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SOUTH HAMS SALCOMBE HARBOUR BOARD - MONDAY, 12TH NOVEMBER, 2012

Agenda, Reports and Minutes for the meeting

Agenda No Item

1. **Agenda Letter** (Pages 1 - 2)

2. **Reports**

Reports to Harbour Board:

a) Item 9 - Kingsbridge Berthing Options (Pages 3 - 46)

b) Item 10 - Moorings Policy (Pages 47 - 94)

c) Item 11 - Performance Management (Pages 95 - 108)

d) Item 12 - Matters for Future Consideration (Pages 109 - 112)

e) Item 14 - EXEMPT - Moorings Policy Enforcement (Pages 113 - 124)

3. **Minutes** (Pages 125 - 130)

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Agenda Item 1

To: Chairman & Members of the Salcombe Harbour Board
(Cllrs R J Carter, M J Hicks, KRH Wingate and S A E Wright)
Co-opted Members – Mr J Barrett, Mr C C Harling,
Mr H Marriage, Mr M Mackley, Mr A Thomson and Mr P Waring)

Our Ref: CS/KT

cc: Remainder of Council for information
Usual press and officer circulation

2 November, 2012

Dear Member

A meeting of the **Salcombe Harbour Board** will be held at **Quay House, Kingsbridge** on **Monday, 12 November, 2012**, at **2.30 pm** when your attendance is requested.

Yours sincerely

Kathryn Trant
Member Services Manager

<p>FOR ANY QUERIES ON THIS AGENDA, PLEASE CONTACT KATHRYN TRANT THE SENIOR MEMBER SUPPORT OFFICER ON DIRECT LINE 01803 861185</p>
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A G E N D A

1. **Apologies for Absence;**
2. **Minutes** - to approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Board held on 24 September, 2012 (pages 1 to 6);
3. **Urgent Business** - brought forward at the discretion of the Chairman;
4. **Division of Agenda** - to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;
6. **Declarations of Interest** – Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests, they may have in any items to be considered at this meeting;
7. **Public Question Time** – a period of up to 15 minutes is available to deal with questions from the public;
8. **Feedback from Harbour Community Forums** – to receive verbal reports from Board Members who attend the Harbour Community Forums on behalf of the Board;

9. **Kingsbridge Berthing Options** – to consider a report which proposes a way forward for improvements to the berthing arrangements within the Kingsbridge Basin (pages 7 to 47);
10. **Moorings Policy** – to consider a report which asks Members to review the draft Moorings Policy and recommend its adoption (pages 48 to 94);
11. **Performance Management** – to consider a report which reports the Harbour’s performance against agreed Performance indicators (PIs) (pages 95 to 107);
12. **Matters for Future Consideration** – to consider a report which identifies matters for future consideration by the Harbour Board (pages 108 to 110);
13. **Exclusion of Public and Press** - to consider the following resolution to exclude the public and press:-

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act”;
14. **Moorings Policy Enforcement** – to consider a report which reviews appeals from customers due to lose their moorings as they are no longer residents of South Hams (pages 111 to 120).

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N.B. Legal and financial officers will not, as a general rule, be present throughout all meetings, but will be on standby if required. Members are requested to advise the Member Support Service in advance of the meeting if they require any information of a legal or financial nature.

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MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

THIS AGENDA HAS BEEN PRINTED ON ENVIRONMENTALLY FRIENDLY PAPER

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AGENDA
ITEM

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SOUTH HAMS DISTRICT COUNCIL

AGENDA
ITEM

9

NAME OF COMMITTEE	Salcombe Harbour Board
DATE	12 November 2012
REPORT TITLE	Kingsbridge – Future Berthing Options
REPORT OF	Salcombe Harbour Master
WARDS AFFECTED	All South Hams

Summary of report:

To propose a way forward for improvements to the berthing arrangements within the Kingsbridge Basin.

Financial implications:

The financial implications are at Appendix 1.

RECOMMENDATIONS:

That the Harbour Board RESOLVES to progress a project to deliver improvements to the berthing arrangements at Kingsbridge as described in paragraph 2 to the timeline described in paragraph 3.

Officer contact:

Ian Gibson – 01548 843791 (Internal 7104)

1. BACKGROUND

- 1.1 There are currently 130 berthing facilities at Kingsbridge, 49 on the Pontoon and 81 on wall moorings.
- 1.2 Over the period 2006 – 2011 the berthing arrangements have been incrementally improved with recycled pontoons from Salcombe. The visitors' pontoon was installed in 2008 and the residents' pontoon was extended in 2009 and again in 2010.

- 1.3 There is a considerable waiting list for a berth on the pontoon at Kingsbridge, the pontoon being more popular than the wall moorings because of the ease of access and the improved security.
- 1.4 Consultation for the Strategic Business Plan 2006-2011 and for the current plan 2012-2017 highlighted a need for improvements to the berthing arrangements at Kingsbridge, with improved access being the key theme. Key Strategic Action 3.7 states “Seek to provide improvements to berthing arrangements at Kingsbridge”.
- 1.5 A public consultation on three options was conducted between May and September 2012. The feedback from the consultation is at Appendix 2.

2. Kingsbridge Berthing Proposal

2.1 Consultation Feedback – Appendix 2.

Analysis of 42 responses	
Option 1	4 supporters
Do nothing	
Option 2	2 Supporters
Mimic of current arrangement with pontoons	
Option 3	20 Supporters
Pontoon with fingers either side and modified existing pontoon	
Alternative Proposals	15 supporters who made alternative proposals, mainly suggesting a solution that would maintain access to the head of the estuary for the Rivermaid and that would maintain a clear area at the head of the estuary
Remove all boats from Kingsbridge	1

2.1.1 The majority of the consultation feedback was supportive of Option 3 which offered:

- 148 x Pontoon Berths
- Existing pontoon re-located and piled
- New pontoons with bridge access and finger berths

- New ferry landing
- New drying out berth

2.1.2 However, there were a substantial group of the consultees who were supportive of the concept of improvements but offered alternative proposals or had reservations about some aspects of Option 3. The essences of the alternative proposals were to:

- Maintain access to the existing Ferry landing for the Kingsbridge Ferry.
- Keep the head of the estuary clear from moorings.
- Retain a view from the head of the estuary to the South South East.
- Minimise clutter within the Kingsbridge Basin.

2.2 An Alternative Proposal – Appendix 3.

2.2.1 The Harbour Board working Group, augmented by Kingsbridge Town Council and the Kingsbridge Estuary Boat Club, met on 11 October to consider the consultation feedback and as a result have developed an Alternative Proposal which has many of the advantages of Option 3 but also addresses the majority of the concerns raised by the Public Consultation.

2.2.2 This revised proposal has been presented to the Kingsbridge Town Council at a Public meeting on 23 October, Minutes at Appendix 4, The Kingsbridge Estuary Boat Club on 17 October, The Kingsbridge Ferry Operator and Wills Marine and has been very well received.

2.2.3 The Kingsbridge Berthing Improvements Alternative Proposal, hereafter referred to as The Proposal, outlined at Appendix 3 offers:

- 132 Pontoon Berths.
- Berthing for visiting boats.
- Wall berthing against wooden piles for larger shallow draft boats up to 12m.

2.2.4 Advantages

- Provides 132 Pontoon berths with improved access via a bridge. There are currently 130 berths within Kingsbridge so all current berth holders would be accommodated.
- Retains use of Ferry landing and access for the Kingsbridge Ferry.
- Keeps the head of the estuary clear of moorings.

- Reduces the visual impact of moorings within the Kingsbridge basin, thereby retaining a view from the head of the estuary to the SSE.
- Removes requirement for wall moorings.
- Removes requirement for ladders to be secured into quay wall.
- Reduces maintenance requirements, no requirement for mooring chains.
- Ease of access for future maintenance dredging.
- Option to provide drying berth for visiting yachts with keels.
- Walk on berths reduces need for tender storage ashore.
- Retains the current Visitors' Pontoon landing.

2.2.2 Disadvantages:

- The 7 mooring licences currently on the wall at Kingsbridge would be lost. These licences would have to be relinquished and although the licence holders accommodated on the new facilities, the cost to those individuals would be significantly more. Alternatively a licence for a swinging mooring between Kingsbridge and High House Point could be offered as an alternative.

3. Way Ahead

3.1 To deliver Key Strategic Action 3.7 of the Strategic Business Plan - To provide improvements to berthing arrangements at Kingsbridge - the following timetable of events is proposed:

3.1.1 Finalisation of a concept and agreement on the technical specification by the Harbour Board. (12 November 2012).

3.1.2 Competitive Tender Process. Award of contract would be subject to the successful application for and granting of Planning Permission and Marine management Organisation (MMO) Licence. (To be completed by January 2013).

3.1.3 Planning Permission. (To be completed by June 2013).

3.1.4 MMO Licence. (To be completed by October 2013).

3.1.5 Construction. (To be completed by March 2014).

4. LEGAL IMPLICATIONS

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

5. FINANCIAL IMPLICATIONS

5.1 The financial implications are detailed at Appendix 1. The Appendix is exempt under Paragraph 3 in relation to the financial affairs of the Council; the public interest test has been applied and is maintained by not disclosing Appendix 1.

6. RISK MANAGEMENT

6.1 The risk management implications are:

Risk/Opportunity	Risk Status			Mitigating and Management Actions
	Impact/Severity	Likelihood/Probability	Risk Score	
Failure to acquire Planning Permission and or MMO Licence.	3	2	6	Start application early, prepare Environmental Impact assessment and do not let contract until licence in place. Open dialogue with the Environment Agency and Natural England at start of project.
Objections to improvements from General Public.	3	2	6	There has been a public Consultation during which 83% were in favour of improvements. The comments of the group who were in favour of improvements but had some reservations have been addressed. There is now two further opportunities for the public to influence the plan through the Planning Application and the MMO Licence application.
Injury to member of the public, caused by attempt to access boat via vertical ladder.	3	3	9	Project aim is to remove the requirement for any access to be required by vertical ladder.
Sea wall collapses.	3	3	9	Infrastructure moved away from sea wall enabling access for routine maintenance.
Increased pontoon represents a loss if intertidal foreshore.	3	2	6	Offer a compensating reduction by the removal of a number of swinging moorings from the adjacent area of the Estuary.
Achieving value for money.	3	2	6	A competitive tender process would be conducted.
Overstretching harbour finances at a time of potentially difficult financial times.				Project to be funded from a mixture of borrowing and reserve expenditure. The project could be phased to enable costs to be spread over a number of years.

7. OTHER CONSIDERATIONS

Corporate priorities engaged:	Community Life Economy
Statutory powers:	Local Government Act 1972, Section 151. The Pier and Harbour Order (Salcombe) Confirmation Act 1954 (Sections 22-36).
Considerations of equality and human rights:	None
Biodiversity considerations:	The loss of foreshore to be balanced by the reduction in the number of moorings elsewhere in the harbour. The establishment of additional pontoons would create an alternative habitat which would promote biodiversity.
Sustainability considerations:	By reducing the maintenance load the facility would become more sustainable.
Crime and disorder implications:	Improvement in security would be a counter to marine crime. Particularly opportunist crime.
Background papers:	Strategic Business Plan 2012-2017 Kingsbridge Berthing Options Consultation Document.
Appendices attached:	<ol style="list-style-type: none"> 1. Planning Budget for Kingsbridge Project (Exempt). 2. Public Consultation Feedback. 3. Proposal for improvements to the Kingsbridge Berthing Arrangements. 4. Minutes of the Extraordinary meeting of Kingsbridge Town Council – 23 October 2012.

Ian Gibson
Harbour Master

Salcombe Harbour Board
12 November 2012

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Kingsbridge Basin Mooring Options – Public consultation feedback

Member of the Public	<p>Option 3</p> <ul style="list-style-type: none"> • removal of ladders on wall - having recently seen a less agile person trying to tie up to their mooring and get out on a low tide • increased security of boats on pontoon • increase in births in basin • will look better than present 	Support for Option 3
Member of the Public	<p>Many thanks for being at last night's meeting and explaining the Kingsbridge basin 'problem'. Perversely, and this is a purely personal opinion, I think that option 2 gives the best end product. It is inefficient in use of resources and doesn't fully utilise the space available, but it removes ladders, making things safer, and maintains what is probably the best estuary view from Kingsbridge. Overall it is probably the best you can do for tourism in general in the town, apart from maintaining the status quo and that, with the state of the walls and ladders, is not really a starter. Running through your analysis of option 2 my comments are in red. (I have also added comments on the waiting list question at the end of this message)</p> <p>2.2.1 Advantages: I obviously agree with all of these, see below for comments on disadvantages.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Provides 124 Pontoon berths with improved access via two bridges. <input type="checkbox"/> Removes requirement for wall moorings. <input type="checkbox"/> Removes requirement for ladders to be secured into quay wall. <input type="checkbox"/> Reduces maintenance requirements, no requirement for mooring chains. 	Support for Option 2

- Existing pontoon can be modified for piling.
- Ease of access for future maintenance dredging.
- Option to replace existing pontoon and visitors' pontoon at a later date.
- Option to provide drying berth for visiting yachts with keels.
- Walk on berths reduces need for tender storage ashore.

2.2.2 Disadvantages:

- More expensive than Options 1 & 3. **But probably better for tourism in general so will be better for the economy of Kingsbridge.**
- Six fewer berths than currently available. **Gives you the option to put 6 more berths elsewhere in the Harbour or offer Natural England more foreshore to replace the loss at the fish quay.**
- Inefficient use of new Pontoons, access to one side only. **Agreed but might be worth it in the long run.**
- More length of pontoon than Option 3 and potentially less attractive to Natural England, loss of intertidal foreshore. **The foreshore in question is already used by the boats and the pontoons would actually have a smaller footprint on the mud from their floats. So actually Natural England would be gaining foreshore.**
- Pontoon uncomfortably close to quay wall:
 - No access to wall for maintenance. **Pontoons can be removed for maintenance**
 - Potential for vandals etc to jump from quay to pontoon. **Existing moorings offer the same potential to vandals but I haven't heard of much damage being done.**
- No access to current ferry landing, requirement to install new ferry landing. **Already planned**
- There are currently 7 mooring licences on the wall at Kingsbridge. These licences would have to be relinquished and although the licence holders could be accommodated on the new facilities, the

	cost to those individuals would be significantly more. Give these berth holders a reduced charge for the first year and reduce the discount over a pre-determined number of years.	
South Devon and Channel Shell Fishermen	We, the fishermen, are happy with your proposals for changes to the mooring arrangements at Kingsbridge.	Support for Option 3
Member of the Public	After attending your meeting at Quay House on 27.06.12, We both feel as boat owners that option 3 is the best option for boating, the environment and all estuary users. Although one metre further from the wall would maybe make docking easier.	Support for Option 3
Member of the Public	<p>KINGSBRIDGE BASIN MOORIING PROPOSALS</p> <p>I would just like to thank you for your most eloquent presentation in Kingsbridge last night, it was easy to understand your very well reasoned explanations as to the options and the realistic long term view of the Salcombe Harbour Authority.</p> <p>MY PREFERENCE -</p> <p><input type="checkbox"/> OPTION 3 (as the Salcombe Harbour Authority view)</p> <p>OTHER CONSIDERATIONS :-</p> <ul style="list-style-type: none"> • 'Rivermaid' ferry docking at the shelter is my preferred view • Add 1mtr to the access passageway width between the moored boats and wall <p>OBSERVATIONS:-</p> <ul style="list-style-type: none"> • I took the trouble to visit Whitesands today to see the pontoons and finger berths and if anyone is not convinced they should also make the same visit. I believe this will greatly enhance the look of the estuary as well as provide a much improved berthing system. What a marvellous opportunity we have to gain this superb facility, thank you 	Support for Option 3

	<p>Salcombe Harbour Authority.</p> <ul style="list-style-type: none"> • I agree that the present system is outdated, dangerous and difficult to use. As a point of interest to state the case further I injured myself which sadly has prevented me gaining access to my boat for nearly 12 months. After a successful operation I can now swing my leg off the ladder onto the mooring. Had the boat been on a pontoon I might at least have been able to maintain it and even just enjoy just being on it. • At best we only get the limited opportunity of 4½hrs a day to access the boat, which presents few opportunities to maintain the boat, given I have a full time job and I would rather be sailing than cleaning. • The tarmac path has broken away from the wall and subsided again, the repairs to the path the year before last prevented access to the boat during the summer for about 14 days and I suppose I can expect this again any moment. • I believe It might be advantageous to allow an extra 1mtr between the wall and the line of boats as briefly mentioned by someone yesterday. I can vouch for the difficulty sometimes experienced when docking under limited power against the strong crosswind it can be quite challenging even for someone who is used to the quirks of the estuary and their boats. • I would like to see the Rivermaid docking at the top end near the shelter. It would be well sited here visually and from a convenience point of view. It would provide a really pleasant walk along the estuary to the to <p>My view does not necessarily express the views of the KEBC or the majority of berth holders although I hope it does.</p> <p>I have attached a Word document of this email in the event you want to print a hard copy for reference, which also includes two pictures of your pontoon berths at Whitestrand. Please feel free to use any of this material</p>	
<p>Member of the Public</p>	<p><u>Re Kingsbridge Mooring Proposals Options</u></p> <p>Thank you for a most thorough explanation of the options under consideration for improving the moorings within Kingsbridge.</p> <p>The current harbour wall moorings in Kingsbridge leave a lot to be desired, being dangerous to clamber up & down the ladder and constantly suffer vandalism due to their easy</p>	<p>Support for Option 3</p>

<p>accessibility. The final proposal to replace all the wall moorings with fingered pontoons will provide, to our minds, the best solution within Kingsbridge. The benefits being</p> <ul style="list-style-type: none">• Better quality moorings for everyone with excellent security, being separated from the quay by a secured link bridge.• A much safer and easier access to our boat & to load equipment etc.• Removal of the risk of the harbour wall collapsing on our boat or crew.• The ability to reach our boat whatever the tide state enabling checking & maintenance access whenever required.• The elimination of the necessity to use our dinghy to access our mooring with the consequent reduction in pollution from the outboard motor on the dinghy, not to mention the hassle and time to inflate ,launch etc.• The proposed new ferry pontoon in the Car Park will generate an increase in business due to its more logical location and have the benefit of deeper water enabling a few more passages previously not possible to the shallower ferry steps. <p>The best benefit to us will be that the easy access to our boat from a pontoon will enable us to use our boat so much more readily and also not risk to possibility of being stranded unable to reach the shore in the dinghy because of the mud! We really applaud the fact that it looks a possibility that boating in Kingsbridge could be about to get so much easier, safer and more enjoyable.</p>	
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<p>Member of the Public</p>	<p>I am a local resident, have a boat on Kingsbridge pontoon and am a member of KEBC.</p> <p>I am in favour of option 3 from what has been proposed but would like to politely suggest that there is a bigger and much better option here, that should be combined with mooring upgrade plans.</p> <p>No matter what is done with the moorings, we are left with a drying estuary for 2/3's of the tide. This is a major drawback to Kingsbridge attracting the larger lucrative boat market as well as being able to develop new businesses along the estuary front. I strongly believe that this should be looked into as part of these plans. The income generated by being able to berth larger boats would mean that more money could be spent on the whole project. Thinking even more radically, if a new bridge was built where the estuary was dammed and the existing Embankment Road crossed over to the other side and ran through the car park, this would free up the existing space used by Embankment Road for businesses wanting to locate on a pedestrianized frontage. This could be a major new source of income for the whole area and create dozens of jobs. Even without moving the road (I believe there could be ownership issues with the existing car park), it would still be a much better option than just increasing the existing pontoon capacity.</p> <p>Summary - please think beyond just moorings! PS I have no commercial interests in any existing land or property in the Kingsbridge basin area. Nor am I a developer looking to get rich quick!</p>	<p>Support for Option 3 plus</p>
<p>Member of the Public</p>	<p>Having studied the proposal document and attended the public consultation meeting at Kingsbridge Quay House on 27th June, <u>I am strongly in favour of OPTION 3</u> with the central pontoon.</p> <p>(A) Care must be taken that the central pontoon is positioned far enough away from the car park wall, to allow sufficient room for boats to manoeuvre and avoid risks of collision.</p> <p>(B) At the meeting it appeared that the location of the central pontoon was being compromised by allowing access for the "River Maid" to the existing ferry landing. I propose that this iconic landing be relocated to the quayside by the public shelter, which would solve the problem and provide protection for ferry passengers in inclement weather.</p>	<p>Support for Option 3</p>

