

RIVER YEALM HARBOUR AUTHORITY REGULATIONS

(Made under the provisions of article 11 of the Order and bylaw 7 of the Byelaws)

Issue 9: Adopted by resolution of the Authority on 15th September 2022

1 Introduction

1.1 The Authority is a statutory non-profit making body, which leases the Harbour (except for the Kitley Estate which is privately owned) from the Crown. The Authority's job is to regulate the Harbour for the benefit of its users. It derives its powers from a statutory instrument (the Order) and the Byelaws. The purpose of this booklet is to summarise, in one convenient document, the rights and responsibilities of Harbour users. The Authority will amend these regulations from time to time. It is the responsibility of Harbour users to ensure that they have a copy of the current regulations.

1.2 The Authority is made up of eleven members each of whom holds office for terms of three years. One is appointed by South Hams District Council, three by Newton and Noss Parish Council, one each by Brixton, Wembury and Yealmpton Parish Councils, three by three yearly elections by the mooring holders and one by the Royal Yachting Association in consultation with The Yealm Yacht Club. The first meeting of the Authority held after 31 March in each year is its Annual Meeting at which the Authority presents a report and its accounts and elects a Chairman and Vice-Chairman.

2 Definitions

“the Authority” means the River Yealm Harbour Authority incorporated under article 3 of the Order.

“the Byelaws” means the River Yealm Harbour Byelaws 1978 as amended from time to time. Copies can be obtained from the Harbour Master.

“the Harbour” means the area of the River Yealm and Newton and Noss Creeks lying to the East of a line drawn between Season Point and Mouthstone Point.

“the Harbour Master” means the Harbour Master appointed by the Authority from time to time and his or her duly authorised assistants.

“the Order” means the Yealm Harbour Revision Order 1981 (SI 1981 No.1819). Copies can be obtained from the Harbour Master.

A reference to a “policy” is to the appropriate policy set out in the Authority's Policies from time to time. Copies can be obtained from the Harbour Master.

3 Applications for moorings

3.1 Apart from in the Kitley Estate (which is privately owned and where the moorings are laid down under licence from the Estate) no-one may lay down or use a mooring in the Harbour without a written licence from the Authority (Byelaw 6).

3.2 Anyone requiring a licence should contact the Harbour Master for information.

3.3 New licences are restricted to people who are resident in the riparian parishes of Brixton, Newton Ferrers and Noss Mayo, Wembury or Yealmpton and who own the vessel in respect of which the licence is sought (Policy 5.1). Generally speaking, to be eligible, for each applicant or co-owner you must be able to produce a driver's licence showing the person's address within one of the parishes, evidence that each person is on the local electoral roll and, if the person owns a property within the parishes, a Council Tax bill showing that it is not a second home. For outhaul moorings ownership of the property in question is sufficient.

3.4 Categories of licence available are:

“A” – Deep water to 4 feet (MLWS)

“B” – Shoal and part drying

“C” Mud moorings below Kiln Quay

“D” Mud moorings above Kiln Quay

Outhaul moorings

3.5 With effect from 25th February 2010 a licensee is limited to one mooring, excluding licenced outhauls and/or commercial moorings. This policy shall not have retrospective effect.(Policy 5.8)

3.6 Licences are personal and not transferable save that they may be transferred to a surviving spouse with the permission of the Authority (Policy 5.6). Once granted, a licence will lapse on any part change of ownership unless the prior written approval of the Authority to the change has been obtained. (Policy 5.3). The Authority will only issue or renew a licence in a case of joint ownership or approve a part change of ownership where the mooring holder has no less than a half or, if not a half, an equal share in the vessel concerned. (For example, a licence may be held by a mooring holder who has one of three equal shares in a vessel but not where a mooring holder has a lesser share than another joint owner). The Authority will not issue or renew a licence in a case of joint ownership or approve a part change of ownership where, in its reasonable opinion, the joint ownership is a device to circumvent a policy or these regulations. Sub-letting of moorings, informally or formally, for profit or otherwise, is not permitted.

3.7 Licences will not be issued for vessels exceeding 45 feet overall or 20 tons displacement (Policy 5.8). Other maximum permissible boat lengths are: on an outhaul-16 feet (to include the length of any motor on the stern); temporary visiting craft-60 feet; dinghies kept at Yealm Steps pontoon-11 feet; within Newton Creek

around the 'Recreational Area' -26 feet. Maximum permissible lengths of outhauls from shore vary – details can be obtained from the Harbour Master.

3.8 Licences are issued for specified vessels. No change may be made without the Harbour Master's permission (Policy 5.5).

