

Annex C-13: Application of South Hams District Council for Salcombe Harbour

Please reply to: Adam Parnell

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Ms C Wall
Ports Governance Branch
Department for Transport
Zone 1/22, Great Minster House
76 Marsham Street, London
SW1P 4DR

Our ref: 060/1
20 November 2014

Dear Ms Wall

APPLICATION FOR HARBOUR DIRECTIONS – SALCOMBE HARBOUR AUTHORITY

This is the formal application of Salcombe Harbour Authority to be considered to be designated with the power to make harbour directions under sections 40A-40D of the Harbours Act 1964 as inserted by section 5 of the Marine Navigation Act 2013.

Rationale why the power to make harbour directions is needed

Salcombe Harbour Authority reviews its powers and its ability of operate a safe and efficient harbour annually. This review considers the current fitness for purpose of the Byelaws and the Authority's Enforcement Policy. The Enforcement Policy is published annually, the latest version in February 2014. The Byelaws are reviewed annually but last updated in 2011.

Despite the fact that there are several aspects of the management of the Harbour which would benefit from a change to the Byelaws, the process has not been commenced because of the difficulties experienced in 2009-2011, when the Harbour Authority tried to reduce the speed limit within the harbour from eight to six knots. This change was driven out of numerous risk assessments and analysis of minor accidents and feedback from a large percentage of Harbour users who considered high speed through the moorings was both anti-social and dangerous. Following consultation a compromise was reached whereby the speed limit remained eight knots but a six knot zone was established through the main part of the harbour and applied to power driven vessels only. However a number of incidents also include sailing and racing dinghies. As the compromise on the speed limit change delivered only a partial solution to the speeding problem, the solution did not wholly address the problems.

Salcombe Harbour is an extremely busy leisure and fishing harbour. Its character is a small boat harbour, with the majority of boat movements being small high performance power driven vessels and sailing dinghies. Class and open racing dinghy events are

regular features of the Salcombe summer season, this, all within a tidal ria presents a challenging safety and management problem.

The opportunity to have the powers to make Harbour Directions would offer the Harbour Authority the ability to keep its powers right up to date, responding to social, economic and environmental changes and pressures in a timely fashion without long and protracted negotiations with the DfT.

Salcombe Harbour Authority embraced the recommendations from the DfT in both the Trust and Municipal Port Reviews detailed on Opportunities for Ports in Local Government Ownership, reconstituting the Harbour Board in 2006. Following this fundamental change the Harbour Authority was awarded Leading Lights status in 2009 for adopting best practice in decision making and accountability, performance and finance. Part of this process established Harbour Community fora representing: The South Devon and Channel Shell Fishermen, The Salcombe and Kingsbridge Commercial Users, The Salcombe and Kingsbridge Estuary Association, The Kingsbridge Estuary Boat Club and the Salcombe and Kingsbridge Conservation Forum. These groups have been active and engaged with the Harbour Board in the management of the Harbour, but the time is right to take this relationship to the next level with the establishment of a Port User Group. This will enable all of the Harbour Community Fora to meet regularly and be aware of each other's requirements, which has not been fully addressed to date.

The Harbour's designated person has, through the PMSC audit process in discussion with the Harbour Authority, identified several aspects of the Harbour's management which would benefit from the Powers of Harbour Directions. These include prohibiting sailing boats over 7m in length sailing through the moorings during July and August. This is something the Harbour Authority has long encouraged visiting yachts to comply with because of the density of moorings, the density of small boat traffic and the extremely strong tidal streams. Another is windsurfing across the main fairway in July and August. This is for similar reasons to the sailing yachts; although it is realised that windsurfers are not currently classed as vessels, the risk to other harbour users still exists. Another is the establishment of a racing dinghy free fairway through the harbour during dinghy race starts. Currently a Local Notice to Mariners is issued annually to cover this vessel management issue, which provides a channel for power driven vessels to enter and leave the harbour during dinghy race starts, which would otherwise see up to 100 racing dinghies on a start line which straddles the fairway into the harbour.

Proposal for repealing Byelaws

Currently Salcombe Harbour has a comprehensive set of Byelaws which, when supplemented with special directions issued in the form of Local Notice to mariners generally fulfils the harbour's statutory responsibilities. If the powers of Harbour Directions are allocated to the Salcombe Harbour Authority, then existing Byelaws which apply to the conduct of vessels and their masters would be reviewed and rationalised, to be replaced by Model Harbour Directions, modified to suit Salcombe Harbour's unique requirements. This would be done in co-operation with the Port User Group. In the first instance this may take several years before Harbour Directions replace the Byelaws.

Views of harbour Users

The Harbour Authority wrote to the Harbour Community Fora in February 2014, following a decision at a Board Meeting to make an application for the Powers of Harbour Directions, to seek the harbour users' views. The letter was sent to:

The South Devon and Channel Shell Fishermen
The Salcombe and Kingsbridge Estuary Conservation Forum
The Kingsbridge Estuary Boat Club
The Salcombe and Kingsbridge Estuary Association
The Salcombe and Kingsbridge Estuary Commercial Users Group

In addition to the already recognised Fora, a letter was sent to the Salcombe Yacht Club inviting them to become a recognised Harbour Community Fora and inviting their comments and views.

The letter explained the concept of Harbour Directions and offered a presentation to members from the Harbour Authority. Presentations have been given to all groups except the South Devon and Channel Shell Fishermen and the Commercial Users Group and to date no objections or negative feedback has been received. In fact the Harbour Community Fora are all very positive, particularly with the prospect of membership of the Port User Group.

Yours sincerely

Adam Parnell
Harbour Master

Enclosure:

Assurance Statement.

Assurance Statement:

I confirm the following resolutions of the Salcombe Harbour Authority were duly passed at a meeting of the Salcombe Harbour Authority on 2 June 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 dispute resolution procedure such as is 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 Chairman of the Salcombe harbour Board is authorised to apply to the Secretary of State for Transport for Salcombe Harbour Authority to be designated as a designated harbour authority for the purpose of section 40A of the Harbour Act 1964.

Cllr J Brazil

Chairman Salcombe Harbour Board

2 June 2014