KINGS BRIDGE

OPTION 3

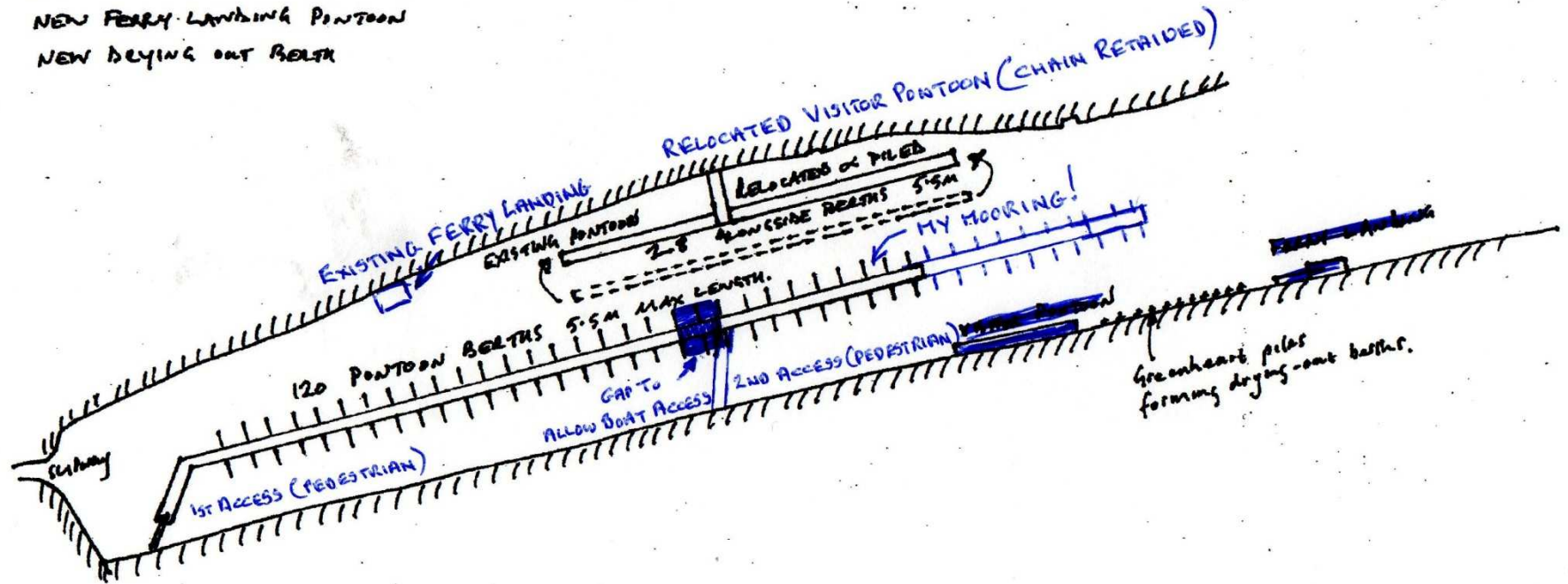
148. PONTOON BELTUS

EXISTING PONTOON RELOCATED & PILED

NEW PONTOON WITH BRIDGE ACCESS AND FINGER PONTOONS

NEW FERRY LANDING PONTOON

NEW DRYING OUT BELTUS



<p>Member of the Public</p>	<p>I attended the recent presentation at Quay House and would like to propose a slightly different approach which I believe would be easier to implement, would have greater aesthetic appearance and could be less cost. Please see the attachment (above).</p> <p>In proposing this alternative the main criteria I have tried to achieve are:</p> <p>To keep the ferry landing in its existing location.</p> <p>To create as large a gap as possible down the estuary to give an impression of width therefore making the proposal aesthetically pleasing and easier to implement, ie fewer objections.</p> <p>In brief,</p> <p>All of the moorings would be in a line down the right hand side. The pontoon would be divided in two with separate pedestrian access points and a water gap before the second access point to allow for boat access.</p> <p>The existing pontoon would be made much smaller and moved as close as possible towards the wall to provide a visitor pontoon. The existing visitor pontoon could be resited to this position hence freeing up the existing pontoon. As this is now the visitor pontoon it could be retained by chains instead of piled if this is cheaper.</p> <p>The existing ferry landing would remain giving a cost saving and also lifting the possibility of litigation. The location of the existing ferry landing is most suitable as it is close to the town and provides a focal point for visitors.</p> <p>Cost</p> <p>The proposal would require twenty eight more finger pontoons but the existing pontoon would become surplus and could be utilised or used elsewhere.</p> <p>A new ferry landing would not be required.</p> <p>The re-sited visitor pontoon would be easier to install.</p> <p>Implementation would be quicker.</p> <p>Appearance</p> <p>With the pontoon being in one line, the visitor pontoon being as close as possible to Embankment Road wall and the existing ferry landing not intruding into the estuary, the appearance should be one of order and more space as a large part of the estuary would be free of boats and pontoons.</p> <p>I have taken the liberty in identifying my preferred mooring position as</p> <p>A) It is my idea!</p> <p>B) I am already on the pontoon waiting list!</p>	<p>Alternative Proposal, based on a modified Option 3</p>
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Member of the Public	<p>I attended the meeting last Wednesday June 27th, 2012 and I must congratulate you in putting forward in such a clear and concise way the options that have been put together from past work which has been done on this subject.</p> <p>Obviously there never is a situation where everybody can be fully happy with whatever is decided but I feel that for the majority of people in and around Kingsbridge will agree Option 3 has to be the one that has to be pursued as it does seem to be the only viable option for the future of the harbour. I am quite sure that once it is properly laid out it still will look quite attractive and it won't look half as bad as some people were trying to make a case for.</p> <p>Clearly and awful lot of the boating fraternity who currently have moorings are people in their late 50's / 60's/ 70's etc and obviously climbing down vertical ladders at the side of the harbour wall is not what people should be doing in their latter years - obviously health and safety has to come into this somewhere.</p> <p>As long as the ferry can be resited so it can still function in a similar way as it does at the moment then I don't see there is any real loss to Kingsbridge as some people were trying to make out with the ferry being sited slightly further down the foreshore.</p> <p>SO I VOTE FOR OPTION 3.</p> <p>Thank you for all your efforts with the work that you have done. It is very much appreciated.</p>	Support for Option 3
Member of the Public	<p>Following the Harbour Master's presentation at Quay House on the various ideas for improving berthing arrangements in the Kingsbridge basin, my preference would be for option three. However, I feel the pontoon should be positioned a metre further away from the quayside to improve access for boats & minimise chances of damaging outboard engines which are usually left in the raised position by boat owners.</p> <p>With regard to the relocated ferry landing point, surely the memorial shelter would be ideal. People would have a shelter & seating where they could await the ferry & passengers arriving in Kingsbridge would have a pleasant walk into town along the harbour side, passing by the flower beds & park which have all been greatly improved recently.</p>	Support for Option 3
Wills Marine	<p>Both my wife and I, as directors of Wills marine at the head of the estuary in Kingsbridge, attended your presentation in Quay House on Wednesday 27th June regarding the proposal for moorings in the Kingsbridge basin.</p>	HM Responded on 2 July

Whilst we are aware that improvement is necessary, I also feel that it is necessary to inform you of our point of view as a business.

For many years up to the present time we have had the facilities adjacent to our premises as listed below:

FML 0950	1 x LOA 6.10m
FML 0951	1 x LOA 5.18m
FML 0953	1 x LOA 7.00m
FML 0954	1 x LOA 6.10m
FML 0955	1 x LOA 4.90m
FML 1175	1 x LOA 4.56m

All of the above listed as W34; a total of six moored craft plus the tender. We also rent at commercial rates KX21, KX59 and KX60.

These moorings are the heart of our business and we rely upon them heavily, not only for rental but as a drop off and collection point for our customer's craft, to some extent made necessary from the tidal situation.

I see from your proposals that the seven current private mooring licences could potentially disappear, however this statement does not include W34, and mooring options 2 & 3 override the space W34 currently occupies.

I would wish to clarify that if any of the options go ahead, that Wills Marine will have the same number of berths as listed above with the existing historical length restraints incorporated. I would also like to believe that these moorings would occupy the same wall space that we occupy at present, with the three additional KX moorings nearby.

Thank you for your letter dated 2 July regarding the consultation on the options for the Kingsbridge Basin. I have incorporated your comments into the consultation feedback.

At this stage of the consultation process it is impossible to forecast what the final outcome will be. However, I can reassure you that whatever happens, we will keep you informed before any changes are even contemplated.

	<p>This removes even more ladder access moorings. This facility would form a huge tourist asset, to counter North and South Sands in Salcombe..... our very own in-town beach facility.</p> <p>5. A view line due South to Portlemouth, from the North end of the Basin, would be preserved, whilst maintaining Rivermaid access directly into town, and providing an attractive marine hustle and bustle from local boat manoeuvres beyond, as a delightful marine back-drop.</p>	
Posted on the Kingsbridge Ferry Web Page.	Plans to change the current mooring arrangements in the Kingsbridge Basin to a marina style pontoon system have been drawn up by the Local Harbour Master. The two options being considered will prevent the Rivermaid ferry from entering Kingsbridge Basin and operating from the long established (1880) 'Steamer Steps' at the head of the estuary.	Access for Rivermaid
Member of the Public	<p>As a boat owner who was at the public meeting on Wed 27 June I would like to add my name to the list of people who approve of option 3. I feel that this idea would give boat owners far more security and ease of access to their boats without adversely affecting the visual appeal of the estuary.</p> <p>I would however give some thought to the possibility of putting the ferry landing on the Shelter/War memorial side of the estuary as I feel the operators would lose a significant amount of passing trade if the landing were to be set up on the car park side.</p>	Support for Option 3
Member of the Public	<p>That the email address is "Salcombe.harbour" about sums this scheme up and the attitude of a Totnes-based South Hams District Council once again to Kingsbridge.</p> <p>We are extremely privileged to live in Kingsbridge and its unique beauty is largely due to the Kingsbridge Estuary, a site of special scientific interest. The estuary is one of the most magnificent examples of a ria in the world and to be able to walk around the head of this geographical phenomenon in the centre of our own town is exceptional. The thought that its character should at all be compromised to facilitate the parking of a few boats is utterly repugnant. That anyone could be considering this planned vandalism for the benefit of wealthy boat owners ought to be inconceivable.</p> <p>South Hams, and those responsible for the estuary, ought to have far more imagination in how to turn this into something that causes economic gain. The estuary itself ought to be the attraction, not the boating. It is bad enough that the pollution levels from fertiliser run-off are permitted; putting in jetties, pontoons and bridges and increasing the pollution risk from even more boats is madness.</p>	Alternative Proposal to remove all moorings

	There is a fourth alternative and that is the remove all the moorings completely. The councils, and other interested parties, could then start to use their imagination as to how they help nature to cause economic growth and turn this beautiful ria into a unique selling point for tourism in Kingsbridge.	
Member of the Public	<p>I would like to voice my opinion regarding the proposed pontoons in Kingsbridge. It is a wonderful idea, Option 3 being our preferred route.</p> <p>Not only will it give easier and safer access to the boats but it gives an element of security which we currently do not have. Our little boat Dumpling was stolen last year which caused great upset to our young son. Wonderfully the Harbour Master found her having spent many hours searching for her (we are so grateful).</p> <p>I understand that there is some dissent to the proposals which I fail to understand. This is not just for 'Older' boat owners but primarily for local families with children who would be able to access their boats without having to use the visitor's pontoon to load and unload safely.</p> <p>I sincerely hope that your proposals go through.</p>	Support for Option 3
Member of the Public	Dear sir madam regards to the three option of moorings at Kingsbridge. We think anything would be better than trying to get up and down a ladder but are option would be option 3 thank you	Support for Option 3
Member of the Public	After due consideration we are of the opinion Option 3 is the most suitable.	Support for Option 3
Member of the Public	<p>Option 3 is the proposal that is by far the most appropriate and practical in my view. Firstly, having had a wall mooring for a number of years and a regular estuary user, I am well aware of the unstable and ongoing maintenance issues with the wall and for this reason alone, would consider your Option 1 as not tackling 'head on' the inevitable deterioration of the basin infrastructure. If this is also further coupled with the mooring chains and vertical ladder issues then it makes for an even stronger case.</p> <p>Option 2 I dislike because the pontoons would be too close to the wall and more vulnerable from a security point of view. Additionally, the 'one-sided mooring' arrangement would not make best use of the berthing potential.</p> <p>Other thoughts.</p> <p>Moving the pontoon further towards the centre of the basin, for the proposed option 3 arrangement would allow for easier boat access on the wall side.</p> <p>I have no strong feeling about where the ferry landing would be but the shelter side might be more practical and less controversial. The most important thing for Kingsbridge is that we keep the ferry.</p> <p>There was a suggestion at the meeting that Kingsbridge Town Council had asked for more time to consider the proposals so I hope this will not jeopardise a decision. Although I was given an assurance that three months was not a long time for public consultation in Kingsbridge it seems very protracted to me and this view was shared by</p>	Support for Option 3

	<p>others at the meeting. This is a one off opportunity for the town which in my view will make a massive improvement. Clearly visiting boats do enjoy coming to Kingsbridge for what it offers, particularly the best showers and facilities on the whole of the estuary with our sports complex so we need to embrace this with improved visitors berthing integrated into the new arrangement.</p> <p>Everyone has their own view on what is best for the basin, but we should not sit on our hands and hope that the infrastructure deterioration problems goes away. The view from the end of the basin will change slightly but will remain more or less the same from the memorial onwards so to my mind this should not be a real problem. In my experience the current Harbour Board have always been constructive and competent and I have every confidence that they will produce a sensible and workable solution based on sound and sensible feedback. Lets just move it forward ~ASAP.</p>	
Member of the Public	<p>In a recent edition of the Gazette we read about the proposals for the future of the head of the Kingsbridge Estuary. The article said public consultation was welcome and that comments should be sent to you. My comments are:</p> <ol style="list-style-type: none"> 1 Option 1 (Keep the current arrangements) is our first choice. This has been accepted by the 100 or so boating people and by the thousands of residents and even more thousands of visitors for a number of years. 2 It would be wrong to spoil the head of the estuary just to increase the number of berths by 18 (130 in Option 1 to 148 in Option3). 3 The Kingsbridge to Salcombe ferry provides a service much valued by hundreds of local residents and visitors. It would be very wrong to force the ferry to move to a less desirable location just to please a few boating people. 4 If extra pontoons are required they should be located further down the estuary and not spoil the excellent views enjoyed by so many in and around the head of the estuary. 	Support for the do nothing option
Member of the Public	Regarding the three options for mooring at Kingsbridge I would vote for Option 3 as being the most practical.	Support for Option 3
Member of the Public	Following the meeting at Quay House I am writing to say that my preferred option is for Option 2 from those submitted. I have been told by several members of the public that they do not like the gate that is at the entrance to the pontoon on the east bank of the basin saying that it is ugly and unnecessary. I don't how widely held this feeling is but I think putting another gate the head of the basin might be a step too far for some residents. As we already have mooring facilities with gate access could these possibly be extended to create as little change to the appearance of the basin as possible and appease some of the locals feelings.	Support for Option 2 but suggestion of a simpler option.

Member of
the Public

Re. Public Consultation on Plans for Improvements to the Berthing Arrangements within the Kingsbridge Basin

Comments forwarded by:

26th July, 2012

Comments on options proposed in the consultation document

Whilst accepting that **option 1** is no longer viable, we find fault with both **option 2 and option 3** for the following reasons:

Both **option 1 and option 2** displace the current ferry landing and necessitate additional cost to build a new ferry landing on the west side of the estuary at the end of the car park. This location would not attract the passing trade that the position of the existing landing affords; and, sidelines the ferry by denying a presence near the head of the estuary and centre of town where it has long been a welcome sight and, indeed, an essential part of the 'Kingsbridge experience'.

Any displacement of the landing stage is entirely unnecessary. The Rivermaid is capable of turning almost within its own length, pivoting at the bow about the landing stage, leaving ample water for boats and a pontoon on the far side, as the accompanying photographs show.



Alternative Proposal



Option 2, although preferable to option 3, is flawed in that the shore side of the re-used existing pontoon in the manner depicted would not be practical for supporting alongside berths due to the tapering estuary wall at the southerly end.

Option 3, with the central pontoon would destroy forever the impressive view south from the head of the estuary, which is probably the most significant attraction of the town to residents and visitors alike, forever. (This view can also be appreciated from the earlier photos)

The proposed off-set positioning of the pontoon is an unworkable solution in that:

- the proposed 'boat's length' swing into the wall-side finger moorings is totally inadequate for safe operation
- the length of the pontoon would lead to at least 30 boats (more if the bridge were not centrally placed) competing for access resulting in severe congestion in a very confined space, especially given that traffic in the Kingsbridge basin is concentrated at early and latest navigable tide (something that is never experienced at Batson); and
- that at best the proximity to the wall with high mud deposits would limit the effective draft and at worst the passage of craft would scour out the mud resulting in even more damage to the wall.

Recommendation put forward for Consideration

We propose **option 4** (a modification of option 2) to:

- retain the existing ferry landing;
- install less obtrusive pontoons with more finger moorings on either side of the estuary;
- make more practical use of the existing pontoon; and,
- satisfy any need for drying-out berths by installing greenheart piles in front of Salt Quay, south of

the Memorial Shelter – where end-on berths will not impede traffic on the channel.

Advantages:

- Retains the magnificent central view down the estuary for the benefit of all
- Retains the traditional central embarkation point for the ferry at the existing embankment site, as a major attraction for the town
- Whist largely replicating the existing traditional design of estuary berths, offers an equally aesthetic but more practical alternative with **safe and easy access** to finger berths
- Future-proof solution, in terms of **safe and easy access** to finger berths, offers long-term savings
- Efficient use of central estuary channel for **safe manoeuvring into berths**
- **All moorings** will be able to gain advantage of immediate access to the deeper central channel
- Could accommodate 148 berths, hence no unwelcome displacements
- Removes the requirement for wall moorings
- Removes the requirement for ladders to be secured into the quay wall
- Reduced damage to quay wall
- Reduces maintenance requirements, no requirement for mooring chains
- Offers easier of maintenance of quay walls from pontoons
- Existing pontoon can be modified for piling, and made more efficient by the addition of finger berths rather than supporting alongside moorings
- existing steps can be used for access to the south-east pontoon adjacent to the memorial shelter
- easier and cheaper dredging of central channel

Disadvantages:

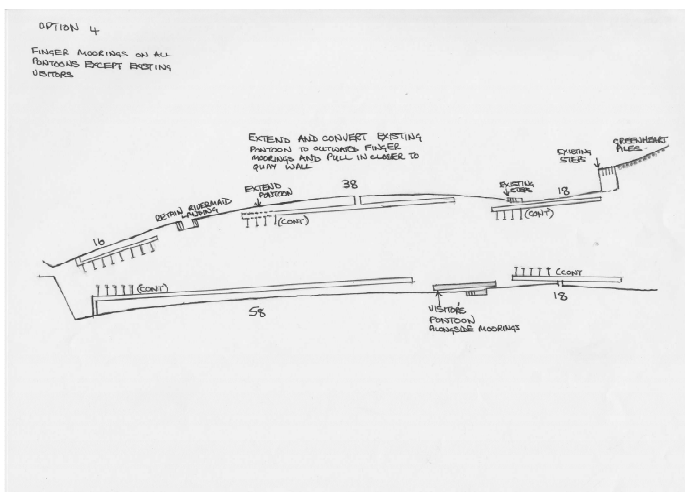
- More expensive than options 2 and 3 in terms of pontoon provision – *but cost offset by savings on not having to build new ferry landing*
- Less efficient use of pontoons – *more than offset in the long run by considerations of safety and ease of use*

(Note: just as the dangers of ladders are only now a consideration, safe and easy boat access to

pontoons will doubtless be a future consideration, requiring a further change - and additional cost - if not addressed now)

- There may be greater potential for vandalism

(Note: neither official police statistics nor reports from the KEBC boat watch, support the case that vandalism in the Kingsbridge estuary is a significant or serious problem)



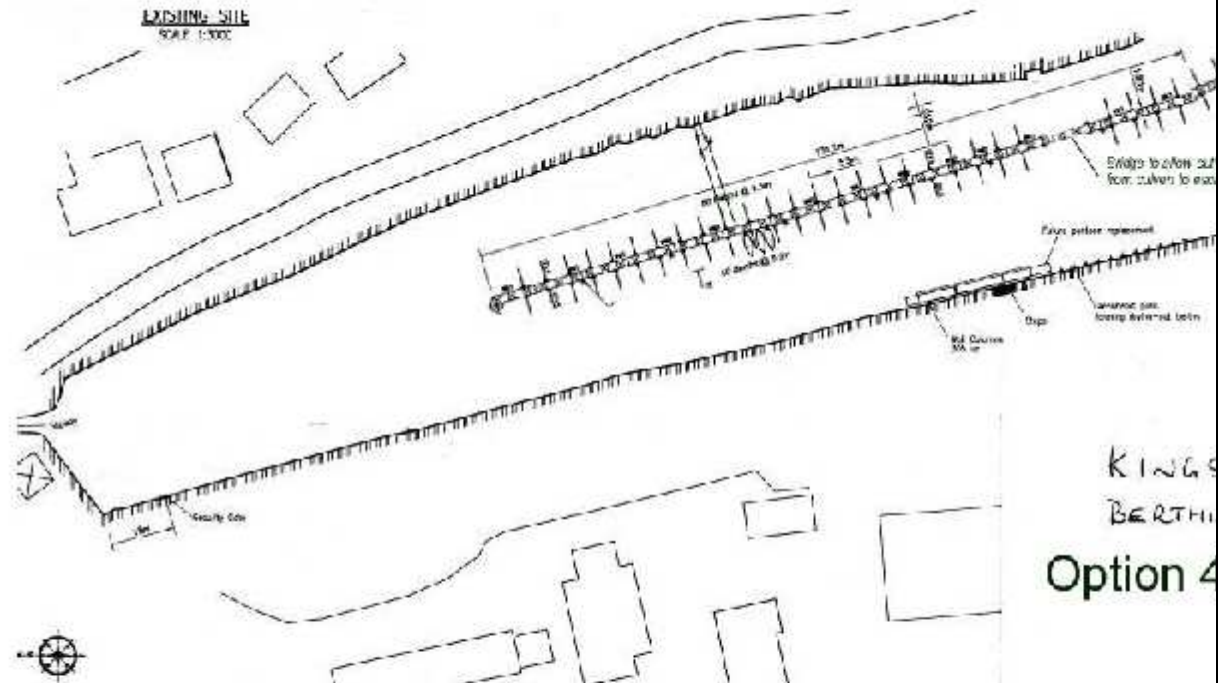
Member of the Public

Thank you for your informative talk regarding the possible future within the Kingsbridge Estuary. I have since seen the artist's impression of the pontoons from the Northern end of the Creek and in my opinion makes a vast improvement to the creek. (just need to get the "odd" owner to clean their boats now and then!) This email is to give my full support for the plans of Option 3 (pontoon and finger pontoons just off centre in the creek) will assist many of the boat owners to spend more time on their boats which will in turn improve the look of the area. Those who still continue not to maintain their boats should be warned to improve their lot or there

Support for Option 3

	<p>maybe requests for them to depart? This will not only improve the look of the area but will also improve safety in general, no unsightly and slippery bird muck!</p> <p>As suggested at the meeting some of the slightly bigger boats could be found slots at the northern end of the pontoons and if I was to get a slot like that it would assist me personally 100%, giving 24 hour access to the boat, as I try to spend much time doing maintenance and repairs as required and on my present mooring (KX213) this is impossible for more than about two to three hours per day due to the much increased mud bank height to the east of this mooring, it is also now heavy with weed and almost impossible to row across even at high waters (especially neaps)</p> <p>Based on my comments above I fully support the option 3 being proposed</p> <p>Another suggestion would be a further pontoon for visitors, as when it is know there is a lot more space, people would be more inclined to visit and with the knowledge that the KEBC run a boat watch security is a very good bonus. I have had my boat there for the odd day or so when undertaking a larger repair and I had no problem with security</p> <p>Perhaps the possibility of supply electric on the pontoons via a “pay as you go card” for installed metres (As they have in Brixham Inner Harbour) and even maybe a water supply (Via a Metre?) so some have no excuse for not cleaning their boats.</p> <p>Although maybe not in your brief but perhaps the council could arrange for the installation of a shower in the ladies and gents toilets at the head of the creek (Visiting Yacht people) or even a long term arrangement with the leisure centre to access their facilities for visiting yachtsmen, it could be part of their visitors fee? This would not only advertise the fact Salcombe Harbour is looking after their guests but could also help to increase trade at the leisure centre.</p> <p>Good luck with the funding and hope the above is of some help</p>	

Kingsbridge Berthing. A fourth option?