4 Moorings

4.1 Moorings (including outhauls) must be laid down as directed by the Harbour Master. They are to be of the concrete clump type and marked with a buoy showing the number of the mooring (policy 8.2). Outhauls are to be marked on their landward side with their number (policy 8.2) Mooring Tackle must be checked annually by a competent person and by the due date. A declaration form, issued at the beginning of each year to each mooring holder, must be signed by the mooring holder and returned to the Harbour Office by the due date described on the form. In the case of a licence for an "A" mooring, the declaration form 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. Ordinarily, a copy of the mooring maintenance provider's invoice confirming the position will be sufficient.

4.2 The Harbour Master may direct a licence holder, at the licence holder's expense, to move a mooring to another site within the licence category (Policy 8.5). A licence holder must comply within three months.

4.3 A licensee who ceases to use a mooring shall immediately notify the Harbour Master in writing.

4.4 A licensee whose licence lapses or has been relinquished must remove the mooring in question and all associated ground tackle from the river, at his/her own expense, within three months. Otherwise the Harbour Master will arrange for its removal at the licensee's expense (Byelaw 9 and Policy 8.4).

4.5 Licences are renewable annually on 1 January at a fee determined by the Authority from time to time. If a licence is not renewed by 15th February in any year it will be void without further action by the Authority. At the discretion of the Harbour Master, licences may be renewed after 15th February in each year on payment of the current late payment surcharge.

4.6 No mooring, or outhaul, may be used for more than one vessel at a time without the express permission of the Harbour Master (Byelaw 15 and Policy 5.8).

4.7 If a vessel or mooring does not have reasonable use during the season the mooring licence may not be renewed (Policy 6.1).

4.8i 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

licencee would have had if that licencee had been at the top of the waiting list for the mooring category previously licenced to that applicant (subject to the priority of any other former licencee who has exercised the right provided by this rule).

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

iii A licencee 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 licencee may make the election provided for in 4.8i. The mooring may be used by the Harbour Master during the absence and retention of the specific mooring is not guaranteed.

4.9 Whilst a mooring is not occupied, the Harbour Master may direct it to be used by another vessel at his discretion (Policy 7.1). No refund of any licence fees or harbour dues will be made in such circumstances. A dinghy or message giving notice of return should be attached to a mooring that is to be unoccupied for a short period. The absence of either will denote that a mooring is free for the harbour master or visitors to use. Longer-term absences should be notified to the harbourmaster.

4.10 No static mooring may be placed on an outhaul without the written permission of the Harbour Master.

5 Harbour Dues

5.1 Harbour dues are payable by all harbour users at the current rate. This includes mooring holders in the Kitley Estate and visitors approaching by sea and land.

5.2 No vessel may be launched in the Harbour until the appropriate Harbour dues have been paid.

5.3 All vessels must display a current licence disc sticker where it can best be seen.

6 Disposal of unmarked/derelict vessels

Vessels not displaying a current licence disc will be removed and impounded by the Harbour Master whereupon a release fee and any costs will become payable. If possible and at the discretion of the Harbour Master, the owner will be contacted. After three months if the vessel still remains unclaimed it will be disposed of at the Harbour Master's discretion. Vessels found in a derelict condition will be disposed of forthwith at the owner's expense.

7 Navigation

Vessels must navigate so as not to interfere with any organised race or regatta in the Harbour. This particularly applies to the Village Regatta and any race organised by

the Yealm Yacht Club. Vessels should avoid navigating in the Harbour near any such events. Vessels shall comply with any reasonable request of Village Regatta or Yealm Yacht Club officials in this respect. However, this does not override the international rules for the prevention of collisions at sea and competitors in any such events shall have particular regard to the needs of any vessel restricted in its ability to manoeuvre (Byelaw 19).

8 Speed Limit and Wash

8.1 The speed limit in the Harbour is six knots (Byelaw 21). The Authority has a “zero tolerance” policy in relation to this limit. The Authority will revoke a Harbour user’s licence without warning on reasonable belief that the Harbour user has exceeded the speed limit. For this purpose the visual observation of the Harbour Master or any member of the Authority shall be sufficient. ‘Harbour’ includes Cellar Bay, the Kitley and all areas east of the speed limit buoys outside the Sand Bar.

8.2 Some vessels produce significant wash at speeds of less than six knots. Harbour user’s operating such vessels are required to proceed at whatever speed less than six knots minimises this effect.

9 Standards of Behaviour

9.1 No person shall be drunk in the Harbour (Byelaw 24).

9.2 No person shall cause unreasonable noise in the Harbour (Byelaw 24).

9.3 No person shall obstruct the Harbour Master in the execution of his duty. The Authority will not tolerate any physical threat or verbal abuse towards the Harbour Master. Any such behaviour will lead to the revocation of the Harbour user’s licence without warning.

