisdiction; a signed declaration by the Hayle Harbour Advisory Committee that consultation has taken place, also a copy of Annex A assurance template signed by the Chairman of the Harbour Board.

To assist in the decision making process, please also find enclosed a current channel risk assessment from the Authority's PMSC Safety Management System and supporting photographs which provide a visual indication of channel movement.

Peter Haddock
Harbour Master
Hayle Harbour Authority Ltd

Attachments

Annex A assurance template
Hayle harbour Advisory Committee: confirmation of consultation
Channel Risk assessment
Channel Photos

The Old Customs House, Hayle Harbour, Hayle, Cornwall TR27 4BL

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E Harbour Master peter.haddock@btconnect.com

Hayle Harbour Authority Limited

Registered in England and Wales No. 04906053

Rationale

The entrance to Hayle Estuary at the head of St. Ives Bay lies across the Hayle sand bar which dries at low water and on which many vessels have been lost. This area of sea can be very difficult and dangerous to navigate; historically there have not been many years when an incident involving a vessel in the navigable channel has not been recorded.

The port of Hayle is used principally by fishing and pleasure craft with local knowledge and also water sports clubs who operate under licence by the harbour authority.

Management of the sand bar and channel is the Authority's greatest risk as entry into the harbour involves navigation across an area of coastal sand. Sand does not provide a stable seabed therefore the depth and location of the channel can never be guaranteed as it is subject to change at any time. Sand movement is prevalent during gales and heavy swells which cause the geography of the navigable channel to alter dramatically, creating a risk to any vessel including those with local knowledge wishing to enter or leave the harbour. The sand bar at the entrance to the harbour can generate large seas, standing waves or heavy swells.

As recently as 2012 a visiting angling day boat ignored warnings from users and the Harbour Authority not to proceed to sea as conditions on the bar were not safe, consequently the vessel was swamped by a huge wave and nearly lost. Fortunately, all of the passengers survived albeit for some fractured limbs, but the vessel was deemed a write off.

Historically that risk was managed to some extent by the use of sluicing; this effectively increased the velocity and volume of the ebb tide which scoured out any build up of sediment in the navigable channel, brought in on the flood tide and also helped to maintain its alignment. This method was used continually in conjunction with plough dredging until 1976 when the use of the harbour by larger vessels declined and the sluice equipment fell into disrepair as a result of no maintenance or investment by various harbour owners.

Since the cessation of sluicing the channel has migrated eastwards and developed a curve, Vessels entering the harbour in inclement weather may have to turn in the curve so as to take ¼ ly seas and swells presenting a risk of broaching and possible capsizing, a risk that is heightened during the hours of darkness.

Following risk assessment the controls the Authority have in place, to reduce the risk to As Low As Is Reasonably Practicable (ALARP) are identified in the attached assessment which forms part of the Authority's Safety Management System and is very much a live document that is used on a daily basis.

The existing powers available to the Authority for the direction and regulation of vessels are dated and limit the actions which may be taken by an officer of the Authority to maintain the operational risks in the channel to ALARP when conditions deteriorate.

The lengthy process of amending Byelaws currently restricts the ability of the Harbour Authority to react effectively and quickly to the ever changing circumstances associated with

the daily management of an operational harbour that supports a mixture of commercial operations, leisure craft and water sports clubs within a navigational channel that is constantly changing its position, profile and direction; a result of sediment transportation within the sand cell.

These continual changes affect the risk factor for those mariners navigating the channel which can vary daily. The attached photos provide a visual indication of channel movement which presents an on going daily challenge regarding its management to the Authority. The ability to issue formal directions to regulate vessels transiting the navigable channel is an additional tool that will be beneficial in further reducing risk to ALARP especially during adverse weather conditions. It will also enhance and strengthen the Authority's existing powers and its safety management system ensuring that it remains robust and fit for purpose.

Had harbour directions been available to the Authority in 2012 improved controls following consultation with the stakeholders in the form of written directions could have been published, this would have then enabled the Authority to better manage vessel traffic in the navigable channel and reduce the risks which may have prevented the incident involving the day angling boat from occurring.

The Authority does not at this stage propose to amend or repeal any statutory provision of local application as it does not see Harbour Directions conflicting with its existing powers, but sitting alongside them enabling the authority generate additional directions / controls that can be applied to better manage vessel traffic in the navigable channel which is increasing due to the requirements of Wave Hub

