

**FEEDBACK ON THE INFORMAL PUBLIC CONSULTATION ON
Pilotage Directions 2013**

	Consultee	Organisation	Summary of Feedback	PLA Response
1.	STEVE ASHBERRY		<p>I have just read the consultation document and observed the following errors:</p> <p>1) Not sure what the operating draught of 5 4 metres and up to 6 metres or more means. I think the 4 or 5 needs deleting.</p> <p>Lower down under b) I think it should read 4 metres or more, it appears an s is missing off the word metre.</p> <p>There may be other typos but I just spotted these two.</p> <p>I hope you find my comments useful.</p>	<p>Thank you for responding to our consultation.</p> <p>The formatting of the Consultation Notice was such that removed sections were shown as 'strike-through' font. This was not clear with the number 4. We amended this to make it clearer.</p> <p>We can confirm that 4 (1) d) will read: <i>"50 metres and up to 90 metres in Length Overall and with an Operating Draught of 5 metres..."</i></p>
2.	ROBERT HART	Hart Marine Services	<p>I would very much like to be kept informed of progress on any changes as not only do I skipper my own tug "sir Hendrik" but also tugs under other ownership, eg," Haven Supporter " and "Malamute ". Kind Regards Rob Hart Hart Marine Services</p>	<p>Thank you for responding to our consultation.</p> <p>We will ensure that you, as well as other affected operators, are involved in discussions moving forward.</p>
3.	NICK EVANS	PLA DHMU	<p>I have a comment on section 5, we show section 5(2) to be deleted, but there is no reference made to section 5(4) that makes direct reference to the deleted section. Also, there is no reference to the excepted annex, has this been removed?</p>	<p>Thank you for responding to our consultation.</p> <p>We can confirm that Direction 5 (4) remains, however without reference to the deleted section.</p> <p>To clarify, this Direction (now renumbered as Direction 5 (3)) will read: <i>"The following vessels, in the following areas, are excepted from compulsory pilotage under the provisions of Direction 4 above:</i> <i>(3) Vessels to the west of the</i></p>

				<i>Margaretness Limit of 40m or more in Length Overall or with an Operating Draught of 4 metres or more, as the PLA may specify from time to time, subject to the requirements of the Harbourmaster, and for such period as the PLA may specify.”</i>
4.	RICHARD FLYNN	Port of London Pilotage Resources Manager/River Pilot	<p>We have unearthed a wording anomaly in the 2013 PDs – the particular circumstance do not occur very often, hence the rather late flagging of this.</p> <p>See Regs, 1, para 1.1 sub para h, page 15.</p> <p>The heading `Tilbury Dock Approaches` is misleading as the intention is to include all of the lock and the 60 metres seaward approaches, not just the lock entrance to the sill. Pilots do not hand over the ship at the sill – we put the vessel in till she is secure alongside and we assume the con on boarding the vessel for leaving the lock.</p> <p>Proposal would be to reword paragraph as follows:</p> <p>Tilbury Lock</p> <p>The area of the river between Tilbury Lock eastern gates and 60 metres to the seaward limit of Tilbury Lock sill.</p> <p>Should, or could, this area be known as 4A, ie a more clearly defined separate PEC area? Whilst we are considering this, is 60 metres from the sill enough – should we not extend the area to include all of the bell mouth?</p> <p>I am aware the wording for Tilbury Lock area is being reexamined for pilots` authorisations and PECs so perhaps the above could be considered as part of that review.</p>	<p>Thank you for responding to our consultation.</p> <p>We agree that the wording can be misleading and we will consider amendments to rectify this in discussions moving forward.</p> <p>Also, please note that the definition of ‘London Pilotage District’ has been amended to include “...and locks giving access to docks”</p> <p>*NB:</p> <p>The ‘Notes to the Directions’ and the ‘Regulations’ sections of the Pilotage Directions do not form part of this consultation.</p>