10 Sub-Aqua Diving, Water Ski-ing and Houseboats

10.1 Water ski-ing is not permitted in the Harbour (Byelaw 30).

10.2 Sub-Aqua Diving (either Commercial or Leisure) is only permitted in the Harbour with the written permission of the Harbour Master, leisure diving not involving the use of breathing apparatus is permitted at the risk of the diver (Byelaw 29). The use of spear guns in or on the River is prohibited.

10.3 Houseboats are not allowed (Byelaw 5.11). In practice this means that full time living aboard a licence holder’s boat is not permitted.

11 Anchoring, mooring and outboards.

11.1 Harbour users shall comply with the directions of the Harbour Master.

11.2 Anchoring is not permitted anywhere in the Harbour East and North of Misery Point to include the Kitley (that is the upper reaches of the river).

11.3 Any outboard motor left in the raised position must have its propellor protected with a bucket or similar.

12 Use of pontoons at Yealm Steps

The ends of the main and subsidiary pontoons are to be kept clear at all times to allow temporary berthing for up to twenty minutes to embark stores, water and crew. Craft kept at Yealm Steps pontoon must not exceed 11ft 2ins length overall or 4ft 10ins beam and must be capable of being carried by two persons. Boats with inboard or outboard engines and sailing craft with mast erected are not permitted. Rowlocks must be left unshipped. All boats must be kept free of water. Craft that do not comply will be removed and impounded and a release fee charged.

13 Works on the Foreshore

Contractors wishing to use any part of the foreshore within the Harbour are required to obtain the permission of the Harbour Master first, to comply with the terms and conditions laid down for doing so and to pay any appropriate charges.

14 Use of Bridgend Quay

Prior to berthing on Bridgend Quay, the beach to the West of the Quay or on the chains to the East of the Quay permission must be obtained from the Harbour Master (Byelaw 17) except for periods of under one hour. Maximum permissible length of vessels stored on Bridgend Quay are: summer dinghy parking: 14ft, winter storage: 27ft.

15 Disposal of Waste

15.1 No waste may be disposed of within the Harbour save at the facilities provided for this purpose at Yealm Steps (Byelaw 31). Only domestic waste from yachts is accepted and must be properly bagged and placed in the sacks in the containers provided. Waste oil, batteries and other hazardous material are not accepted.

16 Fishing

16.1 Before fishing in the Harbour you should familiarise yourself with the relevant regulations by contacting Devon Sea Fisheries. Fishing for Bass from a vessel between 1 May and 31 December is prohibited. At all other times the minimum landing size for Bass is 36cm. Trawling, dredging, netting, potting and crab tiles within the Harbour are generally prohibited.

16.2 Line fishing has been allowed from the pontoons at Yealm Steps for many years. However, line fishermen are expected to give priority to other users, dispose of their own rubbish and leave the pontoon in a tidy condition. Fishing from the pontoon from 1st April to 30th September is only allowed from sunset to sunrise.

17 General

The Harbour Master is entitled to board and inspect any vessel in the Harbour (Byelaw 27).

17.2 Owners and /or users of vessels using the Harbour are responsible for the security, maintenance and seaworthiness of the vessels in their charge. They are also responsible for the safety of everyone on board a vessel in their charge.

17.3 The Harbour Master may advise on the suitability of a particular mooring for a vessel. However, the moorings in the Harbour are largely swinging moorings. In certain tidal and/or weather conditions moored vessels may touch and cause damage to one another. It is the responsibility of the owner and/or user to monitor their vessel on its mooring and report any problem immediately to the Harbour Master. In such circumstances it may be necessary to require a vessel to relocate to a different mooring either temporarily or permanently, require the mooring holder to move the mooring or to require a vessel to leave the Harbour until a solution is found.

18 Contacting the Authority

18.1 In most cases the Harbour Master will be the appropriate person to contact with any questions Harbour users may have. If it is inappropriate to contact the Harbour Master, direct contact can be made with the Authority's Chairman for the time being or any other member of the Authority. The Harbour Master will supply details on request.

18.2 The Authority meets in most months (usually not in August). The Harbour Master will supply details of the dates of meetings. The meetings are public and members of the public are welcome. Very occasionally, part of the meeting will be closed to the public, if the Authority is considering an individual case. There is no open forum at the Authority's meetings but there is an opportunity to speak to the Chairman or individual members outside the meeting.

19 Fires on the foreshore

Fires of any description anywhere on the foreshore are prohibited.

20 Insurance requirements

All vessels using the Harbour, unless a pulling boat not powered by sail or motor, are required to be covered by insurance with valid third party liability of at least £2 million.

21 Mooring to private quays.

The mooring of large vessels to private quays is only permitted on a temporary or short term basis. (Policy 5.8)