- Pros:**
- No need to construct new ferry landing
 - No new access needed to residents' pontoon
 - 150+ berths possible
 - Existing Ferry operations not affected
 - Visual nature of upper basin maintained
 - Amenity value of upper basin maintained (raft racing etc)
 - Probably cheapest option.
 - Relatively quick construction time

- Cons:**
- Need to cater outfall from culvert. Suggest "bridge".

Kingsbridge Town Council	<p>12/53 POLICY COMMITTEE</p> <p>It was RESOLVED to receive and accept the Recommendations in the minutes of the Policy Committee held on 17 July 2012; save the Recommendation for agenda item 12/23: "Kingsbridge – Future Berthing Options" which was further discussed. The committee had considered 3 options and members were now aware of other proposals from members of public which included, for example, extending the current residents' pontoon with piling further south and a new 'business pontoon' for Wills Marine. Members were also in receipt of a photo image of Option 3 from the head of the estuary looking in a southerly direction. It was confirmed that SHDC's expenditure budget for works would be retained. After debate it was RESOLVED to respond to the public consultation for improvements to the berthing arrangements within the Kingsbridge Basin that KTC:</p> <ul style="list-style-type: none"> • supported in principle new berthing arrangements, • rejected the 3 options currently proposed, • proposed a re-design of berthing arrangements to allow greater access to the head of the estuary (than provided in Options 2 and 3) and in particular to provide the Kingsbridge-Salcombe ferry access to Ferry Steps (off Embankment Road), • requested to have sight of consultation replies from members of public, • requested further discussion with the Salcombe Harbour Master on the consultation feedback and a re-designed plan for berthing arrangements i.e. a new Option 4. 	Reject all options so support an alternative but no proposal made
Member of the Public	<ol style="list-style-type: none"> 1. I am very happy to support both proposals with thanks for your creativity. 2. I feel the ferry could be re-positioned near the memorial on the embankment side with a small version of the residents pontoon to move it out into deeper water. The shelter then becomes an asset for waiting in poor weather. 3. I am concerned about the single pontoon spacing from the wall given the inability of some boaters to even access the current moorings with the whole width of the basin at their disposal. Retracted outboards could be at risk. Maybe some tutorial for those interested might help. My own boat often needs careful handling when singlehanded in a stiff breeze either up or down the basin, but then I do have little below the water and a lot above. 	Support for either option 2 or 3

	<p>4. Twin pontoons would reduce the above difficulties but I understand the cost implications. Vandalism could be discouraged with a wire fence / guardwire on the wall side of the pontoons and I wonder if the wall access for maintenance could be helped by the use of the pontoons. If I think of how then I will pass on thoughts.</p> <p>I hope this helps and thanks again for your ongoing concerns for us users of the basin.</p>	
Member of the Public	<p>Dear John,</p> <p>Whereas I can agree with the sentiment behind the KEBC draft response, that the head of the estuary should not end up looking like a crowded marina, I totally disagree with maintaining the location of the ferry steps. In my opinion, if you want maximum flexibility in the layout of the pontoons and berths, the unfortunate position of the ferry steps and the necessary space required to allow for the manoeuvring of the "Ferry Maid" is the biggest obstacle to an optimal solution.</p> <p>If these steps are considered to be "iconic" they could be dismantled and rebuilt at a new location using the original design and materials. I would have thought the best location for the steps would be adjacent to the large shelter further down the embankment. The shelter will offer protection for waiting passengers and the tidal access to the steps would be extended. Any argument that moving the steps away from the head of the estuary would effect ferry passenger numbers is nonsense, since for the majority of the time the ferry pickup is at the Crabshell!</p>	Alternative Proposal
Member of the Public	<p>Several non sailing individuals have mentioned that Option 3 as presented by the Harbour Board seems to be taking up much of the Northern part of the basin as well as limiting access for the River Maid.</p> <p>The KEBC website now includes some new proposals. One of these, referred to as "Option 4", is a development of the existing pontoon. You may already be aware of this option which seems to have many advantages and helps retain the Northern aspect of the Basin in its present state, less the boats moored to the walls of course. It also allows the River Maid to continue to use existing landing arrangements.</p> <p>I have used some pics courtesy of Google Maps and Microsoft Publisher to illustrate what Option 4 might look like from an aerial viewpoint and attach them here as a pdf.</p> <p>My boat "Chelsea Cat", a Hardy Regatta 19ft (5.8m) is currently moored on KX108 and realise this Option might possibly mean the removal of this and some adjacent moorings. I would therefore propose that arrangements be made to accommodate these slightly longer craft (perhaps 6 to 8 in total) at the Southern end of this Proposed New Pontoon where space is not at a premium.</p> <p>The only possible downside might be that quite a few boats may have to be moved to facilitate the Kingsbridge Fireworks display.</p>	Alternative Proposal

Member of the Public	<p>I have recently heard of proposals to change the moorings in Kingsbridge basin and whilst I understand your desire to reap as much money as possible from the sailing fraternity I must protest strongly to your plans. Kingsbridge has a beautiful and calm vista and has had the added attraction of the Salcombe ferry coming right into the town to make a living showing tourists the beauty and delights of the estuary. Please, please, please don't stop this service coming right into town. If you do you will see the business fail, and this will stop one of the joys of the town. It will put people out of work and stop the education of tourists into responsible nature lovers You know this is the truth and the future will judge you.</p>	Alternative proposal that allows Rivermaid to land to the head of the estuary
Member of the Public	<p>I attended the very informative consultation meetng at Quay House and wish to give some feedbck as requested.</p> <p>As a boat owner with a mooring at Newbridge and therefore not directly affected, I am in favour of improved mooring arrangements in the basin and I do agree that the current ladder access is out dated. Therefore I am in favour of changing to finger berth type pontoon moorings as shown in your option 3. However as a resident who enjoys the character and feel of Kingsbridge and its unique relationship with the estuary, I feel that the positioning of the proposed pontoon right at the head of the estuary could spoil that.</p> <p>I would like to propose an alternative for consideration.</p> <p>Remove the existing residents pontoon leaving the access bridge in place. Position the complete new mooring system with its sea bed pilings, (as proposed in option 3), so that the existing bridge (suitably adapted) becomes the access point to the pontoon system running south from that point and north from the bridge for a short distance (as current)</p> <p>This would leave the head of the estuary, north of the bridge; clear. Full access for the boats would be maintained down the car park side past the new moorings and full access for the ferry service to use its traditional pickup point. The proposal to provide alongside visitor moorings against the wall could be accommodated by positioning them north of the existing visitors' pontoon.</p> <p>This is obviously just the germ of an idea and so would welcome further discussion if required.</p>	Support for a modified Option 3
Member of the Public	<p>Apologies for late response but would like to register my vote in favour of the proposed plan to erect Pontoon Berths for some 148 vessels. (plan 3).</p> <p>At the age of 70, and wife 68, the 'wall ladder' is getting somewhat difficult to 'negotiate'!</p> <p>Good luck with your proposal, despite Town Council's reservations.</p>	Support for Option 3

<p>KEBC</p>	<p>Thank you for your invitation to respond to the proposed options for the much needed improvements to the facilities within the Kingsbridge Basin. You will remember from our previous correspondence that the club felt that any modifications to the arrangements should be sympathetic to the current usage and ambiance of the area.</p> <p>Whilst Club members have been encouraged to comment individually, the Committee would wish to make the following general comments. These have been presented to club members by the posting of a draft response on the website coupled with an individual e-mail to each member inviting comment. They have been supported by a majority of the membership that did respond:</p> <ol style="list-style-type: none"> 1. Whilst recognising the undoubted benefits to boat owners, the Club does not support any of the options proposed in their entirety. 2. The Club has concluded that access for the current ferry should be maintained to the Ferry Steps. 3. The Club feels that option 3 would result in the Head of the Estuary taking on the impression of ‘a crowded marina’ to the detriment of the attractiveness of this valued area to both boat owners and non boat owners. 4. The Club proposes that the options are therefore reviewed and reworked such that: <ul style="list-style-type: none"> The number of current moorings (berths) is at least maintained. That the main concentration of berths should be no closer to the Head of the Estuary than allows continued access for the current ferry to the Ferry Steps when tide and wind permit. That sufficient width of channel should remain to permit the current ferry safe passage to the ferry steps. <p>It is hoped that the above is helpful in reaching a design solution and in order to help in that process 2 options are enclosed which have been produced by club members. These have been the subject of some discussion within the club and are believed to contain elements that are worthy of further consideration.</p> <p>The KEBC has not collated all of the members detailed comment to avoid the risk of incompleteness. Hence, all those contributing to the debate have been encouraged to additionally respond to you directly. In this way it is hoped that all the feedback will have been captured, be in context and be available for your further consideration.</p> <p>The Club wishes you and the Board well in your further deliberations.</p>	<p>Proposal for a modified version of Option 3</p>
<p>Member of the Public</p>	<p>We would like to respond to your kind invitation and offer some observations as to the proposed options for mooring changes to the head of the estuary.</p> <p>We believe that the overriding consideration is to preserve the natural beauty of the head of the estuary; defining as it does the mix of Kingsbridge as both a working town and holiday/boating venue. Also the Rivermaid enjoys iconic status in Kingsbridge with both tourists and locals and therefore its access to the Ferry steps and</p>	<p>Proposal for a modified Option 3 that allows access for the Rivermaid to the head of the estuary</p>

	<p>channel should not be comprised.</p> <p>Whilst accepting that more user friendly and secure moorings would be beneficial to the boating community, to create a 'marina' would seem to be spoiling one of Kingsbridge's best assets. The head of the estuary must be one of the most photographed areas as seen on postcards, greetings cards and calendars so to sacrifice such a wonderful area would be tragic.</p> <p>As a member of the Kingsbridge Estuary Boat Club, we have been involved in putting forward ideas to accommodate the increase need for good moorings and would add our support for their proposals to enlarge and extend the existing residents pontoon to the south of the ferry steps.</p> <p>Thank you for this opportunity.</p>	
<p>Member of the Public</p>	<p>I wish to make the following points which may mean that I am against all of the options proposed thus far:</p> <p>The moorings are for the exclusive benefit of boat owners, many of whom are not full-time residents, and as such the entire cost of any project must be borne 100% by the mooring users particularly in times of austerity when non boat owners cannot be asked to meet any of this cost when there are more pressing needs for the public purse.</p> <ol style="list-style-type: none"> 1. The financial benefit to Kingsbridge and the local economy of the current, let alone additional, moorings must be negligible so should not be a factor in justifying extra moorings e.g. there are so few visiting boats and local owners do not spend more money in Kingsbridge because their mooring is there. To this end even if the total costs are borne by mooring holders then the detrimental impact to the view, environment and habitat damage far outweigh any other possible benefits to Kingsbridge so extra moorings or material development to existing facilities should be ruled out. 2. If any option to develop is eventually agreed then, as stated above, this must be totally paid for by mooring holders and I strongly suggest that the cost is skewed heavily to non-permanent residents e.g. split the cost 20% for permanent resident boat owners and 80% to non-permanent resident boat owners. If this puts off non-residents then perhaps the need for expansion will go away thus not spoiling the existing harbour. 	<p>Support for Option 1</p>

	<p>So, Option 1 can be the only fair one to the community in the current economic climate despite the disadvantages quoted and if this is chosen then the cost of extra maintenance to ladders and the walls plus possible security can be met fully by increasing the mooring fees (no-one makes people own a boat if they are concerned about security then either do not leave the boat in Kingsbridge or be prepared to pay for extra facilities as part of the cost of boat ownership).</p> <p>Options 2 and 3, whilst possibly beneficial to boat owners, offer nothing to Kingsbridge or the local community and, indeed, have significant downsides for residents and therefore should not be considered and further.</p> <p>To make it clear I am a boat owner and have been for many years so I am used to having to pay the price of my chosen pursuit without any subsidies from others and I do not want Kingsbridge spoilt by this unnecessary, and unsightly, expansion.</p>	
Member of the Public	<p>This letter is my objection to the mooring plans proposed for Kingsbridge Basin and in particular to Option 3, which seems to be the preferred option.</p> <p>This option proposes to install a pontoon down the centre of the Kingsbridge Basin. The picture used to illustrate this option is of the current arrangement in Salcombe at Batson Creek. This is very much a Salcombe ‘solution’ for Kingsbridge and totally inappropriate for the Kingsbridge Basin. The visual impact of a row of pilings, akin to telegraph poles, down the centre of Kingsbridge Basin would be appalling.</p> <p>In addition, Option 3 would force the closure or greatly restrict the use of the Steamer Steps. The plaque on these steps shows that they have been in operation since 1880. To close a historic landmark on an apparent whim would be a drastic measure, which is totally unnecessary. At the meeting on Wednesday, 2012 June 27, it was stated that the Harbour Office would have the legal authority to do this provided an alternative landing of equivalent status was provided. This alternative landing is proposed to be at the far end of the Kingsbridge Quay car park. This is not a landing of equivalent status as it is in totally the wrong place. This proposed new landing may be the fanciest landing in the world but it is in the wrong place. The old ferry landing at Halwell Point might as well be re-instated at the same time.</p> <p>It was also stated that there would be sufficient clearance for ferries to continue to use the Steamer Steps.</p>	Not supportive of any option

However, such a clearance would be tight and there would be complaints from the owners of the moored boats about the wash caused by the ferry turning. Although the current ferry creates very little wash, inevitably, there is some wash created when manoeuvring and turning in such a tight space would restrict the options available to the ferry skipper.

This leads in to another point. It was suggested that the proposed changes to Kingsbridge Basin would benefit many people. In fact, it would benefit very few people but inconvenience a much larger number. The Kingsbridge Basin is not the sole preserve of the boat owners and users. It is not a marina. It is for the pedestrians (both locals and visitors) to walk along and look at. It is a departure and landing point for the ferry users.

Option 1, to retain the current arrangements, is not favoured because of, in my opinion, some spurious arguments. It was stated that in the future it may not be possible to employ people to go into the mud to lay and service moorings. This is speculation, not fact. Also, the question was raised about the condition of the walls in Kingsbridge Basin and that their repair and maintenance was not the responsibility of the Harbour Office. However, these walls are the responsibility of the SHDC, of which the Harbour Office is a part. So is this simply an example of each department protecting their own budgets rather than looking at the bigger picture. It would appear that some 'joined up thinking' would help here so that the repair and maintenance of the walls, ladders, etc. could be looked at as one procedure rather than separate operations.

I understand that an Option 4 has been proposed. Assuming that pontoons are required in Kingsbridge, then they could be located at a position going south from the War Memorial Shelter. Apparently, the objection to doing this would be that it would cause disruption to Kingsbridge Fair fireworks. This is a once a year event. Surely, if this is the case some alternative arrangements could be made, rather than ruling out this option on this basis, while pressing ahead with Option 3, which would cause disruption on 365 days of the year.

Another issue is what boats would be using these proposed pontoons. Currently, some of boats seem to be hardly ever or never used and are in various states of disrepair. Also, there is the issue of the types of boats, which are to be moored in Kingsbridge. Some boats on the Kingsbridge Estuary are high speed vessels with large outboard motors. Even at low speed these boats have a large wash. They plough up

	<p>into Kingsbridge throwing large wakes behind them, leaving moored boats bouncing around and banging against the quay side. A polite request to ‘watch your wake’ is met with, at the best, a blank stare, and, at the worst, a prolonged burst of profanity. Also, this large wake is probably a primary cause of damage to the Kingsbridge Basin walls.</p> <p>Before any steps are taken to make changes to the Kingsbridge Basin, especially with reference to the relocation of the ferry landing and the legality of such relocation, I believe that there should be some type of proper enquiry (Public or Judicial, I am not familiar with the exact form this would take).</p> <p>However, I believe a total rethink needs to take place. Rather than looking at as simply an issue about where to moor a few boats the impact of these changes need to be looked at part of a much larger picture.</p>	
<p>Rivermaid Marine Services-</p>	<p>As operator of the Kingsbridge Salcombe Ferry I strongly object to the proposed options 2 and 3 as both would prevent the Rivermaid ferry from continuing to operate from the Steamer Steps, (the departure point for ferry services since 1880).Such a loss would deny visitors and locals the opportunity of travelling to or from the head of the estuary through Kingsbridge Basin.The Steamer Steps are a prime ‘shop window’ location for the ferry service, being immediately accessible from the main road, very visible from Squares Quay car park, Tourist Information Centre, Bus Station and close to the town.The loss of use of Steamer Steps would have a detrimental effect on the viability of the service, as the proposed replacement landing would not be in a commercially viable or practical location.Kingsbridge Development Plan states ‘to embrace the quayside/ for leisure and tourism’. Use of the Steamer Steps for the ferry service should therefore be retained.The Basin in its present arrangement (option 1), allows access for a variety of craft and an arena for waterborne activities, particularly during fair week, but if Option 3 was implemented it would become a glorified boat parking lot with little marine activity or interest.Other options need therefore to be considered, such as a scheme similar to Option 3 but with the bridgework starting at the southern end of the Promenade near the shelter to pontoons which extend south, (towards the Crabshell Apartments), parallel to Embankment Road and the dredged straightened channel. Alternatively perhaps an arrangement extending from the slipway area.</p>	<p>Proposal for an alternative solution which allows access to the Head of the estuary for the Rivermaid</p>
<p>Member of the Public</p>	<p>As you are aware, the Kingsbridge/Salcombe Estuary forms a major part of the South Devon AONB. In the past, residents of Kingsbridge and its many visitors were able to enjoy an unrestricted view of the head of this estuary from the Kingsbridge Quay area.</p> <p>With the passage of time, this open aspect has been restricted by the construction of a public toilet block,</p>	<p>Not supportive of any change</p>

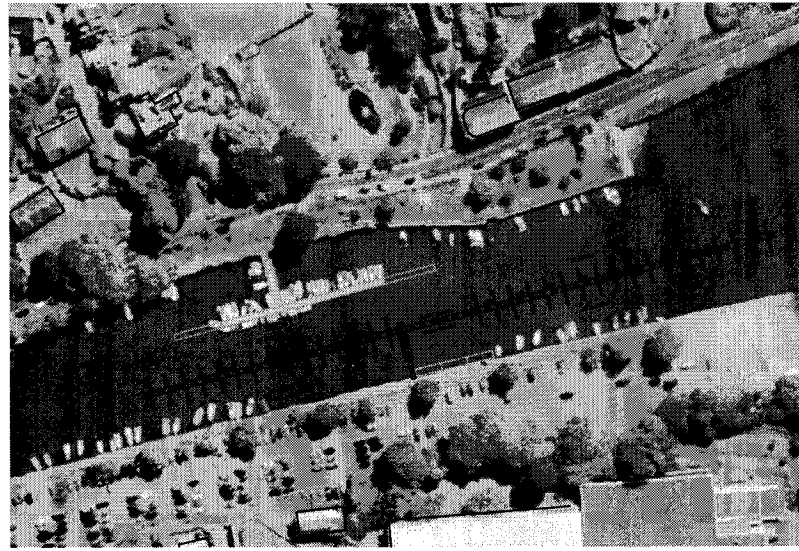
	<p>the natural beauty has been reduced on the western side by several acres of parked vehicles and the construction of an industrial estate type building which houses the present Leisure Centre. – and the existing pontoon and access bridge add nothing of beauty to the view. Nevertheless, from one corner of the head of the estuary it is still possible to enjoy a good part of the original view.</p> <p>I understand that a proposal has now been put forward to install a large pontoon, thus effectively converting the remainder of the head of the estuary into a boat park, presumably for the convenience of boat owners, who will be able to park their cars and boats within a few yards of each other.</p> <p>This would of course significantly restrict much of what remains of the view from the head of the estuary, as many status symbol boats will remain at their moorings throughout the year. While revenue from moorings may well be a significant part of its income, I would urge the Harbour Board to continue to ‘safeguard the estuary for the enjoyment of all’, and to reject this proposal to damage, for purely financial reasons, what remains of its natural aspect.</p>	
<p>Member of the Public</p>	<p>In writing to add my voice to those that think the adding of pontoons to the middle of the top of the estuary would be a mistake for Kingsbridge.</p> <p>For one thing I would hate to think that the Kingsbridge to Salcombe Ferry was elbowed out of its usual landing place as I think that it is an asset to the estuary and a good visitor attraction.</p> <p>I also think that to jam the top with boats will only increase contamination both in the water and the mud especially spillage of fuel from outboard motors thus having an effect on the bird and fish life. I like to look at the water with the birds and I think it is equally good when the tide is out. I do not want it to look like a Marina.</p> <p>If you need more moorings at the top why not look at the possibility of putting a pontoon down from the existing one past the shelter towards the Crabshell where it is slightly wider. Do you have a large waiting list of people wanting a mooring that high up as you do not have a lot of time between tides.</p> <p>Can I also ask you what has happened to the estuary this year as I have never seen so much green weed everywhere. I know that we have had a wet summer but we have had them before without this result and I wonder if this could have been exacerbated by the old mud which was blown from the top of the</p>	<p>Not supportive of any change</p>

