

Report to: **Salcombe Harbour Board**  
Date: **12 June 2024**  
Title: **Moorings Policy 2025 consultation**  
Portfolio Area: **Salcombe Harbour**  
Wards Affected: **All**  
Urgent Decision: **N** Approval and clearance obtained: **Y**

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## **Recommendation:**

**That the Harbour Board AGREES to a public consultation on the draft Moorings Policy 2025 at Appendix 1**

### **1. Executive summary**

- 1.1 The Moorings Policy is reviewed every 5 years and the last version is dated 1 April 2019. A draft of a proposed 2025 version is at Appendix 1.
- 1.2 When the Harbour Office issues mooring licences it routinely sends a copy of the terms and conditions which formed the appendices to the previous Moorings Policy. However, in recent years, it has become the practice to issue a link to the whole Moorings Policy together with its appendices.
- 1.3 This version of the Moorings Policy has therefore been re-ordered and extensively re-drafted to bring the previous terms and conditions into the main body of the Moorings Policy. Not least because the former appendices were framed in traditional legal language, this has entailed considerable re-phrasing. However there are only relatively minor adjustments in policy.

## 2. Background

- 2.1 There have been three versions of the Moorings Policy in this format and all the previous versions have had three appendices, two of which probably date back to the 1960s and possibly much longer.
- 2.2 The attached draft brings the appendices into the main body of the policy and, not least by the modernisation of the legal language, makes for a shorter and more easily understood document.
- 2.3 The main changes from the 2019 version are set out below:
  - An explanatory preamble, which will be much shorter after the consultation
  - The term “Harbour Authority” is used throughout (instead of “The Council”) when the Council is acting as the Harbour Authority
  - The term “licence holder” replaces licensee, owner or keeper throughout
  - Less frequent use of the term “estuary” since the Harbour is the legal entity
  - Incorporation of a reference to the possibility of a Harbour Revision Order during the lifetime of this Moorings Policy (para 1.5)
  - Change of “will” to “may” in para 6.5.a to make it consistent with para 1.8
  - The commercial surcharge can now be varied (para 6.7)
  - Definition added to prohibition of residence afloat (para 7.29)
  - Laying up requires permission of the Harbour Master (para 7.32)
  - What used to be called ‘Mooring Licences’ are now called ‘Privately-maintained mooring licences’ (section 8)
  - Reference to reporting mooring faults or failures to the Harbour Board to reflect current practice (para 8.6)
  - Addition of “or pollute the Harbour” in para 9.1.ii
  - Addition of “local communities” to para 9.1.iii
  - Reference to the Harbour’s Enforcement Policy (para 9.2)

- Email added to para 9.3
- Visiting vessels with nobody sleeping aboard (para 10.9)
- The need to fly Flag Q if entering from abroad (para 10.11)

2.4 The Board is recommended to agree that this draft (or a very similar draft) is published for public consultation over the summer so that responses can be considered at a Harbour Board meeting in the autumn and signed off in time for the revised policy to come into effect on 1 January 2025.

2.5 Over the summer we will:

- post the draft on the Harbour website before the end of June;
- notify consultees and invite responses;
- clear the draft with legal advisers;
- clear the draft with the designated person under the Port Marine Safety Code;
- keep open the possibility of adjusting the draft on the website in the light of the responses received.

### 3. Outcomes/outputs

The timetable should allow adequate time for the revised policy to be able to come into effect on 1 January 2025.

### 4. Options available and consideration of risk

There are no obvious risks to this approach.

### 5. Proposed Way Forward

Subject to the Board's agreement, to post a draft of the proposed Moorings Policy 2025 on the Harbour website.

### 6. Implications

Implications	Relevant to proposals Y/N	
Legal/ Governance		The draft replicates all the references to legislation relating to the Harbour which have been in previous Mooring Policy documents, so there should be little difference if any. However, this version has not yet been cleared with legal advisers.
Financial implications to		There are no financial implications in going out to consultation and the new version should be easier

include reference to value for money		for the public to understand and the staff to administer.
Risk		There are no obvious risks
Supporting Corporate Strategy		An up-to-date Moorings Policy has always been a key priority for the Harbour Authority
Climate Change - Carbon / Biodiversity Impact		None
<b>Comprehensive Impact Assessment Implications</b>		
Equality and Diversity		No implications
Safeguarding		No implications
Community Safety, Crime and Disorder		This version has been drafted to make it clearer and easier to enforce.
Health, Safety and Wellbeing		None
Other implications		None

<b>Process checklist</b>	<b>Completed</b>
Portfolio Holder briefed/sign off	<b>Yes/No</b>
SLT Rep briefed/sign off	<b>Yes/No</b>
Relevant Heads of Practice sign off (draft)	<b>Yes/No</b>
Data protection issues considered	<b>Yes/No</b>
Accessibility checked	<b>Yes/No</b>

Appendix 1



**South Hams  
District Council**

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

**Salcombe Harbour Authority**

# **Moorings Policy 2025**

## **Contents**

### Preamble

- (i) Review of policy
- (ii) Redrafting of 2019 version to incorporate appendices
- (iii) Changes to 2019 version
- (iv) Consultation
- (v) Version

### Definitions

#### **1. Introduction**

- 1.3 Harbour Authority and Harbour Board
- 1.4 Legislation relating to Salcombe Harbour

#### **2. Moorings in the Harbour**

- 2.2 Ownership of the fundus
- 2.5 Policy on pontoons and jetties
- 2.7 Categorisation of the Harbour
- 2.8 Deep water moorings
- 2.12 Fishing boat moorings
- 2.17 Number of moorings
- 2.20 Foreshore moorings
- 2.23 Disabled access

#### **3. Salcombe town landings**

- 3.1 Whitestrand
- 3.4 Normandy – east side
- 3.6 Between April and September
- 3.7 Between October and November
- 3.8 Normandy – west side

