



River Yealm Harbour Authority

Harbour Office: **Yealm Steps, Yealm Road, Newton Ferrers, Devon, PL8 1BN**

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POLICY

General

1. Whilst it is the duty of the Authority to administer the harbour in the interests of those who use it in accordance with the relevant Acts and Orders, it will have regard to the special situation of the harbour within the locality, the Coast Protection Area, and the designated Area of Outstanding Natural Beauty and the Sites of Special Scientific Interest.
2. The Authority recognises that the harbour is predominantly recreational in character and because of the limited shore access and facilities is likely to remain so. It will try to maintain a fair balance between the interests of those who wish to use the harbour.

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Clear Areas

3.1 A clear and safe fairway through the harbour will be maintained.
3.2 Areas will be kept clear of obstruction for the use of small craft.
3.3 "Clear Areas" are maintained in Newton Creek and above Madge Point below the Kitley Estate as shown on the attached plan headed "Clear Areas". Existing mooring licences may be renewed in these areas but no new licences will be issued.

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Mooring Areas

4.1 The Authority will lay and maintain a number of moorings for public use at charges to be fixed from time to time.
4.2 The Authority will issue a limited number of annual licences for laying and maintenance of private moorings outside the areas occupied by public moorings and those areas referred to at 3.

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Issue of mooring Licences

5.1 Residential and other qualifications:

i The issue and renewal of mooring licences shall be restricted to people resident in the riparian parishes of Wembury, Brixton, Yealmpton and Newton Ferrers and Noss Mayo. For this purpose the parish of Brixton shall not include any part of the area shown hatched on the attached plan or any other area designated as or becoming the proposed new parish of Sherford. Licence holders residing in such excluded areas in the parish of Brixton who were issued with licences before 21 January 2010 shall not be adversely affected by this restriction.

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ii It is for a person claiming residential qualifications to satisfy the Authority that they are qualified and in the case of part or multiple ownership of a vessel that all those having an interest qualify. In the case of a licence for an outhaul, ownership of the property from which the outhaul runs shall satisfy the residential qualifications requirement.

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iii Licencees who have held a licence continuously since 26 March 1986 are not required to satisfy the residential qualifications set out in policies 5.1i and 5.1ii.

iv A person who owes the Authority money shall not qualify for the issue or renewal of a licence.

5.2 Ceasing to satisfy the residential qualifications after a licence has been issued (moving away):

Notwithstanding the provisions of policy 5.1i, where a licence holder required to satisfy the residential qualifications in policies 5.1i and 5.1ii above ceases to do so, that licencee's licence may be renewed for one further annual licence period.

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5.3 Change of ownership of a vessel after a licence has been issued:

A licence will lapse on any part change of ownership of the vessel using the mooring unless the residential qualifications set out above continue to be met and the prior written approval of the Authority to the change has been obtained.

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5.4 Changing mooring class:

A licencee may apply in writing to the Harbour Master to transfer from one mooring class to another. The Harbour Master shall, having regard to the potential surrender of the licencee's existing mooring, accommodate any such

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request as he shall think fit in the best operational interests of the Authority. This policy shall not apply where the mooring class in question is an outhaul.

5.5 Change of vessel:

A licence is valid only for the vessel approved by the Harbour Master. Any change of vessel must be approved by the Harbour Master.

5.6 Transfer of licences:

i Subject to what follows in this policy 5.6, licences are personal to the licensee and not transferable. Sub-letting of moorings, informally or formally, for profit or otherwise, is not permitted.

ii On the death of a licensee the surviving spouse or partner of the licensee or any joint owner of the vessel in question shall be entitled to the licence for the residue of its term. Thereafter, such a surviving spouse or partner (but not any other joint owner who is not such a surviving spouse or partner) may apply to the Authority in writing to renew the licence in their own name. The Authority shall have absolute discretion to accept or refuse such application provided that, in the case of a refusal, it shall provide its reasons in writing.

5.7 Temporary surrender of a licence and extended cruising:

i Any licensee may, by written notice to the Harbour Master, elect not to renew a licence but, instead, to be transferred to the waiting list with the same priority as that licensee would have had if that licensee had been at the top of the waiting list for the mooring category previously licensed to that applicant (subject to the priority of any other former licensee who has exercised the right provided by this policy 5.7).

ii Any such licensee shall, thereafter, be subject to the provisions applicable to an applicant for a new licence.

iii A licensee who intends to be away from the harbour on an extended cruise or who is unable to take up a mooring either for health reasons or because they are in the process of changing vessels may, having obtained the prior written approval of the Harbour Master, be permitted to retain a mooring licence. The mooring licence may be retained for two years. Thereafter the licensee may make the election provided for in policy 5.7i. The mooring may be used by the Harbour Master during the absence and retention of the specific mooring is not guaranteed.

5.8 General provisions:

i With effect from 25 February 2010 a licensee is limited to one mooring, excluding licenced outhauls and /or commercial moorings. This policy shall not have retrospective effect.

ii Licences will not be issued in respect of vessels in excess of 45' length overall, or of exceptional draught or beam and/or exceeding 20 tons displacement.

iii Only one vessel may be moored on a mooring licensed by the Authority at any one time. Exceptions must be approved by the Harbour Master and will only be allowed on a temporary basis.

iv A vessel on a mooring licensed by the Authority may not be used as a houseboat.

v The permanent berthing of vessels alongside quays is prohibited.