	<p>estuary and some deposited on the mud flats as it made its way out on the tide. There is certainly more mud now opposite the Sewage pumping station, which to my mind has increased by about a foot since that work was done.</p> <p>I once again reiterate that I do not wish to see more pontoons for the mooring of boats at the top of the estuary and wish that my objection be added to those against when you next discuss this matter.</p>	
South Hams Society	<p>Re: Future berthing arrangements for Kingsbridge: presentation to South Hams Society, 1st October 2012</p> <p>Thank you for taking the time to come and discuss the options on this with the SHS Committee, together with Cllr. Carter. Please also thank the Harbour Master for the presentation, which brought out some new information.</p> <p>We appreciate the problems with the wall moorings and their maintenance, although as someone pointed out the quay walls will have to be maintained with or without moorings. We also appreciate the requirements of the boating community, but it was felt quite strongly that the estuary belongs to the <u>whole</u> of the town and that the preferred option, option 3, tips the balance too far in favour of the boat owners to the detriment of other interests.</p> <p>Increasing the pontoon moorings to the extent proposed, and so close to the head of the estuary, distances the estuary from the town when it should be a natural focal point. Surely it should be kept clear for access to the ferry landing, and for water activities – possibly even encouraging more. From a tourist point of view the estuary is always a draw, and any activity on the water is watched with interest. Kingsbridge in Bloom and SHDC have made considerable efforts to make the Promenade and car park more attractive, and filling the head of the estuary with pontoon moorings would not appear to be making the best of the town's assets.</p> <p>It was suggested that the main run of finger pontoons could be sited lower down the estuary on the car park side – something the Harbour Master seemed to be inclined to consider even though it would mean losing the visitors' pontoon - possibly breaking it up into smaller sections. Although this was not explored at the meeting, we wonder what the options are for siting pontoons on the opposite side along the wall below the memorial shelter, with the access running off the beach there? If this combination of pontoons could accommodate the</p>	Proposal for an alternative solution

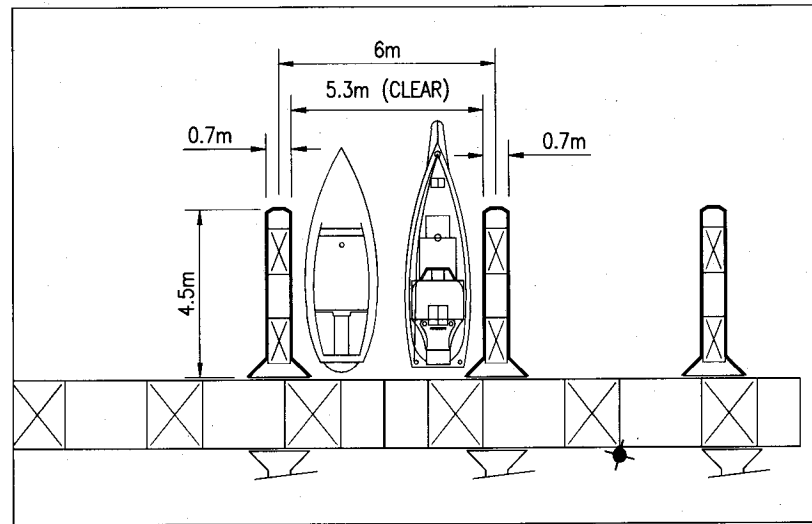
	<p>necessary number of berths, then some or all of the wall moorings could be removed in time and the current pontoon re-used, leaving the head of the estuary relatively uncluttered and with continued access for the ferry and larger vessels.</p> <p>We realise there is not a simple answer to this issue, but we look forward to hearing the results of the Harbour Board's further discussions and hope that a solution agreeable to <u>all</u> interested parties can be reached.</p>	
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Analysis of 42 responses	
Option 1 Do nothing	4 supporters
Option 2 Mimic of current arrangement with pontoons	2 Supporters
Option 3 Pontoon with fingers either side and modified existing pontoon	20 Supporters
Alternative Proposals	15 supporters who made alternative proposals, mainly suggesting a solution that would maintain access to the head of the estuary for the Rivermaid and that would maintain a clear area at the head of the estuary
Remove all boats from Kingsbridge	1

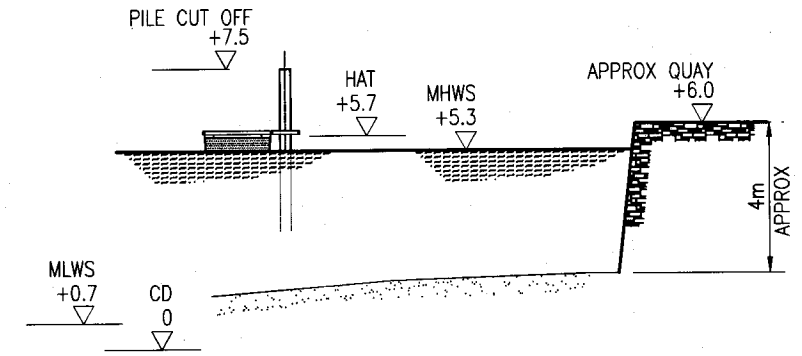
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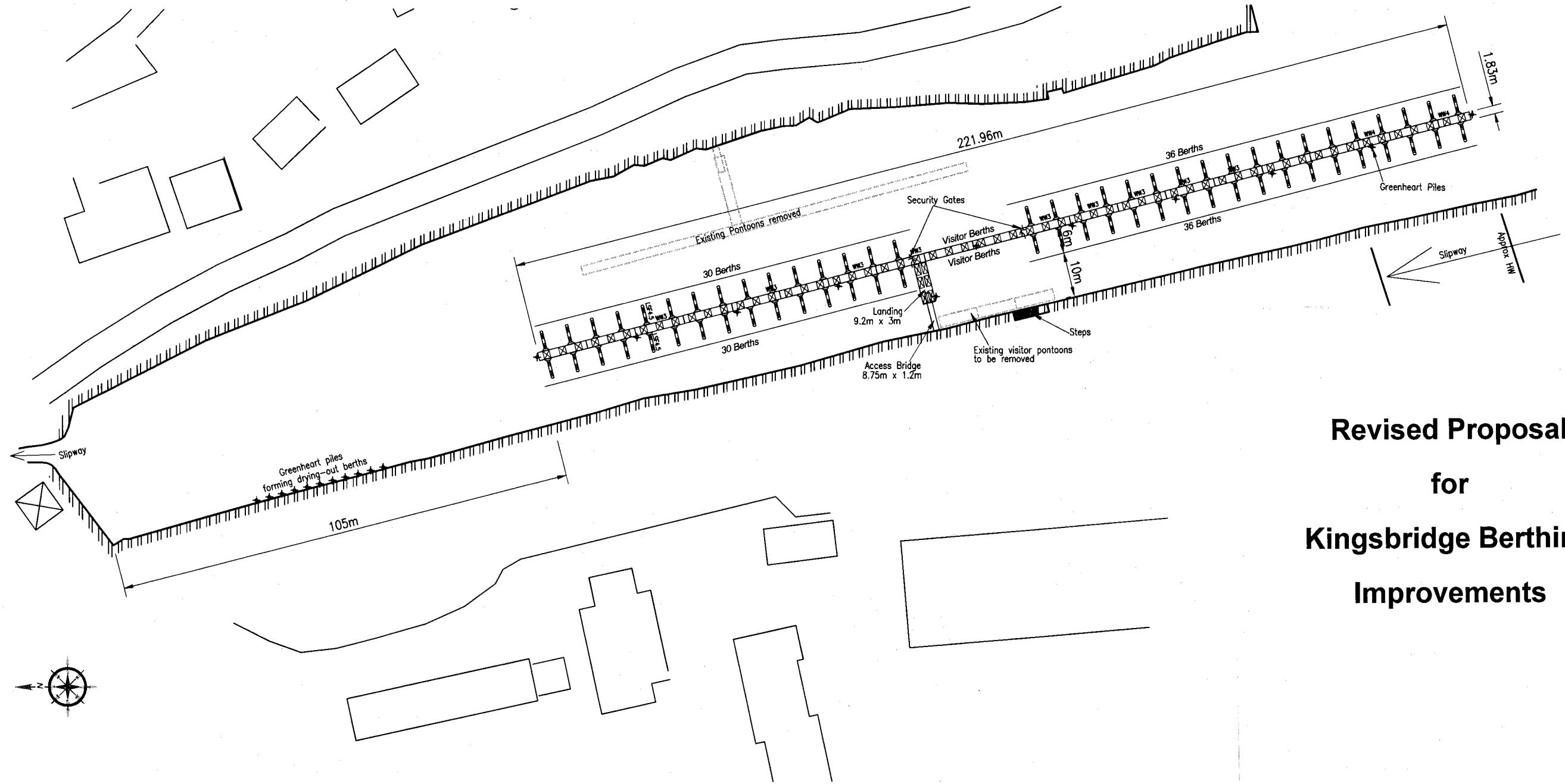
SITE LOCATION
SCALE 1:2500



ENLARGED VIEW ON TYPICAL BERTH SIZES
SCALE 1:200



TYPICAL SECTION
SCALE 1:200



**Revised Proposal
for
Kingsbridge Berthing
Improvements**

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MINUTES OF THE EXTRAORDINARY MEETING OF KINGSBRIDGE TOWN COUNCIL HELD IN THE COUNCIL CHAMBER, QUAY HOUSE AT 6.00 p.m. ON TUESDAY 23 OCTOBER 2012

Present: Cllr Irene Jeeninga (Chairman)
Cllr Anne Balkwill
Cllr John Binns
Cllr Rufus Gilbert
Cllr Wayne Grills
Cllr Steve Sidney
Cllr Keith Wingate

In Attendance: County Cllr Julian Brazil
Ian Gibson, Salcombe Harbour Master
Martin Johnson, Town Clerk

12/85 APOLOGIES FOR ABSENCE

Apologies were received from Cllrs Julie Barnettt, Bob Freeman, Robin Griffin, Mark Thompson and Beryl Washington and Philip Yates.

Public Open Forum

There were no members of public present.

12/86 URGENT BUSINESS

Cllr Jeeninga proposed one item of Urgent Business to be taken at agenda item 12/89: "Burger Van – Lower Union Road Car Park".

12/87 DECLARATIONS OF INTEREST

Cllr Grills declared a non-pecuniary interest in agenda item 12/89.

12/88 KINGSBRIDGE – FUTURE BERTHING OPTIONS

Cllr Jeeninga invited Ian Gibson, Salcombe Harbour Master, to report on progress regarding future berthing options in Kingsbridge. The Harbour Master reported that a public consultation on 3 options had closed on 21 September 2012. Feedback had been received and considered from 42 respondents: one had proposed the estuary be returned to nature, 4 had supported Option 1 (retention of current arrangements for 130 berths), 2 supported Option 2 (124 berths), 20 supported Option 3 (148 berths), and 15 supported change but had proposed alternative arrangements. Kingsbridge Town Council (KTC) and Kingsbridge Estuary Boat Club (KEBC) fell into the latter category and a Harbour Board Working Group held on 11 October 2012, which had included Cllr Binns, had determined that such large groups could not be ignored. Therefore a revised proposal had been produced, which addressed most issues raised in the public consultation, to retain at the top of the estuary: access for the Kingsbridge-Salcombe passenger ferry, an area of water free from boats, and a good view facing south. The proposal would remove the existing residents' pontoon, remove wall moorings/ladders, and replace with a 132 berth pontoon with improved

access via bridge and greater security. Visitor berthing would be increased from 25m to 75m; the existing visitors' pontoon could either be removed or retained for recreational activity. Eleven hardwood piles would be required. KEBC had already sighted the proposal and supported it. If KTC also supported the proposal then it would be received by Salcombe Harbour Board on 12 November 2012 for approval (meeting to be held in Quay House). If supported by the Harbour Board it was intended to gain a contract subject to planning; it was acknowledged that minor changes may be required during the planning process. Members agreed that the proposal incorporated KTC's findings from the public consultation and considered it to be 'a Kingsbridge solution' for current issues. It was **RESOLVED** to support a revised proposal for 132 pontoon berths, with additional visitor berths, to provide improvements to berthing arrangements in the Kingsbridge Basin.

Members further considered that new facilities would bring up the standard of some boats which were currently unsatisfactory; notwithstanding that they were probably seaworthy. The Harbour Master reported that a maintenance regime would be operated e.g. power washing of pontoons.

**12/89 BUSINESS BROUGHT FORWARD BY THE CHAIRMAN:
BURGER VAN – LOWER UNION ROAD CAR PARK**

SHDC had received an application from a caterer wishing to use 2 bays in Lower Union Road Car Park to trade from on a Saturday evening. A licence would be required via a full application process. District Councillors wished to glean the considerations of KTC before progressing any further. Members considered that a burger bar:

- may affect current takeaway food outlets in Mill Street,
- would prove a negative impact for local residents i.e. noise and litter,
- would conduct the majority of its business in the early hours of the morning as patrons were leaving Coast nightclub (which had its own food bar),
- would encourage club patrons to hang around rather than early dispersal,
- may encourage taxis to congregate with engines running, and
- overall would not be of any significant benefit for the local community.

It was **RESOLVED** to not support a proposal to locate a catering van in Lower Union Road Car Park.

County Cllr Brazil entered the Chamber and was appraised of business.

12/90 QUESTIONS TO THE CHAIRMAN

There were no questions for the Chairman.

The meeting closed at 6.40 p.m.

..... Presiding ChairmanDate

AGENDA
ITEM

10

SOUTH HAMS DISTRICT COUNCIL

AGENDA
ITEM

10

NAME OF COMMITTEE	Salcombe Harbour Board
DATE	12 November 2012
REPORT TITLE	MOORINGS POLICY
REPORT OF	Salcombe Harbour Master
WARDS AFFECTED	All South Hams

Summary of report:

To review the draft Moorings Policy and recommend its adoption.

Financial implications:

There are no direct financial implications from this report.

RECOMMENDATIONS:

That the Harbour Board RECOMMENDS to Council the adoption of the revised Moorings Policy.

Officer contact:

Ian Gibson – 01548 843791 (Internal 7104)

1. BACKGROUND

- 1.1 The current edition of the Moorings Policy was published in 2007 following an extensive public consultation. The Salcombe Harbour Board (“SHB”) recommended to Full Council on 21 September 2007 that the updated Moorings Policy be adopted (SH32/07). The Moorings Policy was adopted by Full Council on 15 November 2007 (59/07).
- 1.2 The Moorings Policy is routinely reviewed every five years. The latest review has included two rounds of consultation, initially with the Harbour Community Forums and subsequently with the general public.

The consultation feedback from the first round of Consultation is at Appendix 1 and has been reviewed and reflected in the revised draft, which went to Public consultation between 9 July and 21 September. There was no feedback from this second consultation.

2. Review of Moorings Policy

- 2.1 A working group of Harbour Board members consisting of Cllrs Carter and Wright, Mr Harling, Marriage and Barrett was established **SH42/11**.
- 2.2 The working group met on 13 June and worked through the 1st round of consultation feedback and agreed the draft revised draft Moorings Policy for the full Board's approval, which is incorporated into the draft Public Consultation Document.
- 2.3 The draft Moorings Policy was published in July for the second round of consultation with the general public, with a closing date of 21 September 2012.
- 2.4 As there was no feedback to the second published draft it is proposed that this draft, at Appendix 2 is recommended for adoption.

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 A local authority is entitled to make policies in order to provide guidelines for its own decision-making (whether by members or officers) but it should not regard itself as completely restricted by policy. It must always be possible for the authority to make an exception to policy; if it isn't, the authority will be regarded as having "fettered its discretion" and that is unlawful. However, in order to be fair to everyone, the authority should have good reasons both for making an exception, or refusing to do so.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications from this report.

5. RISK MANAGEMENT

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 not delivering a satisfactory service to harbour users.	3	2	6	The Harbour Board, through its contact with harbour Community Forums and the public consultation process will monitor the stakeholders' reaction to the service provided and keep the Moorings Policy under regular review in order to remain relevant to the majority of harbour users' requirements.
The Harbour Board fails to comply with its statutory responsibilities.	3	1	3	Continuous monitoring and an annual audit by an independent designated person will highlight potential issues early to enable corrective action to be taken.
The Harbour Board is accused of discrimination in its allocation of harbour facilities.	3	2	6	As part of the policy review an Equality Impact Assessment has been undertaken to ensure compliance with equality legislation and the needs of Harbour users. The Harbour Authority will have a fit for purpose moorings allocation policy which is strictly adhered to and kept under constant review. Mooring allocation has an appeals process.

Data Protection, disclosure of information and Freedom of Information (FOI).	3	1	3	Harbour records, including customer accounts are maintained within the office. Staff training is given to prevent any unauthorised disclosure. FOI forms are required before any information is given out.
Corporate activity with an impact on Areas of Outstanding Natural Beauty, National Parks, and Sites of Scientific Interest.	3	1	3	The Harbour Authority part fund a Marine Conservation Officer who monitors all activity within the estuary to ensure the harbour Authority fully respects the ANOB and SSSI status of the Estuary. The moorings policy clearly sets out what activity is allowed within the various areas of the Estuary.
Financial Risks and Impact on Councils Assets	3	2	6	By monitoring performance in relation to the moorings policy, the Harbour Board will be in a strong position to invest Harbour Funds where they can provide the best value for money and return on investment and safeguard the Harbour's future on behalf of the District Council.

6. OTHER CONSIDERATIONS

Corporate priorities engaged:	Community Life Economy
Statutory powers:	Local Government Act 1972, Section 151. The Pier and Harbour Order (Salcombe) Confirmation Act 1954 (Sections 22-36).
Considerations of	None

equality and human rights:	
Biodiversity considerations:	None
Sustainability considerations:	None
Crime and disorder implications:	None
Background papers:	Moorings Policy 2007 (SH 32/07) Harbour Board Working Group (SH 42/11) Moorings Policy Public Consultation Document
Appendices attached:	1. Consultation feedback from Harbour Community Forums. 2. Moorings Policy Final Draft

Ian Gibson
Harbour Master

Salcombe Harbour Board
12 November 2012

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Moorings Policy Consultation

- Q1. Do you support the principle of continuing to give priority to people ordinarily resident in the South Hams described in paragraph 6.2?**
- Q2. Do you support the proposal for two waiting lists as described in paragraph 6.3 and, if so, what criteria should be used to distinguish between the two lists in future?**
- Q3. Would you prefer there to be just one waiting list with all Council Tax payers on the same list?**
- Q4. In your opinion does the draft Moorings Policy require any further clarification?**

Forum	Comments	Remarks
Fishermen	<p>Our members have discussed your Consultation on Mooring Policy document & are most grateful for the opportunity to have been included in the circulation list.</p> <p>By in large our members who fish out of Salcombe are very happy with the existing situation. When it comes to discussing Mooring Matters we find your staff to be understanding & helpful with the problems specific to the Commercial Fleet e.g. store boxes, need for all state of the tide moorings, etc. We would hope that the division between the commercial mooring area & the leisure areas will be maintained so that if more commercial boats wish to join the fleet they can be accommodated as this is, we believe, in the best interests of Salcombe generally, due to the year round contribution that the commercial fleet makes to the economy of the Town.</p> <p>Being all locals our members naturally believe that the principle of priority to local full time residents should be maintained as we do not want to see a situation where Salcombe becomes a ghost town in the winter. It seems to us that the two list system has worked well & in the absence of a better idea we would be happy to support its continuation & the criteria for inclusion on the “local” list should simply be that the address in the South Hams must be a rate payers principal residence.</p>	<p>Requesting priority for moorings for commercial fishing boats, this is a current policy which should not be changed.</p> <p>Support for priority to local people, ascertained by the payment of Council Tax.</p>

