



PORTFOLIO: LEISURE SERVICES

CABINET: 1 MAY 2002

OPERATION OF A PASSENGER SERVICE AT HURST SPIT

1. PURPOSE OF THE REPORT

- 1.1 This report seeks agreement in principle for the operation of a vehicle passenger service at Hurst Spit. This will allow officers to work with the applicant to see how matters might be progressed and if the requirements can be met, the way will then be clear to move things on outside of meeting cycles.
- 1.2 The complexities and regulations which underpin such a request have become apparent. Members will appreciate the special qualities and designations which relate to the Spit and so proper consideration is necessary.

2. BACKGROUND

- 2.1 An approach has been made from Hurst Castle Ferries (HCF) for the operation of a passenger service from the car park at the Marine Café, along Hurst Spit to Hurst Castle. There are many aspects that would need to be in place for the operator to run the service but one of those is the view of this Council as landowner of part of the Spit and operator of the car park where the service would commence.
- 2.2 There are two other landowners affected by the proposal - Hampshire County Council and a private individual. The County Council has yet to receive a formal proposal but currently, officers want to be sure that the balance of landscape value, nature conservation, and public enjoyment doesn't suffer as a result of permission being granted. It is not known what the view of the private landowner is.

3. INTRODUCTION

- 3.1 Hurst Spit is part of an area with many conservation designations, including Site of Special Scientific Interest, candidate Special Area of Conservation and Special Protection Area. Having said this, the Spit itself is designated for specific reasons which are related to coastal geomorphology, over wintering wildfowl and waders, breeding black headed gulls and the botanical importance of the shingle ridges. However there is also a need to consider whether there are impacts on adjacent areas, such as birds on the salt marsh.
- 3.2 Members will appreciate that this area is also important for economic and social benefits. The Council's approach to management in the vicinity has been to steer a path which respects the environmental constraints but which also makes

provision for recreation and supports the continuation of well established economic operations like fishing, ferries and the boatyard. Therefore, all the dimensions need to be assessed in order to make a judgement on this proposal.

4. PROPOSAL

- 4.1 Hurst Castle Ferries propose to operate a vehicle to transport people along the Spit, starting at the Marine Café. The vehicle would be an agricultural tractor and trailer, which, with an estimated 10 passengers per trip, would present a loading of approximately 1.5tons, as compared with 2.5 tons for the bowser that supplies the Castle with water. The vehicle would be garaged at Hurst Castle.
- 4.2 The service itself is envisaged as half hourly, with a ticketing option that allows the return trip to be via Ferry and the short walk back to the car park.
- 4.3 The proposed route is from the Marine Café using the service track on the inshore side of the beach to the junction of Saltgrass Lane and New Lane (Cut Bridge) and from there along the top of the beach to the West Wing entrance of the Castle. This is the route used by Hurst Castle Ferries to transport water and other supplies to the Castle. The heaviest regular load along this route is when the Castle sewage system is emptied, and is approximately 10 tons gross.
- 4.4 It is recognised by Hurst Castle Ferries that there will be weather conditions that would render the spit impassable. In overall health and safety terms, Hurst Castle Ferries point to their operational record and the fact that they have consulted with other operators.

5. ASSESSMENT

- 5.1 Given the complexities of the subject, the component elements of the assessment are in a schedule, attached as Appendix 1. Given the scale of the proposals, the suggestion from officers is that, for the Council's purposes, a full scale Environmental Impact Assessment is not needed. However, perhaps the most critical issues lie around health and safety matters, which affect the proper use and enjoyment of the Spit and have specific requirements that need to be met.
- 5.2 There are a number of elements that relate to other agencies where permissions will be required. These are assessments that will be made by the responsible agency. None would preclude a decision by this Council as far as its interests are concerned. Further, the need to resolve these issues with third parties can be part of the conditions of any permission given by the Council. It would clearly be helpful however, if the approach of the various interested parties were developed alongside each other.
- 5.3 A summary of some key comments that relate to the Council's own responsibilities and functions is set out below:
 - 5.3.1 Health and Safety Unit: strong concerns that the operational details concerning transport licensing, Children Act, Workplace Regulations and Health and Safety at Work Act must be met before any action on site.
 - 5.3.2 Coast protection: there are very grave concerns about the Council placing onerous liabilities upon itself if a licence is granted, due to the possible need to maintain access at all times and increased maintenance costs.