#### **4. Qualification for a Harbour Mooring Licence**

- 4.6 Moorings allocated prior to 23 January 1985

#### **5. Annual allocation process**

- 5.3 Retention fee and the contract for services
- 5.6 Allocation process
- 5.10 Waiting lists

#### **6. Commercial moorings**

#### **7. Harbour mooring licences**

- 7.3 Licences
- 7.7 Insurance
- 7.10 Force majeure
- 7.11 Need to appoint an agent
- 7.12 Termination of licence by the licence holder
- 7.13 Forfeiture of licence
- 7.14 Duration of licence

- 7.15 Reduced length of some mooring licences
- 7.16 On death or disability
- 7.18 Vessels absent from mooring
- 7.24 Removal and reberthing of vessels
- 7.27 Raft pontoons and dry docking
- 7.28 Repairing vessels
- 7.29 Residence afloat
- 4.32 Laying up

**8. Privately-maintained and private moorings**

- 8.2 Moorings on private fundus
- 8.6 Private mooring tackle specification

**9 Enforcement**

- 9.1 Compliance with Byelaws, Regulations and Directions
- 9.2 Enforcement policy
- 9.3 Service of notices

**10. Provision of moorings for visitors**

- 10.1 Moorings for visitors from land
- 10.4 Moorings for visitors from sea
- 10.9 Unattended vessels
- 10.10 Multi-hulled vessels
- 10.11 Vessels arriving from abroad

**11. Referral to the Harbour Board**

## **Preamble**

### ***(i) Review of policy***

The Harbour's moorings policy is reviewed every five years, but any urgent issues are dealt with by the Harbour Board as they arise, Following ratification by full Council, amendments are then published. The Salcombe Harbour website always shows the current version.

There have been three earlier Moorings Policies in this format:

- 2 November 2012 (Ian Gibson)
- 26 September 2013 (Adam Parnell)
- 1 April 2019 (Cameron Sims-Stirling)

This version is scheduled to come into force on 1 January 2025 and apply to all new and existing mooring licences from that date.

### ***(ii) Redrafting of 2019 version to incorporate appendices***

When the Harbour Office issues mooring licences it routinely sends a copy of the terms and conditions which formed the appendices to the previous Moorings Policy. However, in recent years, it has become the practice to issue a link to the whole Moorings Policy together with its appendices.

This version of the Moorings Policy has therefore been re-ordered and extensively re-drafted to bring the previous terms and conditions into the main body of the Moorings Policy. Not least because the former appendices were framed in traditional legal language, there is considerable re-phrasing but only minor changes in policy. The more notable changes are listed below.

### ***(iii) Changes to 2019 version***

- An explanatory preamble, which will be much shorter after the consultation
- The term "Harbour Authority" is used throughout (instead of "The Council") when the Council is acting as the Harbour Authority
- The term "licence holder" replaces licensee, owner or keeper throughout
- Less frequent use of the term "estuary" since the Harbour is the legal entity
- Incorporation of a reference to the possibility of a Harbour Revision Order during the lifetime of this Moorings Policy (para 1.5)
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- Addition of “local communities” to para 9.1.iii
- Reference to the Harbour’s Enforcement Policy (para 9.2)
- Email added to para 9.3
- Visiting vessels with nobody sleeping aboard (para 10.9)
- The need to fly Flag Q if entering from abroad (para 10.11)

**(iv) Consultation**

This is the proposed public consultation draft of the 2025 Moorings Policy, prepared for the Harbour Board meeting on 12 June 2024. It is possible that the version on the Harbour website may alter during the course of the consultation to take into account changes which have been suggested. The version number and date is below.

Responses have particularly been invited from:

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

Any comments on this draft should be emailed to [salcombe.harbour@swdevon.gov.uk](mailto:salcombe.harbour@swdevon.gov.uk) or sent by post to the Harbour Office by 1 October 2024.

**(v) Version**

This is version 7, dated 28 May 2024.

## Definitions

Complete Service	The care and control of a licence holder's boat throughout the year (except for short temporary periods when a licence holder removes their boat to sail personally), ensuring a licence holder's boat is safely moored, during the winter removing a licence holder's boat from the Harbour and arranging for winter storage, and carrying out all necessary repairs and maintenance to a licence holder's boat.
The Council	South Hams District Council
Enforcement Policy	<a href="http://www.salcombeharbour.co.uk/enforcementpolicy">www.salcombeharbour.co.uk/enforcementpolicy</a>
Harbour Authority	South Hams District Council is the statutory Harbour Authority for Salcombe Harbour
Harbour Board	A committee of the full South Hams District Council
Harbour Directions	Directions made under sections 40A to 40D of the Harbours Act 1964, as amended.
Harbour Dues	General dues for the use of the Harbour under Section 22 of the Schedule to the Pier and Harbour Order (Salcombe) Confirmation Act 1954
Harbour email	<a href="mailto:salcombe.harbour@swdevon.gov.uk">salcombe.harbour@swdevon.gov.uk</a>
Harbour Master	The statutory appointed person or a member of staff authorised to act in the capacity of Harbour Master. Note that this includes personnel in the Harbour Office and afloat.
Harbour Mooring	A facility laid and maintained by the Harbour Authority on harbour-leased fundus.
Harbour Office	The principal office at Whitestrand, Salcombe, TQ8 8BU for the administration of moorings and other harbour business: telephone 01548 843791
Harbour Revision Order	Legislation which consolidates the law relating to Salcombe Harbour, that may be brought into effect in the lifetime of this Moorings Policy
Harbour website	<a href="http://www.salcombeharbour.co.uk">www.salcombeharbour.co.uk</a>
Laying up	The act of temporarily berthing a vessel which is unused or is not operational