<p>The Salcombe & Kingsbridge Estuary Conservation Forum</p>	<p>I circulated the Moorings Policy Questionnaire to all Estuary Conservation Forum members and received the following response.</p> <p>Q.1 Yes. There is strong support for the two tier system.</p> <p>Q.2 We support the proposal for two waiting lists. Applicants should declare that they qualify to vote in General Elections in the South Hams constituency or they should sign a written statement that they are normally resident in the South Hams for the majority of the year. The Election suggestion should be able to be checked at Follaton on the Electoral Roll. It is legal for British Citizens to vote on more than one occasion for Council Elections but illegal to vote more than once in a General Election.</p> <p>Q.3 No. As above it is strongly felt that permanent residents should take priority</p> <p>Q.4 Being very familiar with SHA requirements I find the document clear and in no need of any further clarification. Whether this would apply to a newcomer I am not sure. There were no comments from Forum members.</p> <p>the Mooring Policy question of how to differentiate between full time and part time residents, people are only allowed to vote in one constituency in a General Election. There is therefore presumable a way of checking residential qualifications which could be used to ensure only voters in either the Totnes or S.W.Devon constituencies are given access to waiting list A. I did mention this in the reply from the Forum but it was right at the bottom (as is this) so might have been missed.</p>	<p>Support for priority to local people and continuance of two waiting lists.</p> <p>Proposal to use the electoral roll as qualification of residency.</p>
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<p>SKEA</p>	<p>Q1 - 17 voted for giving priority to local people, 2 voted against it.</p> <p>Q2 - 15 supported the principal of two waiting lists, 4 voted against it. No comment received regarding the criteria that should be used to distinguish between the two lists.</p> <p>Q3 – 7 voted for one waiting list while 13 voted against it.</p> <p>Q4 – 11 felt the draft6 moorings policy required further clarification, 6 felt it was OK.</p> <p>The poll went out to 158 members of SKEA but, disappointingly and rather surprisingly there are only about 20 replies, and they require some explanation. Next to the Q1 to Q5 . there is a drop-down menu , which shows the nominal answers that I posted. SKEA members, having marked each reply as read, were asked to indicate "I agree" or "I disagree", by the 'thumbs-up' or 'thumbs-down' sign. But see my cautionary note at the foot of the list. Clearly there has been some confusion!</p>	<p>Support for priority to local residents in allocation of moorings.</p> <p>But seems SKEA would like to see one waiting list.</p> <p>Although there was a suggestion that further clarification was required, it is not clear where the clarification is required.</p>
<p>KEBC</p>	<p>At the last KEBC committee meeting it was agreed to obtain the clubs position on the Moorings Policy in 2 stages. The first was to obtain a view from the April meeting, the second to put that view to all members for comment. After the vote on the Moorings Policy questions, I believe this to be the result:</p> <p>Q1 Majority in favor of continuing to give priority to people ordinarily resident in the South Hams.</p> <p>Q2 Majority in favor of 2 lists the main criteria being residency.</p> <p>Q3 Majority in Favor of not having a single list with all Tax Payers on it.</p> <p>Q4 No clarifications have been identified yet for the Moorings Policy.</p>	<p>Support for priority to residents.</p> <p>Majority in favour of 2 waiting lists</p> <p>Utilisation of Council Tax as qualification criteria.</p>

<p>K/B & SALCOMBE MARINE BUSINESS FORUM- ANDREW TURNER- JONES</p>	<p>Q1 Yes, ordinary residents should have the priority and this should continue dependant on selective criteria. A permanent resident is determined in what way? Q2 My personal opinion is that a point scoring system is implemented to distinguish the priority of the waiting list. I think two lists is moreover not really relevant as the applicant would be scored against a pre-set criteria to determine their ranking and eligibility in the list. A set of questions is set and then ranked to give a total score that is fair. Fairness is determined on not just the fact you are a resident here but how long you are here, how long your family has lived here such as your parents, what the mooring is for- leisure use, business use, syndicate, length of time you have been waiting, also if you have been prepared to accept a less desirable mooring in the meantime. Some example questions with proof required- Are you a permanent resident? How long have you been a permanent resident? Is the mooring for personal/business use? Has your family been resident for 10 yrs+ Has person been prepared to accept mooring such as upper harbour/foreshore?</p>	<p>Support for priority to residents</p> <p>Points system, which would be complicated to administer</p>
<p>To Andrew Turner-Jones</p> <p>From Tim Tucker (South Sands Ferry) 26/05/2012</p>	<p>Comments on the proposed Mooring Policy are:-</p> <p>4.0.1. There are a number of Private Moorings in South Sands Bay, a number owned by the Tides Reach Hotel and some by private individuals.</p> <p>6.0.2. I think a mooring should be passable from “father to son/daughter as well, ie when next generation take over the family home and boat etc.</p> <p>6.0.14 Mooring should belong to a syndicate, as long as any one or more member is a SHC rate payer.</p>	<p>There are no private moorings at South Sands, they are mooring licences.</p> <p>The transfer of moorings through the family would tie up moorings for generations and would make it more difficult for newcomers to get a mooring.</p>

	<p>6.0.15 Private Moorings belonging to a business, eg Tides Reach Hotel, Boat Hire Company should be transferable when that business is sold.</p> <p>6.0.18 Same comment as 6.0.2.</p> <p>6.2.1 What is definition of “ordinary resident”? ie someone who lives within SHDC for more than 6 months? How could this be verified?</p> <p>6.3. I agree with the principle of two waiting lists but again the definition of “ordinary resident” should be clarified as many second home owners are in residence for a number of months.</p> <p>6.6.1. Again, there are a number of private and commercial moorings (deep water) at South Sands which are not owned by SHA.</p> <p>6.13. Is there a priority for “marine engineers” to have a pontoon berth for their work boat?</p> <p>6.13.5 The South Sands Hotel (and others) own a number of private moorings; they are part of the assets when the business is sold and should pass to the new owner.</p>	<p>There are many boats with a mooring which are owned by a syndicate, providing one member of the syndicate has qualified for the mooring.</p> <p>There is provision in the policy for the transfer of business moorings when a business is sold.</p> <p>The definition of Ordinary resident is the exam question which is still to be resolved.</p> <p>There are no Deep Water moorings at South Sands which are not in SHA ownership. The transfer of business moorings is covered by 6.13.5.</p>
<p>Dave Halsell – Singing Paddles</p>	<p>Q1. Do you support the principle of continuing to give priority to people ordinarily resident in the South Hams described in paragraph 6.2? YES</p> <p>Q2. Do you support the proposal for two waiting lists as described in paragraph 6.3 and, if so, what criteria should be used to distinguish between the two lists in future? YES - ELECTORAL ROLE</p> <p>Q3. Would you prefer there to be just one waiting list with all Council Tax payers on the same</p>	<p>Support for priority to residents, maintenance of 2 lists and use of electoral role.</p>

	list? NO Q4. In your opinion does the draft Moorings Policy require any further clarification? NO	
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South Hams
District Council

Improving the well-being of the people of the South Hams

South Hams District Council

Salcombe Harbour Authority

Moorings Policy

12 November 2012

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1. Foreshore Mooring Tackle Specification
2. Terms and Conditions of a Mooring Licence
3. Terms and Conditions of a Mooring Licence (for laying private mooring tackle or pontoons on the Council's fundus or foreshore).

1.0 Introduction

- 1.0.1 Salcombe Harbour, as a municipal port, is a strategic asset to the South Hams and of fundamental importance to the economic and cultural well being of the riparian towns and villages of the Estuary. Set in an Area of Outstanding Natural Beauty (ANOB) and Site of Special Scientific Interest (SSSI) Salcombe is a unique harbour with a world renowned reputation as a sailing destination. As the Statutory Harbour Authority, South Hams District Council has constituted the Salcombe Harbour Board, which operates as a committee of the full Council. The Harbour Authority discharges the roles and statutory duties which are placed on the Harbour by the Pier and Harbour (Salcombe) Confirmation Act 1954. The 1954 Act is based on the Harbours, Docks and Piers Clauses Act 1847 that gives the Harbour Master certain statutory powers concerning the management of the Harbour. Additionally, the Harbours Act 1964 provides for the operation to be self-financing with the Authority able to fix its own rates in order to finance safe port operations.
- 1.0.2 The provision and management of mooring facilities within the harbour is one of Salcombe Harbour Authority's (SHA) core activities.
- 1.0.3 The purpose of this policy is to guide the management of SHA whenever it takes decisions on issues related to the provision or development of mooring facilities within the harbour. This policy is not a legal document and SHA reserves the right to retain discretion over any decision but will give reasons for any decision taken that is not in accordance with the stated policy.
- 1.0.4 With every decision over mooring facilities a number of factors will be considered. These are too numerous and varied to list; however the principal factors will always be:
- safety
 - the requirements of navigation
 - conservation of the environment
- 1.0.5 In developing and enforcing the Moorings Policy the Board have consulted widely and followed their vision which is:

To retain and enhance the character of Salcombe and Kingsbridge Estuary whilst updating harbour facilities to meet the requirements and expectations of resident and visitors for the 21st century.

and the core principles of safety, stakeholder involvement, value for money, environmental stewardship and support to local employment.

1.0.6 This policy will apply to the whole of Salcombe Harbour and Kingsbridge Estuary (as defined by Section 11 of the Pier and Harbour Order (Salcombe) Confirmation Act 1954). This policy does not apply to the location and number of moorings or pontoons (including their allocation) on private foreshore i.e. those areas of the Harbour not leased to the Harbour Authority by the Duchy of Cornwall.

2.0 Ownership of the Estuary Bed

2.0.1 The ownership of the seabed within the estuary, known as 'fundus', affects the powers of SHA. The majority of the fundus within the Estuary is owned by the Duchy of Cornwall of which the majority is leased to South Hams District Council, the Harbour Authority, for which an annual rent is paid. The lease allows SHA to lay moorings on this fundus and levy a charge for them. The current lease with the Duchy runs until 24 March 2028. The areas not leased to SHDC include the RNLI's lifeboat berth, the upper reaches of Waterhead and Southpool Creeks, the foreshore of East Portlemouth, the foreshore of Salcombe below the ferry landing to North Sands, Lincombe Bay and other discreet areas of foreshore throughout the Estuary.

2.0.2 Under the terms of the Harbour Authority Lease from the Duchy of Cornwall licences to customers for harbour facilities may be for no more than one year.

2.0.3 It should be understood that the right to lay and use a mooring facility within the harbour depends upon two essential conditions:

- The permission of the owner of the fundus where the mooring facility is placed.
- The written consent, in the form of an annual licence, of the Salcombe Harbour Authority. It should be noted that a licence to lay a mooring facility is entirely different from a lease and therefore it is not an assignable property right.

2.0.4 As land covered by water is governed by the laws of property in broadly the same way as land covered by air, the issue of fundus ownership is self-explanatory. The requirement for Harbour Authority consent is a separate issue, arising from the Pier and Harbour Order (Salcombe) Confirmation Act 1954 under which the Authority has power to lay and use moorings (on fundus in which it has an appropriate interest) and also to license others to do likewise. The Authority is not required to license its own moorings but anyone else laying a mooring anywhere within the harbour needs a licence.

3.0 Consultation Process

3.0.1 The 2012 review of the Moorings Policy included two rounds of consultation. The first was with the Harbour Community Forums:

- Salcombe and Kingsbridge Estuary Association
- Kingsbridge Estuary Boat Club
- Salcombe Kingsbridge Estuary Conservation Forum
- The South Devon Shell Fishermen
- The Kingsbridge and Salcombe Marine Business Forum

The second round of consultation was with the general public.

4.0 Categorisation of the Estuary

4.0.1 Below Ferry Crossing – seawards to harbour limits – a limited number of visitors mooring facilities, a number of licensed moorings particularly on private foreshore on both sides of the Estuary, seasonal moorings at South Sands, recognised anchorages off Small’s and Sunny Cove and store box moorings in Castle Bay.

4.0.2 Above Ferry Crossing – inwards to Fishpond Corner and Snapes Point – Victoria Quay pontoons, Whitestrand and Normandy landing facilities Foreshore moorings, commercial moorings, crab store box moorings, visitors moorings and fuelling Facility.

4.0.3 South Pool and Waterhead creeks and Gullet Point – Predominantly private moorings and boatyard commercial moorings. The Harbour Authority has a number of deep water moorings at the entrance to South Pool and a public landing pontoon at the head of South Pool Creek.

4.0.4 Batson and Shadycombe creeks north of Fishpond Corner – Foreshore mooring, Batson and Shadycombe Pontoons, commercial fish quay, slipway and craning facilities.

4.0.5 The Bag between Snapes and Halwell point – The majority of the Harbour’s deep water residents mooring, visitors’ pontoon, foreshore moorings, houseboat moorings, Dentridge Commercial Pontoons, Egremont (ICC) and Winters Pontoons and Boatyard.

4.0.6 Saltstone, Blanksmill Creek, Collapit Creek and Frogmore Creek west – no harbour moorings in this area, recognised anchorage north of Halwell Wood and East of Heath Point, several mooring licences in creeks.

4.0.7 Frogmore Creek East – Foreshore moorings and public landing pontoon.

4.0.8 North of Charleton Point to High House Landing including Newbridge and Balcombe Creek – Foreshore moorings, slipway and dinghy storage facilities.

4.0.9 North of High House Landing to New Quay pontoon, Kingsbridge – Foreshore moorings.

4.0.10 North of New Quay pontoon to include Kingsbridge Creek –
Foreshore moorings, Kingsbridge pontoon, Public landing/visitors' pontoon, slipway and dinghy storage.

5.0 Review of Policy

5.0.1 The moorings policy will be formally reviewed every five years. However, urgent issues will be dealt with as they arise by the Harbour Board and should any changes be required, once ratified by Full Council, amendments will be published.

6.0 Mooring Policy – General Principles

6.0.1 The Harbour Authority's Policy is to give priority in the allocation of mooring facilities to customers who live in the South Hams.

6.0.2 All Salcombe Harbour Authority mooring licences are issued annually to a named individual or company and are not transferable, except between spouses and or civil partners.

6.0.3 Mooring licence holders who are planning to be absent from their berth for a period of 24 hours (deep water moorings) or 7 days (foreshore moorings and pontoon berths) or more should inform the Harbour Master.

6.0.4 Mooring facilities left unused for a period of two years will be reallocated.

6.0.5 The Harbour Master retains the right to move vessels to the most suitable mooring. The Harbour Authority retains absolute control of berth allocation. Accordingly the licensee shall not be entitled to the exclusive use of any particular berth but shall use such berths as is from time to time allocated by the Harbour Authority.

6.0.6 Vessels, which in the opinion of the Harbour Master are un-seaworthy, will be directed to be removed from the Harbour.

6.0.7 Where a mooring facility is no longer required, it is passed to the Harbour Authority for allocation to the next person on the waiting list.

6.0.8 Mooring Facility Allocations will take place annually, normally in January and February, for the following financial year.

6.0.9 A mooring facility shall only be used to accommodate one boat unless previously agreed by the Harbour Master.

6.0.10 A notice to quit for breach of Licence will be given to any facility holder sub-letting their berths either on a long-term or temporary basis.

- 6.0.11 Installation of Raft Pontoons. Raft pontoons are prohibited on any swinging mooring without the written permission of the Harbour Master (SH15/10).
- 6.0.12 The cumulative effects of a proliferation of walk-ashore jetties or pontoons would represent a loss of foreshore within the Site of Special Scientific Interest (SSSI) and be detrimental to the appearance of the estuary within the Area of Outstanding natural Beauty (AONB). Even when located on private fundus, moored pontoons require a Mooring Licence which will not normally be granted if the pontoon is for private use. Applications for commercial pontoons and pontoons providing public access to the estuary will be assessed on their individual merits and environmental impact. However when and if the commercial activity (and/or the public access) cease the mooring licence will be withdrawn and the pontoon should be removed. In no cases will its use as a private mooring be permitted (SH 5/10).
- 6.0.13 The Harbour Master is authorised to approve discounted mooring rates for registered charities.
- 6.0.14 Boats owned by a syndicate need to have one member of the syndicate who has qualified, by living in the South Hams (see 6.2.1) and reaching the top of the waiting list, for a mooring facility. If the mooring licence holder leaves the syndicate, another member of the syndicate has to have qualified by living in the South Hams and reaching the top of the waiting list for a mooring facility allocation if the mooring licence is to be renewed.
- 6.0.15 Mooring Licences will not be transferred to purchasers of boats and/or mooring tackle from persons holding such licences. If such a berth is vacated by the holder of a licence not acquiring a suitable replacement boat or suitable replacement mooring tackle, then that berth will be reallocated in accordance with the appropriate waiting list.
- 6.0.16 A Harbour mooring Licence:
- a. is personal to the holder of such a licence and transfer is not permitted.
 - b. cannot be transferred to another or sub-let.
 - c. cannot be lent to another person.
 - d. In relation to private individuals is for the named vessel specified by its type and length on the application form completed by the holder of such a licence.
 - e. In relation to a business is for the maximum size of a vessel specified for that berth.
- 6.0.17 Mooring Licence
- a. Mooring Licence was the term used for individuals to lay and maintain their own tackle on the harbour leased fundus. These will now be termed Mooring Licence (for the laying of private tackle).

- b. Mooring Licences (for the laying of private tackle) are not permitted to be transferred to another individual. When relinquished, mooring licences, with the exception of licences for running moorings, will cease to exist and a Harbour Authority mooring will be established and allocated to the waiting list.

6.0.18 Where a mooring facility holder has held a mooring Licence for many years and a member of the family, who is a Council Tax payer in their own right, is likely to wish to continue on the death or incapacity of the mooring Licence holder they should join the appropriate waiting list to acquire a mooring facility in their own name. However, in the event of sudden death or very serious illness of a longstanding mooring facility holder where the immediate family wish to maintain their mooring Licence, the Harbour Authority will consider the issue of a Licence to a close family member for an agreed period to enable alternative arrangements to be made.

6.0.19 In the event of a dispute over the allocation of a mooring facility, an ad hoc sub-committee to consist of any three members of the Harbour Board will convene to resolve or determine any single (individual) case dispute in respect of berthing or mooring licences. Any such determination will be final and binding upon the parties (SH 26/10).

6.0.20 Length Overall (LOA) means the overall length of the space occupied by the boat including any fore and aft projections, temporary or permanent including pushpits, bowsprits, bumpkins, davits, tilted outboards, rudders etc.

6.0.21 It is a requirement for all owners to appoint an agent. This can be a friend or a professional boatyard, but they must have agreed to be the agent. An agent is a locally based person who can act on the owners' behalf at such times that the owner is unavailable.

6.1 Overall number of moorings

6.1.1 A number of years ago the Harbour Board capped the numbers of mooring facilities within the Estuary. This policy will be kept under constant review but is unlikely to change except in exceptional circumstances. It is acknowledged that Collapit Creek, Blanksmill Creek, Lower Frogmore Creek and Widegates are areas that will normally be kept free of moorings.

6.1.2 The Harbour Authority currently has the following mooring facilities:

Deep water swinging moorings	215
Deep water pontoon berths	60
Deep water visitor moorings	25
Deep water visitors' pontoon	25
Dentridge Commercial pontoons	16
Foreshore Moorings	630
Pontoon Berths	

Victoria Quay	77
Shadycombe	64
Batson	254
Kingsbridge	49

6.1.4 Many boatyards offer a “complete service” utilising Harbour Authority facilities but only two boatyards operate their own facilities within the Harbour, these are Winters, who have pontoon berths in Lincombe Bay and Yeowards who have moorings at Yalton, South Pool Creek.

6.2 Waiting Lists

6.2.1 The Harbour Authority maintains a waiting list for all of its mooring facilities.

6.2.2 A registration fee at current rates, which is refundable on mooring facility allocation, will be required for all mooring facility applications.

6.2.3 Once on the waiting list, applicants will be given priority for booking of visitor foreshore mooring facility. Bookings will be accepted for customers who are on the waiting list for a foreshore facility for finite period before bookings are accepted from the general public.

6.2.4 Should there be no applicants on a particular waiting lists, the mooring facility may be offered to a non resident. Mooring facilities which are allocated to non residents in these circumstances will be reviewed annually and, should a Resident be waiting for that facility, after a two year period of grace the mooring facility will not be renewed for the non-resident.

6.2.5 In addition to the waiting list for initial allocation, the Harbour Authority also maintains a waiting list for current facility holders who would like to move berth, mooring facility or change to a different facility.

6.2.5 Waiting list members should inform the harbour office when their residential status changes. In particular, should they become locally resident, the Harbour Authority cannot guarantee to recognise this in the allocation process unless they have been so informed by 1Jan in the year of allocation, and thus the applicants’ new allocation may be delayed.

6.3 Qualification Criteria for the Allocation of Mooring Facilities

6.3.1 The Harbour Board’s policy is to give priority for the allocation of mooring facilities to:

a. Locally resident South Hams Council Tax payers.

Then,

b. South Hams Council Tax payers, but not locally resident.

Then,

c. Other applicants.

- 6.3.2 Customers who move away from the South Hams will normally be given two years to make alternative mooring arrangements before the mooring facility licence is not renewed.
- 6.3.3 A private individual requiring a berth for a domestic or leisure purpose (as opposed to a business purpose) shall not be allocated more than one deep water berth, one foreshore pontoon berth and one foreshore berth whilst there is a waiting list (except at the discretion of the Harbour Master) a deep water berth may be exchanged for a foreshore berth.
- 6.3.4 Mooring facilities that were allocated prior to the requirement to be a resident of the South Hams (SH26/10).
- a. The requirement to be a resident of the South Hams for a mooring facility to be allocated has been a longstanding policy of the Harbour Authority. Records prior to the mid 1980s have been lost therefore the requirement to be a resident of the South Hams is taken as having been introduced on 23 January 1985, when the policy was re-confirmed.
 - b. Mooring facility holders who are not resident but who claim to have been allocated a mooring facility prior to the requirement to be a resident may apply to have their request to maintain annual renewal of their licence reviewed by the Board.
 - c. If the Board (or sub-committee of the Board convened for that purpose) is satisfied both that the applicant was allocated a mooring facility prior to the requirement to be a resident of the South Hams and that all other requirements of the licence are met, their mooring facility will be renewed annually until 24 March 2028¹, or until they have found a suitable alternative mooring facility.

