

# Harbours Advisory Committee

25 September 2024

## Weymouth Harbour - Future Development and Open Port Duty

### For Recommendation to Cabinet

**Cabinet Member and Portfolio:**

Cllr J Andrews, Place Services

**Local Councillor(s):**

All Councillors

**Executive Director:**

Jan Britton, Executive Lead for Place

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**Report Status:** Public

**Brief Summary:**

At its meeting on the 6<sup>th</sup> of March 2024, the Harbours Advisory Committee recommended that the Portfolio Holder for Highways, Travel, and the Environment give authority for the Harbour Consultative Group to be consulted on the proposal to apply for a Harbour Revision Order (HRO) for Weymouth Harbour to restrict the Open Port Duty. The Portfolio Holder subsequently gave the relevant authority.

The paper that was presented to the Harbours Advisory Committee in March was discussed at the latest meeting of the Harbour Consultative Group on the 3<sup>rd</sup> of September, and the subsequent comments form the basis for this report and recommendation.

**Recommendation:**

The Harbours Advisory Committee recommends to Cabinet for approval:

- i) An application be made to the Marine Management Organisation for a Harbour Revision Order in respect of Weymouth Harbour to restrict the Open Port Duty.
- ii) Delegated authority be given to the Executive Lead for Place Services in consultation with the Cabinet Member for Place Services to determine the wording of the Harbour Revision Order based on legal advice and to undertake all procedures for the submission of the Harbour Revision Order to the Marine Management Organisation
- iii) A budget of £40,000 is allocated for the work set out in recommendations i) and ii) from Harbour Reserves.

### **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 Levelling Up Fund (LUF) and delivering on commitments made to government in obtaining that funding, 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 both improve the financial sustainability of the harbour and enhance the Peninsula as a place and destination, in the long-term.

#### **1. Report**

- 1.1 In November 2023, Cabinet received an update on the progress of Weymouth's LUF projects. The Council had successfully secured £19.47 million in funding, requiring an additional £3.5 million in match funding. The funding is earmarked for several key commitments, including upgrading harbour walls, enhancing public spaces, and facilitating the development of nearly 8,000 square meters of leisure-led commercial areas and 374 homes. These efforts aim to contribute significantly to the regeneration of Weymouth.
- 1.2 A January 2024 Cabinet update led to discussions on how to align LUF commitments with the duties of the Statutory Harbour Authority while ensuring the harbour's long-term viability. The recently approved Harbour Business Plan suggests redeveloping the Peninsula area, but the current unrestricted Open Port Duty, requiring the harbour to accommodate large commercial ships and retain and maintain the necessary infrastructure, hinders alternative uses. Under an amended Harbour Revision Order, the Open Port Duty can be restricted to only apply to a certain size of vessel (for example under 24m). This would mean that 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 would not need to incur expenses in relation to larger commercial shipping.

1.3 While the recent discussion on this matter by the Harbour Consultative Group can be read in full in the minutes of the 3<sup>rd</sup> September meeting, the salient points are described below:

- It was highlighted to members that restricting the Open Port Duty would allow the harbour to choose which larger vessels it accommodates, removing the obligation to provide costly services to all larger vessels.
- Concerns were raised that restricting access for vessels over 24 meters could discourage certain enterprises, such as Tallships, from visiting Weymouth Harbour. Members were assured that the wording of the HRO would be carefully considered to communicate that vessels over 24 meters can still be accepted under certain conditions.
- It was explained to members that the presentation of the paper at this time was not in lieu of consultation, and the full consultation process associated with obtaining an HRO would be conducted following legal advice, and the drafting of the new document.
- In response to a query, it was explained that no viable ferry service proposal has been presented to Dorset Council since the previous ferry service left in 2015. A new HRO is the natural response to a lack of viable ferry service options, and a vehicle by which the harbour can develop in new directions.

## 2. **Financial Implications**

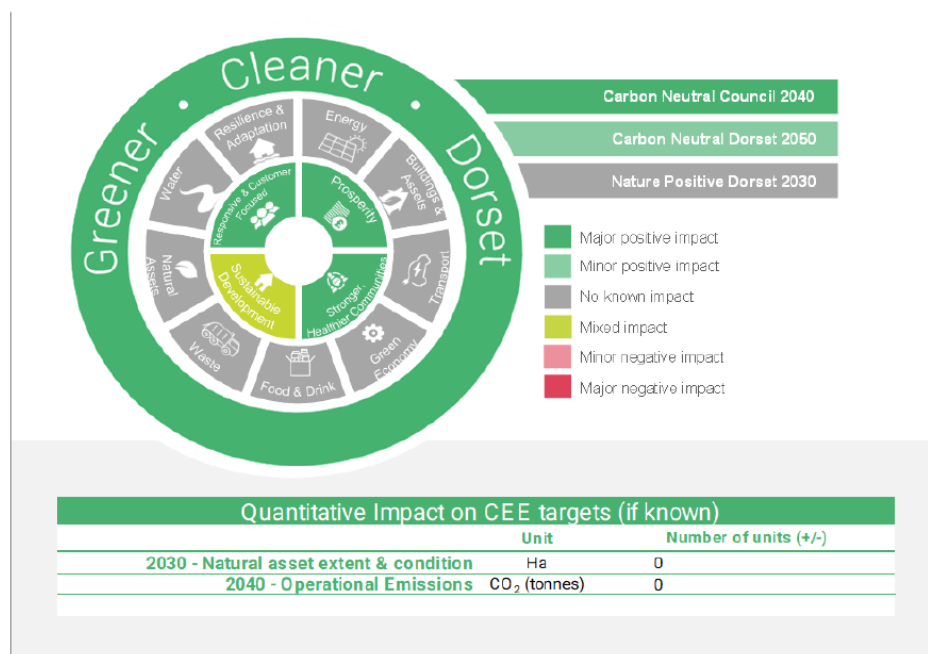
2.1 There are no financial considerations linked to this recommendation, beyond the requirements for legal advice and associated costs.

2.2 The key costs associated with this recommendation are the application fee of £15,579 levied by the Marine Management Organisation, approximately £5,000 for advertisement and public notices of the Harbour Revision Order in local newspapers and the London Gazette, and for the legal advice, which is expected to be around £15,000 (+ VAT). However, it should be noted that the legal costs could be subject to substantial increase should complex objections arise.

2.3 It is expected that these costs will be funded primarily from Harbour Reserves.

### 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

4.1 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**

8.1 None

9. **Background Papers**

9.1 Harbours Advisory Committee Meeting 6<sup>th</sup> March 2024  
Agenda Item 12: Weymouth Harbour – Future Development and Open Port Duty

10. **Report Sign Off**

10.1 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)