

Salcombe Harbour Board – 8 June 2009**TOPICAL HARBOUR ISSUES****Report of Head of Service Salcombe Harbour****Statutory Powers: Pier and Harbour Order (Salcombe) Confirmation Act 1954**

Financial Implications: There are no new financial implications related to the issues raised within this report.

Purpose

To update Members on the progress made against a number of operational issues within Salcombe Harbour. This report supports South Hams objectives: Retention of the District's Character (CP3), an accessible Council (CP5) and value for money (CP6).

Recommendation**That the Harbour Board RESOLVES to:**

- a. **note the content of this report;**
- b. **further investigate options to manage maritime activity in Starehole Bay;**
- c. **agree to the carry forward of project funds by the AONB estuary funding partnership from FY 2008/09 to FY 2009/10;**
- d. **facilitate a water skiing trial within the harbour as detailed in paragraph 9;**
- e. **confirm the requirement for canoes to pay harbour dues;**
- f. **Accommodate yawl rafts following the policy guidelines in paragraph 20.**

Starehole Bay

1. The problem of irresponsible boating in Starehole Bay has been recognised by the Harbour Authority for some time; notwithstanding this the issue was raised again by a member of the public at the Board meeting on 23 March 2009.
2. Starehole Bay is outside the Harbour limits and therefore outside of the jurisdiction of the Harbour Authority. Following a "near miss" during the summer of 2008, the Marine Accident Investigation Board (MAIB) was informed of the problem and their advice requested. The MAIB declined to investigate but, following further questioning, passed the issue to the DfT for comment. The response of the DfT is at Enclosure 1 and summarised as:
 - The MCA guidance is very general and applies to all boating activities. There is nothing that would specifically assist with the Starehole Bay problem.
 - The DEFRA publication "Managing coastal activities: a guide for local authorities" clarifies the responsibility of the Local Authority, which is

down to the low water mark. Therefore the Starehole Bay is outside both the Local Authority's and Harbour Authority's areas of responsibility. However it does suggest that Local Authority byelaws can apply to the sea within 1000 metres of any place where the low water mark is within or on the boundary of the local authority. Were there to be a byelaw to regulate maritime activity in Starehole Bay, it would require enforcing, which would generate a resources problem: as it is outside of the harbour limits, any vessel would need to be MCA Coded, with a minimum crew of two suitably trained staff.

- The Port marine safety Code advice is if the risk is outside of the port limits, to seek a Harbour Revision Order to formally extend the harbour limits. This is a considerable undertaking which would need to be examined carefully before any decisions were taken along these lines.
3. The Monitoring Officer has been asked for advice and she is considering the position. Her preliminary view is that as Starehole Bay is outside the jurisdictional limits of the Harbour Board and the Council, the Authority should be slow to volunteer for responsibility where it would be accompanied by liability. It is recommended that the Harbour Board direct the Harbour Master to research this issue further and report to a future Board meeting. An indication of Members' views would be helpful.

Duchy Lease

4. Progress with the lease negotiations has been delayed because of a boundary dispute between the Duchy of Cornwall and private foreshore owners owning land previously owned by the Earl of Devon. It is understood that this dispute has recently been resolved, which should allow lease negotiations to continue.

AONB Estuaries Officer

5. The Board supported the establishment of the AONB Estuaries Officer as a shared post with shared funding from Salcombe Harbour, Dart Harbour, Duchy of Cornwall, SHDC, Devon County Council, Natural England and the National Trust. The first financial year has just completed and during this first year the finance allocated for projects, amounting to approximately £5,000 was not spent. The funding partnership, at their bi-annual meeting on 26 April 2009 proposed to carry forward the project under spend to financial year 2009/10, but require the funding partners approval to do so.
6. It is recommended that the Harbour Board agree to this carry forward of funds.

Water Skiing within the Harbour

7. At the Board meeting on 23 March, a member of the public asked the question, "could the board consider a water ski area within the estuary?" The Chairman directed the Harbour Master to investigate the question and to add the subject to the agenda for a subsequent Board meeting.