6.4 Annual Mooring Facility Allocation Process

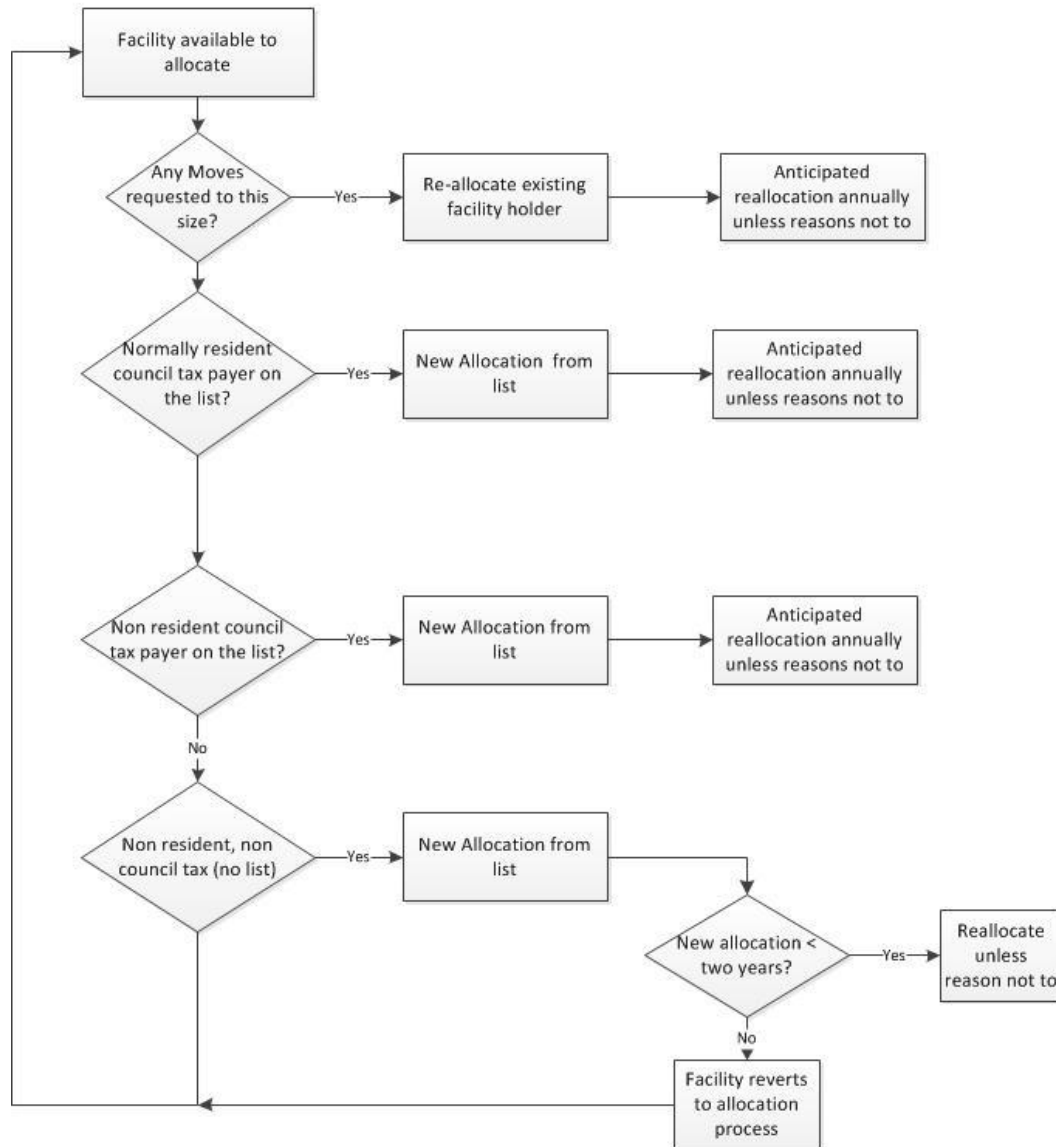
- 6.4.1 Under the terms of the Harbour Authority Lease from the Duchy of Cornwall, licences to customers for harbour facilities can only be for one year. Consequently all mooring facilities are re-allocated annually.
- 6.4.2 Providing customers continue to fulfil the mooring facility allocation criteria, mooring re-allocation will be straightforward. Where mooring holders no longer meet these criteria, the facility will be re-allocated.
- 6.4.2.1 The Harbour Authority retains the right to request mooring licence holders to prove their residency of the South Hams by production of valid Council Tax in the facility holder's name.

¹ Expiry date of the current lease from the Duchy of Cornwall.

- 6.4.2.2 Customers whose main address, to which correspondence is routinely posted, is outside the South Hams will be required to produce a valid SHDC Council Tax Bill in the name of the facility holder annually to renew a mooring licence.
- 6.4.3 The annual mooring facility allocation process will normally commence in October for the following year with the distribution of “retention” letters to current mooring facility holders.
- 6.4.4 Once the retention letters are returned, normally by the penultimate working Monday in December, the reallocation process will begin for customers who continue to satisfy the allocation criteria.
- 6.4.5 Persons renting Harbour Authority mooring facilities and arranging cruises for periods in excess of 12 months and under 2 years may be permitted to retain their mooring facility on payment of a fee equivalent to 50% of the full mooring facility charge, subject to the mooring facility holder signing an undertaking not to resume the use of the mooring facility until the expiry of the agreed period. If the mooring facility holder wishes to extend the absence beyond 2 years, this can be accommodated at the discretion of the Harbour Master and on payment of the full mooring facility fee. During the absence of the mooring facility holder the Harbour Authority reserves the right to let the mooring facility to visiting craft. Should this option be required it must be made known to the Harbour Office by December.
- 6.4.6 The first round of allocations is to the waiting list of current customers who have requested a mooring facility move.
- 6.4.7 The second round of allocations will be to customers from the waiting list whose primary residence is in the South Hams. At this stage the residency criteria will be checked. Before allocation, applicants will be required to present a copy of their Council Tax for their primary residence within the South Hams, ie not a second home. The harbour office will then check with SHDC Revenues and Benefits Department that the Council Tax Bill is for the applicant’s primary residence.
- 6.4.8 The third round of allocations, if there are still facilities available for allocation, will be to customers from the waiting list whose primary residence is not within the South Hams.
- 6.4.9 In the event that there is no demand from the waiting list for a particular facility, the mooring facility may be offered to a non-resident of the South Hams. The terms of 6.2.4 will apply.
- 6.4.10 The entire mooring facility allocation process should be complete by mid March.

6.4.11 Customers who indicate their desire to retain a facility and pay a retention fee will be contracted to pay for the facility. If they change their mind and the mooring facility is returned to the harbour before 1 March, the contract will be cancelled and the deposit lost. If the mooring facility is returned to the harbour after 1 March the contract will stand unless the facility can be re-let, when a pro rata refund will be made. Mooring facilities which are not required and become available after 1 March will be offered to the waiting list. If offers to the top quarter of the waiting list are not accepted, the facility will be used for visitors for that season, so keeping the facility available to the waiting list for the following season. The deposit payable for the retention of a Harbour facility will be set by the Harbour Board and reviewed annually.

SHB Facility Allocation Policy Flowchart



- **Initial Allocation** refers to the initial allocation of a facility in a class where a facility was not allocated to this customer in the previous year.
- **Re-allocation** refers to the annual allocation of facilities to customers who have been allocated a facility in this facility class in the previous year.
- **Facility Class**, for example deep water mooring is used since existing customers can move from one particular facility to another within a class without affecting new allocation wait lists. Initial allocations will be made considering suitability of facility within a class.
- Locally resident based on definition and declaration of normally resident. If this changes, facility is reallocated unless the customer ceases to be an SHDC Council tax payer, in which case there is a 2 years notice.
- Facility can be allocated to non SHDC Council Tax payers, but are in effect immediately on two years notice, so will normally be reallocated for a second year, then the facility reverts to the New Allocations process.

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6.5 Provision of Moorings for Visitors

- 6.5.1 Visitors' moorings are a significant element of the Harbour Authority's service to yachtsmen. The Harbour Authority provides a number of mooring facilities, both pontoon berths and swinging moorings, for the use of visitors.
- 6.5.2 The water taxi and the provision of convenient and adequate visiting dinghy facilities on Normandy Pontoon complement the mooring facility for the crews of visiting yachts.
- 6.5.3 Visiting vessels are charged in 1 metre bands.
- 6.5.4 Vessels anchoring will be charged Harbour Dues.
- 6.5.5 To encourage visiting yachts to visit the Salcombe and Kingsbridge Estuary the Harbour Board offer a range of promotional offers and discounts, which will be authorised and reviewed annually.
- 6.5.6 Multi-hulled vessels. Where moorings are shared, the standard mooring charge will be made, but where a multi-hulled vessel requires an individual mooring, a surcharge of 100% may be levied.

6.6 Deep Water Moorings

- 6.6.1 All deep-water mooring facilities will be owned, maintained and controlled by the Harbour Authority.
- 6.6.2 The only exceptions to this policy for deep water mooring facilities applies to the longstanding arrangements with Winters and Yeowards Boat Yard.
- 6.6.3 The western half of The Bag is identified as the site for high-density berthing.
- 6.6.4 Deep water swinging moorings will be charged according to the length of the boat, with a minimum charge for the facility.
- 6.6.5 Deep water pontoon berths will be charged according to the maximum length for which the facility is designed.

6.7 Foreshore Moorings

- 6.7.1 The Harbour Master is authorised to lift and impound any unauthorised mud mooring tackle.
- 6.7.2 Licensees of moorings which are not maintained by the Harbour Authority must confirm annually their compliance with the Harbour Authority's foreshore mooring tackle specifications detailed at Appendix 1.

- 6.7.3 Foreshore mooring facilities will be charged according to the length of the boat using the facility, with a minimum charge for the facility..
- 6.7.4 Foreshore mooring facility holders not using their mooring facility for a period of seven days or more are to inform the Harbour Authority. These mooring facilities, where practicable, will be made available to visitors on weekly contracts. In the event of a mooring facility being re-let by the Harbour Authority, the mooring Licence holder will receive a rebate of their mooring fees. The level of rebate will be set and reviewed annually.

6.8 Foreshore Pontoon Berths

- 6.8.1 The Harbour Authority pontoon berths are generally for vessels up to 2 metres beam and 5.5 metres length overall. There are a small number of larger berths for vessels up to 2.3m beam.
- 6.8.2 Pontoon berths at Batson, Victoria Quay and Kingsbridge will be allocated to private vessels only. Priority on Shadycombe Pontoon is given to business berths. Private berths given up on Shadycombe will normally transfer to business usage on re-allocation.
- 6.8.3 Pontoon facilities are rated for a maximum size of vessel. Customers will be charged according to this maximum size rather than the length of boat they berth on the facility.
- 6.8.4 Mooring facility holders not using their pontoon berth for a period of seven days or more are to inform the Harbour Authority as detailed in 6.7.4. These pontoon berths, where practicable, will be made available to visitors on weekly contracts. In the event of a mooring facility being re-let by the Harbour Authority, the mooring Licence holder will receive a rebate of their mooring fees. The level of rebate will be set and reviewed annually.

6.9 Salcombe Town Landings – Whitestrand and Normandy Pontoons

- 6.9.1 Following the redevelopment and improvements to the Salcombe Town Landings in 2011, the function of Whitestrand and Normandy Pontoons has changed.
- 6.9.2 From October to March Whitestrand Pontoon will be the Salcombe Town Landing. Between April and September Whitestrand Pontoon will be the commercial landing for all commercial vessels that have paid for a Whitestrand landing licence. Between 1900 and 0800 daily there will be two visitors' berths for vessels up to 12m. These berths can be booked in advance through the Harbour Office and will be charged at the normal visitor rates for the full 12m berth.
- 6.9.3 Whitestrand will, for the time being, continue to provide tender berthing for craft up to 4.25m. This service will be charged for in July and

August when a courtesy launch and remote overflow parking facilities will be provided.

6.9.4 From October to March Normandy Pontoon will provide berthing for visiting yachts for up to 30 minutes. Between April and September Normandy Pontoon will be extended and provide two distinct functions. The Northern section will be the Town landing for picking up and setting down only, no unattended berthing. On the back of the Northern section Town Landing there will be berthing for craft of up to 5.5m for 2 hours in any 24 hour period. The southern section of the Normandy Pontoon will provide temporary berthing for visiting yachts for up to 30 minutes on the outside and tender berthing for visiting yachts on the inside.

6.10 Normandy Pontoon

6.10.1 Overnight berthing is generally not allowed on Normandy Pontoon. The southern end of Normandy Pontoon will be kept available overnight for the RNLi to berth casualty vessels. In exceptional circumstances the Harbour Master's permission may be given for longer berthing on Normandy Pontoon. Generally visiting yachts are limited to 30 minutes.

6.10.1 Double berthing on Normandy Pontoon is prohibited as it constrains the channel.

6.11 House Boat Moorings

6.11.1 The number of commercial houseboats will not exceed three. Whilst there shall be no increase allowed in the number of houseboats in Salcombe Harbour, replacements will be permitted subject to the design of replacements being first approved by the Harbour Board.

6.11.2 Permanent residence on houseboats is prohibited.

6.11.3 The charge for houseboats shall be twice the basic harbour dues and moorings charge for the size of an equivalent vessel.

6.12 Fishing Boat Moorings

6.12.1 The total number of fishing vessels on deep water mooring facilities shall not exceed 25.

6.12.2 Fishing vessel mooring facilities will be charged at the standard annual rate.

6.12.3 The Harbour Authority will give priority to recognised local commercial fishing vessels, providing the vessel is being used for fishing as a full time business activity, subject to availability of a suitable mooring

facility. Six months' notice will be required for new fishing vessels, excluding replacement vessels, requiring a harbour mooring facility.

6.12.4 If stern frames are fitted, the expense of any necessary reorganisation of mooring pattern will have to be borne by the vessel's owner; and the Harbour Board will give no guarantee that an appropriate re-arrangement of the mooring pattern will be possible for individual cases and certain vessels might be required to relinquish their existing berths.

6.12.5 The Harbour Authority will make a number of Store box mooring facilities available in Castle Bay and Ditch End for allocation to Fishermen and Fish Merchants.

6.13 Commercial Moorings

6.13.1 Businesses requiring additional mooring facilities, and new businesses requiring facilities to support that business, will submit a written request with their justification for additional mooring facilities to the Harbour Board by 30 November annually for consideration during mooring facility allocations for the following season.

6.13.2 In assessing the reasonable needs of a marine business the Harbour Authority will consider all relevant factors. These may include but are not limited to:

- a. The number of mooring facilities available for allocation and the overall % of mooring facilities allocated to commercial activity;
- b. the number of mooring facilities currently available to that business;
- c. the number of boats (licensed as pleasure boats) belonging to that business which are regularly hired out as part of a hire boat business;
- d. the number of boats owned by customers of that business for which a *bona fide* "complete service" is provided, viz the care and control of a customer's boat throughout the year (except for short temporary periods when a customer removes their boat to sail personally), ensuring a customer's boat is safely moored, during the winter, removing a customer's boat from the harbour and arranging for winter storage, and carrying out all necessary repairs and maintenance to a customer's boat. Any lesser service than this "complete service" will be disregarded by the Harbour Authority.
- e. The service the business is proposing to offer.

6.13.3 No single factor illustrated above shall outweigh the other factors. Any information supplied to the Harbour Authority under this paragraph will be treated as commercially confidential.

6.13.4 In relation to a marine business not providing the majority of services detailed above, e.g. a sailing school etc; similar factors will be considered by the Harbour Authority in determining the number of berths for that business.

6.13.5 Where the whole or part of a business is sold:

- a. If the whole business is sold, including the business name and goodwill, then the Harbour Authority will transfer the mooring facilities to the new owners so long as there is no change of usage of the mooring facilities. If the mooring facilities are held on licence (private mooring tackle), the moorings will become Harbour Authority owned and maintained facilities.
- b. Where a recognisable or significant quantity of business assets have been sold this shall be reported "in confidence" by the present holder of a Moorings Licence (or Harbour Moorings Licence) to the Harbour Authority. In addition, where a recognisable or significant quantity of business assets have been purchased from an existing holder of a Mooring Licence or Harbour Moorings Licence) in the expectation of such licences being surrendered by the present holder to the Harbour Authority and the Harbour Authority granting new licences to the purchaser of those business assets, or on expiry of the present holder's Moorings Licences, the Harbour Authority may in accordance with the policies contained herein adjust the number of licences allocated to the seller of those business assets, and may, at its discretion, grant an appropriate number of new licences to the buyer of those business assets.

6.13.6 Where, in the opinion of the Harbour Authority, a business no longer reasonably requires the renewal of the present number of berths allocated to it, then, on the expiry of those licences, the number of berths may be reduced or not renewed. This will follow a period of consultation between the business and the Harbour Authority.

6.13.7 Harbour facilities used by businesses for commercial sub-letting purposes will be charged a 50% surcharge on the standard facility charge.

6.14 Laying up

6.14.1 No vessel shall be permitted to lay-up on its mooring facility for more than two years.

6.14.1 Laying up on the foreshore is not permitted without the written permission of the Harbour Master.

6.14.3 Vessels not in regular use and, in the professional opinion of the Harbour Master are un-seaworthy, will be directed to be removed from the harbour and the mooring facility will revert to the Harbour Authority for re-allocation.

6.15 Insurance

6.15.1 All craft using the Harbour must be covered for third party liabilities. The level of third party liability will be reviewed annually by the Harbour Board and will invariably follow the current industry standard amount. Failure to maintain insurance cover will result in the withdrawal of mooring/launching facilities.

6.15.2 Customer invoices state that in paying the invoice they are “confirming that they have and will maintain third party liability insurance”.

6.15.3 The licensee shall, if requested, be obliged to produce evidence to Salcombe Harbour Authority of all such insurance within 2 days of being requested to do so. If the insurances have lapsed or been withdrawn or avoided, the Harbour Authority have the right to remove the boat from the berth and either to place it ashore on hard standing or to place it on a mooring or staging or other facility in the harbour or elsewhere. The costs of any such removal will be charged to the owner at normal commercial rates.

6.16 Disabled Access

6.16.1 There is a legal obligation on the Harbour Authority to provide disabled access to facilities wherever this is reasonably practical. The Harbour Authority has sought to meet these obligations for physically disabled access at:

Whitestrاند Pontoon Salcombe
Normandy Pontoon Salcombe
Batson Pontoon Salcombe
Kingsbridge Basin Pontoon, Kingsbridge

6.16.2 The Harbour Authority has no dedicated berthing arrangements for sailors with disabilities, however if a customer has a specific need or requirement the Harbour Authority will endeavour to make arrangements to meet the requirement.

6.17 Private Foreshore Mooring Licences

6.17.1 Private Foreshore Mooring Licences are private mooring facilities established on foreshore which is privately owned within the statutory

harbour limits. Prior to the granting of a Private Foreshore Mooring Licence, for which there is no charge, the Harbour Authority will consider the implications of the mooring facility on safe navigation and the pre-existence of any Harbour Authority Moorings or licences within the vicinity. Private Foreshore Mooring Licences will be recorded on the Harbour Records of Mooring facilities and must be maintained in accordance with the mooring specifications in Appendix 1. Failure to do so will lead to the licence being withdrawn.

6.18 Crime Prevention

- 6.18.1 The Harbour Authority levies a security charge on all facility holders. This finances a Crime Prevention Security Contractor to augment the presence and patrolling outside of the hours covered by the Harbour Staff.
- 6.18.2 Free mooring facilities will be provided, and harbour dues be waived for vessels operating temporarily within the Harbour on behalf of Devon and Cornwall Constabulary and the Severn and Devon IFCA.

Appendix 1 to
Salcombe harbour Authority Moorings Policy
Dated 12 November 2012

Foreshore Mooring Tackle Specification

FORESHORE MOORING AREAS	Max. length O/A 14 FT	Max length O/A 18ft	Max length O/A 22 ft	Max length O/A 28ft	Max length O/A 32 ft	Excess of 32 separately assessed
1. Ferry crossing – seawards at Salcombe	B	C	D or E	E or F	F	
2. Ferry crossing – inwards to Fishpond Corner – Snapes Point and Gullet Point	A or B	C	D	E	F	
3. South Pool and Waterhead creeks East of Gullet Point	A	B	D	E	F	
4. Batson and Shadycombe creeks north of Fishpond Corner	A	B	D	E	F	
5. East and West foreshores in “Bag” between Snapes point and Halwell Point	A or B	B or C	D	E	F	
6. Frogmore Creek East	A	B or C	D	E	F	
7. North of Charleton Point to High House Landing including Newbridge and Balcombe Creek	B	C	D or E	E or F	F	
8. North of High House Landing to New Quay pontoon, Kingsbridge	A	B or C	D	E	F	
9. North of New Quay Pontoon to include Kingsbridge Creek	A	B or C	D	E	F	

Where two specifications are quoted, then the heavier tackle specification should be used unless the boat is of light displacement for her length.

MOORING SPECIFICATION ‘A’

For use with a vessel up to a maximum length of 5.49 metres (18’) overall in a maximum expected depth of 4.5 metres (14’8”) in the areas set out in the mooring category plan.

- (i) 30 cms. (12”) diameter hand pick-up buoy with 13.64 kg. (30lb) buoyancy.
- (ii) 2 metres (6’6”) of non-floating rope.
- (iii) 3 metres (9’8”) of 10 mm (3/8”) chain.
- (iv) 1 x 10 mm (3/8”) swivel and shackles to fit.
- (v) 2 metres (6’6”) of 13 mm (1/2”) chain
- (vi) 1 x ¾ cwt block – suitably flat and reinforced, fitted with a 13 mm (1/2”) connecting eye.
- (vii) All shackles to be seized with galvanised wire. The block to be dug in below surface mud

MOORING SPECIFICATION 'B'

For use with a vessel up to a maximum length of 5.49 metres (18') overall in a maximum expected depth of 4.5 metres (14'8") in the areas set out in the mooring category plan.