5.	CHRIS LIVETT JOHN SPENCER NEIL CABORN *Mutual feedback	Managing Director Livetts Launches Director GPS Marine General Manager Corys Riverside (Thames) Ltd	<p>I am writing in response to The Port of London Authority public consultation on proposed amendments to the Pilotage Directions 2013. Please find enclosed my comments annotated (green) within the original Consultation Notice. See below.</p> <p>To summarise, I would like to register the following comments/questions:</p>	<p>Thank you for responding to our consultation. Our replies correspond to your comments as below:</p>
			<p>1. I am disappointed with the poor presentation of the Consultation Notice, I believe it would have been much clearer to track change the proposed amendments within the body of the Pilotage Directions 2013 document as a whole.</p>	<p>1. We will consider your comments on the format to ensure future consultations are clear.</p>
			<p>2. Vessel operators are already overburdened with layer upon layer of regulatory bureaucracy.</p> <p>This is time consuming, costly, unnecessary and restrictive to operations. I cannot understand the need for introducing the Pilotage Exemption Certificate (P.E.C.) regime to existing Thames operators.</p>	<p>2. Pilotage Direction 5(2) was appropriate when the Master's of local operator's tugs had been examined under PLA Grade 1 or Waterman & Lighterman regimes. However; with the introduction of the BML Regulations in 2006 there is a void in Local Knowledge for local vessels exceeding compulsory Pilotage limits that are navigating below Margaretness. There is a subsequent need to address that regulatory void and consideration has been given to introducing Pilotage Exemption Certificates to existing Thames operators.</p>
			<p>3. I believe that the work we as an industry have been contributing to all elements of training on the Thames has not only enhanced the current situation but is sufficient for its future needs. Working in conjunction with the Thames Skills Academy (T.S.A.) in relation to the enhanced Towing and Pushing Endorsement, along with the work we have been doing with Thames Tideway through HR Wallingford's simulator training and the Train the Trainer initiative all serve to strengthen our position. In addition the development of Crisis Management through the T.S.A. along with vessel operators carrying out regular rigorous reviews of training requirements is also contributing to safer operations.</p>	<p>3. We acknowledge and support the work of industry, which we agree will lead to improved standards; however the critical factor is Local Knowledge, which is currently not assessed below Margaretness.</p>
			<p>4. I do not believe that this review will enhance Health & Safety on the Thames, which is surely its main aim and purpose. I am concerned that conversely some of the proposed amendments will in fact be detrimental to safety potentially putting inexperienced Pilots with inexperienced Tug Captains.</p>	<p>4. The critical factor is local knowledge of the person in charge of a vessel's navigation and not how the vessel is certificated. Direction 5 (2) is proposed to be deleted in full, because the fact as</p>

