

Agenda Item

REPORT OF Head of Communities & Place
To: Community and Resources Committee
Subject: Cllr Ford Notice of Motion
Date: 1st February 2021 **Reference:**

PURPOSE OF REPORT: For Members to consider the written Notice of Motion proposed by Cllr Ford

1. INTRODUCTION

On the 10th August 2020 Cllr Ford proposed the following Notice of Motion to Full Council:

With the ever increasing use of the slip way and river by various crafts, I am becoming greatly concerned over safety and noise pollution. I propose from next Easter that because we appear not be able to police the river, that we ban the launching of jet skis in Appledore, thus reducing the volume of high speed craft close to Appledore Quay and minimising the likelihood of accident and injury occurring. However, there would still be a facility for jet skis to launch at Bank End, Bideford, keeping the density at high water spread out.

It was unanimously approved that this motion should be discussed at Community and Resources Committee.

2. REPORT

It is beyond contention that in recent years the Churchfields slipway in Appledore has become a very popular place to launch jet skis (and other small pleasure craft) for use in the Taw/ Torridge Estuary.

The slip way benefits from adjacent parking, is reasonably wide and is easy to navigate to and from in the appropriate tidal conditions.

The Off Street Parking Places order 2019 allows for the parking of trailers within the car park after jet skis and other small craft have been launched. This is easily achieved by the purchase of an additional pay and display ticket with the corresponding vehicle registration printed on it.

By allowing the use of the slipway for jet ski launching the Council is in no way accepting responsibility for the safety or conduct of estuary users. This remains the responsibility of the individual. Management of issues like this are not only a problem on the Taw Torridge Estuary and the government have acknowledged this and are considering a licensing scheme of some form. There are no details as to when or even whether any scheme will be implemented at present.

Once on the water the Council has no means of managing or policing appropriate or sensible use of the estuary by jet ski riders. The Council has no power to enforce speed



limits on the water or safe use of the water in Appledore. There is though an advisory code of conduct that users are requested to adhere to and there are signs and notices to advise on appropriate practice.

During the summer of 2020 it became more apparent that the code of conduct was being less adhered to by river users and there were an increased volume of complaints about inconsiderate and unsafe practices by jet ski riders. Complaints varied in nature from those about speed and dangerous activity, noise and pollution, habitat disturbance, to congestion and inappropriate parking on Churchfields.

The Council derives no other income from jet ski launching other than the pay and display income from those who use the car park. There used to be a park and launch tariff but this was discontinued some years ago when the practice of the slip way warden was discontinued.

3. IMPLICATIONS

Legal Implications

The Council has no legal responsibility for jet ski activity on the estuary or elsewhere. The Council has the power to decide how it's land and facilities are used and this can decide to ban or permit jet ski launching on one or all of it's slip ways.

Financial Implications

There will be a limited financial impact associated with parking if a ban on jet ski launching were to be actioned at one or all slipways.

If physical barriers or bollards are required to restrict access to slipways then there will be modest cost associated with that.

Additional signage will need to be purchased and erected if a ban is introduced.

Human Resources Implications

Civil Enforcement Officers will need to increase the frequency of patrol at slipway location/s at times of suitable tidal conditions for launching to advise the public of any ban.

Sustainability Implications

There are environmental and habitat benefits associated with a reduction in jet ski activity on the estuary.

Equality/Diversity

It could possibly be argued that a ban intended to address the anti social behaviour of the few would have a disproportionately punitive impact on the many conscientious jet ski users that launch from a TDC slipway.

Risk Management

Cllr Ford's motion is intended to reduce the risk of harm and nuisance for the public when using and enjoying the Estuary and surrounding environment at Appledore.

Compliance with Policies and Strategies

The Torridge Estuary Strategy makes reference to increasing access for leisure activity on the estuary as a way of helping the public to enjoy one of the greatest natural assets of the District. Sensible and considerate use of jet skis is not considered a problem and in fact provides a diversity of leisure offer for the area. Inconsiderate use of jet skis can have a



negative impact for a wide range of other estuary users an undoubtedly is a prohibiting factor for some when considering enjoyment of that environment.

Ward Member and Leader Member Views

The following statement was provided by Cllr Len Ford

Density of users of slipway/quay area.

Mixing motor and speed with swimmers, canoeists, sailboats, paddle boarders, anglers and children crabbing and quay jumping is a recipe for disaster. Furthermore, due to inconsiderate users of Churchfields car park including jet ski users buses cannot turn in their designated area. On many occasions, I have witnessed and photographed jet skiers parked in the hatched area and at the same time flushing out their engines, really considerate behaviour! To flag up my concern about mixed craft usage, I would like to reference a sad death of a 52 year old lady in August 2020 in Menai straits, Wales. She was tragically killed by a jet ski whilst being in a rib. To those that do not know, a rib is a pwc, normally significantly larger than a jet ski. I say to you all, if jet ski users cannot see a rib, would they see a child swimming, a paddle board used or a canoeist, I think not.

Rules broken often before entering the water.

1. Parking in yellow hatched area therefore obstructing buses turning or any other user accessing the slipway (emergency services).
2. Detaching trailers on slipway therefore avoiding paying parking charges and obstructing slipway for other users.
3. Launching and returning outside three hours of either side of high water. I have witnessed on occasion Pwc's launching 5 and a half hours after high water. The wheels causing damage on the beach causing large pits. This damage to the beach could cause a young child to trip and fall over whilst paddling.