Licence	The contract for mooring or berthing a vessel against a Harbour Authority facility.
Licence Holder	The person named on the mooring licence, or on the Harbour Dues invoice, the owner or keeper of a vessel.
LOA	Length Overall. The overall length of the space occupied by the boat including any fore and aft projections, temporary or permanent, including pushpits, bowsprits, bumpkins, davits, raised/tilted outboards, rudders &c.
Private mooring	A mooring on privately-owned fundus
Privately-maintained Mooring	A facility where a licence holder is permitted to lay and maintain their own tackle on harbour-leased fundus.
SHDC	South Hams District Council

## 1. Introduction

1.1 Salcombe Harbour is a strategic asset of the South Hams and of fundamental importance to the economic and cultural well-being of the riparian towns and villages which surround the Harbour. Set in an Area of Outstanding Natural Beauty (AONB) and Site of Special Scientific Interest (SSSI), the waters connecting Salcombe and Kingsbridge are a unique harbour with a world-renowned reputation as a sailing destination.

1.2 Kingsbridge is the largest town around the Harbour and is an important watersports centre in its own right, particularly for paddleboarding. The Harbour is a beautiful natural environment and on the high tide, Kingsbridge can be visited by boat or ferry, which is a very picturesque trip.

### ***Harbour Authority and the Harbour Board***

1.3 South Hams District Council is the Statutory Harbour Authority. The Executive of the Council is the duty holder under the Port Marine Safety Code. Salcombe Harbour Board is a committee of the full Council.

### ***Legislation relating to Salcombe Harbour***

1.4 The Harbour Authority discharges its statutory duties and responsibilities as set out in the Pier and Harbour (Salcombe) Confirmation Act 1954. This Act is based on the Harbours, Docks and Piers Clauses Act 1847, which grants the Harbour Master statutory powers for the management of the Harbour.

1.5 Additionally, the Harbours Act 1964 provides for the operation to be self-financing with the Harbour Authority able to set its own charges in order to finance safe port operations. During the lifetime of this Moorings Policy it is possible that a Harbour Revision Order will be made to consolidate and modernise the legislation governing the Harbour.

1.6 Salcombe Harbour is a designated Harbour Authority for the purpose of making Harbour Directions under sections 40A to 40D of the Harbours Act 1964 as amended by the Marine Navigation Act 2013 (SI 2015, no 573).

1.7 This document sets out the policy of the Harbour Authority in relation to the provision, development and management of mooring facilities within the whole of Salcombe Harbour, as defined by Section 11 of the Pier and Harbour Order (Salcombe) Confirmation Act 1954. This document therefore sets the terms and conditions for all mooring facilities in the Harbour.

1.8 The Harbour Authority reserves the right to retain discretion over any decision. It will however give reasons for any decision that is not in accordance with the stated policy.

- 1.9 In developing and enforcing this Moorings Policy the Harbour Board has 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 residents and visitors for the 21st century.*

## **2. Moorings in the Harbour**

- 2.1 The provision and management of mooring facilities within the Harbour is one of the Harbour Authority's core functions. For every decision regarding mooring facilities a number of factors will be considered, principally:

- Safety and efficiency
- The requirements of navigation
- Conservation of the environment

### ***Ownership of the fundus***

- 2.2 The majority of the fundus (seabed) within the Harbour is owned by the Duchy of Cornwall and most of this is leased to the Harbour Authority for an annual rent. This lease runs until 24 March 2028.
- 2.3 Under the terms of the lease the Harbour Authority can lay moorings on the rented fundus and levy a charge for them. 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 Mooring Licence, of the Harbour Authority.
- 2.4 The requirement for Harbour Authority consent arises from the Pier and Harbour Order (Salcombe) Confirmation Act 1954 under which the Harbour 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 Harbour Authority is not required to license its own moorings but anyone else laying a mooring within the Harbour requires a licence.

### ***Policy on pontoons and jetties***

- 2.5 The Harbour Board considers that the proliferation of walk-ashore jetties and pontoons would result in a loss of foreshore within the SSSI and be detrimental to the appearance of the Harbour within the 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.
- 2.6 Applications for commercial pontoons and pontoons providing public access to the Harbour 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 revoked and the pontoon removed. In no circumstances will its use as a private mooring be permitted.

## 2.7 **Categorisation of the Harbour**

### *Below Ferry Crossing – seawards to Harbour Limits:*

- a limited number of deep water visitors mooring facilities
- a number of licensed foreshore moorings particularly on private fundus on both sides of the Harbour
- seasonal resident and commercial moorings at South Sands
- recognised anchorages off Small's and Sunny Coves
- store box moorings in Castle Bay

### *Above Ferry Crossing – inwards to Fishpond Corner and Snapes Point:*

- Whitestrand and Normandy shore connected landing facilities (public and commercial)
- Victoria Quay shore connected residents pontoon
- resident and commercial foreshore moorings
- visitor, resident, commercial and fishing boat deep water moorings
- store box moorings in Ditch End
- a number of licensed foreshore moorings particularly on private fundus
- slipway and dinghy storage
- fuelling facility
- recognised anchorage off Town Beach/Fisherman's Cove

### *Southpool and Waterhead creeks and Gullet Point:*

- Yeoward private moorings
- foreshore mooring licences
- resident and visitor deep water moorings at the entrance to Southpool Creek
- public landing pontoon and resident foreshore moorings at the head of Southpool Creek

### *Batson and Shadycombe creeks north of Fishpond Corner:*

- resident and commercial foreshore moorings
- Batson (resident) and Shadycombe (commercial) shore-connected pontoons
- commercial fish quay
- foreshore mooring licences
- public slipway, access pontoon, dinghy storage and craning facilities

### *The Bag between Snapes and Halwell and Heath points:*

- the majority of the Harbour's deep water residents moorings
- Visitors' Pontoon
- resident foreshore moorings
- Dentridge and East Bag commercial pontoons
- Winters private pontoon and boatyard at Lincombe