- 5.3.3 The Coastal Management team: this is remote coast and to treat it as if it were a resort will remove its special qualities and the lack of separation of pedestrians and plant is a concern.
 - 5.3.4 As Tourism managers: supportive due to the economic impact of the proposal
 - 5.3.5 As operators of Keyhaven River: supportive due to the reduction in congestion at Keyhaven.
 - 5.3.6 As operators of Car Parks: supportive due to the better balancing of use between car parks.
 - 5.3.7 As Estate Managers: supportive given appropriate Agreements, no conflict with the operation of the Depot or Marine Café and reaching agreed terms.
- 5.4 In summary, the principle of a service that helps manage demand at Keyhaven and Milford is to be commended. However, there are significant operational issues connected to the Spit itself that point to sizeable difficulties if not accounted for adequately. Some must be addressed in full before any activity takes place, however there are also aspects that are difficult to substantiate without seeing a proposal in operation. Given the range and number of requirements to be met, if the proposal does meet the legislative requirements and landlord permissions to enable a trial period to take place, it is considered to be more realistic to expect the trial period to be in 2003 rather than 2002.
- 5.5 As far as the financial aspect is concerned, it is suggested that, should a trial take place, the fee for the use is nominal but that the key issue is ensuring the Council does not face the costs of any repair, restoration or any other cost related to this proposal. After a trial period, the basis of the operation and any fee can be review in the light of experience.

6. SUGGESTED ACTION

- 6.1 With all the factors considered it is suggested that there are a number of unknowns, the full implications of which cannot be assessed until the service is in operation. Whilst, on the precautionary principle, there is an argument to not allow any change without evidence, the judgement in this case is that a trial period could be used to assess impact without significant risk. However, there must be safeguards to allow the Council absolute discretion to withdraw the permission.
- 6.2 The suggested action therefore is:
- (a) Agree to the proposal in principle, subject to the satisfaction of the Council and regulatory authorities on key questions of health and safety, licensing and nature conservation matters
 - (b) subject to the satisfaction of point a) above, permit a trial period between 1st May – 1st September 2003 through a licence the detail of which to be agreed by the Portfolio Holder for access across the Council's land and use of the car park at the Marine Café.

- 6.3 It must be clear that the suggested recommendation only relates to the Council's land and does not reflect the decision of any other of the responsible agencies.

7. FINANCIAL IMPLICATIONS

- 7.1 Whilst the Council will secure a rental fee to reflect the commercial nature of the enterprise, there are also considerations in respect of maintenance costs. These have been significant in recent years, even just in terms of the service track. It is proposed that Hurst Castle Ferries would need to be responsible for repair or re-surfacing issues so as not to disadvantage the Council. There may also be costs associated with obligations faced by the Council – such as environmental monitoring which is a likely requirement should English Nature consent the activity. Clearly, any arrangement must ensure there is no financial loss to the Council overall.
- 7.2 There are clearly implications for Hurst Castle Ferries of entering into a licence if it is approved, on the basis of the conditions set out in the report.

8. CONSULTATION

- 8.1 Milford on Sea Parish Council; the local County Councillor and Local District members all support the request.
- 8.2 The views of English Nature and Hampshire County Council officers have been included in the Appendix.

9. ENVIRONMENTAL IMPLICATIONS

- 9.1 These have been covered in the Appendix but are felt to be not of sufficient substance to warrant the dismissal of a trial period. However, whilst a full Environmental Impact Assessment is not warranted, it is important that safeguards are put in place through the agreed arrangements.
- 9.2 The operation will need Consent from English Nature and this will also apply the other landowners along the Spit. There may be conditions that require financial resources. Therefore, there will be a need to work with other landowners in respect of the consent process and also if there are costs associated with the consent process they will need to be passed on to Hurst Castle Ferries. These aspects are provided for in the report.

