

Harbours Advisory Committee

6 March 2024

Weymouth Harbour - Future Development and Open Port Duty

For Recommendation to the Portfolio Holder

Portfolio Holder: Cllr R Bryan, Highways, Travel and Environment

Local Councillor(s): All Councillors

Executive Director: Jan Britton, Executive Lead for Place

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Report Status: Public Choose an item.

Brief Summary:

At its meeting on the 30th January 2024 Cabinet agreed to invite the Harbours Advisory Committee to consider and make recommendations about how the Levelling Up Fund (LUF) commitments for the Peninsula site can be delivered in a manner compatible with the Council's duties as Statutory Harbour Authority while securing the success and future viability of the harbour, including consideration of the potential approach to a new Harbour Revision Order. Currently, works are progressing on the harbour quayside section of the Peninsula where Coastal Community Fund supported improvements are being made to support commercial fishing operations, services for harbour users and the public realm in this location.

The current 'harbour premises' (excluding the Weyfish premises which has been sold) are shown on the plan that was deposited with the Weymouth Harbour Revision Order 2021. As the Harbour Advisory Committee is aware, the harbour is subject to the 'Open Port Duty' (the duty to be open for the shipping and unshipping of goods and the embarkation and disembarkation of passengers). At the moment this duty is unrestricted. This means that the Council in principle needs to retain the ability to accept commercial shipping (such as a ferry service)

at the harbour. This entails retaining and maintaining the associated infrastructure and sufficient open space to enable this duty to be met. This duty can be restricted under a Harbour Revision Order (HRO) to only apply to a certain size of vessel (for example under 24m). This would mean the Council is still under a statutory obligation to meet the Open Port Duty in relation to all relevant current users of the harbour, but it would not need to incur expenses in relation to larger commercial shipping (the former ferry service ceased in 2015 and no viable replacement service has come forward since that date).

For the future development ambitions (outlined in the recently approved harbour business plan), to be met, and for the wider Peninsula to be developed, the Open Port Duty needs to be amended by way of a Harbour Revision Order.

Recommendation:

The Harbours Advisory Committee recommends that the Portfolio Holder for Highways, Travel, and the Environment gives authority for the Weymouth Harbour Consultative Group to be consulted on the proposal to apply for a Harbour Revision Order to restrict the Open Port Duty.

Reason for Recommendation:

To progress future development of the Peninsula area, in terms of implementing the Harbour Business Plan and taking full advantage of the funding available under the LUF, a new Harbour Revision Order is required, to restrict the Open Port Duty. This will provide the harbour with the freedom to commercially develop the quayside of the Peninsula, and for the harbour to work with the levelling up programme to develop other opportunities which will improve the financial sustainability of the harbour in the long-term. It is suggested that the outcomes of consultation with the Harbours Consultative Group and a proposed way forward are brought back to the 12th June 2024 meeting of the Harbours Advisory Committee.

Report

- 1.1 At the meeting of Cabinet in November 2023 Members were advised of the progress of the Weymouth LUF projects. The Council had been successful in bidding to the second round of LUF funding and had been awarded £19.47m with a requirement to contribute £3.5m match funding.
- 1.2 It was noted that the Council had agreed to a number of commitments which include upgraded and repaired harbour walls, enhanced public realm leading to 7,818 sq m of leisure led commercial development and

374 affordable and market homes, all with the view to contributing to the regeneration of Weymouth.

- 1.3 Following a LUF update presented at Cabinet on 30th January 2024 it was agreed that the Harbours Advisory Committee be asked to consider how the LUF commitments for the Peninsula can be delivered in compliance with the Statutory Harbour Authority's duties while securing the success and future viability of the harbour.
- 1.4 The recently approved Harbour Business Plan highlights opportunities on the Peninsula, along the strip of the harbour quayside encompassed by the Weymouth Quay Regeneration Project. This includes the removal of the redundant ferry linkspan ramp to potentially accommodate a slipway and boat haul out facilities, and related repair and maintenance marine business on the adjacent land. However, to accommodate development of this site and the potential regeneration of the wider Peninsula area it will be necessary to restrict the application of the Open Port Duty through the introduction of a new Harbour Revision Order. The Open Port Duty requires that the harbour must be kept open for the 'shipping and unshipping of goods, and the embarking and landing of passengers' on the payment of rates.
- 1.5 The Open Port Duty therefore currently requires the harbour to be able to accommodate, at reasonably short notice, a commercial ship of any size which can safely navigate the harbour (including a ferry service of the scale previously operating out of Weymouth). In terms of a passenger ferry service, it would need to be physically possible to load and unload passengers and goods wanting to travel on the ferry, and as such there needs to be sufficient space available (or able to be made available at relatively short notice) to accommodate this, for example loading lanes for vehicles and utility buildings (including Border Control). This requirement is preventing alternative uses of the site and is restricting future commercial opportunities, despite a ferry service not operating from Weymouth for some years and with no realistic prospect of this happening in the future.
- 1.6 A Harbour Revision Order could be applied for to restrict the application of Open Port Duty to ships up to a certain length only. The length specified would reflect the size of the largest vessels currently using the harbour so that they can continue to do so but would preclude the duty applying to

larger vessels. The harbour would still be able to accept vessels, like Tall Ships, if it wished to do so, but the statutory obligation to accommodate all vessels over the stated size would fall away. The amendment to the Open Port Duty would not change the area that is currently harbour land/premises.