### *Saltstone, Blanksmill Creek, Collapit Creek and Frogmore Creek west:*

- no Harbour moorings in this area

- recognised anchorage south and west of The Saltstone
- sparse foreshore mooring licences in creeks

*Frogmore Creek East:*

- resident foreshore moorings
- foreshore mooring licences
- public landing pontoon

*North of Charleton Point to High House Landing including Newbridge and Balcombe Creek:*

- resident foreshore moorings
- foreshore mooring licences
- slipway and dinghy storage

*North of High House Landing to New Quay pontoon, Kingsbridge:*

- resident foreshore moorings
- foreshore mooring licences
- private boatyard pontoon

*North of New Quay pontoon to include Kingsbridge Creek:*

- resident foreshore moorings
- Kingsbridge shore connected residents pontoon, public landing/visitors' pontoon
- slipway and dinghy storage
- foreshore mooring licence

***Deep water moorings***

- 2.8 All deep-water moorings will be owned, maintained and controlled by the Harbour Authority. The only exceptions to this are the longstanding arrangements with Winters and Yeoward boatyards.
- 2.9 The western half of The Bag is designated for high-density pontoon berthing.
- 2.10 Deep water swinging moorings will be charged according to the length of the boat, with a minimum charge for the facility.
- 2.11 Deep water pontoon berths will be charged according to the maximum length for which the facility is designed.

***Fishing boat moorings***

- 2.12 The total number of fishing vessels on deep water mooring facilities shall not exceed 25.
- 2.13 Fishing vessel mooring facilities will be charged at the standard annual rate.
- 2.14 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 is required for new fishing vessels, excluding replacement vessels, requiring a Harbour mooring.

- 2.15 If stern frames are fitted, the expense of any necessary reorganisation of other moorings will need to be borne by the licence holder. The Harbour Authority will give no guarantee that an appropriate re-arrangement of the mooring pattern will be possible and sometimes vessels might be required to relinquish their existing berths.
- 2.16 The Harbour Authority provides a number of store-box moorings in Castle Bay and Ditch End for fishing businesses.

***Number of moorings***

- 2.17 For many years the Harbour Board has capped the numbers of mooring facilities within the Harbour. From time to time the number of berths in a particular area, or of a particular type, may vary to compensate for an improvement in facilities elsewhere. This policy is kept under review but is unlikely to change except in exceptional circumstances. Collapit Creek, Blanksmill Creek, Lower Frogmore Creek and Widegates will normally be kept free of moorings.
- 2.18 A number of boatyards offer a ‘complete service’ using Harbour Authority facilities. Two boatyards operate their own private facilities within the Harbour: Winters Boatyard which has pontoon berths in Lincombe Bay, and Yeoward Boatyard which has moorings at Yalton, Southpool Creek.
- 2.19 The Harbour Authority has the following mooring facilities:

***Deep water:***

Resident swinging	166
Resident pontoons	69
Commercial swinging	32
Commercial pontoons	30
Fishing boat swinging	14
Store box swinging	18
Visitor swinging	25 (raftable)
Visitor pontoon	12 (raftable)
Visitor other	10 (raftable)

***Foreshore:***

Swinging	581
Pontoon	
Victoria Quay	75
Shadycombe	64
Batson	258
Kingsbridge	132
Visitor Swinging	10

***Foreshore moorings***

- 2.20 Foreshore swinging moorings are charged according to the length of the boat, with a minimum charge for the facility.



- 2.21 There are four land-connected pontoons for residential berthing. Pontoon facilities are rated for a maximum size of vessel. Licence holders are charged according to this maximum size rather than the length of boat.

	Max LOA	Max beam	Notes
Batson	5.5m	2.0m	A few 2.3m beam berths
Shadycombe	5.5m	2.0m	
Victoria Quay	5.18m	2.0m	
Kingsbridge	5.5m	2.3m	

- 2.22 Pontoon berths at Batson, Victoria Quay and Kingsbridge are allocated to private vessels only. Priority on Shadycombe Pontoon is given to commercial berths. Private berths given up on Shadycombe will normally transfer to commercial usage.

***Disabled access***

- 2.23 The Harbour Authority has an obligation 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:

- Whitestrand Pontoon, Salcombe
- Normandy Pontoon, Salcombe
- Batson Pontoon, Salcombe
- Kingsbridge Pontoon, Kingsbridge

- 2.24 The Harbour Authority has no dedicated berthing facilities for sailors with disabilities. However if a customer has a specific need or requirement the Harbour Master will endeavour to make appropriate arrangements.

**3. Salcombe Town Landings**

***Whitestrand***

- 3.1 Whitestrand Pontoon is for commercial vessels that have a Whitestrand landing licence.
- 3.2 Overnight, between 1900 and 0800, the northern end of Whitestrand is available to accommodate up to two vessels of up to 12m LOA. These berths are draught and tide dependant. They can be booked and paid for in advance through the Harbour Office or the Harbour Master.
- 3.3 The shore side of Whitestrand provides tender berthing for craft of up to 4.2m. An overnight charge will be made for this service, including for the use of the slipway, in July and August when remote overflow berthing facilities with a courtesy launch are provided.

***Normandy – east side***

3.4 The eastern side of Normandy pontoon is dredged and designated for daytime use as it generally needs to be left vacant overnight for the RNLI and the berthing of casualty vessels.

3.5 Double berthing or rafting on Normandy Pontoon is prohibited as this restricts the channel.

***(i) Between April and September***

3.6 Between April and September, during the day, 0700-1900, the eastern side of Normandy Pontoon has two distinct functions:

The northern section is the town landing for picking up and setting down. Unattended berthing is not permitted.

The southern section provides temporary berthing for visiting yachts for up to 30 minutes.