Noise/smell

The repetitive firing up of engines in Churchfields before and after use. This can be as early as 0530 in peak summer, surely this should be judged as anti-social behaviour. Furthermore, I would like to emphasis greatly that The Seagate Hotel has spent huge amounts of money on major refurbishments over the last few years and is only thirty to eighty metres away from this noise pollution. I would like to put it to all councillors, would you like someone disturbing your sleep when you have paid approximately £200 a night in a hotel with beautiful sea views, I think not.

On the river.

It is clear that many jet ski users either do not know the codes of river or navigation law. For instance, jet skis should not exceed 6 knots when within 100ft of other vessels, except if overtaking or crossing. Last year on one occasion, a double jet ski with two young boys aboard nearly hit the Serene Sky (local trawler) at high speed. I would now like to reference a case in 2006 when an 8 year old riding a jet ski for the first time ending up in intensive care with severe head injuries. This actually happened on a lake with a young child skidding up a slipway at approx 35mph and hit a car. I now understand that the minimum age to use a jet ski is still only 12 years of age. Again, I would like to challenge all councillors, would you advise a 12 year old to ride a Honda gold wing up a busy motorway, I doubt this very much.



In conclusion.

It is my opinion that I can state many negatives by allowing continual use of our slipway and I will now name a few; noise, smell, bad language, clogging up slipway, increased traffic on quay restricting bus access, blocking hatched area making bus turning difficult which could reduce bus service, increased danger to pedestrians in Churchfields due to inconsiderate use and congestion from parking, impact of enjoyment by users to seagate hotel (employers of local people) and foremost endangering other users. It is important to state at this time, I have not been contacted by jet ski users either individually or as a member of a club stating any positives or gains for Appledore or Torridge at large. It is also a fact at present, they have three other launch sites which are little used on the Taw/Torridge estuary (Vellatore Braunton, Castle Quay Barnstaple and Bank End Bideford). I will not sit idly by and let a few people ruin the enjoyment of the vast majority. Recently, I have googled the top 10 sites that jet skiers are welcome to and have facilities for their enjoyment. Three of which are Middlemoor-Somerset, Torbay-South Devon, and Poole-Dorset. I feel it necessary to point out that Cllr Hames has received two emails from jet ski users. One of these users resides at Brixham, his email stated at great length how well organised South Devon is for jet ski users which I concur with, however, he spelt out he did like to come to Appledore a few times a year as a treat. As a responsible councillor, it is not my job to provide treats for the odd individual but to strive to make Appledore appealing both to my residents and our much needed holiday makers alike.

N.B I have not been a boat owner for several years and have not been in a boat in the river for at least 5 years except making use of the Appledore/Instow ferry which has been sadly missed over the last year.

Unfortunately I feel it necessary to point out to all councillors that you are duty bound to act in the public/tax payers interest for the whole of Torridge. Therefore, I am reminding you this is purely an Appledore problem and does not affect the use of the launching site at Bank End, Bideford.

Yours Respectfully,

Len

3. CONCLUSIONS

The Council has no power or means of controlling the conduct of jet ski riders on the Estuary other than through advice and education.

The Council does not generate large amounts of income from parking associated with the launching of jet skis.

Use of the estuary for jet skiing is very popular and has some positive impact on the wider economic offer of the area. The accessibility of the water is indeed a draw for holiday makers and day visitors alike.

There was undoubtedly an increase in anti social jet ski activity on the estuary through 2020 and it would be reasonable to assume that this will continue into 2021. The use of jet skis on the estuary has long been of concern to the Taw/ Torridge Estuary Forum of which the Council is an active member.



The simplest way to reduce the impact of jet skis on the local environment would be to reduce the number using the estuary.

The council has no way of measuring speed that jet skis are travelling at, and no reliable way of locating owners even if our Officers were to see them acting unreasonably bearing in mind they don't have registration plates or names like cars or boats. It is notoriously difficult to enforce this type of activity.

One way of achieving this would be to ban the use of Torridge slipways for the launching. Cllr Ford's notice of motion is written in specific reference to Churchfields slip way but it is possible that a ban on the use of this slip way would only move launching to other TDC slipways thus impacting on the even more sensitive habitats nearer to Bideford or indeed into the commercial port. If a ban is introduced in Appledore it is considered sensible to also introduce a ban on jet ski launching from Bank End Bideford.

Banning use of the slipways will not mean that the estuary cannot be used by jet skiers. They will be free to use the estuary if crafts are launched from alternative places.

If members agree to a ban then officers will likely need to introduce physical barriers to prevent launching and/ or increase enforcement activity at the slipways to advise the public of the rules. Any physical barrier or bollard should be removeable and lockable so that access can be gained if required. It should also be positioned so that pedestrian access for swimmers, canoeists, etc can be maintained.

An alternative to a ban could be to improve and increase advisory signage about the Estuary code of Conduct and then monitor the impact. This approach is obviously more passive and does not immediately address some of the important issues raised by Cllr Ford and other complainants but would be more popular with jet ski users.

5. RECOMMENDATIONS

It is recommended that members consider Cllr Ford's written notice of motion and resolve whether to approve or reject it in whole or in part.

SUPPORTING INFORMATION

Consultations:	Chief Executive, Head of Legal and Governance, S151 Officer, Cllr Ford
Contact Officer:	Head of Communities and Place
Background Papers:	