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			<p>5. Reference has been made within the introduction of the Consultation Notice to "experience and a number of incidents" which have prompted this review. I would like to request evidence of these relating specifically to Tugs and Tows. As a local operator I do not believe there is sufficient evidence relating to Tugs and Tows to drive the proposed changes.</p>	<p>to whether a tug is licenced by the Port made no difference to the risk assessment score, compared to an otherwise certificated vessel.</p> <p>Vessels would therefore be either subject to compulsory pilotage or have a PEC holder on board, which we feel is a more robust way of ensuring adequate local knowledge.</p> <p>5. Experience and a number of incidents across all activities on the river have prompted a ground-up review of the Pilotage Directions. An example of incidents related to tugs and tows since Jan 2014 are as follows:</p> <ul style="list-style-type: none"> • March 2014 Inappropriate lookout by a tug and tow. • July 2014 Tug involved in a near miss with a Cobelfret ferry • November 2014 Tug and tow ran aground. • December 2014 Tug and tow made contact with river wall. • January 2015 Inappropriate navigation of a tug and tow. • July 2015 A tug and tow was contravening the Directions. • April 2015 Tug and tow made contact with Tilbury Lock entrance. • October 2015 Tug and tow made contact with Tilbury Lock entrance. • November 2015 A tug and tow made contact with Sea Reach 2 buoy and failed to report the incident. • April 2016 Inappropriate navigation of a tug and tow
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			<p>6. I believe it would be of greater benefit in terms of Health & Safety to direct this review into the Local Knowledge Endorsement (LKE) extensions rather than the PEC regime. This is particularly noteworthy in light of Peel Ports desire to replace PEC in favour of their own LKE.</p>	<p>6. There are benefits to both a PEC regime and LKE endorsements. A meeting with all interested parties will be organised to discuss options and the way forward for the areas of the river not covered by LKEs.</p>
			<p>7. PLA has insufficient Pilots to cope with the additional burden of assessing tug skippers for PECs without causing considerable and extensive disruption to the business of tug owners and freight operators.</p>	<p>7. As safety of navigation is of our primary concern, the PLA will ensure adequate resources are available, in accordance with our responsibilities as the Competent Harbour Authority.</p> <p>It should be noted that a PEC applicant can understudy an existing PEC holder for 50% of the required trips.</p>
			<p>8. PLA has no Pilots with any significant knowledge of lighterage or craft towage operations- so how can they assess performance of lighterage and craft towage masters other than in terms of local knowledge that is, and should be, covered by LKE in any case.</p>	<p>8. The function of a Pilot is to provide specific local knowledge to a vessel's bridge team. In the case of assessing a PEC applicant, the pilot would assess the local knowledge, which we feel is the critical factor.</p> <p>How existing operators and current, experienced skippers will be brought into the PEC regime will be discussed with Pilots, affected Port users and Operators moving forward.</p>
			<p>9. The proposed PEC regime will result in increased and multiple charges. Operators will be charged for each operation in addition to paying the PNPf levy which operators currently don't have to.</p>	<p>9. With the exception of charging for examinations and assessment trips, it is expected that there will be a different charging regime for existing Thames-based operators.</p>