***(ii) Between October and March***

3.7 At the Harbour Master's discretion, overnight berthing may be permitted on the channel/eastern side of Normandy Pontoon between October and March, especially when there is no evening taxi service. The berths are draught and tide dependant.

***Normandy – west side***

3.8 The shore side of Normandy pontoon provides:

On the southern end: berthing for the tenders of vessels entering from the sea.

On the northern end: finger berths to provide access to the town for craft of up to 5.5m LOA for 2 hours in any 24-hour period.

**4. Qualification for a Harbour Mooring Licence**

4.1 The Harbour Authority gives priority in the allocation of mooring facilities to customers who pay Council Tax to South Hams District Council (SHDC). Licence holders should inform the Harbour Office if their Council Tax status changes.

4.2 As a result of Business Rates becoming payable on properties that are let for more than a certain number of days a year, some mooring licence holders who would have been paying Council Tax are required to pay Business Rates instead. Where this occurs as a result of a temporary or defined absence from home, for example as a member of the armed forces, the Harbour Master may refer the application for a mooring licence to the Harbour Board. If it is satisfied that

- i. the property subject to business rates is the principal home of the applicant;
- ii. the applicant does not own a home elsewhere; and
- iii. the applicant is likely to revert back to paying Council Tax in due course,

the Board may exercise its discretion to allow the application to be treated as if the applicant was a Council Tax payer for as long as those three conditions continue to apply.

- 4.3 If a licence holder moves out of the South Hams, the Harbour Authority will consider the temporary issue of a licence for a limited period, while alternative arrangements are made.
- 4.4 Boats owned by a syndicate, or a family, need to have one member of the syndicate who has qualified by paying Council Tax to SHDC and has reached the top of the waiting list. If the qualified licence holder leaves the syndicate, another member of the syndicate needs to have both qualified by paying Council Tax to SHDC and reached the top of the waiting list for a mooring licence to be allocated.
- 4.5 A private individual requiring a berth for a domestic or leisure purpose shall not be allocated more than one deep water berth, one foreshore pontoon berth and one foreshore berth while there is a waiting list, except at the discretion of the Harbour Master.

***Mooring facilities that were allocated prior to 23 January 1985***

- 4.6 Records prior to the mid 1980s are lost so the requirement to pay Council Tax to SHDC to qualify for a mooring facility is taken as having been introduced on 23 January 1985, which is when the policy was re-confirmed.
- 4.7 Licence holders who are not currently paying Council Tax to SHDC but who claim to have been allocated a mooring facility prior to 23 January 1985 may apply to the Harbour Board to retain their licence. If the Board is satisfied both that the applicant was allocated a mooring facility before 23 January 1985 and that all other requirements of the licence are met, their mooring facility may be retained until 24 March 2028, when the current lease from the Duchy of Cornwall expires.

## **5. Annual allocation process**

- 5.1 The annual mooring allocation process will normally start in October/November for the following year with the distribution of retention letters to current licence holders. The deposit payable for the retention of a harbour facility is set by the Harbour Board and reviewed annually.

5.2 Once the retention letters are returned and retention fees paid, normally by the penultimate working Monday in December, the reallocation process will begin for customers who continue to satisfy the allocation criteria.

***Retention fee and the contract for services***

5.3 Licence holders who indicate their desire to retain a facility and pay a retention fee are contracted to pay for the facility. If they change their mind and the mooring facility is relinquished to the Harbour Office before 1 March, the contract will be cancelled and the deposit lost.

5.4 If the mooring facility is relinquished after 1 March the contract will stand unless the facility can be re-let to the top quarter of the waiting list, when a pro-rata refund will be made after subtracting the loss of deposit. 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.

5.5 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.

***Allocation process***

5.6 Mooring facility allocations normally take place in January and February, for the following financial year. The first round of allocations is to a transfer list of current customers who have asked to change their mooring.

5.7 The second round of allocations is to applicants from the waiting list. Before allocation, applicants will be required to present a current copy of their SHDC Council Tax bill.

5.8 If there are no applicants on a particular waiting list, the mooring facility may be offered to an applicant who does not pay Council Tax to SHDC. Mooring facilities allocated in these circumstances will be reviewed annually. Should an applicant paying Council Tax to SHDC be waiting for that facility, after a two year period of grace, the mooring facility will not be renewed for the non-qualifying applicant.

5.9 The entire mooring facility allocation process should be complete by mid-March.

***Waiting lists***

5.10 The Harbour Authority maintains a waiting list for all of its mooring facilities. The waiting list which customers joined on the understanding that priority was given to local residents over second-home owners was closed in 2013.

5.11 The current waiting list was started on 1 October 2013. The criterion for being able to join this waiting list is proof of payment of Council Tax to SHDC. Waiting list members must inform the Harbour Office if their Council Tax status changes.

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

- 5.13 In addition to the waiting list for initial allocation, the Harbour Authority also maintains a waiting list for licence holders who would like to move berth within the same facility, swap between similar facilities or change to a different facility. Transfers between different facilities (on different waiting lists) will be assessed on a case-by-case basis and will normally be accepted only where it is deemed to be a downgrade, to a less sought after facility/shorter waiting list, so as to maintain fairness to other waiting list members.
- 5.14 Once on the waiting list, applicants will be given priority for booking a visitor foreshore mooring facility. Bookings will be accepted for customers who are on the waiting list, or already a licence holder, for a foreshore facility for a finite period before bookings are accepted from the general public.