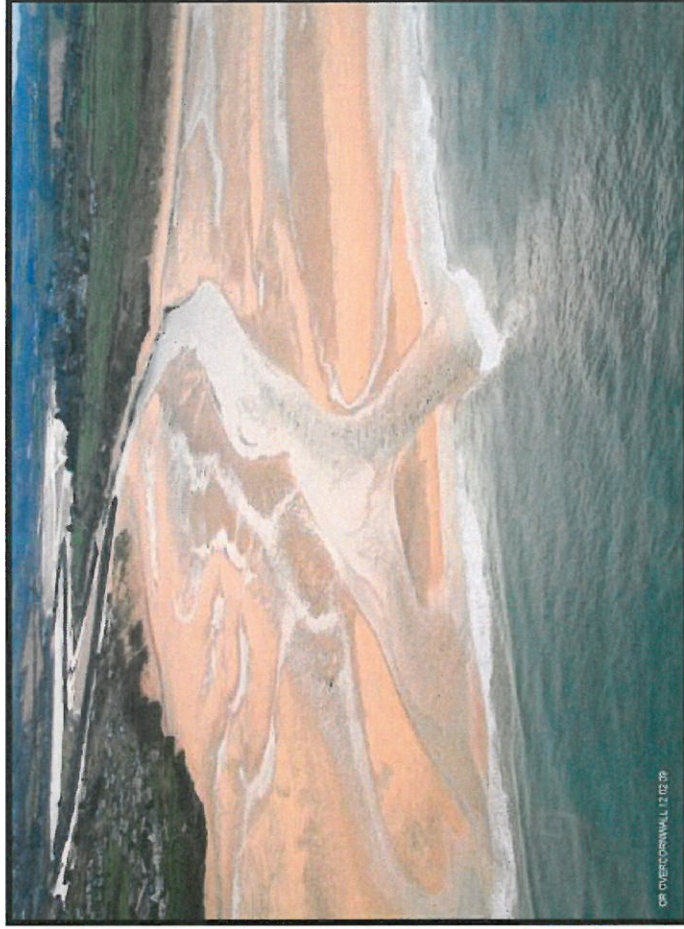
During the recent consultation process with the harbour users at the quarterly meeting of the Hayle Harbour Advisory Committee all agreed unanimously that during adverse weather conditions the sand bar and navigable channel can be an extremely dangerous area of water and any additional powers that are made available to the Harbour Authority to better manage vessel movements during such periods can only be beneficial to improving safety and that it also demonstrates the Harbour Authority is complying with its duty to conserve the harbour to ensure that it is fit for vessels to use in safety as required by the PMSC.