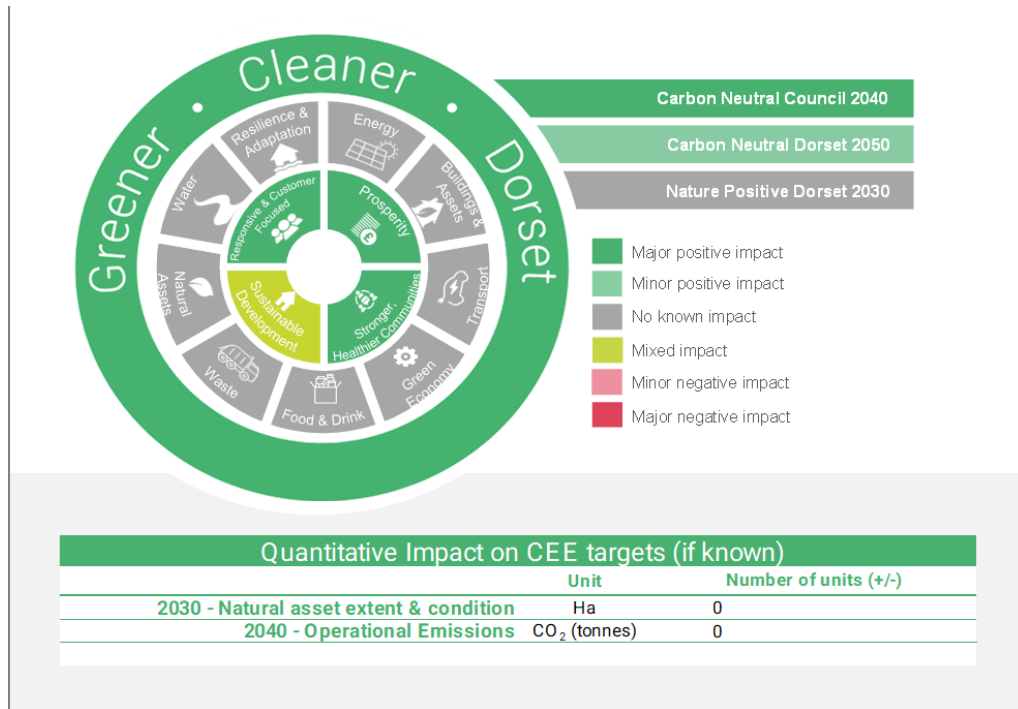
- 1.7 To move the proposals in the Harbour Business Plan forward, the Open Port Duty needs to be restricted. In addition, the restriction of the Open Port Duty would be beneficial in terms of the LUF proposals for the Peninsula. Prior to any decision being made about making an application for a Harbour Revision Order, proper consultation will need to be undertaken with the Harbour Consultative Group to capture views on the proposal, to inform any recommendations that the Harbour Advisory Committee may make to the Portfolio holder.
- 1.8 At this stage therefore the recommendation is that authority is given by the Portfolio Holder for Highways, Travel, and the Environment to consult with the Harbour Consultative Group on the proposal to seek a Harbour Revision Order to restrict the Open Port Duty as described above. A further report will be brought to the Harbours Advisory Committee setting out the response to that consultation.

2. Financial Implications

- 2.1 There are no financial considerations linked to this recommendation, beyond the requirements for legal advice and associated costs.

3. Natural Environment, Climate & Ecology Implications

- 3.1 There are no natural environment, climate & ecology implications linked to the subject of this report. However, the Harbours aim to meet the targets adopted by Dorset Council in July 2021, setting out a framework for action to become a carbon neutral Council and the direction of travel needed for a County-wide approach. Harbours have an important role in helping to deliver some of the goals set out within the strategy and will aim to reduce their carbon footprint in line with that of other Council Services.



4. Well-being and Health Implications

The provision of improved facilities and infrastructure promote health and wellbeing through encouraging people to be outdoors and active, whether it be through boating and water related activities, or through encouraging people to visit the harbours and enjoy each Harbour's natural and cultural heritage. Established safety management systems at the harbours also support the ongoing health and well-being of harbour users and harbour employees.

5. Other Implications

5.1 None

6. Risk Assessment

6.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

7. Equalities Impact Assessment

7.1 There are no equalities impact issues resulting from the subject of this report.

8. Appendices

None

9. Background Papers

None

10. Report Sign Off

11.1 This report has been through the internal report clearance process and has been signed off by the Director for Legal and Democratic (Monitoring Officer), the Executive Director for Corporate Development (Section 151 Officer) and the appropriate Portfolio Holder(s)