## **6. Commercial moorings**

- 6.1 Businesses requiring additional mooring facilities, and new businesses requiring facilities to support that business, should submit a written request with their justification for additional moorings to the Harbour Office by 30 November to be considered for allocation for the following season.
- 6.2 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 moorings available for allocation and the overall proportion of moorings allocated to commercial activity;
  - b. the number of moorings 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;
  - e. The service the business is proposing to offer.
- 6.3 No single factor shall outweigh the other factors. Any information supplied to the Harbour Authority will be treated as commercially confidential.
- 6.4 In relation to a marine business not providing a 'complete service', for example, a sailing school, similar factors will be considered by the Harbour Authority in determining the number of berths for that business.
- 6.5 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 may transfer the mooring facilities to the new owners so long as there is no change of usage of the

mooring facilities. If the moorings are privately-maintained, they will become Harbour Authority owned and maintained.

- b. Where a recognisable or significant quantity of business assets have been sold, this must be reported 'in confidence' by the licence holder to the Harbour Authority.
  - c. Where a significant quantity of business assets have been purchased from an existing licence holder in the expectation of such licences being surrendered to the Harbour Authority, in granting new licences to the purchaser of those business assets, or on expiry of the present holder's licences, the Harbour Authority may 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.
- 6.6 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, on the expiry of those licences, the number of berths re-allocated may be reduced. This will follow a period of consultation between the business and the Harbour Authority.
- 6.7 Harbour facilities used by businesses for commercial sub-letting purposes are subject to a surcharge on the standard facility charge. The level of the surcharge is set by the Harbour Board and reviewed annually.
- 6.8 Businesses requiring a mooring for a workboat used in facilitating a 'complete service' can apply for a berth on the Batson commercial/contractors pontoon. These applications will be evaluated on a case-by-case basis and allocated on payment of the Batson contractors berthing charge.
- 6.9 A licence holder 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) may 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.

## **7. Harbour mooring licences**

- 7.1 Mooring facilities are provided free of charge, and harbour dues waived, for vessels operating temporarily within the Harbour on behalf of Devon and Cornwall Police and the Severn and Devon IFCA.
- 7.2 The Harbour Master is authorised to approve discounted mooring rates for registered charities.

### ***Licences***

- 7.3 Under the terms of the Harbour Authority lease from the Duchy of Cornwall, licences for harbour facilities can be for only one year. This is why all mooring facilities are re-allocated annually. Unlike a lease, a licence is not an assignable property right.
- 7.4 All Harbour Authority mooring licences are issued to a named individual or company and are not transferable, except between spouses or civil partners.
- 7.5 A harbour mooring licence shall be deemed to exist on payment of the appropriate licence fee together with a confirmation from the Harbour Office.
- 7.6 The following conditions apply to all Harbour mooring licences:
- a. It is personal to the licence holder and transfer is not permitted.
  - b. It cannot be lent or sub-let to another person. A notice to quit will be given to any licence holder sub-letting their berth on either a long-term or temporary basis.
  - c. Only one boat is allowed on any one mooring, unless previously agreed by the Harbour Master. Tenders may not be left overnight with unattended vessels.
  - d. Annual Harbour Dues must have been paid, the current year's sticker displayed and the vessel must be properly insured.
  - e. For a private individual, it is for the named vessel owned and registered by that individual, specified by the details on its registration form, within the maximum size/dimension specified for that berth.
  - f. For a business, it is for a suitable registered vessel up to the maximum size/dimension specified for that berth.
  - g. On the expiration or earlier termination of a licence the licence holder must remove the vessel from the mooring.
  - h. A licence enables the licence holder to berth only the vessel described on the harbour mooring licence against the mooring facility. The Harbour Authority gives no guarantee as to the safety or security of any vessel (or its contents) berthed against the mooring facility.
  - i. The licence holder is responsible for all liabilities and claims arising from any berthing against the mooring facility and indemnifies the Harbour Authority against all such claims.

### ***Insurance***

- 7.7 All craft moored, navigating in, or traversing, the Harbour, however small, must be covered for third party liabilities. The level of third party liability is reviewed annually by the Harbour Board and will follow the current industry standard. Failure to maintain insurance cover will result in the withdrawal of mooring and launching facilities.

- 7.8 In paying an invoice the licence holder is making a formal declaration that they have and will maintain third party liability insurance for their vessel/s as specified on the invoice or licence.
- 7.9 The licence holder must produce evidence to the Harbour Office of their insurance within two days of being requested to do so. If the insurance cover has lapsed or been withdrawn or voided, the Harbour Authority has the right to remove the boat from the berth and place it ashore or on a mooring or staging or other facility in the Harbour or elsewhere. The costs of removal will be charged to the licence holder at normal commercial rates.

***Force majeure***

- 7.10 Should any loss or damage be caused to the mooring facility for any reason (other than the negligence of the Harbour Authority) then the Harbour Authority shall not be liable to the licence holder for any consequential loss or damage (including death and personal injury) nor for unreasonable delays caused by matters outside the Harbour Authority's control in repairing or reinstating the mooring facility.

***Need to appoint an agent***

- 7.11 Licence holders whose vessels are kept afloat are required to appoint a locally-based person who can act on their behalf when they are unavailable. This can be a friend or a boatyard, but they must have agreed to act as an agent.

***Termination of licence by the licence holder***

- 7.12 The licence holder can terminate a licence by giving 14 days' notice in writing to the Harbour Office. However the licence fee will be retained by the Harbour Authority.

***Forfeiture of licence***

- 7.13 Should the licence holder fail to comply with any of the requirements of the Moorings Policy, the Harbour Authority may terminate the licence by sending written notice to the licence holder whereupon the licence will terminate 14 days from the date of the notice. The licence fee will be retained by the Harbour Authority.

***Duration of licence***

- 7.14 A Licence will:
- (a) run for the maximum duration of 12 months or such other period as may be specified (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 any alternatively specified period.
  - (b) commence on 1 April and expire on 31 March of the following year ('the expiry date') unless the licence is for an alternative period, subject to the licence holder remaining qualified under the Moorings Policy.