- (i) 30 cms. (12") diameter hand pick-up buoy with 13.64 kg. (30lb) buoyancy
- (ii) 2 metres (6'6") non-floating rope.
- (iii) 2 metres (6'6") of 10 mm (3/8") chain
- (iv) 1 x 13 mm (1/2") swivel and shackles to fit.
- (v) 4 metres (13'1") of 13 mm (1/2") chain
- (vi) 1 x 1 1/4" cwt block – suitably flat and reinforced, fitted with a 13 mm (1/2") connecting eye.
- (vii) All shackles to be seized with galvanised wire. The block to be dug in below surface mud

MOORING SPECIFICATION 'C'

For use with a vessel up to a maximum length of 5.5 metres (18') overall in a maximum expected depth of 5.5 metres (18') in the areas set out in the mooring category plan.

- (i) 30 cm (12") diameter hand pick-up buoy with 13.64 kg (30lb) buoyancy
- (ii) 2 metres (6'6") of non-floating rope.
- (iii) 4 metres (13'1") of 10 mm (3/8") chain.
- (iv) 1 x 13 mm (1/2") swivel and shackles to fit
- (v) 4 metres (13'1") of 13 mm (1/2") chain.
- (vi) 1 x 1 1/4 cwt block – suitably flat and reinforced, fitted with a 13 mm (1/2") connecting eye
- (vii) All shackles to be seized with galvanised wire. The block to be dug in below surface mud

MOORING SPECIFICATION 'D'

For use in a vessel up to a maximum length of 6.71 metres (22') overall in a maximum expected depth of 5.5 metres (18') in the areas set out in the mooring category plan.

- (i) 30 cm. (12") diameter hand pick-up buoy with 13.64 kg. (30lb) buoyancy.
- (ii) 3 metres (9'8") of 8 mm (¼ ") non-floating rope
- (iii) 2 metres (6'6") of 8 mm (3/8") chain.
- (iv) 1 x 13 mm (½ ") swivel and shackles to fit.
- (v) 4 metres (13'1") of 13 mm (½ ") chain
- (vi) 2 metres (6'6") of 16 mm (5/8") chain
- (vii) 1 x 1 ¾ cwt block – suitably flat and reinforced, fitted with a 16 mm (5/8") connecting eye.
- (viii) All shackles to be seized with galvanised wire. The block to be dug in below surface mud

MOORING SPECIFICATION 'E'

For use with a vessel up to a maximum length of 8.53 metres (28') overall in a maximum expected depth of 5.5 metres (18') in the areas set out in the mooring category plan.

- (i) 1 x 120 cm (46") circumference mooring buoy
- (ii) Pick-up chain suitable to vessel concerned – minimum 10 mm (3/8")
- (iii) 1 x 16 mm (5/8") swivel and shackles to fit
- (iv) 6 metres (19'7") of 13 mm (½ ") chain
- (v) 2 metres (6'6") of 19 mm (¾ ") chain
- (vi) 1 x 2 ¼ cwt block – suitably flat and reinforced, fitted with a 19 mm (¾ ") connecting eye.
- (vii) All shackles to be seized with galvanised wire. The block to be dug in below surface mud

MOORING SPECIFICATION 'F'

For use with a vessel up to a maximum length of 9.75 metres (32') overall in a maximum expected depth of 5.5 metres (18') in the areas set out in the mooring category plan.

- (i) 1 x 120 cm. (46") circumference mooring buoy
- (ii) Pick-up chain suitable for vessel concerned – minimum 10 mm (3/8")
- (iii) 1 x 16 mm (5/8") swivel and shackles to fit.
- (iv) 6 metres (19'7") of 13 mm (½ ") chain
- (v) 3 metres (9'8") of 19 mm (¾ ") chain
- (vi) 1 x 3 cwt block – suitably flat and reinforced, fitted with a 19 mm (¾") connecting eye
- (vii) All shackles to be seized with galvanised wire. The block to be dug in below surface mud

MOORING SPECIFICATION KINGSBRIDGE QUAY

For use with a vessel up to a maximum length of 6.1 metres (20') overall in a maximum expected depth of 3.5 metres (11'5") in sheltered areas as set out in the mooring category plan.

- (i) 30 cms. (12") diameter hand pick-up buoy with 13.64 kg. (30lb) buoyancy. Properly marked with buoy reference number.
- (ii) 2 metres (6'6") of non-floating rope. (Only for floating buoy when vessel not in).
- (iii) 2 metres (6'6") of 10 mm (3/8") chain
- (iv) 2 metres (6'6") of 13 mm (1/2") chain
- (v) 1 x 3/4 cwt block – suitably flat and reinforced, fitted with a 13 mm (1/2") connecting eye
- (vi) All shackles to be seized with galvanised wire. The block to be dug in below surface mud

SOUTH HAMS DISTRICT COUNCIL

BERTHING VESSELS within Salcombe Harbour and Kingsbridge Estuary

TERMS AND CONDITIONS of a BERTHING LICENCE
(for berthing a vessel against the Council's pontoon or mooring facility)

1. Duration of Licence

The Licence will:-

- (a) run for the maximum duration of 12 months or such other period as may be specified² (in accordance with Section 16 of the Schedule to the Pier and Harbour Order (Salcombe) Confirmation Act 1954) and is only effective for the year of issue or the alternatively specified period;
- (b) commence on 1 April and expire on 31 March³ of the following year ("the expiry date") unless the licence is for an alternative period, subject to the licensee remaining a resident of the South Hams as defined in the Moorings Policy.
- (c) except that if before the expiry date:-
 - (i) the Council has sent to the licensee a retention form and request for a registration fee; and
 - (ii) the licensee has within the period specified by the Council returned the retention form, indicating that he wishes the licence to continue, and has paid the registration fee; and
 - (iii) the Council has subsequently sent to the licensee an invoice demanding the licence fee (less the registration fee) for the year commencing immediately after the expiry date; and
 - (iv) the balance of the licence fee demanded on the invoice is paid before the expiry date,

then the berthing licence shall be deemed to run for a further 12 months period (or such alternative specified period) immediately following the expiry date; this being subject to the residency requirements of the Moorings' Policy.

² Batson and Victoria Quay Pontoons 7 months, South Sands 5 months.

³ Batson and Victoria Quay Pontoons 1 April – 31 October, South Sands 1 May – 30 September.

2. Unless a berthing licence is renewed as mentioned in paragraph (b) above then it will expire on the expiry date of the 31 March or such alternative date as is specified.

3. Entitlement to a Berthing Licence

The berthing licence is issued subject to the terms and conditions contained herein to berth against the Council's pontoon or other mooring facility or part thereof (hereinafter called "the mooring facility") in accordance with the directions of the Harbour Master and is for either:-

- (a) the vessel named on the printed berthing licence or the invoice demanding the licence fee; or
- (b) (if no particular vessel is named on the said licence or said invoice) a vessel of the maximum length, beam, draught and type specified in the said licence or said invoice.

4. Forfeiture of Licence

Should the licensee fail to comply with any of the terms and conditions herein then the Council may terminate this licence by sending written notice to the licensee whereupon this licence will terminate 14 days from the date of such written notice. Should forfeiture occur then the whole of the licence fee shall be retained by the Council.

5. Determination of Licence by the Licensee

The licensee can determine this licence by giving 14 days notice in writing to the Council. However the licence fee already paid shall be retained by the Council.

6. Removal of vessel from Mooring Facility

On the expiration or earlier determination of this licence the licensee shall remove the vessel from the mooring facility.

7. Prohibition on Assignment/Sub-letting etc.

- (a) This berthing licence is personal to the licensee, and cannot be transferred or assigned by the licensee to any other person.
- (b) Subject to paragraph 7(c), the licensee must not sublet, subcontract, hire out, license or lend to any other person its right to use the mooring facility.
- (c) A licensee which is a marine business
 - (i) MAY use the mooring facility to berth a customer's vessel, in order to provide a "complete service" to that customer;
 - (ii) MUST NOT sublet, subcontract, hire out, license or lend its right to use the mooring facility to another marine

business, for that business in turn to berth a customer's vessel.

- (d) In this paragraph 7, "complete service" means the care and control of a customer's vessel throughout the year (except short temporary periods when a customer removes his vessel to use it himself), ensuring a customer's vessel is safely moored, during the winter removing a customer's vessel from the Harbour and arranging for winter storage, and carrying out all necessary repairs and maintenance to a customer's vessel.

8. Own Risk and Indemnity

- (a) This licence only enables the licensee to berth against the mooring facility the vessel described on the Council's berthing licence or invoice. The Council gives no guarantee as to the safety or security of any vessel (or its contents) berthed against the mooring facility.
- (b) The licensee shall be responsible for all liabilities and claims arising from the presence within the Harbour and the Estuary of any berthing against the mooring facility by virtue of this licence and shall indemnify the Council against all such claims.

9. Insurance

- (a) The licensee shall at all times have an effective third party/public liability insurance policy in a sum of at least £3,000,000 with a reputable insurance company to cover all claims arising in respect of any vessel to be berthed against the mooring facility.
- (b) If required the licensee shall provide such third party insurance policy for inspection together with a current premium receipt.

10. Reckless Conduct and Disorderly Behaviour

- (a) The licensee (including any person in control or in charge of any vessel using the mooring facility by virtue of this licence) shall not use the mooring facility in a reckless manner so as to cause danger to other users of the Harbour and Estuary or damage to their property
- (b) The licensee (including any persons on board a vessel berthed against the mooring facility by virtue of this licence) shall not cause unreasonable noise, nuisance or annoyance to other users of the Harbour and Estuary.

11. Compliance with Byelaws and Directions of the Harbour Master

The licensee (including all persons having control or having charge of or being aboard a vessel berthed against the mooring facility) shall observe and perform all statutory and other obligations relating to the Harbour and Estuary including all Byelaws and Regulations made by the Council and Directions given by the Harbour Master.

12. Payment of Harbour Dues

All monies owing to the Council as general dues for use of the Harbour under Section 22 of the Schedule to the Pier and Harbour Order (Salcombe) Confirmation Act 1954 shall be paid promptly and in any event within four weeks of a written demand for payment.

13. Re-siting of Berthing Facility

If so required by a notice in writing from the Harbour Master the licensee shall on the expiration of 14 days from the date specified in such Notice cease using the mooring facility allocated initially by this licence and shall only use the mooring facility relocated elsewhere in the Harbour or Estuary as specified in the said Notice from the Harbour Master.

14. Recovery of Unpaid Licence Fee

Without prejudice to any other method of recovery of any unpaid licence fee by virtue of Section 44 of the Harbours Docks and Piers Clauses Act 1847 the Council may distrain and sell any vessel entitled by this licence to be berthed against it.

15. Contract for services

Customers who indicate their desire to retain a mooring facility and pay a deposit of £125 are contracted to pay for that facility. If the facility is returned to the harbour before 1 March the contract will be cancelled and the deposit lost. If the facility is returned to the harbour after 1 March the contract will stand unless the facility can be re-let, when a pro rata refund will be made.

16. Temporary absence of the Licensee's Vessel and use of mooring facility by other vessels

- (a) If the vessel entitled to be berthed is to be absent from the Harbour and Estuary (or from the mooring facility) for more than 24 hours then the licensee (or person in charge of the vessel) shall notify the Harbour Master and shall also indicate how long such vessel is expected to be away from the Harbour and Estuary or away from the mooring facility.
- (b) While the mooring facility is not being used by the licensee's vessel the Council reserve the right for the Council to permit other vessels to use the mooring facility.
- (c) Should the licensee's vessel return to the mooring facility earlier than the period of absence notified to the Harbour Master then the Council undertakes (after being notified of such changed circumstances) that the Harbour Master will in his discretion

either find the licensee a temporary alternative mooring facility or remove any vessel preventing the licensee from using the mooring facility.

17. Absence of Licensee's Vessel for a period of at least one year but no longer than two years

If a licensee's vessel is to be absent from the Harbour or the mooring facility for at least 12 months but no longer than 24 months then special arrangements can be made with the Harbour Master. In such circumstances application should be made to the Harbour Office for further information.

18. Force Majeur

Should any loss or damage be caused to the mooring facility for any reason whatsoever (other than the negligence of the Council) then the Council shall not be liable to the licensee for any consequential loss or damage (including death and personal injury) arising from the same nor for unreasonable delays caused by matters outside the Council's control in repairing or reinstating the mooring facility.

19. Repairing Vessels

No substantial or major work of repair or maintenance to a vessel berthed against the mooring facility shall take place without the prior consent of the Harbour Master.

20. Service of Notices

Any notice which is required to be given to the Harbour Master or to the licensee may be given by leaving it or sending it in a prepaid letter in the case of the Harbour Master addressed to his office at Salcombe or in the case of the licensee addressed to him at his last known place of abode or business. It is the responsibility of the licensee to ensure that contact address details are up to date at all times. Service of notices and documents will be deemed effective to that address as notified by the licensee.

21. Documentary Evidence of Licence

A berthing licence incorporating all the terms and conditions herein contained shall be deemed to exist:-

- (a) on payment of the appropriate berthing licence fee together with the issue of a printed berthing licence signed by the Harbour Master or

- (b) on payment by the licensee (before the expiry date referred to in paragraph 1(b) above) of an invoice issued by the Council in respect of a berthing licence.

22. Definitions

- (a) “the mooring facility” is defined in paragraph 3 above.
- (b) “the expiry date” of this licence is described in paragraph 1(b) above.

SOUTH HAMS DISTRICT COUNCIL

BERTHING VESSELS within Salcombe Harbour and Kingsbridge Estuary

TERMS AND CONDITIONS of a MOORING LICENCE
(for laying private mooring tackle or pontoons
on the Council's fundus or foreshore)

16. Duration of Licence

The Licence will:-

- (d) run for the maximum duration of 12 months (in accordance with Section 16 of the Schedule to the Pier and Harbour Order (Salcombe) Confirmation Act 1954) and is only effective for the year of issue;
- (e) commence on 1 April and expire on 31 March of the following year ("the expiry date"), subject to the licensee remaining a resident of the South Hams as defined in the Moorings Policy.
- (f) except that if before the expiry date:-
 - (v) the Council has sent to the licensee a retention form and request for a registration fee; and
 - (vi) the licensee has within the period specified by the Council returned the retention form, indicating that he wishes the licence to continue, and has paid the registration fee; and
 - (vii) the Council has subsequently sent to the licensee an invoice demanding the licence fee (less the registration fee) for the year commencing immediately after the expiry date; and
 - (viii) the balance of the licence fee demanded on the invoice is paid by the date demanded on the invoice,

then the mooring licence shall be deemed to run for a further 12 months period immediately following the expiry date; this being subject to the residency requirements of the Moorings' Policy.

17. Unless a mooring licence is renewed as mentioned in paragraph (b) above then it will expire on the expiry date of the 31 March of the relevant year.

18. Entitlement of Mooring Licence

Subject to the terms and conditions herein contained:-

- (c) to lay down mooring tackle or pontoons of the type and specification (if any) and in the position shown on the mooring contract or the invoice demanding the licence fee (the mooring facility”); and
- (d) to berth against the mooring facility either:-
 - (i) the vessel named on the printed mooring licence or the invoice demanding the licence fee; or
 - (ii) (if no particular vessel is named on the said licence or the said invoice) a vessel of the maximum length, beam, draught and type specified in the said licence or said invoice.

19. Forfeiture of Licence

Should the licensee fail to comply with any of the terms and conditions herein then the Council may terminate this licence by sending written notice to the licensee whereupon this licence will terminate 14 days from the date of issue of such written notice. Should forfeiture occur then the whole of the licence fee shall be retained by the Council.

20. Determination of Licence by the Licensee

The licensee can determine this licence by giving 14 days notice in writing to the Council, however the licence fee already paid shall be retained by the Council.

21. Removal of vessel from Mooring Facility

- (a) On the expiration or earlier determination of this licence the licensee shall remove the mooring facility from all those parts of Salcombe Harbour and the Kingsbridge Estuary within the freehold or leasehold ownership of the Council.
- (b) Should the licensee fail to comply with the obligation set out in 6 (a) then the Council may do so at the expense of the licensee.
- (c) Should the Council be put to the expense of removing the mooring facility in accordance with paragraph 6 (b) then the Council may at its discretion after the removal of the mooring facility sell the same (in complete or partial satisfaction of the expenses due to the Council under the said paragraph 6 (b)) or destroy the same.

22. Prohibition on Assignment/ Sub-letting etc

- (e) The mooring licence is personal to the licensee, and cannot be transferred or assigned by the licensee to any other person.

- (f) Subject to paragraph 7(c), the licensee must not sublet, subcontract, hire out, license or lend to any other person its right to use the mooring facility.
- (g) A licensee which is a marine business
 - (iii) MAY use the mooring facility to berth a customer's vessel, in order to provide a "complete service" to that customer;
 - (iv) MUST NOT sublet, subcontract, hire out, license or lend its right to use the mooring facility to another marine business, for that business in turn to berth a customer's vessel.
- (h) In this paragraph 7, "complete service" means the care and control of a customer's vessel throughout the year (except short temporary periods when a customer removes his vessel to use it himself), ensuring a customer's vessel is safely moored, during the winter, removing a customer's vessel from the Harbour and arranging for winter storage, and carrying out all necessary repairs and maintenance to a customer's vessel.

23. Laying Down and Maintenance of the Mooring facility

- (a) Initially the mooring facility shall be laid down in a proper manner to the satisfaction of the Harbour Master.
- (b) Thereafter the mooring facility shall be maintained in a proper manner to the satisfaction of the Harbour Master.
- (c) Should the need for repairs or replacement of the mooring facility arise (over and above usual maintenance) howsoever such damage is caused, then such repairs or replacement (with a similar type of compatible mooring facility) shall be carried out without delay.

24. Own Risk and Indemnity

- (c) This licence only enables the licensee to berth against the mooring facility that vessel described on the Council's mooring licence or invoice. The Council gives no guarantee as to the safety or security of any vessel (or its contents) berthed against the mooring facility.
- (d) The licensee shall be responsible for all liabilities and claims arising from the presence within the Harbour and the Estuary of any berthing against the mooring facility by virtue of this licence and shall indemnify the Council against all such claims subject to the insurance provisions below.

25. Insurance

- (c) The licensee shall at all times have an effective third party/public liability insurance policy in a sum of at least £3,000,000 with a reputable insurance company to cover all claims arising in respect of any vessel to be berthed against the mooring facility.

- (d) If required the licensee shall provide such third party insurance policy for inspection together with a current premium receipt.

26. Reckless Conduct and Disorderly Behaviour

- (c) The licensee (including any person in control or in charge of any vessel using the mooring facility by virtue of this licence) shall not use the mooring facility in a reckless manner so as to cause danger to other users of the Harbour and Estuary or damage to their property
- (d) The licensee (including any persons on board a vessel berthed against the mooring facility by virtue of this licence) shall not cause unreasonable noise, nuisance or annoyance to other users of the Harbour and Estuary.

27. Compliance with Byelaws and Directions of the Harbour Master

The licensee (including all persons having control or having charge of or being aboard a vessel berthed against the mooring facility) shall observe and perform all statutory and other obligations relating to the Harbour and Estuary including all Byelaws and Regulations made by the Council and Directions given by the Harbour Master.

28. Payment of Harbour Dues

All monies owing to the Council as general dues for use of the Harbour under Section 22 of the Schedule to the Pier and Harbour Order (Salcombe) Confirmation Act 1954 shall be paid promptly and in any event within four weeks of a written demand for payment.

29. Re-siting of Berthing Facility

If so required by a Notice in writing from the Harbour Master the licensee shall on the expiration of 14 days from the date specified in such Notice cease using the mooring facility allocated initially by this licence and shall only use the mooring facility relocated elsewhere in the Harbour or Estuary as specified in the said Notice.

30. Recovery of Unpaid Licence Fee

Without prejudice to any other method of recovery of any unpaid licence fee by virtue of Section 44 of the Harbours Docks and Piers Clauses Act 1847 the Council may distrain and sell any vessel entitled by this licence to be berthed against it.

16. Repairing Vessels

No substantial or major work of repair or maintenance to a vessel berthed against the mooring facility shall take place without the prior consent of the Harbour Master.

17. Service of Notices

Any notice which is required to be given to the Harbour Master or to the licensee may be given by leaving it or sending it in a prepaid letter in the case of the Harbour Master addressed to his office at Salcombe or in the case of the licensee addressed to him at his last known place of abode or business. It is the responsibility of the licensee to ensure that contact address details are up to date at all times. Service of notices and documents will be deemed effective to that address as notified by the licensee.

18. Documentary Evidence of Licence

A mooring licence incorporating all the terms and conditions herein contained shall be deemed to exist:-

- (c) on payment of the appropriate mooring licence fee together with the issue of a printed berthing licence signed by the Harbour Master; or
- (d) on payment by the licensee (before the expiry date referred to in paragraph 1(b) above) of an invoice issued by the Council in respect of a mooring licence.

19. Definitions

- (c) "the mooring facility" is defined in paragraph 3 above.
- (d) "the expiry date" of this licence is described in paragraph 1(b) above.

AGENDA
ITEM

11

SOUTH HAMS DISTRICT COUNCIL

AGENDA
ITEM

11

NAME OF COMMITTEE	Salcombe Harbour Board
DATE	12 November 2012
REPORT TITLE	PERFORMANCE MANAGEMENT
REPORT OF	Salcombe Harbour Master
WARDS AFFECTED	All South Hams

Summary of Report

To report the Harbour's performance against agreed Performance Indicators (PIs).

RECOMMENDATION

That the Harbour Board RESOLVES to Note Harbour Performance against agreed Performance Indicators.

1. BACKGROUND

1.1 The Harbour Board endorsed the introduction of a set of PIs and to have them reported as a standing agenda item (SH 26/06).

