

NAME OF COMMITTEE	Salcombe Harbour Board
DATE	29 September 2014
REPORT TITLE	Proposal to introduce waterskiing into Salcombe harbour
REPORT OF	Salcombe Harbour Master
WARDS AFFECTED	All South Hams

Summary of Report

To review the desirability and practicality of introducing waterskiing into Salcombe harbour

RECOMMENDATION

That the Harbour Board RESOLVES to NOTE the request to introduce waterskiing into Widegates but REJECT any proposal to allow waterskiing in the vicinity of the Bar.

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1. BACKGROUND

- 1.1 Harbour Authorities have a duty to take reasonable care, so long as the harbour is open for public use, that all who may choose to navigate it may do so without danger to their lives or property. This includes an obligation to conserve and promote the safe use of the harbour¹.
- 1.2 The Harbour Board vision is to “*retain and enhance the character of Salcombe and Kingsbridge Estuary whilst updating harbour facilities to meet the requirements and expectations of residents and visitors for the 21st century.*”
- 1.3 Water-skiing is currently prohibited within the harbour under bye-law 48 (water sports).

¹ DfT, 2013. *A guide to good practice on Port Marine Operations*, p7.

- 1.4 Water-skiing is currently pursued in Starehole bay (adjacent to the harbour limits) and, further afield, in Tor Bay and the River Avon.
- 1.5 Any decision whether to introduce water-skiing inside the harbour must satisfy the key elements of the preceding paragraphs: the Board must be satisfied that addressing the obligation to make the harbour available to all who wish to use it does not compromise the Authority's obligation to promote the safe use of the harbour and its duty of care to prevent loss or injury. Neither should it compromise the maintenance, improvement or conservancy of the harbour.

2. MATTERS FOR CONSIDERATION

2.1 Key elements of the proposal

- 2.1.1 One of the key drivers for the introduction of water-skiing into the harbour is the perceived lack of safety in Starehole Bay. To counter this, the proposal is to establish a water-skiing club with strict rules and restrictions on the numbers of water-skiers, so that the existing problems within Starehole Bay are not simply transferred into the harbour.
- 2.1.2 The proposal seeks to establish a dedicated ski area, marked by buoys, which is tidally constrained (thereby ensuring that ski activities are time-limited) and within which only one boat at a time is licenced to ski.
- 2.1.3 The proposal has sought to take environmental, safety, noise and wake issues into account, and has also conducted extensive informal consultation to gauge local reaction to their proposal.
- 2.1.4 The main area under consideration is in Widegates, chosen by the proposers for its distance from main population centres so as to reduce disturbance on human centres of population. A second area, under Bar Lodge at the entrance to the harbour, has also been suggested.

2.2 Safety

- 2.2.1 The proposal is predicated on two assumptions: that there will be a reduced number of skiers in Starehole Bay (because of the second area inside the harbour) and the application of regulations inside the harbour will ensure that the unwanted behaviours witnessed in Starehole Bay are not transferred. However, the first is likely to be offset by the increased number of skiers attracted to the area by the creation of a ski club, and the second will only hold true if the regulations are enforced by the harbour authority. This will require additional resource

2.2.2 Both areas contained within the proposal are popular with slow-speed craft (canoes, SUPs, dinghies) many of which are piloted by young and inexperienced personnel. The only safe means of managing the potential for collision would be to segregate the harbour, effectively denying the area under consideration to these groups of users. This will also require harbour patrols to ensure that this takes place.

2.2.3 The reason that the area under Bar Lodge is deemed unsuitable for this activity is because it is superimposed onto the deeper areas of the harbour entrance (the Salcombe Bar makes the area to the east of this area unsuitable for deeper draughted vessels) thus increasing the risk of collision and little time² or room to manoeuvre.

2.3 Speeding.

2.3.1 Unfortunately the harbour suffers from a number of speeding boat, despite the clear signage around the harbour. There is a concern that the introduction of a high-speed area will induce others to speed. This can be countered by additional patrols but this would require additional harbour staff to resource.