10. CRIME AND DISORDER IMPLICATIONS

- 10.1 There are no particular implications arising from the report

11. PORTFOLIO HOLDER COMMENTS

- 11.1 The Portfolio holder for leisure supports the proposal, particularly in the light of the benefits to tourism and the local economy. The recommendation for the trial period is supported.

12. RECOMMENDATION

- 12.1 It is recommended that the operation of a vehicle passenger service at Hurst Spit be approved in principle subject to:
- (a) the necessary legislative requirements being met;
 - (b) when (a) is satisfied, a report to the Portfolio Holder for Leisure to approve the detail of a trial period and the conditions and detail of the licence; and
 - (c) should the trial period take place a report to review the trial period be presented to Cabinet before any further action is taken.

For Further Information Contact:

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Background Papers:

Letters:
Milford on Sea Parish
Council

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ENVIROMENTAL BENEFITS

Less use of Keyhaven Car Park leading to reduced congestion	H CF MOSPC NFDC (Car Parks)
Use by coaches would not affect village centre	MOSPC

ENVIRONMENTAL CONCERNS

Loss of remoteness	NFDC (Coastal)
Urbanisation by the nature of the service – vehicle intrusion at a minimum and could give a “resort” feel.	NFDC (Coastal) HCC
The spit itself is managed to keep its natural form function and appearance. Strong concerns that to permit the service will subsequently require NFDC to maintain the access along the spit in all circumstances - this would lead to a change in form and function.	NDFC (Coastal)
Uncertain of extent of direct impact on the features for which the Spit is designated.	EN NFDC (Coastal)
Uncertain of the extent of indirect impact on the features of surrounding habitats	EN
Increase in numbers of visitors and impact on fragile habitats at the Castle end of the Spit	HCC
Pollution through use, including dust, noise, visual, oil and litter	NFDC (Coastal)
Management of the Car Park and impact on a range of issues, conservation, safety, visual impact	NFDC (Coastal)

ECONOMIC BENEFITS

Supports the operation of the Castle	HCF
Potential gain to local cafes.	MOSPC
Make better use of coastal car park and increase revenue	MOSPC NFDC (Car Parks)
Assist tourism potential of Milford	MOSPC NFDC (Tourism)
There would be a rental income to NFDC	NFDC (Valuers)

ECONOMIC CONCERNS

It could lead to the loss of the ferry service	NFDC (Coast)
A very great deal of resource is invested in the Spit. If the service meant that an access had to be provided in all conditions it would be very costly. This has happened before and it was extremely costly.	NFDC (Coast)
Other landowners may incur a liability for maintaining the most vulnerable parts of the spit to keep it in safe condition for a passenger vehicle to operate along it.	NFDC (Coast)
Possible impact on the operation of the Coastal Depot	NFDC (Valuers)
The responsibility for repairs to the car park, service road, rutting of the spit and costs if additional litter picking needed.	NFDC (Coastal)

SOCIAL BENEFITS

Could allow access by people with disabilities / mobility difficulties	NFDC (CDG) HCF
Quality of life for people at Keyhaven will be assisted by reduced congestion	MOSPC

SOCIAL CONCERNS

The Spit is the route of footpath 95, so has implications for permissions. Even if allowable under statute there are concerns about the liability issues of a scheduled service.	HCC (rights of way) NFDC (HSU)
If NFDC were to allow it, the Council's duty of care could mean trying to maintain the spit as an artificial road embankment, rather than allow it to change shape in response to natural forces.	NFDC (Coast) NFDC (HSU)
The operation of the service and the lack of separation of people and the vehicle raise concerns on safety	NFDC (HSU) NFDC (Coastal)
Legislative safeguards need to be met	NFDC (HSU)
Access is needed at all times for emergency services	NFDC (Coastal)
Possible impact on traffic management issues in Milford	NFDC (Coastal)
Safety of pedestrians walking from the Ferry along Saltgrass Lane.	NFDC (Coastal)
Impact on users / visitors of the possible congestion and operational activity in the Marine Car Park.	NFDC (Coastal)

KEY

AGENCY	
HCC	Hampshire County Council
MOSPC	Milford on Sea Parish Council
NFDC	New Forest District Council
HCF	Hurst Castle Ferries
EN	English Nature
HSU	NFDC Health and Safety Unit