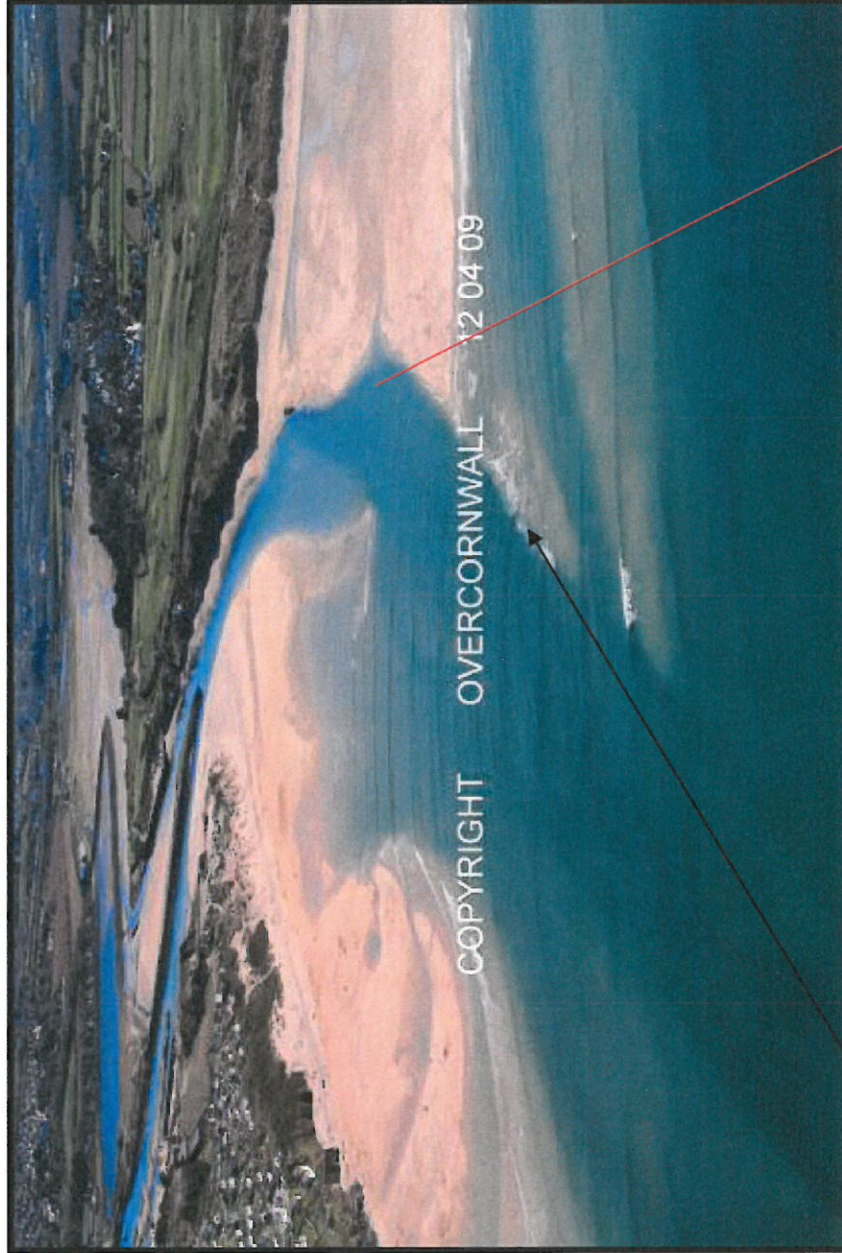
HAZID		ENTRANCE TO CHANNEL		LOCATION : BAR / MAIN CHANNEL ENTRANCE		ASSESSED BY P M HADDOCK CMIOSH Review Date Weekly										
TITLE	HAZARDS	CAUSES / RISKS	CONTROLS IN PLACE	At Risk	Risk Cat	PE	EN	AS	PO	PE	EN	AS	PO	ADDITIONAL CONTROLS		
009/12	<ul style="list-style-type: none"> No Sluicing or dredging Indications are channel is migrating Eastwards and developing a curve Vessels entering the harbour in inclement weather may have to turn in the curve so as to take ¼ ly seas and swells. Broaching leading to capsizes, risk heightened during darkness Pooping leading to capsizes, risk heightened during darkness Grounding 	<ul style="list-style-type: none"> Migration of sand. Silting Channel not clearly defined and is no longer aligned with leading marks or the aids to navigation. Curve in channel Weather/tidal current influence Navigation at night Reduced visibility Mechanical failure Poor command decisions and voyage planning Poor seamanship The lower leading mark has been decommissioned as it no longer aligns with the channel 	<ul style="list-style-type: none"> LNTM. Admiralty Notice to Mariners Solas Ch V guidance. Local knowledge, skill, experience and qualifications of local Masters and Skippers Constant visual monitoring and time line photography Port and Starboard buoys replaced by a North Cardinal buoy which marks the Seaward extremity of the Sand bank LNTM 11/12 refers Navigation aids Monthly inspection / safety report Bye law 5 HM to record in the daily log when the monthly assessment of the channel is completed Weather forecast 	x	x	x	x	x	x	x	x	x	x	x	x	x
				2	2	2	2	2	2	2	2	2	2	2	2	
				3	3	3	3	3	3	3	3	3	3	3	3	
				6	6	6	6	6	6	6	6	6	6	6	6	
				No	No	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	
ADDITIONAL CONTROLS WILL REDUCE RISK WHEN IN PLACE <ul style="list-style-type: none"> Issue further LNTM warning all Masters of risks and of their responsibility to plan voyage and make sound command decisions. Permission obtained from the MMO to plough dredge 14-11---12 assessment will be updated when dredging or sluicing is reinstated Twice Monthly time line photography to continue LNTM re Channel entrance updated 21-8-13 re siltation Corrective action required; Direction / instruction sought from the Harbour board Channel inspections increased to weekly 																



The affects of sediment migration following storms



The affects of normal sediment migration within the sand cell



Western bank of the channel is migrating eastwards

Original transit line for vessels entering Hayle



Hayle Harbour Act 1989

Hayle Harbour Advisory Committee

The Old Customs House
North Quay
Hayle
Cornwall
TR27 4BL

Attn: Peter Haddock, CMIOSH, Harbour Master

9 April 2014

Dear Peter,

Harbour Directions

As you know, the Hayle Harbour Advisory Committee was set up by the 1989 Hayle Harbour Act in order to act as a stakeholder body for Hayle Harbour and to advise the harbour operator.

At the quarterly meeting of the Committee held today, we considered your request for support in seeking to be designated with the powers to make harbour directions under section 40A-40D of the Harbours Act 1964.

The Committee voted unanimously in favour of supporting you in this endeavour.

Yours sincerely, .

John Bennett, Chairman

Hayle Harbour Advisory Committee.

Annex A – Assurance Template

I confirm that the following resolutions of Hayle Harbour Authority Ltd were duly passed at a meeting of Hayle Harbour Authority advisory Committee meeting on 9th April 2014.

The harbour authority has had regard to the content of and agrees to comply with the code of conduct on harbour directions, in particular:

- a) to maintain a Port user Group and to apply a dispute resolution procedure such as set out in the code of conduct when required; and
- b) to have regard to supplementary guidance issued from time to time by the National Directions Panel on the subject of harbour directions.

The Harbour Master Mr P. M. Haddock is authorised to apply to the Secretary of State for Transport to be a designated harbour authority for the purpose of section 40A of the Harbour Act 1964.

Signed



Date

13 May 2014