2.4 Environment.

2.4.1 **AONB/SSSI.** The areas under consideration are within the AONB and SSSI; additionally they are also designated a local nature reserve. Although the proposal seeks to minimise any disturbance (see below) the Board should consider the desirability of introducing this activity into this area.

2.4.2 **Wake.** Modern powerboats often generate less wake at high speed than at lower speeds, however energy is imparted at the cube of speed and the wake will travel much further (and be visual much further away) as a result. A trial would be the best way to see if this would be an issue or not.

2.4.3 **Noise.** Modern engines are designed to be quieter at high speed but there would still be a small net increase in noise than at present. A trial would be the best way to see if this would be an issue or not.

2.4.4 **Disturbance to wildlife.** The Estuary hosts a wide range of wildlife and while modelling may be employed to determine if it will be adversely impacted, there is also a regular bird-count across the Estuary which could provide data too. Unfortunately this data would be retrospective and any impact would have already taken place before it was noted.

² Example: if a powerboat (at 20 kn) closes with a yacht (at 10 kn) from 200m then there is less than 12 seconds to react if risk of collision occurs.

2.4.5 **Legal.** As previously stated there is a bye-law prohibiting waterskiing in the harbour. This would have to be reviewed but this can be a lengthy and expensive process if opposition is encountered.

2.5 Support and opposition. Although formal consultation has not yet taken place, the harbour office has received a large amount of correspondence on this issue. Additionally there have been two on-line petitions created, one 'for' and one 'against'. At the time of writing over 1600 people have objected and 379 have supported this proposal.

2.6 Options. The following options are suggested to the Board:

2.6.1 Note the report and commence formal consultation. The Board may decide that the proposal has merit and worthy of further consultation and potentially trials before reaching a decision.

2.6.2 Reject the proposal based on the facts to date. The Board may decide that the proposal does not overturn the long-held view that waterskiing is not compatible with existing harbour activities for reasons of safety, efficiency or conservancy.

2.6.3 Irrespective of which the previous options are taken, the Board may also wish to take a view about how to make Starehole Bay a safer area. This is complicated by the fact that it lies outside of the harbour limits and therefore beyond the Harbour Authority's legal jurisdiction. However, it may wish to assist the MCA (who 'own' waters outside of harbours up to the territorial limit) although this might have legal implications eg assumed liability in the event of an incident. This could be considered further at the next Harbour Workshop.

3. LEGAL IMPLICATIONS

3.1 Statutory Powers: Local Government Act 1972, Section 151. The Pier and Harbour Order (Salcombe) Confirmation Act 1954 (Sections 22-36).

3.2 There are no other legal implications to this report.

4. FINANCIAL IMPLICATIONS

4.1 There are no new financial implications as a result of this report. However, if a ski area were to be established then additional staff resource would be required to ensure that the ski area was being used safely.

5. RISK ASSESSMENT

5.1 The risk management implications are:

Risk/Opportunity	Risk Status			Mitigating and Management Actions
	Impact/Severity	Likelihood/Probability	Risk Score	
The Harbour Authority is striving to deliver an improving service to harbour users.	3	2	6	The Harbour Board, considers many routine issues annually, topical items will be brought to the Board as they arise. The objective being a better service in a safe environment for estuary users.
Adverse impact on environment	3	3	9	Carefully consider siting of any waterski area
Increased risk of collision at Bar Lodge	3	4	12	Carefully consider siting of any waterski area inside or outside of the harbour

Corporate priorities engaged:	Community Life Economy Environment
Statutory powers	The Pier & Harbour (Salcombe) Confirmation Act 1954
Consideration of equality and human rights:	There are no equality or human rights issues with this report
Biodiversity considerations:	None
Sustainability considerations:	None
Crime and disorder implications:	None
Background Papers:	Strategic Business Plan 2nd Edition dated 26 March 2012. Constitution of the Salcombe Harbour Board (as adopted by Council on 25 June 2009). Presentation by Mr J Heaven.
Appendices attached:	None

Adam Parnell
Harbour Master

Salcombe Harbour Board
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