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			<p>To conclude I would like to propose the PLA hold a collaborative workshop with the Pilots, all relevant Port users, vessel operators and other interested parties to move this discussion forward.</p> <p><i>Further comments:</i></p> <p>Please could you confirm/clarify the rationale for the deletion of the “Denton Limit” definition?</p> <p><i>[additon of the definition of ‘Vessel’ and it including Tugs and Tows]</i></p> <p>I disagree with this definition. Tugs and Tows should be defined separately and not incorporated under a catch-all definition.</p> <p><i>[deletion of Direction 5 (2)]</i></p> <p>I object to this deletion. I do not agree with the principal that an ‘otherwise certified vessel’ makes no difference to the risk assessment score and is sufficient to be exempt from compulsory pilotage. There needs to be more rigorous evidence. I do however agree that the critical factor is local knowledge.</p> <p><i>[rewording of Direction 5 (4)]</i></p> <p>I object to this rewording. As a vessel operator if I were to carry out an operation under these circumstances I would be more than happy to discuss said operation with the Harbour Master and agree to meet mitigation measures but I do not agree with compulsory pilotage.</p>	<p>We would certainly welcome a meeting with Pilots, affected Port users and Operators to discuss the changes to the Pilotage Directions. We have organised a meeting for 12th December 2016, 12:00 – 14:00 at London River House, for which you should have received an invite.</p> <p>Direction 6 (movement of vessels), was changed in 2013 to remove reference to areas of the Thames.</p> <p>The removal of this definition was overlooked in the previous review of the Pilotage Directions.</p> <p>Tugs and Tows are still defined separately. This definition was intended to simplify the wording of the Directions. For example, “Vessels or Tugs and Tows of...” has been changed to “Vessels of...”</p> <p>The critical factor is local knowledge of the person in charge of the tugs navigation and not how the tug is certificated. Direction 5 (2) is proposed to be deleted in full, because the fact as to whether a tug is licenced by the Port made no difference to risk, compared to an otherwise certificated vessel.</p> <p>Vessels would therefore be either subject to compulsory pilotage or have a PEC holder on board, which we feel is a more robust way of ensuring adequate local knowledge.</p> <p>These changes do not affect Direction 5(4) – i.e. the Harbour Master’s ability to exempt vessels from compulsory pilotage to the west of Margaretness and it is not expected that there will be any change to the current situation above Margaretness..</p>
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6.	JASON RUDD	Marine Surveyor - PLA	<p>I have only a couple of observations from the proposed changes to the Pilotage Directions.</p> <ul style="list-style-type: none"> Proposed amendment PD 4 <i>To the east of Sea Reach No. 1 Buoy for vessels of: d) 50 metres and up to 90 metres in Length Overall and with an Operating Draught of 5 metres and up to 6 metres</i> <p>I am unsure whether this has been worded in such a way for a reason, but would it not be clearer to state “Between 50 metres and 90 metres”?</p>	<p>Thank you for responding to our consultation.</p> <p>We have looked at your suggestion to simplify the wording, however ‘between’ is not inclusive, so in this example, vessels of 50m would not be included.</p>
			<ul style="list-style-type: none"> Deleted section. <i>(2) Tugs and Tows, where the tug undertaking the tow is licensed for towage under the Act, in any part of the London Pilotage District: a) to the west of Sea Reach No. 1 Buoy, provided that the Length of Object Towed does not exceed 80m; and b) to the west of Tower Bridge, provided that the Length of Object Towed does not exceed 50m.</i> <p><i>– This section of the Direction is proposed to be deleted in full, because the fact as to whether a tug is licenced by the Port made no difference to the risk assessment score, compared to an otherwise certificated vessel. The critical factor is local knowledge of the person in charge of the tug’s navigation and not how the tug is certificated.</i></p> <p>Whilst I agree with the proposal to remove this section for reasons previously discussed, we have been faced with the issue whereby there is currently no provision in the PDs for the Harbour Master to issue an exemption from compulsory pilotage for a vessel or tug and tow to the East of Margaretness. Furthermore I note that the amendment to Section 5(3) permits some flexibility, however as written this does not extend to tugs and tows, therefore would it not be advantageous to include the same provision as that above Margaretness in order to provide continuity and flexibility if required? It should also be noted that a large amount of tug operations would now be subject to compulsory pilotage once the exemption contained in PD 5(2) (a) is removed.</p>	<p>Discussions are ongoing with local Tug and Tow operators on the potential impact the removal of 5(2) and we have begun discussions on the best way forward.</p> <p>The critical factor is local knowledge of the person in charge of a vessel’s navigation. Excepting a vessel from compulsory pilotage between Sea Reach 1 and Margaretness would not guarantee the master has local knowledge. The risk assessment carried out for the review of the Pilotage Directions showed that 80m is a suitable length, above which a certificated person should be on board.</p>

			<ul style="list-style-type: none"> • Is there still a need for Definition g) if PD 5(2) is removed? • Note: Definition n) <i>“Master” includes every person (except a Pilot) having command or charge of a ship and , in relation to a fishing vessel, means the skipper”</i> This definition states “ship”; should this be amended to “Vessel” inline with definition (z) of the Thames Byelaws 2012, as ship would imply a vessel of over 24LOA? <ul style="list-style-type: none"> • Note: There has been some confusion over interpretation of Definition (h) in PD 2013 and definition (s) of the Thames Byelaws 2012. The phrase <i>“Length Overall” means the maximum length of a vessel, including overhanging structure, cargo or equipment, and if a Tug and Tow, the combination of the tug and the object(s) towed but not the length of the towing medium”</i> I am aware that on occasions in the past this has been interpreted to be the product of length of tug and tow even if the tug is hipped up. For example if you have a tug of 24m LOA pushing a barge of 58m LOA, this would clearly be subject to compulsory Pilotage as the length from the bow of the barge to the stern of the tug would be 82m; however if the same tug were hipped up on the same barge, the actual maximum LOA from bow of barge to stern of tug may only be 60m, which falls below the requirements for compulsory pilotage. I think that given the confusion that has arisen over the phrase <i>“combination of tug and tow”</i> the definition needs to be clarified to avoid any further confusion. 	<p>Definition (g) “Length of Object Towed”- we intend to merge this definition with Length Overall (see below)</p> <p>Definition (n) “Master” – thank you for bring this to our attention. We will amend the definition to the following, which mirrors that of our other regulations and the Act:</p> <p><i>“Master” in relation to a vessel, means any person (except a Pilot) having or taking the command, charge or management of a vessel, for the time being</i></p> <p>Definition (h) – the definition of “Length Overall” will be amended to clarify the length of a tug towing on the hip to the following:</p> <p><i>“Length Overall” means the maximum length of a vessel, including overhanging structure, cargo or equipment, and if a Tug and Tow;</i></p> <p><i>i. If the object(s) towed is or are alongside the tug it is the maximum length of the longest object towed plus any overhanging structure, cargo or equipment extending beyond its bow or stern and only such part of the tug or its structure, cargo or equipment which extends beyond that.</i></p> <p><i>ii. If the object(s) towed is or are pushed ahead of the tug or pulled behind the tug then it is the tug including overhanging structure, cargo or equipment and the maximum length of the longest object towed in each rank together with any overhanging structure, cargo or equipment which extends beyond its bow or stern, not including the towing medium.</i></p>
7.	CHRISTOPER GRUNDY	PLA Pilot	I would like to make a couple of observations with regard to the proposed changes;	Thank you for responding to our consultation.