5.9 Waiting List and allocation of new licences: (other than outhauls)

The following system will be used:

i New applicants who satisfy the residential qualifications requirement shall be listed in order of the date of receipt of their written application and payment of any required fee. A note shall be kept of the classes of mooring applied for.

ii When a new applicant reaches the top of the waiting list and a suitable mooring in the class applied for becomes available, an offer of a mooring site will be made to that new applicant.

iii Before making an offer of a licence to a new applicant the Harbour Master may require full details of the type of vessel for which the mooring is to be provided. Until such details, if required, are provided, no offer of a mooring will be made.

iv An offer of a new licence will be made by letter sent to the last address notified in writing by the applicant to the Harbour Master. The applicant may elect in writing either to take up the offer of the mooring or to remain on the waiting list with the same priority. If no such written election is made by the applicant within 30 days of the posting of the offer letter, unless there are exceptional circumstances, the applicant's name will be removed from the waiting list without further notification. Any offer letter sent by the Harbour Master under the provisions of this policy shall draw the applicant's attention to the consequences of a failure to make an election within the 30 day timescale referred to above.

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Reasonable use of Moorings and Vessel

6. If a vessel has not had reasonable use during the season or a mooring has not been used at all the mooring licence may not be renewed.

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Visiting Yachts on private moorings

7.1 It shall be a condition of granting a licence to lay a mooring that, when vacant, the mooring may be used temporarily by a visiting yacht at the discretion of the Harbour Master.

Laying and Security of Moorings

8.1 The issue and renewal of a licence is conditional on the applicant certifying to the Harbour Master in writing that the gear has been inspected during the current year and was found to be in good condition and suitable for the specified vessel. In the case of a licence for an "A" mooring, the applicant's certification shall be accompanied by evidence that the mooring has been inspected during the current year by a mooring maintenance provider with appropriate insurance cover and is fit for purpose.

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8.2 All moorings are to be of the concrete clump type and of materials and workmanship approved by the Harbour Master. Each mooring is to be marked with a buoy showing clearly the number of the berth. Outhauls are to be marked on their landward side with their number.

8.3 The laying of a mooring is to be supervised by the Harbour Master.

8.4 All disused mooring gear is to be lifted and removed by the owner to the satisfaction of the Harbour Master. The Authority reserves the right to remove the same at the owner's expense.

8.5 All categories of moorings may be subject to movement at the discretion of the Authority, which, whenever possible, will give notice to and consult with the mooring licensee.

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Budget Policy

9. Each year the Authority will fix a meeting to consider a budget of its projected income and expenditure for its next calendar year. Normally the meeting will be held in time to present a draft budget to the Authority's November meeting for debate, any amendment and approval.

9.1. The meeting to consider the budget will be attended by a minimum of three members of the Authority (such members to be nominated by the Authority), to include the Chairman, the Vice Chairman the Harbour Master and the Clerk.

9.2. At the meeting the Harbour Master will present a draft budget for debate by the Authority members present. In preparing the budget the following shall be taken into account:

i. Any limitation in the Authority's Byelaws on the amount of annual fees payable by mooring licensees.

ii. Any limitation on the Authority's borrowing powers.

iii. The Authority's objective of balancing its books and maintaining a general reserve equal to no more than one half of its annual turnover. Other reserves may be maintained for identified purposes. In particular, the Authority shall establish a Replacement Reserve to ensure sufficient funds are available to replace major fixed assets at the end of their useful lives. This will be done using the following formula:

$[(\text{Number of years to replacement} \times y\%) \times \text{replacement cost}] + \text{replacement cost}$

Where:

- Number of years to replacement = the number of years of useful life left in an asset as determined by the Authority from time to time.
- $y\%$ = a simple percentage rate of interest being 3% or such other percentage as the Authority shall determine from time to time reflecting market conditions.
- replacement cost = the 2016 replacement cost of an asset updated from time to time as determined by the Authority.
- iv. The objective that mooring licence fees should cover the cost of rentals payable to the Crown Estate in respect of the foreshore and bed.
- v. Visitors fees payable in comparable harbours allowing for the facilities available.

9.3 Salaries should reflect market rates.

9.4 Wherever possible in the context of the above considerations, that increases in license fees and harbour dues should not exceed inflation.

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Indemnity

10. No Member of the River Yealm Harbour Authority (the "Authority"), by being party to or executing in his capacity of Member any contract or other instrument on behalf of the Authority, or otherwise lawfully executing any of the powers given to the Authority, shall be subject to be sued or prosecuted, either individually or collectively, by any person whomsoever; and the bodies or goods or lands of the several Members shall not be liable to execution of any

Correct to 15th July 2021

legal process by reason of any contract or other instrument so entered into, signed, or executed by them, or by reason of any other lawful act done by them in the execution of any of their powers as Members; and the Members respectively, their heirs, executors, and administrators, shall be indemnified out of the rates and other monies coming to the hands of the Authority by virtue of this for all payments made or liability incurred in respect of any acts done by them, and for all losses, costs, and damages which they may incur in the execution of the powers granted to them.