- (c) except that if before the expiry date:
- (i) the Harbour Authority has sent to the licence holder a retention form and request for a retention fee; and
  - (ii) the licence holder has within the period specified by the Harbour Authority returned the retention form, indicating that they wish their licence to continue, and has paid the retention fee; and
  - (iii) the Harbour Authority has subsequently sent to the licence holder an invoice demanding the licence fee (less the retention 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 Harbour mooring licence shall be deemed to run for a further 12 months (or an alternative specified period) immediately following the expiry date; this being subject to the requirements of the Moorings Policy.

***Reduced duration of some mooring licences***

7.15 Harbour moorings which are particularly exposed to the weather are removed or taken out of use over winter and licences for these facilities are shortened accordingly. This mainly affects:

- Batson and Victoria Quay Pontoons, which are available only from 1 April to 31 October.
- South Sands moorings, which are available only from 1 May to 30 September.
- New Bridge, where the moorings are kept unused over winter.

***On death or incapacity***

7.16 Where a licence holder has held a mooring licence for many years and a member of the family, who pays Council Tax to SHDC in their own name, is likely to wish to continue on the death or incapacity of the licence holder, they should join the appropriate waiting list in readiness to be allocated a mooring facility upon reaching the top.

7.17 However, in the event of sudden death or very serious illness of a longstanding licence holder where the immediate family wish to maintain their mooring licence, the Harbour Authority will consider the temporary issue of a licence for a limited period while alternative arrangements are made.

### ***Vessels absent from mooring***

- 7.18 Deep water mooring licence holders must inform the Harbour Office if they are planning to be absent from their facility for a period of 24 hours or more.
- 7.19 Pontoon and foreshore mooring licence holders must inform the Harbour Office if they are not going to be using their facility for a period of seven days or more.
- 7.20 Vacated foreshore mooring facilities, where practical, will be made available to visitors and the licence holder will receive a rebate of their mooring fees. The level of rebate is set by the Harbour Board and reviewed annually.
- 7.21 Should the licence holder's vessel return to the mooring earlier than the period of absence notified to the Harbour Office, the Harbour Master will either find the licence holder a temporary alternative mooring facility or remove any vessel preventing the licence holder from using the mooring facility.
- 7.22 Mooring facilities left unused for a period of two years will be reallocated. Licence holders who arrange cruises/absence for periods in excess of 12 months and under two 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 licence holder signing an undertaking not to resume the use of the mooring facility until the expiry of the agreed period. Should this be required it must be made known to the Harbour Office by the December before absence.
- 7.23 If the licence holder wishes to extend the absence beyond two years, this can be accommodated at the discretion of the Harbour Master and on payment of the full mooring charge.

### ***Removal and reberthing of vessels***

- 7.24 The Harbour Authority retains absolute control of berth allocation. Accordingly the licence holder is not entitled to the exclusive use of any particular berth but the berth which is allocated by the Harbour Authority. The Harbour Master has the right to move vessels to the most operationally suitable mooring.
- 7.25 If required by a notice in writing from the Harbour Master, the licence holder shall on the expiration of 14 days from the date specified in the Notice cease using the mooring which has been allocated and shall use only the mooring elsewhere in the Harbour as specified by the Harbour Master.
- 7.26 Vessels not in regular use and which, in the professional opinion of the Harbour Master, are unsafe or un-seaworthy, will be directed to be removed from the Harbour and the mooring facility will be re-allocated.

***Raft pontoons and dry docking***

- 7.27 Raft pontoons and dry docking facilities are prohibited on any mooring without both the written permission of the Harbour Master and the agreement of the Harbour Board.

***Repairing vessels***

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

***Residence afloat***

- 7.29 Permanent or prolonged residence on any craft is prohibited. Any person wishing to reside on a vessel within the Harbour for more than 14 days without a break should contact the Harbour Office to obtain the written permission of the Harbour Master. This is more likely to be granted if the vessel has a black water holding tank.
- 7.30 The commercial provision of afloat accommodation, beds on board, Airbnb or anything similar, is prohibited, with the exception of correctly-coded charter craft with a suitably-qualified skipper staying on board.
- 7.31 A pump-out facility for black water holding tanks can be arranged free of charge at Batson quayside. Otherwise discharges should be made at sea and not within the Harbour.

***Laying up***

- 7.32 No vessel shall be permitted to lay-up on its mooring, a slipway or the foreshore, without the written permission of the Harbour Master.

**8. Privately-maintained and private moorings**

- 8.1 A privately-maintained mooring licence

- a. is the term used when an individual is permitted to lay and maintain their own tackle on harbour-leased fundus.
- b. is subject to the same conditions as a Harbour mooring licence, with the additional requirement to declare that the mooring tackle has been maintained to the accepted standard.
- c. will cease to exist when relinquished, with the exception of licences linked to the ownership of the adjacent property. Where appropriate, a Harbour Authority mooring will be established in its place and allocated according to the waiting list.

***Moorings on private fundus***

- 8.2 Parts of the Harbour are not covered by the Duchy of Cornwall lease. These 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 discrete areas of fundus elsewhere in the Harbour.

- 8.3 Private Moorings are moorings on privately-owned fundus within the statutory harbour limits. Before the granting a Private Mooring Licence, for which there is no charge, the Harbour Authority will consider the implications of the mooring facility for safe navigation and the existence of any nearby Harbour Authority moorings. This may determine the specification of the mooring and the size of vessel that can be accommodated.
- 8.4 Private Mooring Licences are recorded on the Harbour database. Licence holders of private moorings which are not maintained by the Harbour Authority must confirm annually, within their retention documentation, their compliance with the Harbour Authority's private mooring tackle specifications and that the moorings have been properly maintained.
- 8.5 The Harbour Master is authorised to lift and impound any unauthorised mooring tackle.

***Private mooring tackle specification (surface to seabed)***

- 8.6 These specifications are minimum requirements. The Harbour Office must be consulted over any mooring applications which do not comply. If a mooring fails or is found to be faulty, this will be reported to the Harbour Board who may withdraw the licence.