			<p>Section 4 (3) To the west of the Margaretness limit for vessels a) of 40m or more in LOA OR b) With an operating draught of 4m or more</p> <p>Section 5 (4)</p> <p>Vessels to the west of the Margaretness limit of 40m or more LOA with an operating draught of 4m or more</p> <p>I understand the explanatory note which effectively dictates that such vessels must discuss their operation with the HM, However the two sections are still contradictory. Perhaps there is a better way to word this.</p> <p>Section 5(3) Such vessels engaged in activities such as dredging or maintaining navigation buoys and marks or the construction, maintenance or removal of offshore structures in the London pilotage District to the east of SR1.</p> <p>The sentence "upto 140m LOA" has been removed.</p> <p>Recently we had a situation whereby a Rock dumping vessel was operating in the vicinity of the Princes south buoy. This is right at the approach to the Princes Channel, which has been narrowed by a Trinity House buoy move.</p> <p>Under the 2013 pilotage directions she was required to have a pilot onboard, this was prudent due to the traffic density and management required. Under the proposed directions this would not be necessary. I understand that any situation like this in the future would be R/Assesed by the HM department, I would hope that they reached the conclusion a pilot was still necessary. From the outside looking in it would appear that this is an opportunity by the PLA to alleviate some of the burden that the ship in question put upon the pilotage department.</p>	<p>Only vessels subject to compulsory pilotage (under Direction 4) can then be excepted from compulsory pilotage.(under Direction 5)</p> <p>In your examples, vessels subject to compulsory pilotage (i.e. 40m or more in LOA or Operating Draught of 4m or more west of Margaretness and any vessel engaged in the listed operations to the East of SR1) may be excepted from compulsory Pilotage "as the PLA may specify from time to time, subject to the requirements of the Harbourmaster, and for such period as the PLA may specify."</p> <p>Your example of a rock dumping vessel would still be subject to compulsory pilotage if it were >90m LOA. The facility to except the vessel remains as per the 2013 directions with the activity being assessed by the Harbour Master through risk assessment, however without the 140m ceiling - each vessel is assessed on a case by case basis.</p> <p>The review of the Pilotage Directions were undertaken on the basis of a formal risk assessment process.</p>
8.	SIMON ALLEN	Waterman, Dock Pilot, Southampton authorized pilot	<p>No 10 "Non availability of pilots".</p> <p>Why is this no longer necessary (as stated)? What other arrangements are in place?</p>	<p>Thank you for responding to our consultation.</p> <p>This section has been removed as a vessel subject to compulsory pilotage must have a certificated person on board before navigating within the London Pilotage District, except where that vessel has been excepted from compulsory pilotage.</p>

No Comments:

Mark Gentry - Environmental Health Officer – Thurrock Council