8. It is anticipated that the question of water skiing within the estuary will be controversial and there will be divided opinion. It is therefore recommended that the Board schedule a full debate on the subject for 2 November 2009. This could, depending on the outcome of the debate, be followed by a public consultation exercise.
9. However, to inform the debate, the Board could consider approving a trial during the forthcoming summer season. Proposed trial parameters as follows:
 - 2 weeks in the Summer:
 - 29 June – 3 July
 - 27 July – 31 July
 - restricted to an area, which would be marked by buoys, between Scoble Point and the entrance to Scoble Basin
 - limited to a maximum of 2 hours/tide, the last 2 hours of the flood.
 - No skiing before 1000 or after 1800
 - No skiing at weekends (Harbour too busy and programmed dinghy sailing)
 - sessions to be booked in advance with the harbour office, bookings only taken the day before (consideration of a booking charge)
 - sessions limited to 20 minutes, 4 x 30 minute bookings each day
 - bookings for 30 minute periods to allow safe changeover
 - one session per day per boat
 - 4 stroke powered boats only
 - water skiing or wake boards only, no donuts
 - only one boat in circuit at any one time
 - boats require additional insurance for water skiing, which would have to be produced before a booking could be accepted.
10. It is recommended that the Board approve a water skiing trial, as outlined above.
11. To facilitate the trial, the Harbour Master would require a Local Notice to Mariners giving special directions which would override the bye-laws for the period of the trial.

Qualification for Moorings

12. In the Invoice run for 2009/10 season, facility holders were given advance warning that they would need to produce Council Tax bills before their facility is renewed for the 2010/11 season. There are a number of facility holders who have questioned this and these people have been informed to write explaining their circumstances. Their letters will be reviewed at the end of the summer by the Chairman of the Board.

Pollution

13. There has been a sewerage leak from South West Water's main sewer at Whitestrand. This has been reported to South West Water for rectification and the Environment Agency for monitoring.

Winter Storage Arrangements – Creek Car Park

14. The Harbour Board recognised the problems with the winter storage arrangements and recommended to the Council that they seek expressions of interest to operate all aspects of the winter storage arrangements on 10 July 2007 (SH19/07) and on 14 January 2008 (SH53/07). To date no progress has been made.

Harbour Dues on Canoes and Paddle Boards

15. As summer approaches, the popularity of canoes and paddle boards¹ as an inexpensive and fun way to explore the Estuary is becoming apparent. Sit on canoes are particularly popular with families and groups and are sold in considerable numbers to visitors to the harbour. Paddle boards are a relatively new innovation for Salcombe, but these are also growing in popularity.
16. There is a standard harbour dues charge for canoes, but paddle boards have to date, been regarded as surf boards and have not attracted harbour dues.
17. To clarify the policy it is recommended that the charging policy be reiterated so that shops selling canoes in Salcombe are aware of the fact that they are liable to harbour dues, while paddle boards will be regarded as surf boards and not attract harbour dues.

Yawl Rafts

18. Members may have observed that one of the yawl moorings currently has a plastic raft secured to it which is used to winch the yawl clear of the water. This new innovation is a private venture which, the owner feels, will improve his sailing experience because it negates the requirement to recover a heavy vessel up the slipway thus avoiding an extremely physical task and the high activity and associated “slipway rage” associated with yawl launching and recovering.
19. The question of harbour dues or additional mooring charges has not been considered so far, despite the fact that the mooring has had to be upgraded to accommodate the yawl raft.
20. Should the concept of the yawl raft prove successful and there are further requests, it would be helpful to have a policy from the Harbour Board to work to. It is recommended that:
 - No further yawl rafts will be accommodated on the foreshore moorings.
 - The raft swings differently to a yawl
 - The raft with a yawl on top has considerably more weight and windage, requiring a heavier mooring
 - A yawl mooring with a yawl raft moored to it should be charged for the length of the raft and not the length of the boat.
 - The harbour Authority has no current plans to invest in yawl rafts.
 - Individuals who want to berth their yawl on a raft could do so with a boatyard facility.

¹ A surf board “sailed” from the standing position using a paddle for propulsion

- The yawl rafts can be joined into groups of four giving a maximum overall length of 10m. The Harbour Authority would then have no objection to this 10m raft being secured between boatyard deep water fore and aft moorings.
 - Harbour moorings would not be made available because the change of usage would disadvantage customers on the deep water mooring list.
 - Yawl owners could shortcut the waiting list for a mooring if they were prepared to invest in a yawl raft.

Strategic Risk Assessment

Opportunity	Issues / Obstacles	Benefits
The Harbour Authority is striving to deliver an improving service to harbour users.	There are a number of issues which have been underway for a long period; this report is an opportunity to report progress, successes and failures.	A better service in a safe environment for estuary users.

Conclusion

21. There are a number of actions currently being progressed which, it is hoped, demonstrates the Harbour Board and Harbour Team's commitment to providing a first class service to the users of Salcombe/Kingsbridge Estuary.

Ian Gibson
Head of Service Salcombe Harbour

Salcombe Harbour Board
 8 June 2009