

Briefing by the Bournemouth-Swanage Motor Road and Ferry Company

February 2020

Interim replacement vehicle ferry service

The Ferry Company has carried out extensive research to source a replacement chain ferry while Bramble Bush Bay was under repair in summer/autumn 2019. Unfortunately, there were no suitable like-for-like replacement ferries available in a state of good repair or which could readily be brought up to a safe and serviceable level.

Chain ferries are typically purchased on a two-year (for design & build) lead time and then put into continuous use until the end of their useful life in service, at which point they are unsuitable for commercial use. Therefore, the second-hand market for commercially viable chain ferries is nil.

Despite the scarcity of chain ferries on the second-hand market, through extensive research the Ferry Company discovered a potential replacement (non-chain / self-propelled with steering / power thrusters on each corner) ferry in Germany and explored the potential for its use while Bramble Bush Bay was out of service. Although this vessel would not be able to carry foot passengers unless they were on a bus which the Company had outline agreement with a local bus company, More Bus, to provide.

Unfortunately, it was not feasible to progress these plans as while the craft met German safety standards, it did not comply with UK regulations and was not Marine & Coastguard Agency (MCA) coded. An extensive amount of work would have been required to investigate the potential for MCA coding and bringing the ferry up to UK regulations, and if this proved possible, the time required to put these changes into place would prevent the replacement ferry being of use during the period required. It is unlikely in future that this specific ferry would be available to cover any unprecedented service outage.

Interim foot passenger ferry service

While the ferry was out of service, the Ferry Company explored several options for an interim foot passenger service. The most advanced of these options was to explore the use of the neighbouring Brownsea Island Ferry (BSIF), as a foot passenger ferry, running services from its own landing facility at Sandbanks to a temporary pontoon at Shell Bay in Studland. This option faces several obstacles, as follows:

- a. Regulatory issues
 - An initial Marine Management Organisation (MMO) Exemption Notice was made by a member of the Studland Ferry Action Group in late August 2019. However, Poole Harbour Commissioners (PHC) informed the Ferry Company that an MMO Exemption Notice is not valid, and that a full MMO Licence would be necessary. For an exemption under Section 1.3 (Pontoons) to be valid, the pontoon would need to be less than 30m². The proposed pontoon structure (as quoted by Pontoonworks Ltd.)

is for a construction of at least four times this size. A pontoon of a suitable size to qualify for MMO exemption would be insufficient to dock the BSIF.

- On that basis, the application for a Harbour Works Licence (HWL) from PHC to construct the temporary pontoon to the required specification would automatically fail as they would not accept the MMO Exemption.
- A full MMO Licence application and the HWL application would both require Navigational Risk Assessments and Environmental Impact Assessments, among others. The Ferry Company would also need to employ legal assistance for the HLW and meet any legal costs for the PHC.
- A full MMO licence would involve a 13 week statutory consultation period, and could only be made once the required assessments have been carried out. From the time of the ferry outage in mid-July 2019 to the then expected ferry return to service at the end of October 2019, it was very unlikely for an MMO licence to have been granted in time to offer any meaningful passenger service, assuming the MMO application was successful.
- The Land Registry confirmed that the seabed underneath the proposed temporary pontoon location is owned by the Crown Estate. A separate licence would be needed from the Crown Estate to operate the temporary pontoon.
- Since this area has never been dredged before, an MMO Licence and the respective assessments (e.g. silt testing for where silt can be deposited) would be needed for dredging to be carried out.

b. Water and tidal conditions:

- Depth measurements of the suggested pontoon were required as PHC do not currently hold the required data. Early indications were that there is unlikely to be sufficient water depth much of the time to accommodate BSIF, and therefore their ferry would not have been able to operate much of the time. The possible service would additionally be hampered by high swells in and/or bad weather.
- BSIF also made this assessment, stating that the tide would be too low for them to operate in this area for a majority of the time. The Pontoonworks proposed location would have needed to extend out to an unusable distance for the BSIF to be viable.
- BSIF has also confirmed that they would not have been happy to run services to the pontoon as proposed, particularly during the winter months and in any event had no spare capacity during the summer (high) season.
- The BSIF would also be subject to immediate suspensions in adverse weather, which may result in passengers being stranded, in particular on the Studland side.

c. Financial implications:

- Following discussions with Pontoonworks regarding the feasibility of the temporary pontoon, the average daily cost for a 4 week hire would be £2,775.00 per day minimum excluding fees for the required applications for the various permissions needed.
- The Ferry Company insurance brokers also stated that for a variety of reasons they were unable to find the required insurance cover for a temporary pontoon. The

Ferry Company would in particular need public liability cover, without which it cannot operate.

- The insurance brokers also confirmed that any partial ferry service operated by the company would be likely to prejudice the unqualified claim for loss of earnings during the outage.
- BSIF has confirmed that charter cost of their vessel would be £1,600.00 per day. The Ferry Company employees were not trained or qualified to operate the BSIF, and so BSIF employees would have been needed to operate any BSIF foot passenger service to Studland.
- The Ferry Company estimates that the total cost of providing a 4 week interim foot passenger ferry service, if all regulatory and logistical issues could be met, would be approximately £122,500 excluding legal, professional and regulatory costs.
- In the best month on record (August 2017) total foot passenger revenues were £15,782.

In conclusion, the Ferry Company, despite its efforts, has not yet found a viable solution which meets all the regulatory and safety requirements, but is continuing to investigate all potential options as a priority. However, the Ferry Company is committed to prioritising passenger safety first and foremost and has publicly stated that it cannot and will not compromise on this.

Prevention of future breakdowns

The ferry has, and will continue to be, subject to regular detailed safety and mechanical inspections in order to ensure that it is fully maintained and meets stringent operational and safety criteria. The summer 2019 breakdown was an unprecedented and unforeseen failure of a part that was engineered to last the lifetime of the ferry without being replaced. The winter 2018/19 service outage was as a result of human error by third parties undertaking the ferry's annual refit, and following that, by incorrectly manufactured replacement drive wheel segments and chains. These incidents are still currently being addressed through legal proceedings, hence why we have asked for this document to remain confidential.

The Ferry Company took the opportunity of the summer 2019 outage to again check and service as many moving & working parts of the vessel as possible following the 2018 refit, which will mean the next scheduled maintenance overhaul will not be until November 2020 and should only last two weeks. The decision was taken to replace not only the 'in-harbour' broken drive shaft and hydraulic coupling but the remainder of the drive mechanism (bearings / drive wheel / hub) on both sides (ie the out-harbour) too as a 'belt & braces' precautionary measure. The Ferry Company has also placed an order for spare hydraulic couplings in the extremely unlikely event that they might be needed in the future.

The 2018/9 winter and summer 2019 service outages were both the result of unforeseen human error by third parties, or unprecedented mechanical failures. While the Ferry Company cannot guarantee that there will not be unforeseen service interruptions in future, it has taken every possible measure to prevent controllable service outages.