***Small foreshore swinging or running moorings***

For use with a vessel up to a maximum length of 3.65 metres (12ft) overall in a maximum expected depth of 3 metres (10ft).

- (i) 15 cm (6") diameter hand pick-up buoy
- (ii) 2 metres of non-floating rope
- (iii) 10 mm chain, as necessary, to connect to running rope
- (iv) 10 mm swivel and shackles to fit where necessary
- (v) 2 metres of 16 mm chain
- (vi) Block/weight > 50kg – suitably flat and reinforced, fitted with a 16 mm connecting eye
- (vii) All shackles to be seized with wire or cable tie. The block to be dug in below surface mud

***General foreshore swinging moorings (above ferry crossing)***

For use with a vessel up to a maximum length of 6.1 metres (20ft) overall in a maximum expected depth of 5.5 metres (18ft).

- (i) 30 cm (12") diameter hand pick-up buoy with 13.64 kg (30lb) buoyancy
- (ii) 2 metres of non-floating rope
- (iii) 6 metres of 13 mm chain
- (iv) 13 mm swivel and shackles to fit
- (v) 2.5 metres of 19 mm chain
- (vi) Block/weight >75kg – suitably flat and reinforced, fitted with a 19 mm connecting eye

- (vii) All shackles to be seized with wire or cable tie. The block to be dug in below surface mud

*Exposed foreshore swinging moorings (below ferry crossing)*

For use with a vessel up to a maximum length of 6.1 metres (20ft) overall in a maximum expected depth of 5.5 metres (18ft).

- (i) 50 cm buoy
- (ii) 8 metres of 16 mm chain
- (iii) 19 mm swivel and shackles to fit
- (iv) 2.5 metres of 22 mm chain
- (v) Block/weight >250kg – suitably flat and reinforced, fitted with a 22 mm connecting eye
- (vi) All shackles to be seized with wire or cable tie

## **9. Enforcement**

### ***Compliance with Byelaws, Regulations and Directions***

9.1 The licence holder, and all persons having control or having charge of or being on board a vessel berthed against the mooring facility, shall:

- i. observe and perform all statutory and other obligations relating to the Harbour including all Byelaws and Regulations, and Directions made by the Harbour Authority or given by the Harbour Master.
- ii. not use the mooring facility in a reckless manner so as to cause danger to other users of the Harbour, damage to their property or pollute the Harbour.
- iii. not cause unreasonable noise, nuisance or annoyance to other users of the Harbour or local communities.

### ***Enforcement policy***

9.2 The Harbour Authority's enforcement policy is available on the Harbour's website. It sets out the circumstances in which a breach of regulations or byelaws, like drunkenness or speeding, may lead to the forfeiture of a mooring licence and/or a withdrawal of Harbour facilities, including the use of slipways.

### ***Service of notices***

9.3 Any notice which is required to be given to the Harbour Master or to the licence holder may be given by leaving it, sending it in a prepaid letter, or emailing it, in the case of the Harbour Master to the Harbour Office at Whitestrand, or in the case of the licence holder addressed to them at their last known address. It is the responsibility of the licence holder to ensure that contact details are up to date. Service of notices and documents will be deemed effective to the address which has been supplied by the licence holder.

- 9.4 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 Harbour Authority may distrain and sell any vessel berthed against a Harbour mooring facility.

## **10. Provision of moorings for visitors**

### ***Moorings for visitors from land***

- 10.1 Advanced mooring bookings can be made with the Harbour Office for craft visiting by land, by the week, Friday to Friday.
- 10.2 Moorings have a fixed weekly price. Annual Harbour Dues are also payable and the current year's sticker must be displayed.
- 10.3 Vessels up to 6.1m LOA can be booked onto foreshore moorings and vessels up to 8m LOA onto deeper water moorings.

### ***Moorings for visitors from sea***

- 10.4 Visitors' moorings are an important element of the Harbour Authority's service. The Harbour Authority provides a number of mooring facilities, both pontoon berths and swinging moorings, to welcome visitors from sea.
- 10.5 The Harbour Authority offers staggered seasonal pricing, which is reviewed annually.
- 10.6 The water taxi, convenient visiting dinghy tender berthing on Normandy Pontoon, and local showers on Whitestrand are facilities which complement the provision of moorings for visiting yachts.
- 10.7 Visiting vessels which use a mooring are charged in one-metre bands for both Harbour Dues and mooring fees (rounded up to the nearest metre).
- 10.8 Visiting vessels anchoring will be charged only Harbour Dues.

### ***Unattended vessels***

- 10.9 Moorings for vessels entering from the sea cannot be booked in advance. Visiting vessels that are not slept aboard need special direction and berthing instructions from the Harbour Master. As long-term visitors from the sea will not be given priority in relation to moorings over applicants on the Harbour's waiting lists, it is not possible to guarantee availability of moorings for unattended vessels, including for moorings which dry out. The charges for long-term visiting vessels are set by the Harbour Board and reviewed annually.

### ***Multi-hulled vessels***

- 10.10 Where moorings are shared, the standard mooring charge will be made for a multi-hulled vessel. However, where a multi-hulled vessel requires an individual mooring, a surcharge may be levied.

***Vessels arriving from abroad***

- 10.11 Vessels entering from abroad should fly international code flag Q until they have cleared both customs and immigration. This will help the Harbour Master find a suitable mooring or anchorage. Nobody may leave the vessel until all formalities have been completed. In case of difficulty, the Harbour Master may be able to assist.

**11. Referral to the Harbour Board**

- 11.1 Any matter in the Moorings Policy, or any dispute, which requires a referral to the Harbour Board may, if the Board so decides, be considered and resolved by a sub-committee of the Board consisting of three or more Board members.