2. ISSUES FOR CONSIDERATION

2.1 This report of Harbour Performance Indicators covers the period from 1 July to 30 September 2012. The detailed report against the agreed performance Indicators with comments for the period is at Appendix A. Detailed comments below are limited to where targets have not been met or have exceeded by a considerable margin:

2.1.1 SH 5(L) Slipways and steps Inspected and cleaned. **Kingsbridge slipway** is breaking up which makes it difficult for the Harbour Authority to keep the slipway clean and free of slippery weed. Slipway remains serviceable but needs remedial work. **Cliff House Garden steps**, were damaged by storms during the winter and finally collapsed on 13 June. The Cliff House Garden steps have been removed by the Harbour Authority and a replacement will be fabricated over the winter ready for next summer.

2.1.2 SH9 (L) Mooring Failures. There were three Mooring Licences, with tackle laid and maintained by the customer and not the Harbour Authority, failed during the summer storms. All of the

customers had signed to say that the mooring tackle had been inspected and maintained.

- 2.1.3 SH22(L) Health and Safety Incidents and Accidents (Staff). There were no accidents, but one near miss involving the slipway hoist. Whilst attempting to lift a boat that was taking in water, the free surface water moved when the hoist started moving out of the water which caused the boat to move in the hoist strops. The boat was re-launched successfully.
- 2.1.4 SH22A(L) Health and Safety Incidents and Accidents (Public). One crew member on a visiting yacht dislocated his shoulder, another hit his head on the anchor whilst anchoring a small boat at the beach.
- 2.1.5 SH23(L) Speeding Offences Detected. There were 32 boat owners cautioned for dangerous navigation and speed offences during the 2nd quarter, almost a 50% reduction from last year. There is one ongoing Bye-Law prosecution which has yet to come to Court.
- 2.1.6 SH24(L) Minor Collisions. Although the number of minor collisions reported during the 2nd quarter as down by almost 50% over last year there is still considerable concern over the number of minor collisions which go unreported.
- 2.1.7 SH30(L) Marine Crime. The Harbour Staff and Devon and Cornwall Police pursued proactive crime prevention campaign throughout the season, sending out 37 letters to customers alerting them to “criminal opportunities” presented by their boats and equipment. This may have contributed to this reduction in reported crime for this reporting period.
- 2.1.8 SH 33(L) Customer Complaints. There were three complaints from Harbour Customers during this quarter. One was regarding the lack of access to the Kingsbridge Slipway during Fair Week, in particular the fact that the Harbour Authority had not informed customers of the impact of the fair on slipway access. The second complaint was from a customer who had hired a mooring from a marine contractor. The complaint centred on the Harbour’s response to a request to move his boat. As the boat was on a licensed mooring laid and operated by a marine contractor, the request was forwarded to the marine contractor. The third complaint was from one harbour user about the navigation of another harbour user. An investigation into the complaint was terminated as no “evidence”, other than one word against the other was available. Generally customer satisfaction has been very good during this reporting period with 12 complimentary letters received from satisfied customers.
- 2.1.9 SH34(L) Income from Visiting Yachts. Visiting yacht income for the second quarter was down by 6% on last year’s figures. This follows a 25% fall from the first quarter which overall this year represents 14% less income than for the same period last year.
- 2.1.10 SH 35(L) Visiting Yacht Numbers. Visiting yacht numbers directly correlate to SH34(L) Visiting Yacht Income and are down by 12%

over the same period last year. This poor performance is attributed to the poor summer weather. Although yacht numbers are down by 19% for the year so far, the number of yacht nights is only down by 5%. This reflects the fact that visiting yachts are staying a little longer, possibly because of the storm conditions in the English Channel.

2.1.11 SH37(L) Yacht Taxi. The number of passengers carried in the 2nd quarter is down by 20%. To date only 19,004 passengers have been carried by the yacht taxi, this represents a 22% decrease in passenger numbers over last year's excellent figures.

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 direct financial implications as a result of this report. This report highlights performance issues which may have financial implications at a later date. Should this be the case a separate report will be brought forward for the Harbour Board's consideration.

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 setting and monitoring of realistic Performance Targets will enable the Harbour Board to ensure that statutory obligations are met and that there is real improvement in the service offered to users of Salcombe harbour The Harbour Authority is not delivering a satisfactory service to harbour users. Trends and issues can be identified early and policies and strategies developed to address issues.	3	2	6	The Harbour Board, through its contact with harbour Community Forums and by setting and monitoring performance standards will be in a position to amend the Strategic Business Plan ensuring it remains relevant and that Harbour funds are invested wisely.

Corporate priorities engaged:

**Consideration of equality and human rights:
Biodiversity**

Community Life
Economy
Environment

There are no equality or human rights issues with this report

considerations: on biodiversity.
Sustainability The Harbour performance needs to be considered
considerations: regularly to ensure current policies are sustainable.
Crime and disorder The Report considers reported marine crime within the
implications: Estuary.
Background Papers:
Appendices attached: 1. Salcombe Harbour Performance Management Grid.

Ian Gibson
Harbour Master

Salcombe Harbour Board
12 November 2012

SALCOMBE HARBOUR BOARD – PERFORMANCE MANAGEMENT REPORT SECOND QUARTER 2012/13

Lead Officer – Ian Gibson

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS
			----- ACTUAL FOR 2008/9							
SH1 (L)	A visual check of all harbour owned and maintained facilities, landings, pontoons, mooring berths, navigational marks and beacons.	2012/13	Monthly	3 inspections	3	3			☺	
		2011/12	Monthly	3 inspections	3	3	3	3		
SH2 (L)	Defects rectification of major harbour infrastructure and facilities.	2012/13	Investigated within 24 hours, repaired within 7 days	All Defects not repaired within 7 days	0	0			☺	
		2011/12	As for 2012/13	As for 2012/13	0	0	0	0		

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
SH3 (L)	Launch serviceability	2012/13	Apr to Sep 8 available Sep to Mar 4 available	7 Available	7	8			☺	
		2011/12	As for 2012/13	3 Available	7	8	4	3		
SH4 (L)	Major Plant un-serviceability (Crane, Barge, Fork lift truck & Van)	2012/13	Available except for planned maintenance, defects rectified within 5 working days.	0	0	0			☺	
		2011/12	As for 2012/13	0	0	1	0	0		
SH5 (L)	Slipways and steps Inspected and cleaned	2012/13	Inspected weekly, cleaned Monthly	3	3	3			☺	Kingsbridge slipway is deteriorating rapidly and is crumbling so in parts cannot be power washed.
		2011/12	As for 2012/13	3	3	3	3	3		

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
SH6 (L)	Failure of navigation lights and marks will be rectified or Local Notice to Mariners issued	2012/13	Within 24 hours	0	0	0			☺	
		2011/12	Within 24 hours	0	0	0	0	0		
SH7 (L)	Patrol of estuary and harbour to ensure no hazards to navigation exist	2012/13	Daily	90	91	92			☺	
		2011/12	Daily	90	91	92	89	90		
SH8 (L)	Inspection and preventative maintenance of Deep water and Foreshore Moorings	2012/13	100% Annually	100%	Complete	Complete			☺	
		2011/12	100% Annually	100%			100%			

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
SH20 (L)	Compliance with Port Marine safety Code	2012/13	100% Annual audit	Compliance	Compliance	Compliance			☺	
		2011/12	100% Annual audit	Compliance	Interim Inspection	Compliance	Annual Inspection	Compliance		
SH21 (L)	Compliance with Merchant Shipping Act 1995 Section 198(1) Trinity House inspection of local aids to navigation.	2012/13	100% Annual Audit	Compliance	Annual Inspection	Compliance			☺	Annual inspection completed by Trinity House on 27 June.
		2011/12	100% Annual Audit	Compliance	Annual Inspection	Compliance	Compliance	Compliance		
SH22 (L)	H&S Incidents and accidents (Staff)	2012/13	10% reduction year on year	≤1	1	1			☹	1 x near miss with the slipway hoist.
		2011/12	10% reduction year on year		1	1	3	1		

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
SH22 A (L)	H&S Incidents and accidents (Public)	2012/13	10% reduction year on year	≤1	1	2			☹	Crew member on visiting yacht dislocated shoulder, another hit his head whilst anchoring.
		2011/12	10% reduction year on year		2	2	1	0		
SH23 (L)	Speeding Offences detected	2012/13	5% annual reduction	≥57	7	32			☺	A considerable reduction in the incidence of speeding offences. Includes on ongoing bye-law prosecution.
		2011/12	5% reduction		7	60	2	1		
SH24 (L)	Minor Collisions	2012/13	5% annual reduction	≥37	5	16			☺	Although there was a marked reduction in the number of minor collisions there is still concern. 6 x Merlin Rocket week 6 x Regatta weeks 4 x Yacht collisions
		2011/12	5% annual reduction		0	39	2	1		
SH30 (L)	Crime figures	2012/13	10% annual reduction	≤10	8	6			☺	Proactive crime prevention campaign may have contributed to this reduction in reported crime
		2011/12	10% annual reduction		5	12	7	3		

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
SH31 (L)	Night Security Patrols	2012/13	100% of contracted patrols	100%	100%	100%			☺	
		2011/12	100% of contracted patrols		100%	100%	100%	100%		
SH32 (L)	Permanent Staff Turnover	2012/13	< 10% annually	0	1	0			☺	
		2011/12	< 10% annually		0	2	0	0		
SH32A (L)	Staff days Lost to Sickness Absence	2012/13	< 10% annually	≤35	23	7			☺	
		2011/12	< 10% annually		62	39	98	47		
SH33 (L)	Customer Complaints	2012/13	10% annual reduction	≤1	0	3			☹	1 x No access to Kingsbridge Slipway during Fair week. 1 x complaint about marine contractor. 1 x complaint by one harbour user about another
		2011/12	10% annual reduction		2	2	0	0		

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
SH34 (L)	Income from visiting yachts	2012/13	5% increase	108,469	43,736	96,438			☹	Visiting Yacht income in second quarter was down by £6,866, which equates to a fall of 6%.
		2011/12	5% increase		58,550	103,304	5,336	1,992		
SH35 (L)	Visiting Yachts	2012/13	5% Increase	3,812	1,407	3,191			☹	Visiting yacht numbers down by 12% in second quarter.
		2011/12	5% increase		2,094	3,631	239	87		
SH36 (L)	Visiting Yacht length of Stay	2012/13	Increase length of stay to 1.5 nights	1.5	2.1	1.69			☺	
		2011/12	Increase length of stay to 1.5 nights		1.8	1.37	2.07	1.25		
SH37 (L)	Yacht Taxi – Passengers carried	2012/13	5% Annual increase in passenger usage	16,807	6,168	12,863			☹	Taxi passenger numbers down by 20% in 2 nd quarter.
		2011/12	5% Annual increase in passenger usage		8,427	16,007	203	184		

REF	ACTIVITY	YEAR	ANNUAL TARGET 2009/10 ACTUAL FOR 2008/09	TARGET FOR QTR	APR/ JUNE	JUL/ SEPT	OCT/ DEC	JAN/ MAR	CURRENT STATUS	COMMENTS for last reporting period
SH38 (L)	Visiting boats Harbour dues collected at Slipway	2012/13	Annual increase		7,142	9,983			☺	
		2011/12	No Information							
SH40 (L)	Water Quality Recorded number of pollution incidents	2012/13	Pollution Incidents	0	6	7			☺	
		2011/12	Pollution Incidents	0	1	12	3	0		
SH41 (L)	Guided Events	2012/13	3/Quarter	3	4	5			☺	
		2011/12	Monthly	3	3	7	5	5		
SH42 (L)	Litter Pick Up Events	2012/13	Quarterly	1	2	2			☺	
		2011/12	Quarterly	1	3	1	2	2		
SH43 (L)	Recycling of yacht refuse	2012/13	Annual Increase	≥ 51%	0	?			☺	Seasons figures will be reported once all recyclables have been collected
		2011/12	Annual Increase		0	51%	0	0		

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AGENDA ITEM 12

SOUTH HAMS DISTRICT COUNCIL

AGENDA ITEM 12

NAME OF COMMITTEE	Salcombe Harbour Board
DATE	12 November 2012
REPORT TITLE	MATTERS FOR FUTURE CONSIDERATION
REPORT OF	Salcombe Harbour Master
WARDS AFFECTED	All South Hams

Summary of Report

To identify matters for future consideration by the Harbour Board.

RECOMMENDATION

That the Harbour Board RESOLVES to note the report.

Officer contact:

Ian Gibson – 01548 843791 (Internal 7104)

1. BACKGROUND

- 1.1 The Harbour Board Constitution states that Matters for Future Consideration should be reviewed by the Board at each meeting.

2. MATTERS FOR FUTURE CONSIDERATION

2.1 Harbour Board Dates

2.1.1 The following dates have been set for Harbour Board Meetings:

- 4 February 2013
- 8 April 2013
- 3 June 2013
- 9 July 2013
- 23 September 2013

2.3 Performance Management

2.3.1 Reviewed quarterly with the report for the 3rd quarter of financial year 2012/13 being presented on 4 February 2012.

2.4 Year End Budget Report

2.4.1 To be presented to the Board in July Annually.

2.5 Harbour Annual Inspection

2.5.1 To take place in July Annually. Next year's inspection will take place on the morning of 9 July 2013 before the scheduled Board Meeting.

2.6 Compliance with the Port Marine Safety Code

2.6.1 The Harbour is audited bi-annually by the designated person. A report of the Audit forms part of the agenda of this meeting.

2.6.2 The next inspection will be on 20 November 2012.

2.7 Long Term Security of Tenure

2.7.1 The Strategic Business Plan 2012-2017 set out within its key Strategic Objectives task 4.1 - To consider future boating trends and provide suitable and appropriate facilities and Services through an annual Harbour Board Workshop.

2.7.2 A second Harbour Board workshop will be held in October 2013.

2.8 The Reporting of Minor Collisions

2.8.1 There has been a long standing issue relating to harbour users not reporting minor collisions and scrapes to the harbour Authority as required by Bye-Law 14 – Notification of Collisions etc.

2.8.2 The issue was considered by the Harbour Board on 26 September 2011. On that occasion the Board **RESOLVED**: That the Harbour Board follow the measures set out in paragraph 2.4 of the presented report in an attempt to encourage responsible use of the estuary, where all collisions, no matter how minor, are reported. The actions referred to were:

- Continued education of the requirements to report collisions is required. This can be achieved by:
- Salcombe Yacht Club to their members and to visitors before open event
- Island Cruising Club to members and to the dinghy instructors.
- Article in the 2011 Harbour newsletter.
- Vigilance of the Harbour Staff whilst afloat

2.8.3 While there has been some improvement in the incidence of the reporting of some minor collisions, there is still a problem which needs addressing.

2.8.4 It is proposed to bring this subject back to the Harbour Board on 4 February 2013 once the interested parties have had an opportunity to fully consider the issues and their 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 this is not necessarily the case for the work which will follow.

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.

Corporate priorities engaged:	Community Life Economy Environment
Statutory powers	The Pier & Harbour (Salcombe) Order 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).
Appendices attached:	None

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**MINUTES OF THE MEETING OF
THE SALCOMBE HARBOUR BOARD
HELD AT CLIFF HOUSE, SALCOMBE ON MONDAY, 12 NOVEMBER 2012**

Members in attendance			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr R J Carter (Chairman)	*	Mr J Barrett
*	Cllr M J Hicks	∅	Dr C C Harling (Vice Chairman)
*	Cllr K R H Wingate	*	Mr M Mackley
*	Cllr S A E Wright	*	Mr H Marriage
		*	Mr A Thomson
		*	Mr P Waring

Item No	Minute Ref No below refers	Officers in attendance and participating
All agenda items		Salcombe Harbour Master, Head of Assets and Member Services Manager

SH.30/12 MINUTES

The minutes of the meeting of the Salcombe Harbour Board held on 24 September 2012 were confirmed as a correct record and signed by the Chairman.

SH.31/12 URGENT BUSINESS

The Chairman advised that there was one item of urgent business to be taken in exempt session at the end of the meeting. This item related to a commercial matter and was considered urgent in light of the Harbour Master requiring a clear steer from the Board before its next scheduled meeting was due to be held (Minute SH.41/12 below refers).

SH.32/12 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, and the following were made:

Cllr S A E Wright, Mr J Barrett, Dr K Harling, Mr M Mackley, Mr A Thomson and Mr P Waring all declared a disclosable pecuniary interest in all related agenda items by virtue of having moorings or paying harbour dues to the Council. As the Deputy Monitoring Officer had previously granted a dispensation under Paragraph 8.1 (c) of the Code of Conduct (minute SH.21/12 refers), all Members remained in the meeting and took part in the discussion and debate on all agenda items.

SH.33/12 PUBLIC QUESTION TIME

Members of the public were in attendance and advised that they wished to utilise the Public Question Time session:

Each member of the public in attendance wished to raise points on agenda item 9: Kingsbridge Berthing Options (Minute SH.35/12 below refers).

Mr Tim Tucker proceeded to explain the terminology used in his consultation response;

Mr Hales, a representative from Wills Marine and the Chairman of the Salcombe and Kingsbridge marine Business Forum, gave his support for the proposals outlined in the presented agenda report;

Mr John Binns advised that the general view of The Kingsbridge Boat Club was to support the proposals outlined in the presented agenda report.

SH.34/12 FEEDBACK FROM HARBOUR COMMUNITY FORUMS

The Board received verbal update reports from the Board Members who attended the Harbour Community Forums, during which reference was made to:-

Salcombe Kingsbridge Estuary Conservation Forum

No update was given

Salcombe Kingsbridge Estuary Association (SKEA)

There were two issues currently of concern and these were damage to boats and the development at Higher Batson.

Kingsbridge Estuary Boat Club (KEBC)

The Forum was pleased that the Board had listened to their comments on the original proposal and that new options had come forward. The consultation process was felt to have worked well.

South Devon & Channel Shellfishermen

No update was given

Kingsbridge and Salcombe Marine Business Forum

No update was given

SH.35/12 KINGSBRIDGE BERTHING OPTIONS

The Board considered a report which proposed a way forward for improvement to the berthing arrangements within the Kingsbridge Basin.

The Harbour Master introduced the report and outlined the feedback from the public consultation. As a result, a revised option had come forward, and this plan was currently displayed at the Kingsbridge Town Council offices.

The Harbour Master also stated that he now wished to invite expressions of interest to tender in order to identify a preferred bidder, who would then be expected to work with the Harbour Authority through the planning and construction process.

During discussion, a Member asked if the visitor berths area could be extended. The Harbour Master responded that for a little additional money the central pontoons could be made to a commercial specification but to lengthen the visitor berthing area would impinge on the slipway to the South and the open area, requested by many consultees to the previous proposal, to the North.

Another Member asked that consideration be given to minimising the visual impact to take into account the views of non-boat owners. In response to a query regarding the timescale, the Harbour Master advised that the work would cause disruption and could not start before next winter.

Finally, the Harbour Master clarified that the Resolution contained within the agenda report should be amended in order that the Board make a recommendation to Council. This was subsequently **PROPOSED**, **SECONDED** and on being to the vote was declared **CARRIED**.

It was then

RECOMMENDED

That Council be **RECOMMENDED** to progress a project to deliver improvement to the berthing arrangements at Kingsbridge, as described in paragraph 2, to the timeline described in paragraph 3, of the presented agenda report.

SH.36/12 **MOORINGS POLICY**

The Board considered a report which reviewed the draft Moorings Policy and sought to recommend its adoption.

A Member stated that he could not support a policy that denied a mooring to people who no longer lived within the South Hams

The Harbour Master introduced the report, and advised that there had been no major changes. A Member stated that, whilst he accepted that local residents should have priority in the allocation of moorings, he could not support a policy under which people who were long-standing South Hams council tax payers, but not (or not now) as full-time residents, were never able to get a mooring. However he felt that the wording of the current policy, taken together with the legal advice about exceptions, should allow sufficient flexibility for the Harbour Master to be able to bring to the Board any cases in which he felt the policy was not operating fairly.

In response, the Harbour Master advised that he would continue to bring exceptional cases to the Board.

In response to a query, it was confirmed that the definition of 'local' for the purposes of the Policy related to those residents who lived within the South Hams.

It was then:

RECOMMENDED

That the Council be **RECOMMENDED** to adopt the revised Moorings Policy.

SH.37/12 **PERFORMANCE MANAGEMENT**

The Board considered a report that reported the Harbour's performance against agreed Performance Indicators (PIs).

The Harbour Master introduced the report, and took Members through the key points. The information, presented in paragraph 2.1.9 and 2.1.10 of the agenda report, highlighted the importance of the length of stay of visiting yachts and how a small increase in length of stay could have a significant impact on income, despite falling numbers of visitors. A Member reiterated the importance of closely watching the figures to enable correct decisions to be made when setting the budget.

It was then:

RESOLVED

That Harbour performance against agreed Performance Indicators be noted.

SH.38/12 **MATTERS FOR FUTURE CONSIDERATION**

The Board considered a report that identified matters for future consideration by the Harbour Board.

The Harbour Master introduced the report and highlighted the key points.

It was then:-

RESOLVED:

That the report be noted.

SH.39/12 EXCLUSION OF PUBLIC AND PRESS

It was then:-

RESOLVED

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act.”

SH.40/12 MOORINGS POLICY ENFORCEMENT

The Board was asked to consider an appeal from a customer due to lose his mooring as they were no longer resident in South Hams.

Following a discussion, it was then:

RESOLVED

That the customer be permitted to retain their mooring.

SH.41/12 CONSIDERATION OF URGENT ITEM

As reported above (Minute SH.31/12 refers), the Board was asked to consider an urgent report that related to a commercial matter.

Following a discussion, it was then:

RESOLVED

That the Harbour Master be instructed to investigate the implications of this commercial matter, with a further detailed report being presented back to a future Board meeting.

(Meeting commenced at 2.30 pm and concluded at 4.15 pm).

Chairman

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