



HARBOUR MASTERS REPORT TO HHAC 9th January 2013

1 Operational report

October

- Availability Report of Navigational Aids sent to Trinity House.
- RNLI training Copperhouse and Carnsew Sluice.
- Report of scramble bikes at wave hub site and behind the power station. A local resident informed the police crime number 627 21/10/12.
- Dry Berthing on East Quay.

November

- RNLI boat trials were scheduled to test a new beach launched life boat but this was cancelled due to adverse weather conditions.
- Japanese Knotweed was treated on South Quay, The Sand Drag, below the Cricket Ground and Paddy's Mill.
- The Customs House Slipway was closed for four weeks while essential work to the surrounding walls was completed.
- Unannounced school visit students in the vicinity of plant machinery.

December

- Mr Routledge received a phone call from PC Graham Trevorrow in the early hours who had concerns about a vessel on East Quay which was laying some distance off the quay. Mr Routledge contacted the owner who attended to his vessel.
- One vessel sank on its mooring due to adverse weather conditions.

HM Report

1 Ferry service

I have spoken to Mr Laity, a commercial boat owner, about a possible ferry service between Hayle and St.Ives which would operate within the constraints of the tidal window. He is eager to drive the project forward and has suggested that two or three high speed coded vessels would be preferable to only one vessel which would enable the St.Ives boatmen to work the service and combine it with existing tripping work. He is of the opinion that it would be sensible to conduct the operation from the North Quay steps so that passengers can filter down a direct route from the holiday parks, but consideration should be given to the possibility of running some form of taxi service from the parks to the ferry terminal. I have spoken to Haven Holiday Park. The Manageress, June Donnery, feels that such a service would be beneficial and would have her full support.

Subject to the availability of the vessels I am hopeful that a six month trial period can commence as early as possible during which time the Harbour Authority would waive any passenger levy to assist the vessel operators in establishing the service.

2 Dredging

Ocean Energy will this year be laying a trial buoy at the wave hub site and may bring a maintenance vessel into the harbour. Their main concern is the state of the channel so the company are exploring the possibility of their support vessel towing a plough dredge on the ebb tide to try and improve the channel. With this in mind and the reintroduction

of sluicing at a future date I have spoken to various stakeholders, including Save Our Sands, who are in favour of this sustainable and environmentally friendly method of maintaining the navigable channel.

There have been recent changes to the Marine and Coastal Act under a Transitional Provisions order 2012 for low risk maintenance dredging. Providing the Harbour Authority meets certain criteria a licence to dredge is not required.

Following examination of a directive under the Environmental Impact Assessment Regulations 2007 (as amended) also a Directive under the Conservation of Habitats and Species Regulations 2010 and the offshore Marine Conservation (Natural Habitats, & c.) Regulations 2007, I have put a case to the MMO that Hayle Harbour Authority met the requirements which exempted the port from the need to obtain a licence.

The Response from the MMO is laid out in their letter of November 5th 2012 which confirms the Harbour Authority does not require a marine licence for this project

3 PMSC External Audit

Mark Capon is due to audit the authority's compliance with the PMSC on the 8th of January and will report his initial findings to the HHAC meeting on Wednesday the 9th January

4 Unannounced school visit

A group of Students were seen outside the Harbour Office, under the supervision of a teacher. When questioned by the AHM the teacher was defensive stating she was on a public right of way. The group had not asked for permission to visit the harbour and were not in high visibility clothing and in the vicinity of an operating swing shovel and other plant machinery.

The AHM highlighted the dangers associated with a working harbour and one that is also under redevelopment and informed the teacher that permission from the Authority was required for student visits to the site. The AHM hand delivered a letter from the HM to the Head Teacher of Hayle School stating the Authorities concerns and suggesting a way forward to ensure student safety during such visits.

5 Mackerel boats

The dispute between Mr Barber and the Harbour Authority would appear to have been resolved and monies owed have been paid.

6 The James Stevenson No10

There is a possibility that a trust may be established by a group from St.Ives who are looking to purchase the old life boat and maintain it for the benefit of the community.

**Peter Haddock CMIOSH
Harbour Master
Hayle Harbour Authority Limited**

Marine Licensing Team
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH
Tel: 0191 376 2697
Fax:0191 376 2681
e-mail: Kevin.Marley@marinemanagement.org.uk

P M Haddock
Harbour Master
Hayle Harbour Authority
The Old Customs House
North Quay
Hayle
Cornwall
TR27 4BL
14th November 2012

Dear Mr Haddock

Thank you for your enquiry dated the 30th October 2012, regarding the need for a marine licence for your proposed dredging project.

Based on the information you have provided, I can inform you that under Part 4, Chapter 1, Sec. 66 (9) of the Marine and Coastal Access Act 2009, a marine licence is required 'to carry out any form of dredging within the UK Marine Licensing area'. Also, you state that you intend to dispose of the dredged material into the marine environment. Under Sec 66 (1), a licence is required to 'deposit any substance or object within the UK Marine Licensing area, either in the sea or on or under the sea bed.'

However, as you point out, the dredging would be carried out on behalf of a harbour authority, under the harbour Act 1989 Sec. 6 (1), and so an exemption from the requirement to have a marine licence exists under Part 3, Sec. 23 (1) of The Marine Licensing (Exempted Activities) Order 2011. This exemption is subject of the following condition: that an exemption only applies if '*the work is carried on within the existing boundaries of the works being maintained.*' If the dredging is to be carried out in an area that has not been dredged within the previous 10 years, this would be classed as Capital Dredging and would require a Marine Licence.

With regards to an Environmental Statement, as you have pointed out, the site is not near to any European Sites and therefore would not require an assessment under The Habitats Regulations. Also, the works are not a designated activity under Annex 1 or 2 of EU Directive 2011/92/EU, and would therefore not require an Environmental Impact Assessment.

In conclusion, I can confirm that a Marine Licence and Environmental Impact Assessment will not be needed for this project.

Please don't hesitate to contact me directly should you wish to discuss this matter further.

Yours sincerely
Kevin Marley BSc
Marine Licensing Team
Enabling sustainable development in our seas.